

(Added Pub. L. 112-141, div. E, title II, § 52011(a), July 6, 2012, 126 Stat. 894.)

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 6313. Mandatory response authority for freight data collection

(a) FREIGHT DATA COLLECTION.—

(1) IN GENERAL.—An owner, official, agent, person in charge, or assistant to the person in charge of a freight corporation, company, business, institution, establishment, or organization described in paragraph (2) shall be fined in accordance with subsection (b) if that individual neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau to submit data under section 6302(b)(3)(B)—

(A) to answer completely and correctly to the best knowledge of that individual all questions relating to the corporation, company, business, institution, establishment, or other organization; or

(B) to make available records or statistics in the official custody of the individual.

(2) DESCRIPTION OF ENTITIES.—A freight corporation, company, business, institution, establishment, or organization referred to in paragraph (1) is a corporation, company, business, institution, establishment, or organization that—

(A) receives Federal funds relating to the freight program; and

(B) has consented to be subject to a fine under this subsection on—

(i) refusal to supply any data requested; or

(ii) failure to respond to a written request.

(b) FINES.—

(1) IN GENERAL.—Subject to paragraph (2), an individual described in subsection (a) shall be fined not more than \$500.

(2) WILLFUL ACTIONS.—If an individual willfully gives a false answer to a question described in subsection (a)(1), the individual shall be fined not more than \$10,000.

(Added Pub. L. 112-141, div. E, title II, § 52011(a), July 6, 2012, 126 Stat. 895.)

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 6314. Port performance freight statistics program

(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

(1) the Nation's top 25 ports by tonnage;

(2) the Nation's top 25 ports by 20-foot equivalent unit; and

(3) the Nation's top 25 ports by dry bulk.

(b) REPORTS.—

(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

(2) PORT PERFORMANCE MEASURES.—The Director shall collect port performance measures for each of the United States ports referred to in subsection (a) that—

(A) receives Federal assistance; or

(B) is subject to Federal regulation to submit necessary information to the Bureau that includes statistics on capacity and throughput as applicable to the specific configuration of the port.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall obtain recommendations for—

(A) port performance measures, including specifications and data measurements to be used in the program established under subsection (a); and

(B) a process for the Department to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Transportation for Tomorrow Act of 2015, the Director shall commission a working group composed of—

(A) operating administrations of the Department;

(B) the Coast Guard;

(C) the Federal Maritime Commission;

(D) U.S. Customs and Border Protection;

(E) the Marine Transportation System National Advisory Council;

(F) the Army Corps of Engineers;

(G) the Great Lakes St. Lawrence Seaway Development Corporation;

(H) the Bureau of Labor Statistics;

(I) the Maritime Advisory Committee for Occupational Safety and Health;

(J) the Advisory Committee on Supply Chain Competitiveness;

(K) 1 representative from the rail industry;

(L) 1 representative from the trucking industry;

(M) 1 representative from the maritime shipping industry;

(N) 1 representative from a labor organization for each industry described in subparagraphs (K) through (M);

(O) 1 representative from the International Longshoremen's Association;

(P) 1 representative from the International Longshore and Warehouse Union;

(Q) 1 representative from a port authority;

(R) 1 representative from a terminal operator;

(S) representatives of the National Freight Advisory Committee of the Department; and

(T) representatives of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine.

(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Trans-

portation for Tomorrow Act of 2015, the working group commissioned under paragraph (2) shall submit its recommendations to the Director.

(d) ACCESS TO DATA.—The Director shall ensure that—

(1) the statistics compiled under this section—

(A) are readily accessible to the public; and

(B) are consistent with applicable security constraints and confidentiality interests; and

(2) the data acquired, regardless of source, shall be protected in accordance with section 3572 of title 44.

(Added Pub. L. 114-94, div. A, title VI, §6018(a), Dec. 4, 2015, 129 Stat. 1576; amended Pub. L. 115-435, title III, §302(c)(3)(B), Jan. 14, 2019, 132 Stat. 5553; Pub. L. 116-260, div. AA, title V, §512(c)(7)(A)(ii), Dec. 27, 2020, 134 Stat. 2757.)

REFERENCES IN TEXT

The date of the enactment of the Transportation for Tomorrow Act of 2015, referred to in subsec. (c)(2), (3), is the date of enactment of title VI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

AMENDMENTS

2020—Subsec. (c)(2)(G). Pub. L. 116-260 substituted “Great Lakes St. Lawrence Seaway Development Corporation” for “Saint Lawrence Seaway Development Corporation”.

2019—Subsec. (d)(2). Pub. L. 115-435 substituted “section 3572 of title 44.” for “the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107-347).”

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 115-435 effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115-435, set out as a note under section 306 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

TRANSITIONAL AND SAVINGS PROVISIONS

For transitional and savings provisions related to the amendment of this section and other provisions of law by title III of Pub. L. 115-435, see section 302(d) of Pub. L. 115-435, set out as a note under section 3561 of Title 44, Public Printing and Documents.

CHAPTER 65—RESEARCH PLANNING

Sec.	
6501.	Annual modal research plans.
6502.	Consolidated research database.
6503.	Transportation research and development 5-year strategic plan.

§ 6501. Annual modal research plans

(a) MODAL PLANS REQUIRED.—

(1) IN GENERAL.—Not later than May 1 of each year, the head of each modal administration and joint program office of the Department of Transportation shall submit to the Assistant Secretary for Research and Technology of the Department of Transportation

(referred to in this chapter as the “Assistant Secretary”) a comprehensive annual modal research plan for the upcoming fiscal year and a detailed outlook for the following fiscal year.

(2) RELATIONSHIP TO STRATEGIC PLAN.—Each plan submitted under paragraph (1), after the plan required in 2016, shall be consistent with the strategic plan developed under section 6503.

(b) REVIEW.—

(1) IN GENERAL.—Not later than September 1 of each year, the Assistant Secretary, for each plan and outlook submitted pursuant to subsection (a), shall—

(A) review the scope of the research; and

(B)(i) approve the plan and outlook; or

(ii) request that the plan and outlook be revised and resubmitted for approval.

(2) PUBLICATIONS.—Not later than January 30 of each year, the Secretary shall publish on a public website each plan and outlook that has been approved under paragraph (1)(B)(i).

(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if any of the projects described in the plan duplicate significant aspects of research efforts of any other modal administration.

(c) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has been determined by the Assistant Secretary under subsection (b)(3) to be duplicative unless—

(1) the research is required by an Act of Congress;

(2) the research was part of a contract that was funded before the date of enactment of this chapter;

(3) the research updates previously commissioned research; or

(4) the Assistant Secretary certifies to Congress that such research is necessary, and provides justification for such certification.

(d) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall annually certify to Congress that—

(A) each modal research plan has been reviewed; and

(B) there is no duplication of study for research directed, commissioned, or conducted by the Department of Transportation.

(2) CORRECTIVE ACTION PLAN.—If the Secretary, after submitting a certification under paragraph (1), identifies duplication of research within the Department of Transportation, the Secretary shall—

(A) notify Congress of the duplicative research; and

(B) submit to Congress a corrective action plan to eliminate the duplicative research.

(Added Pub. L. 114-94, div. A, title VI, §6019(b)(1), Dec. 4, 2015, 129 Stat. 1578.)

REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (c)(2), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.