

(2) REQUIREMENTS.—The cooperative agreement under paragraph (1) shall, at a minimum, require the Secretary of Transportation to—

(A) authorize the entity to sell timing and other services to commercial and non-commercial third parties, subject to any national security requirements determined by the Secretary, in consultation with the Secretary of Defense;

(B) require the entity to develop, construct, and operate at private expense the backup timing system in accordance with this section;

(C) allow the entity to make any investments in technologies necessary over the life of such agreement to meet future requirements for advanced timing resilience and technologies;

(D) require the entity to share 25 percent of the gross proceeds received by the entity from the sale of timing services to third parties with the Secretary for at least 10 years after the date upon which the Secretary enters into the cooperative agreement;

(E) require the entity—

(i) to assume all financial risk for the completion and operational capability of the system, after the Secretary provides any LORAN facilities necessary for the system under subsection (d), if required for the alternative timing system; and

(ii) to furnish performance and payment bonds in connection with the system in a reasonable amount as determined by the Secretary; and

(F) require the entity to make any investments in technologies necessary over the life of the agreement to meet future requirements for advanced timing resiliency.

(3) COMPETITION REQUIRED.—The Secretary shall use competitive procedures similar to those authorized under section 2667 of title 10 in selecting an entity to enter into a cooperative agreement pursuant to this subsection.

(4) AUTHORIZATION TO PURCHASE SERVICES.—The Secretary may not purchase timing system services from the entity for use by the Department of Transportation or for provision to other Federal and non-Federal governmental agencies until the system achieves operational status, and then only if the necessary funds for such purchases are provided for in subsequent yearly appropriations acts made available to the Secretary for each and every year in which such purchases are made.

(5) DETERMINATION REQUIREMENT.—The Secretary may not enter into a cooperative agreement under this subsection unless the Secretary determines that the cooperative agreement is in the best financial interest of the Federal Government. The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such determination not later than 30 days after the date of the determination.

(6) DEFINITION.—In this subsection the term “entity” means a non-Federal entity with the

demonstrated technical expertise and requisite administrative and financial resources to meet any terms and conditions established by the Secretary for purposes of this subsection.

(Added Pub. L. 115-282, title V, §514(b), Dec. 4, 2018, 132 Stat. 4276; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8507(d)(2), Jan. 1, 2021, 134 Stat. 4754.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the National Timing Resilience and Security Act of 2018, referred to in subsecs. (b)(1) and (c)(1), (2), is the date of enactment of section 514 of Pub. L. 115-282, which was approved Dec. 4, 2018.

Section 1618 of the National Defense Authorization Act for Fiscal Year 2017, referred to in subsec. (b)(1), is section 1618 of Pub. L. 114-328, div. A, title XVI, Dec. 23, 2016, 130 Stat. 2595, which is not classified to the Code.

AMENDMENTS

2021—Pub. L. 116-283 made technical correction to directory language of Pub. L. 115-282, §514(b), which enacted this section.

EFFECTIVE DATE OF 2021 AMENDMENT

Section 8507(d) of div. G of Pub. L. 116-283 effective as if included in Pub. L. 115-282, see section 8507(d)(7) of Pub. L. 116-283, set out as a note under section 1226 of Title 33, Navigation and Navigable Waters.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of section 514 of Pub. L. 115-282, which enacted this section, as the “National Timing Resilience and Security Act of 2018”, see section 514(a) of Pub. L. 115-282, set out as a Short Title of 2018 Amendment note under section 101 of this title.

§ 313. Nontraditional and Emerging Transportation Technology Council

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the “Secretary”) shall establish a council, to be known as the “Nontraditional and Emerging Transportation Technology Council” (referred to in this section as the “Council”), to address coordination on emerging technology issues across all modes of transportation.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of—

(A) the Secretary, who shall serve as an ex officio member of the Council;

(B) the Deputy Secretary of Transportation;

(C) the Under Secretary of Transportation for Policy;

(D) the Assistant Secretary for Research and Technology of the Department of Transportation;

(E) the Assistant Secretary for Budget and Programs of the Department of Transportation;

(F) the General Counsel of the Department of Transportation;

(G) the Chief Information Officer of the Department of Transportation;

¹ So in original.

- (H) the Administrator of the Federal Aviation Administration;
- (I) the Administrator of the Federal Highway Administration;
- (J) the Administrator of the Federal Motor Carrier Safety Administration;
- (K) the Administrator of the Federal Railroad Administration;
- (L) the Administrator of the Federal Transit Administration;
- (M) the Administrator of the Maritime Administration;
- (N) the Administrator of the National Highway Traffic Safety Administration;
- (O) the Administrator of the Pipeline and Hazardous Materials Safety Administration; and
- (P) any other official of the Department of Transportation, as determined by the Secretary.

(2) CHAIR AND VICE CHAIR.—

(A) CHAIR.—The Deputy Secretary of Transportation (or a designee) shall serve as Chair of the Council.

(B) VICE CHAIR.—The Under Secretary of Transportation for Policy (or a designee) shall serve as Vice Chair of the Council.

(c) DUTIES.—The Council shall—

(1) identify and resolve jurisdictional and regulatory gaps or inconsistencies associated with nontraditional and emerging transportation technologies, modes, or projects pending or brought before the Department of Transportation to reduce, to the maximum extent practicable, impediments to the prompt and safe deployment of new and innovative transportation technology, including with respect to—

- (A) safety oversight;
- (B) environmental review; and
- (C) funding and financing issues;

(2) coordinate the response of the Department of Transportation to nontraditional and emerging transportation technology projects;

(3) engage with stakeholders in nontraditional and emerging transportation technology projects; and

(4) develop and establish Department of Transportation-wide processes, solutions, and best practices for identifying and managing nontraditional and emerging transportation technology projects.

(d) BEST PRACTICES.—Not later than 1 year after the date of enactment of this section, the Council shall—

(1) publish initial guidelines to achieve the purposes described in subsection (c)(4); and

(2) promote each modal administration within the Department of Transportation to further test and support the advancement of nontraditional and emerging transportation technologies not specifically considered by the Council.

(e) SUPPORT.—The Office of the Secretary shall provide support for the Council.

(f) MEETINGS.—The Council shall meet not less frequently than 4 times per year, at the call of the Chair.

(g) LEAD MODAL ADMINISTRATION.—For each nontraditional or emerging transportation technology, mode, or project associated with a jurisdictional or regulatory gap or inconsistency identified under subsection (c)(1), the Chair of the Council shall—

(1) designate a lead modal administration of the Department of Transportation for review of the technology, mode, or project; and

(2) arrange for the detailing of staff between modal administrations or offices of the Department of Transportation as needed to maximize the sharing of experience and expertise.

(h) TRANSPARENCY.—Not later than 1 year after the date of establishment of the Council, and not less frequently than annually thereafter until December 31, 2026, the Council shall post on a publicly accessible website a report describing the activities of the Council during the preceding calendar year.

(Added Pub. L. 117-58, div. B, title V, §25008(a), Nov. 15, 2021, 135 Stat. 850.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subssecs. (a) and (d), is the date of enactment of Pub. L. 117-58, which was approved Nov. 15, 2021.

SUBCHAPTER II—ADMINISTRATIVE

§ 321. Definitions

In this subchapter, “aeronautics”, “air commerce”, and “air navigation facility” have the same meanings given those terms in section 40102(a) of this title.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2422; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 103-272, §5(m)(8), July 5, 1994, 108 Stat. 1376; Pub. L. 103-429, §6(2), Oct. 31, 1994, 108 Stat. 4378.)

HISTORICAL AND REVISION NOTES

PUB. L. 97-449

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
321	(no source).	

A number of the source provisions of the subchapter are taken from 49:ch. 20. The text of 49:ch. 20 contains general definitions, some of which are used in those source provisions. The section includes those definitions from 49:ch. 20 that are used in the source provisions included in the subchapter.

PUB. L. 103-429

This makes a clarifying amendment to 49:321.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-429 struck out “, respectively” after “of this title”.

Pub. L. 103-272 substituted “section 40102(a) of this title” for “section 101(2), (4), and (8) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(2), (4), (8))”.

1984—Pub. L. 98-216 substituted “49 App. U.S.C.” for “49 U.S.C.”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-429, §9, Oct. 31, 1994, 108 Stat. 4391, provided that: “The amendments made by sections