

Statutory Notes and Related Subsidiaries

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 Transportation 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.)

Editorial Notes

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).”

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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.
6504.	Incorporation of Department of Transportation research.

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AMENDMENTS

2021—Pub. L. 117-58, div. B, title V, §25016(b), Nov. 15, 2021, 135 Stat. 873, added item 6504.

§ 6501. Annual modal research plans

(a) MODAL PLANS REQUIRED.—

(1) IN GENERAL.—Not later than June 1 of each year, the head of each modal administration and joint program office of the Department of Transportation shall prepare and submit to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this chapter as the “Assistant Secretary”)—

- (A) a comprehensive annual modal research plan for the following fiscal year; and
- (B) a detailed outlook for the fiscal year thereafter.

(2) REQUIREMENTS.—Each plan under paragraph (1) shall include—

(A) a general description of the strategic goals of the Department that are addressed by the research programs being carried out by the Assistant Secretary or modal administration, as applicable;

(B) a description of each proposed research program, as described in the budget request submitted by the Secretary of Transportation to the President under section 1108 of title 31 for the following fiscal year, including—

- (i) the major objectives of the program; and
- (ii) the requested amount of funding for each program and area;

(C) a list of activities the Assistant Secretary or modal administration plans to carry out under the research programs described in subparagraph (B);

(D) an assessment of the potential impact of the research programs described in subparagraph (B), including—

- (i) potential outputs, outcomes, and impacts on technologies and practices used by entities subject to the jurisdiction of the modal administration;
- (ii) potential effects on applicable regulations of the modal administration, including the modification or modernization of those regulations;
- (iii) potential economic or societal impacts; and
- (iv) progress made toward achieving strategic goals of—

(I) the applicable modal administration; or

(II) the Department of Transportation;

(E) a description of potential partnerships to be established to conduct the research program, including partnerships with—

- (i) institutions of higher education; and
- (ii) private sector entities; and

(F) such other requirements as the Assistant Secretary considers to be necessary.

(3) RELATIONSHIP TO STRATEGIC PLAN.—Each plan prepared or 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 by the head of a modal administration or joint program office 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—

(I) revised in accordance with such suggestions as the Assistant Secretary shall include to ensure conformity with the criteria described in paragraph (2); and

(II) resubmitted to the Assistant Secretary for approval.

(2) CRITERIA.—In conducting a review under paragraph (1)(A), the Assistant Secretary shall, with respect to the modal research plan that is the subject of the review—

(A) take into consideration whether—

(i) the plan contains research objectives that are consistent with the strategic research and policy objectives of the Department of Transportation included in the strategic plan required under section 6503; and

(ii) the research programs described in the plan have the potential to benefit the safety, mobility, and efficiency of the United States transportation system;

(B) identify and evaluate any potential opportunities for collaboration between or among modal administrations with respect to particular research programs described in the plan;

(C) identify and evaluate whether other modal administrations may be better suited to carry out the research programs described in the plan;

(D) assess whether any projects described in the plan are—

- (i) duplicative across modal administrations; or
- (ii) unnecessary; and

(E) take into consideration such other criteria as the Assistant Secretary determines to be necessary.

(3) 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).

(4) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not ap-