

the Maritime Administration were transferred from the Secretary of Commerce to the Secretary of Transportation. The words “in the competitive service” are substituted for “under the classified civil service” because of 5 U.S.C. 2102(c). The words “*Provided*, That such Deputy Administrator shall at no time sit as a member or acting member of the Federal Maritime Board” are omitted as obsolete because the Federal Maritime Board was abolished by section 304 of Reorganization Plan No. 7 of 1961 (46 App. U.S.C. 1111 note).

In subsection (f), the words “vessels of the United States” are substituted for “vessels of United States registry” because of the definition of “vessel of the United States” in chapter 1 of the revised title.

In subsection (g), the words “equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility” are substituted for “equal to the pay and allowances he would receive if he were the incumbent of an office or position in such service (or in the corresponding executive department), which, in the opinion of . . . the Secretary of Transportation, involves the performance of work similar in importance, difficulty, and responsibility” to eliminate unnecessary words.

In subsection (h)(2), the words “according to approved commercial practice as provided in the Act of March 20, 1922 (42 Stat. 444)” are omitted as obsolete and unnecessary.

In subsection (i)(2), the words “Notwithstanding any other provision of this chapter or any other law” are omitted as unnecessary. In clause (G), the words “National Defense Reserve Fleet” are substituted for “reserve fleet” for clarity. Clause (H) is substituted for “(7) maritime training at the Merchant Marine Academy at Kings Point, New York”, “(8) financial assistance to State maritime academies under section 1295c of this Appendix”, “(10) expenses necessary for additional training provided under section 1295d of this Appendix”, and “(10) expenses necessary to carry out subchapter XIII of this chapter” because of the reorganization of revised title 46 and to eliminate unnecessary words. The text of 46 App. U.S.C. 1119 (proviso) is omitted as obsolete.

AMENDMENTS

2006—Pub. L. 109-304 amended section generally. Prior to amendment, section read as follows:

“(a) The Maritime Administration transferred by section 2 of the Maritime Act of 1981 (46 App. U.S.C. 1601) is an administration in the Department of Transportation.

“(b) The Administrator of the Administration appointed under section 4 of the Maritime Act of 1981 (46 App. U.S.C. 1603) reports directly to the Secretary of Transportation.”

1994—Pub. L. 103-272 inserted “App.” after “(46)” in subssecs. (a) and (b).

REFERENCES IN OTHER FEDERAL LAWS TO FUNCTIONS OR OFFICES TRANSFERRED

Pub. L. 97-31, § 10, Aug. 6, 1981, 95 Stat. 153, provided that: “With respect to any function or office transferred by this Act [see Tables for classification] and exercised on or after the effective date of this Act [Aug. 6, 1981], reference in any other Federal law to the Maritime Administration or any of its predecessor agencies or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary of Transportation, other official, or component of the Department of Transportation to which this Act transfers such functions.”

§ 110. Saint Lawrence Seaway Development Corporation

(a) The Saint Lawrence Seaway Development Corporation established under section 1 of the Act of May 13, 1954 (33 U.S.C. 981), is subject to

the direction and supervision of the Secretary of Transportation.

(b) The Administrator of the Corporation appointed under section 2 of the Act of May 13, 1954 (33 U.S.C. 982), reports directly to the Secretary.

(Pub. L. 97-449, § 1(b), Jan. 12, 1983, 96 Stat. 2418; Pub. L. 103-272, § 4(j)(5)(A), July 5, 1994, 108 Stat. 1366.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
110(a)	(no source).	
110(b)	33:981 (note).	Oct. 15, 1966, Pub. L. 89-670, § 8(g)(2), 80 Stat. 943.

Subsection (a) is included to provide in chapter 1 of the revised title a complete list of the organizational units established by law that are in the Department of Transportation or are subject to the direction and supervision of the Secretary of Transportation.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-272 substituted “Saint Lawrence” for “St. Lawrence”.

§ 111. Bureau of Transportation Statistics

(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration a Bureau of Transportation Statistics.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary of Transportation.

(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

(c) RESPONSIBILITIES.—The Director of the Bureau shall serve as the Secretary’s senior advisor on data and statistics and shall be responsible for carrying out the following duties:

(1) PROVIDING DATA, STATISTICS, AND ANALYSIS TO TRANSPORTATION DECISIONMAKERS.—Ensuring that the statistics compiled under paragraph (5) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private sector (including the freight community), and the public.

(2) COORDINATING COLLECTION OF INFORMATION.—Working with the operating administrations of the Department to establish and implement the Bureau’s data programs and to improve the coordination of information collection efforts with other Federal agencies.

(3) DATA MODERNIZATION.—Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics.

(4) ENCOURAGING DATA STANDARDIZATION.—Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

(5) **TRANSPORTATION STATISTICS.**—Collecting, compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

(A) productivity in various parts of the transportation sector;

(B) traffic flows for all modes of transportation;

(C) other elements of the intermodal transportation database established under subsection (e);

(D) travel times and measures of congestion;

(E) vehicle weights and other vehicle characteristics;

(F) demographic, economic, and other variables influencing traveling behavior, including choice of transportation mode and goods movement;

(G) transportation costs for passenger travel and goods movement;

(H) availability and use of mass transit (including the number of passengers served by each mass transit authority) and other forms of for-hire passenger travel;

(I) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

(J) safety and security for travelers, vehicles, and transportation systems;

(K) consequences of transportation for the human and natural environment;

(L) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under subsection (g); and

(M) transportation-related variables that influence the domestic economy and global competitiveness.

(6) **NATIONAL SPATIAL DATA INFRASTRUCTURE.**—Building and disseminating the transportation layer of the National Spatial Data Infrastructure developed under Executive Order No. 12906, including coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by others.

(7) **ISSUING GUIDELINES.**—Issuing guidelines for the collection of information by the Department required for statistics to be compiled under paragraph (5) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.

(8) **REVIEW SOURCES AND RELIABILITY OF STATISTICS.**—Reviewing and reporting to the Secretary on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), and the amendments made by such Act, and carrying out such other reviews of the sources and reliability of other data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

(9) **MAKING STATISTICS ACCESSIBLE.**—Making the statistics published under this subsection readily accessible to the public.

(d) **INFORMATION NEEDS ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of the SAFETEA-LU, the Secretary shall enter into an agreement with the National Research Council to develop and publish a National¹ transportation information needs assessment (referred to in this subsection as the “assessment”). The assessment shall be submitted to the Secretary and the appropriate committees of Congress not later than 24 months after such agreement is entered into.

(2) **CONTENT.**—The assessment shall—

(A) identify, in order of priority, the transportation data that is not being collected by the Bureau, operating administrations of the Department, or other Federal, State, or local entities, but is needed to improve transportation decisionmaking at the Federal, State, and local levels and to fulfill the requirements of subsection (c)(5);

(B) recommend whether the data identified in subparagraph (A) should be collected by the Bureau, other parts of the Department, or by other Federal, State, or local entities, and whether any data is of a higher priority than data currently being collected;

(C) identify any data the Bureau or other Federal, State, or local entity is collecting that is not needed;

(D) describe new data collection methods (including changes in surveys) and other changes the Bureau or other Federal, State, or local entity should implement to improve the standardization, accuracy, and utility of transportation data and statistics; and

(E) estimate the cost of implementing any recommendations.

(3) **CONSULTATION.**—In developing the assessment, the National Research Council shall consult with the Department’s Advisory Council on Transportation Statistics and a representative cross-section of transportation community stakeholders as well as other Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Housing and Urban Development.

(4) **REPORT TO CONGRESS.**—Not later than 180 days after the date on which the National Research Council submits the assessment under paragraph (1), the Secretary shall submit a report to Congress that describes—

(A) how the Department plans to fill the data gaps identified under paragraph (2)(A);

(B) how the Department plans to stop collecting data identified under paragraph (2)(C);

(C) how the Department plans to implement improved data collection methods and other changes identified under paragraph (2)(D);

(D) the expected costs of implementing subparagraphs (A), (B), and (C) of this paragraph;

¹ So in original. Probably should not be capitalized.

(E) any findings of the assessment under paragraph (1) with which the Secretary disagrees, and why; and

(F) any proposed statutory changes needed to implement the findings of the assessment under paragraph (1).

(e) INTERMODAL TRANSPORTATION DATABASE.—

(1) IN GENERAL.—In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of the Department, the Director shall establish and maintain a transportation database for all modes of transportation.

(2) USE.—The database shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

(3) CONTENTS.—The database shall include—

(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations and by relevant classification;

(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations and by relevant classification;

(C) information on the location and connectivity of transportation facilities and services; and

(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

(f) NATIONAL TRANSPORTATION LIBRARY.—

(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(9).

(3) COORDINATION.—The Director shall work with other transportation libraries and transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

(g) NATIONAL TRANSPORTATION ATLAS DATABASE.—

(1) IN GENERAL.—The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases that depict—

(A) transportation networks;

(B) flows of people, goods, vehicles, and craft over the networks; and

(C) social, economic, and environmental conditions that affect or are affected by the networks.

(2) INTERMODAL NETWORK ANALYSIS.—The databases shall be able to support intermodal network analysis.

(h) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA COLLECTION.—Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge of any freight corporation, company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau, to answer completely and correctly to the best of the individual's knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in the individual's official custody, contained in a data collection request prepared and submitted under the authority of subsection (c)(1), shall be fined not more than \$500; but if the individual willfully gives a false answer to such a question, the individual shall be fined not more than \$10,000.

(i) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

(1) investigation of the subjects specified in subsection (c)(5) and research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

(2) demonstration programs by States, local governments, and metropolitan planning organizations to coordinate data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

(3) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

(4) development and improvement of methods for sharing geographic data, in support of the database under subsection (g) and the National Spatial Data Infrastructure.

(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(1) to authorize the Bureau to require any other department or agency to collect data; or

(2) to reduce the authority of any other officer of the Department to collect and disseminate data independently.

(k) PROHIBITION ON CERTAIN DISCLOSURES.—

(1) IN GENERAL.—An officer, employee, or contractor of the Bureau may not—

(A) make any disclosure in which the data provided by an individual or organization under subsection (c) can be identified;

(B) use the information provided under subsection (c) for a nonstatistical purpose; or

(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c).

(2) COPIES OF REPORTS.—

(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United

States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c) with the Bureau or retained by an individual respondent.

(B) **LIMITATION ON JUDICIAL PROCEEDINGS.**—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

(i) shall be immune from legal process; and

(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

(C) **APPLICABILITY.**—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

(3) **INFORMING RESPONDENT OF USE OF DATA.**—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent who is requested or required to supply the data or information of the nonstatistical purpose.

(I) **TRANSPORTATION STATISTICS ANNUAL REPORT.**—The Director shall submit to the President and Congress a transportation statistics annual report which shall include information on items referred to in subsection (c)(5), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

(m) **DATA ACCESS.**—The Director shall have access to transportation and transportation-related information in the possession of any Federal agency, except information—

(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

(2) the disclosure of which the agency possessing the information determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

(n) **PROCEEDS OF DATA PRODUCT SALES.**—Notwithstanding section 3302 of title 31, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

(o) **ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.**—

(1) **ESTABLISHMENT.**—The Director shall establish an advisory council on transportation statistics.

(2) **FUNCTION.**—The function of the advisory council established under this subsection is to—

(A) advise the Director on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and

analyses collected, supported, or disseminated by the Bureau and the Department;

(B) provide input to and review the report to Congress under subsection (d)(4); and

(C) advise the Director on methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.

(3) **MEMBERSHIP.**—The advisory council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have experience in transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

(4) **TERMS OF APPOINTMENT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), members of the advisory council shall be appointed to staggered terms not to exceed 3 years. A member may be renominated for 1 additional 3-year term.

(B) **CURRENT MEMBERS.**—Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the SAFETEA-LU shall serve until the end of their appointed terms.

(5) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act shall apply to the advisory council established under this subsection, except that section 14 of such Act shall not apply.

(Added Pub. L. 102-240, title VI, §6006(a), Dec. 18, 1991, 105 Stat. 2172; amended Pub. L. 104-287, §5(2), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 104-324, title XI, §1131, Oct. 19, 1996, 110 Stat. 3985; Pub. L. 105-130, §4(b)(1), Dec. 1, 1997, 111 Stat. 2556; Pub. L. 105-178, title V, §5109(a), June 9, 1998, 112 Stat. 437; Pub. L. 108-426, §3(a), (b), Nov. 30, 2004, 118 Stat. 2424, 2425; Pub. L. 109-59, title V, §5601(a), Aug. 10, 2005, 119 Stat. 1833.)

REFERENCES IN TEXT

Executive Order No. 12906, referred to in subsec. (c)(6), is set out as a note under section 1457 of Title 43, Public Lands.

The Government Performance and Results Act of 1993, referred to in subsec. (c)(8), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, as amended, which enacted sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, section 306 of Title 5, Government Organization and Employees, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

The date of enactment of the SAFETEA-LU, referred to in subsecs. (d)(1) and (o)(4)(B), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

The Federal Advisory Committee Act, referred to in subsec. (o)(5), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770,

as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2005—Pub. L. 109-59 reenacted section catchline without change and amended text generally, adding subsecs. (d), (h), (m), and (o) and substituting subsecs. (a) to (c), (e) to (g), (i) to (l), and (n) for former text consisting of subsecs. (a) to (k) which contained somewhat similar provisions.

2004—Subsec. (a). Pub. L. 108-426, §3(a), substituted “in the Research and Innovative Technology Administration” for “in the Department of Transportation”.

Subsec. (b)(1). Pub. L. 108-426, §3(b)(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.”

Subsec. (b)(3), (4). Pub. L. 108-426, §3(b)(2), struck out heading and text of pars. (3) and (4) which read as follows:

“(3) REPORTING.—The Director shall report directly to the Secretary.

“(4) TERM.—The term of the Director shall be 4 years. The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.”

1998—Subsec. (b)(4). Pub. L. 105-178, §5109(a)(1), struck out after first sentence “The term of the first Director to be appointed shall begin on the 180th day after December 18, 1991.”

Subsec. (c)(1)(L). Pub. L. 105-178, §5109(a)(2)(A), added subpar. (L).

Subsec. (c)(2). Pub. L. 105-178, §5109(a)(2)(B)(i), substituted “transportation systems of the United States” for “national transportation system” in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 105-178, §5109(a)(2)(B)(ii), added subpar. (A) and struck out former subpar. (A) which read as follows: “be coordinated with efforts to develop performance indicators for the national transportation system undertaken pursuant to section 307(b)(3) of title 23, United States Code;”

Subsec. (c)(2)(C). Pub. L. 105-178, §5109(a)(2)(B)(iii), inserted “, made relevant to the States and metropolitan planning organizations,” after “accuracy”.

Subsec. (c)(3). Pub. L. 105-178, §5109(a)(2)(C), inserted at end “The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary.”

Subsec. (c)(7). Pub. L. 105-178, §5109(a)(2)(D), added par. (7).

Subsecs. (d) to (f). Pub. L. 105-178, §5109(a)(5), added subsecs. (d) to (f). Former subsecs. (d) to (f) redesignated (h) to (j), respectively.

Subsec. (g). Pub. L. 105-178, §5109(a)(4), (5), added subsec. (g) and struck out heading and text of former subsec. (g). Text read as follows: “An individual who, on December 18, 1991, is performing any function required by this section to be performed by the Director may continue to perform such function until such function is undertaken by the Director.”

Subsec. (h). Pub. L. 105-178, §5109(a)(3), redesignated subsec. (d) as (h).

Subsec. (i). Pub. L. 105-178, §5109(a)(6), added subsec. (i) and struck out heading and text of former subsec. (i). Text read as follows: “Information compiled by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of any individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets or allow commercial or financial information provided by any person to be identified with such person.”

Pub. L. 105-178, §5109(a)(3), redesignated subsec. (e) as (i).

Subsec. (j). Pub. L. 105-178, §5109(a)(7), substituted “The Director” for “On or before January 1, 1994, and annually thereafter, the Director”.

Pub. L. 105-178, §5109(a)(3), redesignated subsec. (f) as (j).

Subsec. (k). Pub. L. 105-178, §5109(a)(8), added subsec. (k).

1997—Pub. L. 105-130 made technical amendment to directory language of Pub. L. 102-240, §6006(a), which enacted this section.

1996—Subsec. (b)(4). Pub. L. 104-324 inserted at end “The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.”

Pub. L. 104-287 substituted “December 18, 1991” for “the date of the enactment of this section”.

Subsec. (g). Pub. L. 104-287 substituted “December 18, 1991” for “the date of the enactment of this section”.

OFFICE OF AIRLINE INFORMATION

Pub. L. 106-181, title I, §103(b), Apr. 5, 2000, 114 Stat. 67, provided that: “There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary [of Transportation] \$4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.”

INTERNATIONAL TRADE TRAFFIC

Pub. L. 105-178, title V, §5115, June 9, 1998, 112 Stat. 446, as amended by Pub. L. 105-206, title IX, §9011(e), July 22, 1998, 112 Stat. 864, provided that:

“(a) STUDY.—The Director of the Bureau of Transportation Statistics shall carry out a study—

“(1) to measure the ton-miles and value-miles of international trade traffic carried by highway for each State;

“(2) to evaluate the accuracy and reliability of such measures for use in the formula for highway apportionments;

“(3) to evaluate the accuracy and reliability of the use of diesel fuel data as a measure of international trade traffic by State; and

“(4) to identify needed improvements in long-term data collection programs to provide accurate and reliable measures of international traffic for use in the formula for highway apportionments.

“(b) BASIS FOR EVALUATIONS.—The study shall evaluate the accuracy and reliability of measures for use as formula factors based on statistical quality standards developed by the Bureau of Transportation Statistics, in consultation with the Committee on National Statistics of the National Academy of Sciences.

“(c) REPORT.—Not later than 3 years after the date of enactment of this Act [June 9, 1998], the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study carried out under subsection (a), including recommendations for changes in law necessary to implement the identified needs for improvements in long-term data collection programs.”

ADVISORY COUNCIL ON TRANSPORTATION STATISTICS

Section 6007 of Pub. L. 102-240 provided that:

“(a) ESTABLISHMENT.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

“(b) FUNCTION.—It shall be the function of the advisory council established under this section to advise the Director of the Bureau of Transportation Statistics on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau of Transportation Statistics are of high quality and are based upon the best available objective information.

“(c) MEMBERSHIP.—The advisory council established under this section shall be composed of not more than 6 members appointed by the Director who are not officers or employees of the United States and who (except for 1 member who shall have expertise in economics and 1 member who shall have expertise in statistics) have expertise in transportation statistics and analysis.

“(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act [5 U.S.C. App.] shall apply to the advisory council established under this section, except that section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.”

STUDY OF DATA COLLECTION PROCEDURES AND CAPABILITIES OF DEPARTMENT OF TRANSPORTATION

Section 6008 of Pub. L. 102-240 provided that:

“(a) STUDY.—Not later than 1 year after the date of the establishment of the Bureau of Transportation Statistics, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

“(b) CONSULTATION.—The Secretary shall enter into the agreement under subsection (a) in consultation with the Director of the Bureau of Transportation Statistics.

“(c) CONTENTS.—The study under subsection (a) shall include an evaluation of the Department of Transportation's data collection resources, needs, and requirements and an assessment and evaluation of the systems, capabilities, and procedures established by the Department to meet such needs and requirements, including the following:

“(1) Data collection procedures and capabilities.

“(2) Data analysis procedures and capabilities.

“(3) Ability of data bases to integrate with one another.

“(4) Computer hardware and software capabilities.

“(5) Information management systems, including the ability of information management systems to integrate with one another.

“(6) Availability and training of the personnel of the Department.

“(7) Budgetary needs and resources of the Department for data collection.

“(d) REPORT.—Not later than 18 months after the date of the agreement under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study under this section, including recommendations for improving the Department of Transportation's data collection systems, capabilities, procedures, and analytical hardware and software and recommendations for improving the Department's management information systems.”

§ 112. Research and Innovative Technology Administration

(a) ESTABLISHMENT.—The Research and Innovative Technology Administration shall be an administration in the Department of Transportation.

(b) ADMINISTRATOR.—

(1) APPOINTMENT.—The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) REPORTING.—The Administrator shall report directly to the Secretary.

(c) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary of Transportation. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

(d) POWERS AND DUTIES OF THE ADMINISTRATOR.—The Administrator shall carry out—

(1) powers and duties prescribed by the Secretary for—

(A) coordination, facilitation, and review of the Department's research and development programs and activities;

(B) advancement, and research and development, of innovative technologies, including intelligent transportation systems;

(C) comprehensive transportation statistics research, analysis, and reporting;

(D) education and training in transportation and transportation-related fields; and

(E) activities of the Volpe National Transportation Center; and

(2) other powers and duties prescribed by the Secretary.

(e) ADMINISTRATIVE AUTHORITIES.—The Administrator may enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons—

(1) to conduct research into transportation service and infrastructure assurance; and

(2) to carry out other research activities of the Administration.

(Added Pub. L. 102-508, title IV, § 401(a), Oct. 24, 1992, 106 Stat. 3310; amended Pub. L. 103-429, § 6(1), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 108-426, § 4(a), Nov. 30, 2004, 118 Stat. 2425; Pub. L. 109-59, title VII, § 7301, Aug. 10, 2005, 119 Stat. 1914.)

AMENDMENTS

2005—Subsec. (e). Pub. L. 109-59 added subsec. (e).

2004—Pub. L. 108-426, § 4(a)(1), substituted “Research and Innovative Technology Administration” for “Research and Special Programs Administration” in section catchline.

Subsec. (a). Pub. L. 108-426, § 4(a)(2), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “There is established in the Department of Transportation a Research and Special Programs Administration.”

Subsec. (d). Pub. L. 108-426, § 4(a)(3), added subsec. (d) and struck out heading and text of former subsec. (d) which related to the responsibilities of the Administrator of the Research and Special Programs Administration.

Subsec. (e). Pub. L. 108-426, § 4(a)(4), struck out heading and text of subsec. (e). Text read as follows: “Nothing in this section shall affect any delegation of authority, regulation, order, approval, exemption, waiver, contract, or other administrative act of the Secretary with respect to laws administered through the Research and Special Programs Administration of the Department of Transportation on October 24, 1992.”

1994—Subsec. (e). Pub. L. 103-429 substituted “October 24, 1992” for “the date of the enactment of this section”.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS ADMINISTERED BY SECRETARY OF TRANSPORTATION

Pub. L. 108-426, § 4(b), Nov. 30, 2004, 118 Stat. 2425, provided that:

“(1) IN GENERAL.—Nothing in this Act [see Short Title of 2004 Amendment note set out under section 101 of this title] shall grant any authority to the Research and Innovative Technology Administration over research and other programs, activities, standards, or regulations administered by the Secretary of Transportation through the National Highway Traffic Safety Administration.