

pended under this section does not adversely affect the timeline for review and permitting by Federal agencies, State agencies, or Indian tribes of other entities that have not contributed funds under this section;

(B) that the use of funds accepted under this section will not impact impartial decisionmaking with respect to environmental reviews or permits, either substantively or procedurally; and

(C) that the Secretary maintains, and makes publicly available, including on the Internet, a list of projects or programs for which such review or permits have been carried out using funds authorized under this section.

(f) EXISTING AUTHORITY.—Nothing in this section may be construed to conflict with section 139(j) of title 23.

(Added Pub. L. 114-94, div. A, title I, §1312(a), Dec. 4, 2015, 129 Stat. 1399.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

PRIOR PROVISIONS

A prior section 307, Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2421, related to safety information and intervention in Interstate Commerce Commission proceedings, prior to repeal by Pub. L. 112-141, div. C, title II, §32932(a)(1), July 6, 2012, 126 Stat. 829, effective Oct. 1, 2012.

Statutory Notes and Related Subsidiaries

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.

§ 308. Reports

(a) As soon as practicable after the end of each fiscal year, the Secretary of Transportation shall report to the President, for submission to Congress, on the activities of the Department of Transportation during the prior fiscal year.

(b) The Secretary shall submit to Congress each year a report on the conditions of the public ports of the United States, including the—

- (1) economic and technological development of the ports;
- (2) extent to which the ports contribute to the national welfare and security; and
- (3) factors that may impede the continued development of the ports.

(c)(1) The Secretary shall submit to Congress in March 1998, and in March of each even-numbered year thereafter, a report of estimates by the Secretary on the current performance and condition of public mass transportation systems with recommendations for necessary administrative or legislative changes.

(2) In reporting to Congress under this subsection, the Secretary shall prepare a complete assessment of public transportation facilities in the United States. The Secretary also shall as-

sess future needs for those facilities and estimate future capital requirements and operation and maintenance requirements for one-year, 5-year, and 10-year periods at specified levels of service.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2422; Pub. L. 98-216, §2(1)(A), Feb. 14, 1984, 98 Stat. 4; Pub. L. 104-66, title I, §1121(h), Dec. 21, 1995, 109 Stat. 724; Pub. L. 105-362, title XV, §1502(c), Nov. 10, 1998, 112 Stat. 3295; Pub. L. 118-63, title II, §218(a), May 16, 2024, 138 Stat. 1055.)

HISTORICAL AND REVISION NOTES
PUB. L. 97-449

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
308(a)	45:792. 49:1658.	Jan. 2, 1974, Pub. L. 93-236, § 602, 87 Stat. 1022. Oct. 15, 1966, Pub. L. 89-670, § 12, 80 Stat. 949; Feb. 5, 1976, Pub. L. 94-210, § 906(1), 90 Stat. 149. Aug. 23, 1958, Pub. L. 85-726, § 313(e), 72 Stat. 753.
308(b)	49:1354(e).	Oct. 3, 1980, Pub. L. 96-371, § 2, 94 Stat. 1362; Aug. 6, 1981, Pub. L. 97-31, § 12(8), 95 Stat. 154.
308(c)	15:1519a.	

In subsection (a), the words “As part of his annual report each year” in 45:792 are omitted as unnecessary because of the restatement of the source provisions.

In subsection (b), before clause (1), the words “aviation activities of the Department” are substituted for “work performed under this chapter” because of the restatement. The words “The report shall include” are substituted for “Such report shall contain” for consistency. In clause (1), the words “and data” after “information” are omitted as surplus. The words “airspace of the United States” are substituted for “National airspace” for clarity and consistency. In clause (2), the words “the Secretary considers necessary” are substituted for “as may be considered” for clarity.

PUB. L. 98-216

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
308(d)	49 App.:1654a.	Oct. 14, 1980, Pub. L. 96-448, § 409, 94 Stat. 1948; Dec. 21, 1982, Pub. L. 97-375, § 210(a), 96 Stat. 1825.
308(e)	49 App.:1601c.	Jan. 6, 1983, Pub. L. 97-424, § 310, 96 Stat. 2151.

This [deletion of the last sentence of subsection (a)] is necessary because section 111(b) of the Congressional Reports Elimination Act of 1982 (Pub. L. 97-375, 96 Stat. 1821) repealed section 602 of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236, 87 Stat. 1022), which was restated as section 308(a) (last sentence) of title 49 by section 1 of the Act of January 12, 1983 (Pub. L. 97-449, 96 Stat. 2413).

In subsection (e)(1), the words “January of each even-numbered year” are substituted for “January of 1984 and in January of every second year thereafter” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2024—Subsec. (b). Pub. L. 118-63, § 218(a)(1), (2), redesignated subsec. (c) as (b) and struck out former subsec. (b) which related to annual report on aviation activities of the Department.

Subsecs. (c), (e). Pub. L. 118-63, § 218(a)(3), redesignated subsec. (e) as (c). Former subsec. (c) redesignated (b).

1998—Subsec. (e)(1). Pub. L. 105-362 substituted “submit to Congress in March 1998, and in March of each even-numbered year thereafter, a report” for “submit a

report to Congress in January of each even-numbered year”.

1995—Subsec. (d). Pub. L. 104-66 struck out subsec. (d) which related to reports to Congress listing assistance provided by Government to railroad industry.

1984—Pub. L. 98-216, §2(1)(A)(i), substituted “Reports” for “Annual reports” in section catchline.

Subsec. (a). Pub. L. 98-216, §2(1)(A)(ii), struck out requirement that the report include a complete statement on the effectiveness of the United States Railway Association and the Consolidated Rail Corporation in carrying out the purposes of the Regional Rail Reorganization Act of 1973.

Subsecs. (d), (e). Pub. L. 98-216, §2(1)(A)(iii), added subsecs. (d) and (e).

Statutory Notes and Related Subsidiaries

ANNUAL REPORT

Pub. L. 117-58, div. A, title I, §11319, Nov. 15, 2021, 135 Stat. 545, provided that:

“(a) DEFINITION OF COVERED PROJECT.—In this section, the term ‘covered project’ means a project or activity carried out with funds provided by the Department [of Transportation], including a project carried out under title 23 or 49, United States Code—

“(1) that is more than 5 years behind schedule; or

“(2) for which the total amount spent on the project or activity is not less than \$1,000,000,000 more than the original cost estimate for the project or activity.

“(b) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], and annually thereafter, the Secretary [of Transportation] shall submit to Congress a report on covered projects of the Department, which shall include, for each covered project—

“(1) a brief description of the covered project, including—

“(A) the purpose of the covered project;

“(B) each location in which the covered project is carried out;

“(C) the contract or award number of the covered project, if applicable;

“(D) the year in which the covered project was initiated;

“(E) the Federal share of the total cost of the covered project; and

“(F) each primary contractor, subcontractor, grant recipient, and subgrantee recipient of the covered project;

“(2) an explanation of any change to the original scope of the covered project, including by the addition or narrowing of the initial requirements of the covered project;

“(3) the original expected date for completion of the covered project;

“(4) the current expected date for completion of the covered project;

“(5) the original cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;

“(6) the current cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;

“(7) an explanation for a delay in completion or an increase in the original cost estimate for the covered project, including, where applicable, any impact of insufficient or delayed appropriations; and

“(8) the amount of and rationale for any award, incentive fee, or other type of bonus, if any, awarded for the covered project.”

RULEMAKING REPORT

Pub. L. 117-58, div. B, title IV, §24210, Nov. 15, 2021, 135 Stat. 824, provided that:

“(a) DEFINITION OF COVERED RULEMAKING.—In this section, the term ‘covered rulemaking’ means a regulation or rulemaking that—

“(1) has not been finalized by the date on which the relevant notification is submitted under subsection (b); and

“(2) relates to—

“(A) section 30120A of title 49, United States Code;

“(B) section 30166(o) of title 49, United States Code;

“(C) section 30172 of title 49, United States Code;

“(D) section 32302(c) of title 49, United States Code;

“(E) a defect reporting requirement under section 32302(d) of title 49, United States Code;

“(F) subsections (b) and (c) of section 32304A of title 49, United States Code;

“(G) the tire pressure monitoring standards required under section 24115 of the FAST Act (49 U.S.C. 30123 note; Public Law 114-94);

“(H) the amendment made by section 24402 of the FAST Act (129 Stat. 1720; Public Law 114-94) to section 30120(g)(1) of title 49, United States Code;

“(I) the records retention rule required under section 24403 of the FAST Act (49 U.S.C. 30117 note; Public Law 114-94);

“(J) the amendments made by section 24405 of the FAST Act (Public Law 114-94; 129 Stat. 1721) to section 30114 of title 49, United States Code;

“(K) a defect and noncompliance notification required under—

“(i) section 24104 of the FAST Act (49 U.S.C. 30119 note; Public Law 114-94); or

“(ii) section 31301 of MAP-21 (49 U.S.C. 30166 note; Public Law 112-141);

“(L) a side impact or frontal impact test procedure for child restraint systems under section 31501 of MAP-21 (49 U.S.C. 30127 note; Public Law 112-141);

“(M) an upgrade to child restraint anchorage system usability requirements required under section 31502 of MAP-21 (49 U.S.C. 30127 note; Public Law 112-141);

“(N) the rear seat belt reminder system required under section 31503 of MAP-21 (49 U.S.C. 30127 note; Public Law 112-141);

“(O) a motorcoach rulemaking required under section 32703 of MAP-21 (49 U.S.C. 31136 note; Public Law 112-141); or

“(P) any rulemaking required under this Act [div. B of Pub. L. 117-58, see Tables for classification].

“(b) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act [Nov. 15, 2021], and not less frequently than biannually thereafter until the applicable covered rulemaking is complete, the Secretary [of Transportation] shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a written notification that includes, with respect to each covered rulemaking—

“(1) for a covered rulemaking with a statutory deadline for completion—

“(A) an explanation of why the deadline was not met; and

“(B) an expected date of completion of the covered rulemaking; and

“(2) for a covered rulemaking without a statutory deadline for completion, an expected date of completion of the covered rulemaking.

“(c) ADDITIONAL CONTENTS.—A notification under subsection (b) shall include, for each applicable covered rulemaking—

“(1) an updated timeline;

“(2) a list of factors causing delays in the completion of the covered rulemaking; and

“(3) any other details associated with the status of the covered rulemaking.”

AVAILABILITY OF REPORTS

Pub. L. 114-94, div. A, title I, §1434, Dec. 4, 2015, 129 Stat. 1430, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall make available to the public on the website of the

Department any report required to be submitted by the Secretary to Congress after the date of enactment of this Act [Dec. 4, 2015].

“(b) DEADLINE.—Each report described in subsection (a) shall be made available on the website not later than 30 days after the report is submitted to Congress.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which reporting provisions contained in subsecs. (a) and (b) of this section and, as subsequently amended, subsec. (e) of this section, are listed, respectively, as the 11th item on page 133, the last item on page 132, and the 5th item on page 138), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

ANNUAL REPORT ON SAFETY ENFORCEMENT ACTIVITIES OF FEDERAL AVIATION ADMINISTRATION

Pub. L. 100-202, § 101(l) [title III, § 317(a)], Dec. 22, 1987, 101 Stat. 1329-358, 1329-380, and Pub. L. 100-457, title III, § 317(a), Sept. 30, 1988, 102 Stat. 2148, which required Secretary of Transportation to transmit to Congress an annual report on Federal Aviation Administration's prior safety enforcement activities including staffing level comparisons, inspector experience and training schedules, criteria used to set annual work programs, annual inspection comparisons, statement of adequacy of internal management controls, status of regulatory changes, list of specific operational measures of effectiveness, schedule showing number of civil penalty cases closed, schedule showing number of enforcement actions taken, and schedules showing aviation industry's safety record, were repealed and reenacted as section 44723 of this title by Pub. L. 103-272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 1202, 1379.

§ 309. High-speed ground transportation

(a) The Secretary of Transportation, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Public Works, and the heads of other interested agencies, shall lead and coordinate Federal efforts in the research and development of high-speed ground transportation technologies in order to foster the implementation of magnetic levitation and high-speed steel wheel on rail transportation systems as alternatives to existing transportation systems.

(b)(1) The Secretary may award contracts and grants for demonstrations to determine the contributions that high-speed ground transportation could make to more efficient, safe, and economical intercity transportation systems. Such demonstrations shall be designed to measure and evaluate such factors as the public response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service. In connection with grants and contracts for demonstrations under this section, the Secretary shall provide for financial participation by private industry to the maximum extent practicable.

(2)(A) In connection with the authority provided under paragraph (1), there is established a national high-speed ground transportation technology demonstration program, which shall be separate from the national magnetic levitation prototype development program established under section 1036(b) of the Intermodal Surface Transportation Efficiency Act of 1991 and shall be managed by the Secretary of Transportation.

(B)(i) Any eligible applicant may submit to the Secretary a proposal for demonstration of any advancement in a high-speed ground transportation technology or technologies to be incorporated as a component, subsystem, or system in any revenue service high-speed ground transportation project or system under construction or in operation at the time the application is made.

(ii) Grants or contracts shall be awarded only to eligible applicants showing demonstrable benefit to the research and development, design, construction, or ultimate operation of any maglev technology or high-speed steel wheel on rail technology. Criteria to be considered in evaluating the suitability of a proposal under this paragraph shall include—

- (I) feasibility of guideway or track design and construction;
- (II) safety and reliability;
- (III) impact on the environment in comparison to other high-speed ground transportation technologies;
- (IV) minimization of land use;
- (V) effect on human factors related to high-speed ground transportation;
- (VI) energy and power consumption and cost;
- (VII) integration of high-speed ground transportation systems with other modes of transportation;
- (VIII) actual and projected ridership; and
- (IX) design of signaling, communications, and control systems.

(C) For the purposes of this paragraph, the term “eligible applicant” means any United States private business, State government, local government, organization of State or local government, or any combination thereof. The term does not include any business owned in whole or in part by the Federal Government.

(D) The amount and distribution of grants or contracts made under this paragraph shall be determined by the Secretary. No grant or contract may be awarded under this paragraph to demonstrate a technology to be incorporated into a project or system located in a State that prohibits under State law the expenditure of non-Federal public funds or revenues on the construction or operation of such project or system.

(E) Recipients of grants or contracts made pursuant to this paragraph shall agree to submit a report to the Secretary detailing the results and benefits of the technology demonstration proposed, as required by the Secretary.

(c)(1) In carrying out the responsibilities of the Secretary under this section, the Secretary is authorized to enter into 1 or more cooperative research and development agreements (as defined by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and 1 or more funding agreements (as defined by section 201(b) of title 35, United States Code), with United States companies for the purpose of—

- (A) conducting research to overcome technical and other barriers to the development and construction of practicable high-speed ground transportation systems and to help advance the basic generic technologies needed for these systems; and

- (B) transferring the research and basic generic technologies described in subparagraph