

included in "Department". The words "Amounts in the fund, in excess of amounts" are added for clarity. The words "any surplus found in the fund . . . above the" after "miscellaneous receipts" are omitted because of the restatement of this section. The words "to establish and" before "maintain" are omitted because the working capital fund has been established. The words "deposited in the Treasury" are substituted for "covered into the United States Treasury" for consistency. The words "are . . . in determining the amount of the excess" are added for clarity.

**§ 328. Transportation Systems Center working capital fund**

(a) The Department of Transportation has a Transportation Systems Center working capital fund. Amounts in the fund are available for financing the activities of the Center, including research, development, testing, evaluation, analysis, and related activities the Secretary of Transportation approves, for the Department, other agencies, State and local governments, other public authorities, private organizations, and foreign countries.

(b) Amounts in the fund are available without regard to fiscal year limitation. Amounts may be appropriated to the fund.

(c) The capital of the fund consists of—

- (1) amounts appropriated to the fund;
- (2) net assets of the Center as of October 1, 1980, including unexpended advances made to the Center for which valid obligations were incurred before October 1, 1980;
- (3) the reasonable value of property and other assets transferred to the fund after September 30, 1980, less the related liabilities and unpaid obligations; and
- (4) the reasonable value of property and other assets donated to the fund.

(d) The fund shall be reimbursed or credited with—

- (1) advance payments from applicable funds or appropriations of the Department and other agencies, and with advance payments from other sources, the Secretary authorizes, for—
  - (A) services at rates that will recover the expenses of operation, including the accrual of annual leave and overhead; and
  - (B) acquiring property and equipment under regulations the Secretary prescribes; and
- (2) receipts from the sale or exchange of property or in payment for loss or damage of property held by the fund.

(e) The Secretary shall deposit at the end of each fiscal year, in the Treasury as miscellaneous receipts, amounts accruing in the fund that the Secretary decides are in excess of the needs of the fund.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2425.)

HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>                                | <i>Source (Statutes at Large)</i> |
|------------------------|--|-----------------------------------|
| 328(c) .....           | 49:1657(r)(2)(A), (B)<br>(words before last comma), (C). |                                   |
| 328(d) .....           | 49:1657(r)(3).   |                                   |
| 328(e) .....           | 49:1657(r)(4).   |                                   |

In subsection (a), the words "Department of Transportation has" are substituted for "Secretary is authorized to establish" because the working capital fund has been established. The text of 49:1657(r)(1) (2d sentence words before last comma) are omitted as executed. The words "The Transportation Systems Center is authorized to perform" are omitted as unnecessary because of the restatement. The word "approves" is substituted for "direct . . . and, when approved by the Secretary" to eliminate unnecessary words. The words "or his designee" are omitted because of section 322(b) of the revised title.

In subsection (c)(3) and (4), the words "fair and" are omitted as surplus.

In subsection (c)(3), the words "by the Department and other agencies of the Government" are omitted as surplus.

In subsection (c)(4), the words "from other sources" are omitted as surplus.

In subsection (d)(1), before clause (A), the words "or his designee" are omitted because of section 322(b) of the revised title.

In subsection (e), the words "The Secretary shall deposit" are substituted for "there shall be transferred" for clarity and consistency. The words "in the fund" are added for clarity.

**§ 329. Transportation information**

(a) The Secretary of Transportation may collect and collate transportation information the Secretary decides will contribute to the improvement of the transportation system of the United States. To the greatest practical extent, the Secretary shall use information available from departments, agencies, and instrumentalities of the United States Government and other sources. To the extent practical, the Secretary shall make available to other Government departments, agencies, and instrumentalities and to the public the information collected under this subsection.

(b) The Secretary shall—

- (1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under chapter 11 of this title) including, at a minimum, information on (A) the origin and destination of passengers in interstate air transportation (as that term is used in part A of subtitle VII of this title), and (B) the number of passengers traveling by air between any two points in interstate air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate air transportation and are not used for providing essential air transportation under subchapter II of chapter 417 of this title;
- (2) study the possibilities of developing air commerce and the aeronautical industry; and
- (3) exchange information on civil aeronautics with governments of foreign countries through appropriate departments, agencies, and instrumentalities of the Government.

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>  | <i>Source (Statutes at Large)</i>   |
|------------------------|--|---|
| 328(a) .....           | 49:1657(r)(1) (1st sentence, 2d sentence words before last comma, last sentence).    | Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §9(r); added May 30, 1980, Pub. L. 96-254, §207, 94 Stat. 413. |
| 328(b) .....           | 49:1657(r)(1) (2d sentence words after last comma), (2)(B) (words after last comma). |   |

(c)(1) On the written request of a person, a State, territory, or possession of the United States, or a political subdivision of a State, territory, or possession, the Secretary may—

(A) make special statistical studies on foreign and domestic transportation;

(B) make special studies on other matters related to duties and powers of the Secretary;

(C) prepare, from records of the Department of Transportation, special statistical compilations; and

(D) provide transcripts of studies, tables, and other records of the Department.

(2) The person or governmental authority requesting information under paragraph (1) of this subsection must pay the actual cost of preparing the information. Payments shall be deposited in the Treasury in an account that the Secretary shall administer. The Secretary may use amounts in the account for the ordinary expenses incidental to getting and providing the information.

(d) To assist in carrying out duties and powers under part A of subtitle VII of this title, the Secretary of Transportation shall maintain separate cooperative agreements with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration for the timely exchange of information on their programs, policies, and requirements directly related to carrying out that part.

(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

(1) PUBLICATION OF DATA.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2426; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 98-443, §5(a), Oct. 4, 1984, 98 Stat. 1705; Pub. L. 103-272, §4(j)(7), July 5, 1994, 108 Stat. 1366; Pub. L. 104-287, §5(3), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 108-176, title IV, §421, title VIII, §805(a), Dec. 12, 2003, 117 Stat. 2551, 2587.)

#### AMENDMENT OF SUBSECTION (b)(1)

*Pub. L. 108-176, title VIII, §805, Dec. 12, 2003, 117 Stat. 2588, provided that, effective on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105-AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under subsection (b)(1) of this section, subsection (b)(1) of this section is amended by striking “except that in no case” and all that follows through the semicolon at the end and inserting the following: “except that, if the Sec-*

*retary requires air carriers to provide flight-specific information, the Secretary—*

*“(A) shall not disseminate fare information for a specific flight to the general public for a period of at least 9 months following the date of the flight; and*

*“(B) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare;”.*

#### HISTORICAL AND REVISION NOTES

PUB. L. 97-449

| Revised Section | Source (U.S. Code)                                 | Source (Statutes at Large)  |
|-----------------|--|---|
| 329(a) .....    | 49:1634.<br>49:1655(a)(2)(A) (related to 49:1634). | Sept. 30, 1965, Pub. L. 89-220, §4, 79 Stat. 893.<br>Oct. 15, 1966, Pub. L. 89-670, §§6(a)(2)(A) (related to §4 of the Act of Sept. 30, 1965), 9(n), 80 Stat. 937, 946.<br>Aug. 23, 1958, Pub. L. 85-726, §311, 72 Stat. 751. |
| 329(b) .....    | 49:1352.   |   |
| 329(c)(1) ..... | 49:1657(n)(1) (less last 17 words).                |   |
| 329(c)(2) ..... | 49:1657(n)(1) (last 17 words), (2).                |   |
| 329(d) .....    | 49:1343(b).  | Aug. 23, 1958, Pub. L. 85-726, §302(d), 72 Stat. 746.   |

In subsection (a), the word “information” is substituted for “data, statistics, and other information” in 49:1634 to eliminate unnecessary words. The words “transportation system of the United States” are substituted for “national transportation system” in 49:1634 for clarity and consistency. The words “in carrying out this activity” before “the Secretary shall” in 49:1634 are omitted as surplus. The words “departments, agencies, and instrumentalities of the United States Government” are substituted for “Federal agencies” in 49:1634 for clarity and consistency. The words “To the greatest extent practical” are substituted for “insofar as practicable” in 49:1634 for consistency. The words “The Secretary shall” are added for clarity.

In subsection (b), the words “by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.) or the Civil Aeronautics Board under title IV of that Act (49 U.S.C. 1371 et seq.)” are substituted for “the Board under subchapter IV and VII of this chapter” in 49:1352 because 49:1655(d) (1st sentence) transferred duties of the Civil Aeronautics Board under 49:ch. 20, subch. VII to the Secretary of Transportation to be carried out through the National Transportation Safety Board. The reference to the National Transportation Safety Board is to the independent Board established by section 303(a) of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2167) outside the Department of Transportation and not to the prior Board that was a part of the Department. The words “departments, agencies, and instrumentalities of the Government” are substituted for “government channels” in 49:1352 for clarity and consistency.

In subsection (c)(1), the words “of the United States” are added for clarity and consistency. The words “of a State, territory, or possession” are substituted for “thereof” after “subdivision” for clarity. The words “related to the duties and powers of the Secretary” are substituted for “falling within the province of the Department” for clarity and consistency.

In subsection (c)(2), the words “governmental authority requesting information under paragraph (1) of this subsection” are substituted for “body requesting it” for clarity and consistency. The word “separate” before “account” is omitted as unnecessary and for consistency. The words “must pay” are substituted for “upon the payment” after “other records” for clarity. The words “preparing the information” are substituted for “such work” after “actual cost of” for clarity. The

word “payments” is substituted for “All moneys received by the Department in payment of the cost of work under paragraph (1)” to eliminate unnecessary words. The words “in the Treasury” are added for clarity and consistency. The words “The Secretary may use amounts in the account” are substituted for “These moneys may be used, in the discretion of the Secretary” for clarity and to eliminate unnecessary words. The words “to getting and providing the information” are substituted for “to the work and/or to secure in connection therewith the special services of persons who are neither officers nor employees of the United States” for clarity and to eliminate unnecessary words.

In subsection (d), the words “in carrying out duties and powers under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.)” are substituted for “in discharge of responsibilities under this chapter” in 49:1343(b) because of the transfer of aviation functions to the Secretary under 49:1655(c)(1) and for consistency. The words “directly related to carrying out that part” are substituted for “directly relating to such responsibilities” in 49:1343(b) because of the restatement of the source provisions.

PUB. L. 103-272

Section 4(j)(7) amends 49:329 to omit references to overseas air transportation because there no longer is a distinction between interstate air transportation and overseas air transportation.

PUB. L. 104-287

This amends 49:329 to make conforming amendments necessary because of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 745).

AMENDMENTS

2003—Subsec. (e). Pub. L. 108-176, §421, added subsec. (e).

1996—Subsec. (b)(1). Pub. L. 104-287, §5(3)(A), substituted “(as that term is used in part A of subtitle VII of this title)” for “(as those terms are used in such Act)”.

Subsec. (d). Pub. L. 104-287, §5(3)(B), substituted “that part” for “that Act”.

1994—Subsec. (b)(1). Pub. L. 103-272, §4(j)(7)(A), substituted “chapter 11 of this title” for “title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)”, “in interstate air transportation” for “in interstate and overseas air transportation” in two places, “for interstate air transportation” for “for interstate or overseas air transportation”, and “subchapter II of chapter 417 of this title” for “section 419 of the Federal Aviation Act of 1958”.

Subsec. (d). Pub. L. 103-272, §4(j)(7)(B), substituted “part A of subtitle VII of this title” for “the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.)”.

1984—Subsec. (b)(1). Pub. L. 98-443 struck out reference to information collected and disseminated by the Civil Aeronautics Board under section 1371 et seq. of this title, and added cls. (A) and (B).

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

Subsec. (d). Pub. L. 98-216 substituted “49 App. U.S.C.” for “49 U.S.C.”.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 421 of Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

Pub. L. 108-176, title VIII, §805(b), Dec. 12, 2003, 117 Stat. 2588, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifi-

fier Number 2105-AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.”

EFFECTIVE DATE OF 1984 AMENDMENT

Section 5(b) of Pub. L. 98-443 provided that: “The amendment made by this section [amending this section] shall take effect on January 1, 1985.”

§ 330. Research contracts

(a) The Secretary of Transportation may make contracts with educational institutions, public and private agencies and organizations, and persons for scientific or technological research into a problem related to programs carried out by the Secretary. Before making a contract, the Secretary must require the institution, agency, organization, or person to show that it is able to carry out the contract.

(b) In carrying out this section, the Secretary shall—

(1) give advice and assistance the Secretary believes will best carry out the duties and powers of the Secretary;

(2) participate in coordinating all research started under this section;

(3) indicate the lines of inquiry most important to the Secretary; and

(4) encourage and assist in establishing and maintaining cooperation by and between contractors and between them and other research organizations, the Department of Transportation, and other departments, agencies, and instrumentalities of the United States Government.

(c) The Secretary may distribute publications containing information the Secretary considers relevant to research carried out under this section.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2427.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                              | Source (Statutes at Large)                                 |
|-----------------|---|--|
| 330(a) .....    | 49:1657(q)(1).<br>49:1657(q)(2) (1st sentence). | Oct. 15, 1966, Pub. L. 89-670, §9(q)(1)-(3), 80 Stat. 947. |
| 330(b) .....    | 49:1657(q)(2) (less 1st sentence).              |  |
| 330(c) .....    | 49:1657(q)(3).                                  |  |

In subsection (a), the words “may make contracts” are substituted for “is authorized to enter into contracts” to eliminate unnecessary words. The words “the conduct of” before “scientific” are omitted as surplus. The words “a problem” are substituted for “any aspect of the problems” because of the style of the revised title. The words “carried out by the Secretary” are substituted for “of the Department which are authorized by statute” because the Secretary of Transportation is vested with all duties and powers. The words “Before making a contract” are substituted for “with which he expects to enter into contracts pursuant to this subsection” for clarity and to eliminate unnecessary words. The words “is able to carry out the contract” are substituted for “have the capability of doing effective work” for clarity.

In subsection (b), before clause (1), the words “In carrying out this section” are added for clarity. In clause (1), the word “give” is substituted for “furnish” before “such advice” for consistency. The words “duties and powers of the Secretary” are substituted for “mission of the Department” for clarity and consistency. In