§ 7522. Prohibited acts

(a) Enumerated prohibitions

The following acts and the causing thereof are prohibited—

1. in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the sale, or the offering for sale, or the introduction, or delivery for introduction, into commerce, or (in the case of any person, except as provided by regulation of the Administrator), the importation into the United States, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this part which are applicable to such vehicle or engine unless such vehicle or engine is covered by a certificate of conformity issued (and in effect) under regulations prescribed under this part or part C in the case of clean-fuel vehicles (except as provided in subsection (b) of this section);

2. (A) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under section 7542 of this title;

(B) for any person to fail or refuse to permit entry, testing or inspection authorized under section 7525(c) of this title or section 7542 of this title;

(C) for any person to fail or refuse to perform tests, or have tests performed as required under section 7542 of this title;

(D) for any manufacturer or dealer to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine, installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or

(E) for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use; or

3. for any manufacturer of a new motor vehicle or new motor vehicle engine subject to standards prescribed under section 7521 of this title or part C of this subchapter—

(A) to sell or lease any such vehicle or engine unless such manufacturer has complied with (i) the requirements of section 7541(a) and (b) of this title with respect to such vehicle or engine, and unless a label or tag is affixed to such vehicle or engine in accordance with section 7541(c)(3) of this title, or

(ii) the corresponding requirements of part C

(c) in undertaking such a regulatory action, exercise authority vested by law in the head of such agency effectively, in a manner consistent with the effective exercise by the heads of the other agencies of the authority vested in them by law; and

(d) obtain, to the extent permitted by law, concurrence or other views from the heads of the other agencies during the development and preparation of the regulatory action and prior to any key decision points during that development and preparation process, and in no event later than 30 days prior to publication of such action.

SEC. 4. Duties of the Heads of Agencies. (a) To implement this order, the head of each agency shall:

1. designate appropriate personnel within the agency to (i) direct the agency’s implementation of this order, (ii) ensure that the agency keeps the other agencies and the Office of Management and Budget informed of the agency regulatory actions to which section 3 refers, and (iii) coordinate such actions with the agencies;

2. in coordination as appropriate with the Committee on Science and Technology, continue to conduct and share research designed to advance technologies to further the policy set forth in section 1 of this order;

3. facilitate the sharing of personnel and the sharing of information among the agencies to further the policy set forth in section 1 of this order;

(e) coordinate with the other agencies to avoid duplication of requests to the public for information from the public in the course of undertaking such regulatory action, consistent with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.); and

5. consult with the Secretary of Agriculture whenever a regulatory action will have a significant effect on agriculture related to the production or use of ethanol, biodiesel, or other renewable fuels, including actions undertaken in whole or in part based on authority or requirements in title XV of the Energy Policy Act of 2005, or the amendments made by such title, or otherwise appropriate or required by law.

(b) To implement this order, the heads of the agencies acting jointly may allocate as appropriate among the agencies administrative responsibilities relating to regulatory actions to which section 3 refers, such as publication of notices in the Federal Register and receipt of comments in response to notices.

SEC. 5. Duties of the Director of the Office of Management and Budget and the Chairman of the Council on Environmental Quality. (a) The Director of the Office of Management and Budget, with such assistance from the Chairman of the Council on Environmental Quality as the Director may require, shall monitor the implementation of this order by the heads of the agencies and shall report thereon to the President from time to time, and not less often than semiannually, with any recommendations of the Director for strengthening the implementation of this order.

(b) To implement this order and further the policy set forth in section 1, the Director of the Office of Management and Budget may require the heads of the agencies to submit reports to, and coordinate with, such Office on matters related to this order.

SEC. 6. General Provisions. (a) This order shall be implemented in accordance with applicable law and subject to the availability of appropriations.

(b) This order shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

(c) This order is not intended to, and does not, create any right, benefit or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

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of this subchapter in the case of clean fuel vehicles unless the manufacturer has com-
plied with the corresponding requirements of part C of this subchapter .
(B) to fail or refuse to comply with the re-
quirements of section 7541(c) or (e) of this
of the requirements of section 7541(c) or (e) of this
this title, or the corresponding requirements of part C of this subchapter in the case of clean
fuel vehicles .
(C) except as provided in subsection (c)(3)
of section 7541 of this title and the cor-
responding requirements of part C of this
subchapter in the case of clean fuel vehicles, to
provide directly or indirectly in any com-
munication to the ultimate purchaser or any
subsequent purchaser that the coverage of
any warranty under this chapter is condi-
tioned upon use of any part, component, or
system manufactured by such manufacturer
or any person acting for such manufacturer
or under his control, or conditioned upon
service performed by any such person, or
(D) to fail or refuse to comply with the
terms and conditions of the warranty under
section 7541(a) or (b) of this title or the cor-
responding requirements of part C of this
subchapter in the case of clean fuel vehicles
with respect to any vehicle; or
(5) for any person to violate section 7553 of
this title, 7554 of this title, or part C of this
subchapter or any regulations under section
7553 of this title, 7554 of this title, or part C of this
subchapter.
No action with respect to any element of design
referred to in paragraph (3) (including any ad-
justment or alteration of such element) shall be
treated as a prohibited act under such paragraph
(3) if such action is in accordance with section
7549 of this title. Nothing in paragraph (3) shall
be construed to require the use of manufacturer
parts in maintaining or repairing any motor ve-
hicle or motor vehicle engine. For the purposes
of the preceding sentence, the term “manu-
facturer parts” means, with respect to a motor ve-
hicle engine, parts produced or sold by the man-
ufacturer of the motor vehicle or motor vehicle
engine. No action with respect to any device or
element of design referred to in paragraph (3)
shall be treated as a prohibited act under that
paragraph if (i) the action is for the purpose of
repair or replacement of the device or element,
or is a necessary and temporary procedure to re-
pair or replace any other item and the device or
element is replaced upon completion of the pro-
cedure, and (ii) such action thereafter results in
the proper functioning of the device or element
referred to in paragraph (3). No action with re-
spect to any device or element of design referred
to in paragraph (3) shall be treated as a prohib-
ited act under that paragraph if the action is for
the purpose of a conversion of a motor vehicle
for use of a clean alternative fuel (as defined in
this subchapter) and if such vehicle complies
with the applicable standard under section 7521
of this title when operating on such fuel, and if
in the case of a clean alternative fuel vehicle (as
defined by rule by the Administrator), the
device or element is replaced upon completion of

The conversion procedure and such action re-

sults in proper functioning of the device or ele-

ment when the motor vehicle operates on con-

ventional fuel.

(b) Exemptions; refusal to admit vehicle or en-
gine into United States; vehicles or engines

intended for export

(1) The Administrator may exempt any new
motor vehicle or new motor vehicle engine, from
subsection (a) of this section, upon such terms
and conditions as he may find necessary for the
purpose of research, investigations, studies,
demonstrations, or training, or for reasons of
national security.
(2) A new motor vehicle or new motor vehicle
engine offered for importation or imported by
any person in violation of subsection (a) of this
section shall be refused admission into the
United States, but the Secretary of the Treasury
and the Administrator may, by joint regulation,
provide for deferring final determination as to
admission and authorizing the delivery of such a
motor vehicle or engine offered for import to the
owner or consignee thereof upon such terms and
conditions (including the furnishing of a bond)
as may appear to them appropriate to insure
that any such motor vehicle or engine will be
brought into conformity with the standards, re-
quirements, and limitations applicable to it
under this part. The Secretary of the Treasury
shall, if a motor vehicle or engine is finally re-
fused admission under this paragraph, cause dis-
position thereof in accordance with the customs
laws unless it is exported, under regulations pre-
scribed by such Secretary, within ninety days
of the date of notice of such refusal or such addi-
tional time as may be permitted pursuant to
such regulations, except that disposition in ac-
cordance with the customs laws may not be
made in such manner as may result, directly or
indirectly, in the sale, to the ultimate con-
sumer, of a new motor vehicle or new motor ve-
hicle engine that fails to comply with applicable
standards of the Administrator under this part.
(3) A new motor vehicle or new motor vehicle
engine intended solely for export, and so labeled
or tagged on the outside of the container and on
the vehicle or engine itself, shall be subject to
the provisions of subsection (a) of this section,
except that if the country which is to receive
such vehicle or engine has emission standards
which differ from the standards prescribed under
section 7521 of this title, then such vehicle or en-
gine shall comply with the standards of such
country which is to receive such vehicle or en-
gine.

(5) for any person to violate section 7553 of
this title, 7554 of this title, or part C of this
subchapter or any regulations under section
7553 of this title, 7554 of this title, or part C of this
subchapter.

1 So in original. Probably should be followed by a comma.
AMENDMENTS
1990—Subsec. (a). Pub. L. 101–549, § 228(b)(2), inserted two sentences at end which set forth conditions under which actions with respect to devices or elements of design, referred to in par. (3), would not be deemed prohibited acts.
Subsec. (a)(1). Pub. L. 101–549, § 228(e)(1), inserted “or part C of this subchapter in the case of clean-fuel vehicles” before “(except”.
Subsec. (a)(2). Pub. L. 101–549, § 228(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information, required under section 7542 of this title or for any person to fail or refuse to permit entry, testing, or inspection authorized under section 7525(c) of this title.”
Subsec. (a)(3). Pub. L. 101–549, § 228(b)(1), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “(A) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter prior to its sale and delivery to the ultimate purchaser, or for any manufacturer or dealer knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or (B) for any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or motor vehicle engines, or who operates a fleet of motor vehicles, knowingly to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter following its sale and delivery to the ultimate purchaser; or”
Subsec. (a)(4). Pub. L. 101–549, § 228(e)(2), inserted “part C of this subchapter” after “section 7521 of this title”.
Subsec. (a)(4)(A). Pub. L. 101–549, § 228(e)(3), inserted “or the corresponding requirements of part C of this subchapter in the case of clean-fuel vehicles”.
Subsec. (a)(4)(B). Pub. L. 101–549, § 228(e)(4), inserted at end “or the corresponding requirements of part C of this subchapter in the case of clean-fuel vehicles” after “section 7541 of this title”.
Subsec. (a)(4)(C). Pub. L. 101–549, § 228(e)(5), inserted “and the corresponding requirements of part C of this subchapter in the case of clean-fuel vehicles” after “section 7541 of this title”.
Subsec. (a)(4)(D). Pub. L. 101–549, § 228(e)(6), inserted “or the corresponding requirements of part C of this subchapter in the case of clean-fuel vehicles” before “with respect to any vehicle”.
Subsec. (c). Pub. L. 101–549, § 230(d), struck out subsec. (c) which related to exemptions to permit modifications of emission control devices or systems. 1977—Subsec. (a). Pub. L. 95–190, § 14(a)(68), in closing text inserted a period after “section 7549 of this title.”
Pub. L. 95–190, §§ 206, 211(a), 218(a), 219(a), (b), inserted “and added cl. (11).”
Subsec. (a)(1). Pub. L. 95–190, §§ 206, 211(a), 218(a), 219(a), (b), substituted “subsection (a) of this section” for “subsection (a) of this title”.
Subsec. (a)(2). Pub. L. 95–190, §§ 206, 211(a), 218(a), 219(a), (b), inserted “section 7541 of this title” in par. (3) of this title.
Subsec. (a)(3). Pub. L. 91–604, §§ 7(a)(3), 11(a)(2)(A), substituted “part” for “subsection” and inserted provisions prohibiting the knowing removal or inoperation by manufacturers or dealers of devices or elements of design after sale and delivery to the ultimate purchaser.
Subsec. (b)(1). Pub. L. 91–604, §§ 7(a)(5), 11(a)(2)(A), 11(c)(2), struck out reference to the exemption of a class of new motor vehicles or new motor vehicle engines, struck out the protection of the public health and welfare from the enumeration of purposes for which exemptions may be made, and substituted “Administrator” for “Secretary”.
Subsec. (b)(3). Pub. L. 91–604, § 7(a)(7)(A), inserted provision that, if the country of export has emission standards which differ from the standards prescribed under subsec. (a), such vehicle or engine must comply with the standards of such country of export.
1967—Subsec. (a). Pub. L. 90–148 substituted “conformity with regulations prescribed under this subchapter” for “conformity with regulations prescribed under section 7521 of this title” in par. (1).
EFFECTIVE DATE OF 1977 AMENDMENT
Amendment by Pub. L. 95–95 effective Aug. 7, 1977, except as otherwise expressly provided, see section 406(d) of Pub. L. 95–95, set out as a note under section 7401 of this title.
MODIFICATION OR RECISSION OF RULES, REGULATIONS, ORDERS, DETERMINATIONS, CONTRACTS, CERTIFICATIONS, AUTHORIZATIONS, DELEGATIONS, AND OTHER ACTIONS
All rules, regulations, orders, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to act July 14, 1955, the Clean Air Act, as in effect immediately prior to the date of enactment of Pub. L. 95–95 [Aug. 7, 1977] to continue in full force and effect until modified or rescinded in accordance with act July 14, 1955, as amended by Pub. L. 95–95 [this chapter], see section 406(b) of Pub. L. 95–95, set out as an Effective Date of 1977 Amendment note under section 7401 of this title.
§ 7523. Actions to restrain violations
(a) Jurisdiction
The district courts of the United States shall have jurisdiction to restrain violations of section 7522(a) of this title.
(b) Actions brought by or in name of United States; subpenas
Actions to restrain such violations shall be brought by and in the name of the United