§ 30167. Disclosure of information by the Secretary of Transportation

(a) CONFIDENTIALITY OF INFORMATION.—Information obtained under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only in the following ways:

(1) to other officers and employees carrying out this chapter;

(2) when relevant to a proceeding under this chapter;

(3) to the public when the confidentiality of the information is preserved.

(b) DEFECT AND NONCOMPLIANCE INFORMATION.—Subject to subsection (a) of this section, the Secretary shall disclose information obtained under this chapter related to a defect or noncompliance that the Secretary decides will assist in carrying out sections 30117(b) and 30118–30121 of this title or that is required to be disclosed under section 30118(a) of this title. A requirement to disclose information under this subsection is in addition to the requirements of section 552 of title 5.

(c) INFORMATION ABOUT MANUFACTURER’S INCREASED COSTS.—A manufacturer opposing an action of the Secretary under this chapter because of increased cost shall submit to the Secretary information about the increased cost, including the manufacturer’s cost and the cost to retail purchasers, that allows the public and the Secretary to evaluate the manufacturer’s statement. The Secretary shall evaluate the information promptly and, subject to subsection (a) of this section, shall make the information and evaluation available to the public. The Secretary shall publish a notice in the Federal Register that the information is available.

(d) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.


HISTORICAL AND REVISION NOTES

Revised Section Source (U.S. Code) Source (Statutes at Large)

30167(a) ...... 15:1397(a)(1)(B) (related to 15:1397(e) (1st sentence), (D) (related to 15:1418(a)(2)(B), (E) (related to 15:1400(c) (1st sentence), 15:1401(e) (1st sentence)).

30167(b) ...... 15:1397(a)(1)(D) (related to 15:1418(a)(2)(A), (C), 15:1418(a)(2)(B), (C), 15:1400(a)(2), (B)(1)), (C)).

30167(c) ...... 15:1397(a)(1)(B), (E) (as 15:1397(a)(1)(B), (E) relates to 15:1401(e) (last sentence), 15:1401(e) (last sentence), 15:1402(b)(2) (last sentence)).

30167(d) ...... 15:1397(a)(1)(B), (D) (related to 15:1418(a)(2)(B), (E) (as 15:1397(a)(1)(B), (E) relates to 15:1400(c) (last sentence), 15:1401(e) (last sentence), 15:1402(b)(2) (last sentence)).

In this section, the text of 15:1397(a)(1)(B) (related to 15:1401(e), (D) (related to 15:1418(a)(2)), and (E) related to 15:1401(e)) is omitted as surplus.

In subsection (a), before clause (1), the words “Except as otherwise provided in section 1418(a)(2) and section 1402(b) of this title” in 15:1401(e) (1st sentence) are omitted, and the words “Information obtained under this chapter related to a confidential matter” are substituted for “all information reported to or otherwise obtained by the Secretary or his representative pursuant to this subchapter which information contains or relates to a trade secret or other matter” in 15:1401(e) (1st sentence) and “described in subparagraph (A)” in 15:1418(a)(2)(B), because of the restatement. The words “shall be considered confidential for the purpose of that section” are omitted as surplus. The words “may be disclosed only in the following ways” are substituted for “except that such information may be disclosed” in 15:1401(e) (1st sentence) and 15:1402(b)(2) (1st sentence) and “shall not be disclosed; unless” in 15:1418(a)(2)(B) to eliminate unnecessary words. Clause (3) is substituted for 15:1402(b)(2) (1st sentence words before 2d comma) to eliminate unnecessary words.

In subsection (b), the words “Subject to” are substituted for “Except as provided in” for consistency. The words “to the public so much of any” and which is” are omitted as surplus. The words “which relates to motor vehicle safety” and “with an applicable Federal motor vehicle safety standard” are omitted because of
the restatement. The words “the purposes of” and “and not in lieu of” are omitted as surplus.

In subsection (c), the words “For purposes of this section, the term ‘cost information’ means” and “such cost information” are omitted because of the restatement. The words “alleged”, “both”, and “resulting from action by the Secretary, in such form” are omitted as surplus. The words “Such term includes” are omitted because of the restatement. The words “to evaluate” are substituted for “to make an informed judgment” to eliminate unnecessary words and for consistency in the subsection. The words “(in such detail as the Secretary may by regulation or order prescribe)” are omitted as surplus because of 49:322(a). The word “thereafter” is omitted as surplus. The word “evaluate” is substituted for “prepare an evaluation of” to eliminate unnecessary words. The words “The Secretary” are added for clarity. The text of 15:1402(d) is omitted as surplus because of the restatement. The words “Such term includes” are added for clarity. The text of 15:1402(e) is omitted as surplus because of the restatement. The words “to have the information” are added for clarity.

In subsection (d), the words “by the Secretary or any officer or employee under his control” and “duly” are omitted as surplus. The words “to have the information” are added for clarity.

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In subsection (a), before clause (1), the words “prepare and”, “comprehensive”, and “but not be restricted to” are omitted as unnecessary. In clause (1), the words “occurring in such year” are omitted as surplus. In clause (2), the words “in such year” are omitted as surplus. The words “under this chapter” are substituted for “Federal” for consistency in this chapter. In clause (3), the words “applicable Federal motor vehicle” are omitted as surplus. In clause (4), the word “all” is omitted as surplus. In clause (5), the words “including relevant policy recommendations” and “during such year” are omitted as surplus. In clause (6), the words “a statement of . . . including judicial decisions, settlements, or pending litigation during such year” are omitted as surplus. In clause (7), the word “motoring” is omitted as surplus. In clause (8), the words “The report required by subsection (a) of this section shall contain such” are omitted because of the restatement. The words “additional . . . as the Secretary deems” and “several” are omitted as surplus.

REFERENCES IN TEXT


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 the 1st item on page 155 and the 2nd item on page 156 identify reporting provisions which, as subsequently amended, are contained, respectively, in subsecs. (a) and (b) of this section), see section 3003 of Pub. L. 104–66, set out as a note under section 1113 of Title 31, Money and Finance.

§ 30170. Criminal Penalties

(a) CRIMINAL LIABILITY FOR FALSIFYING OR WITHHOLDING INFORMATION.—

(1) GENERAL RULE.—A person who violates section 1001 of title 18 with respect to the reporting requirements of section 30166, with the specific intention of misleading the Secretary with respect to motor vehicle or motor vehicle equipment safety related defects that have caused death or serious bodily injury to an individual (as defined in section 1365(g)(3) of title 18), shall be subject to criminal penalties of a fine under title 18, or imprisoned for not more than 15 years, or both.

(2) SAFE HARBOR TO ENCOURAGE REPORTING AND FOR WHISTLE blowERS.—

1 See References in Text note below.