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Subsec. (a)(1). Pub. L. 114–94, §24332(2)(B), inserted “(referred to in this section as the ‘Secretary’)” after “Secretary of Transportation”. Subsecs. (b) to (h). Pub. L. 114–94, §24332(3), (4), added subsecs. (b) to (d) and redesignated former subsecs. (b) to (e) as (e) to (h), respectively.

EFFECTIVE DATE
Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as a note under section 1824 of Title 2, The Congress.

§ 32305. Information and assistance from other departments, agencies, and instrumentalities

(a) AUTHORITY TO REQUEST.—The Secretary of Transportation may request information necessary to carry out this chapter from a department, agency, or instrumentality of the United States Government. The head of the department, agency, or instrumentality shall provide the information.

(b) DETAILED PERSONNEL.—The head of a department, agency, or instrumentality may detail, on a reimbursable basis, personnel to assist the Secretary in carrying out this chapter.


HISTORICAL AND REVISION NOTES

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<th>Revised Section</th>
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In subsection (a), before clause (1), the words “independent” is omitted as surplus. The words “as he deems necessary” are omitted as surplus. The words “chapter 51 and subchapter III of chapter 53 of title 5” are substituted for “the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates” to eliminate unnecessary words. The text of 15:1942 (1st sentence cl. (2)) is omitted as surplus because of 49:325(b). The text of 15:1942 (1st sentence cl. (4), 2d sentence) is omitted as surplus because of 49:325.

REFERENCES IN TEXT

The provisions of title 5 governing appointment in the competitive service, referred to in subsec. (a)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

§ 32307. Investigative powers

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

(1) inspect and copy records of any person at reasonable times;

(2) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(3) conduct hearings, administer oaths, take testimony, and require (by subpoena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(b) WITNESS FEES AND MILEAGE.—A witness summoned under subsection (a) of this section is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(c) CIVIL ACTIONS TO ENFORCE.—A civil action to enforce a subpoena or order of the Secretary under subsection (a) of this section may be brought in the United States district court for the judicial district in which the proceeding by the Secretary is conducted. The court may punish a failure to obey an order of the court to comply with the subpoena or order of the Secretary as a contempt of court.

(d) CONFIDENTIALITY OF INFORMATION.—Information obtained by the Secretary under this section related to a confidential matter referred to in section 1905 of title 18 may be disclosed only to another officer or employee of the United States Government for use in carrying out this chapter. This subsection does not authorize information to be withheld from a committee of Congress authorized to have the information.


HISTORICAL AND REVISION NOTES

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In subsection (a), before clause (1), the words “in carrying out this chapter” are substituted for “For the purpose of carrying out the provisions of this subchapter”, “in order to carry out the provisions of this subchapter”, and “relating to any function of the Secretary under this subchapter” for consistency. The words “or on the authorization of the Secretary, any officer or employee of the Department of Transpor-
§ 32308. General prohibitions, civil penalty, and enforcement

(a) PROHIBITIONS.—A person may not—

(1) fail to provide the Secretary of Transportation with information requested by the Secretary in carrying out this chapter; or

(2) fail to comply with applicable regulations prescribed by the Secretary in carrying out this chapter.

(b) CIVIL PENALTY.—(1) A person that violates subsection (a) of this section is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each failure to provide information or comply with a regulation in violation of subsection (a) is a separate violation. The maximum penalty under this subsection for a related series of violations is $400,000.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section.

(3) In determining the amount of a penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

(4) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.

(d) CIVIL ACTIONS TO ENFORCE.—(1) The Attorney General may bring a civil action in a United States district court to enjoin a violation of subsection (a) of this section.

(2) When practicable, the Secretary shall—

(A) notify a person against whom an action under this subsection is planned;

(B) give the person an opportunity to present that person’s views; and

(C) give the person a reasonable opportunity to comply.

(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.

(e) VENUE AND SERVICE.—A civil action under this section may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Proceeding in the action may be served in any other judicial district in which the defendant resides or is found. A subpoena for a witness in the action may be served in any judicial district.


HISTORICAL AND REVISION NOTES

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

32308(a) ...... 15:1946.
32308(b)(1) .. 15:1948(a).
32308(b) ...... 15:1948(b).
32308(c) ..... 15:1947 (1st–3d sentences).
32308(d) ..... 15:1947 (last sentence).
32308(e) ..... 15:1948(c).

In subsection (a)(1), the words “data or” are omitted as surplus.

In subsection (b)(1), the words “Each failure to provide information or comply with a regulation” are substituted for “with respect to each failure or refusal to comply with a requirement thereunder” for clarity.

In subsection (c), the words “The Attorney General may bring a civil action” are substituted for “Upon petition by the Attorney General on behalf of the United States” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and to eliminate unnecessary words. The words “cause shown” are omitted as surplus. The words “subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure” are omitted as surplus because the rules apply in the absence of an exception from them.

In subsection (d), the words “15:1947 (last sentence) and 1948(c) for clarity and consistency in this part by restating 15:1917(c)(3) and (4).” is a heading.

AMENDMENTS

2007—Subsecs. (c) to (e). Pub. L. 110–140 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32309. Civil penalty for labeling violations

(a) DEFINITIONS.—The definitions in section 32304 of this title apply to this section.

(b) PENALTIES.—A manufacturer of a passenger motor vehicle distributed in commerce for sale in the United States that willfully fails to attach the label required under section 32304 of this title to a new passenger motor vehicle that the manufacturer manufactures or imports, or a