

(6) For purposes of applying the preceding provisions of this subsection in the case of the assessment of a penalty by the Commission for a violation of paragraphs (1) and (2) of section 6302 of this title, references in such provisions to “Secretary” and “Department of Energy” shall be considered to be references to the “Commission”.

(Pub. L. 94-163, title III, §333, Dec. 22, 1975, 89 Stat. 929; Pub. L. 95-619, title IV, §§423, 425(e), title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3262, 3266, 3288; Pub. L. 100-12, §11(b)(6), Mar. 17, 1987, 101 Stat. 125; Pub. L. 114-11, title II, §201(3), Apr. 30, 2015, 129 Stat. 189.)

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-11 substituted “paragraph (5), (6), (7), or (8) of section 6302(a)” for “section 6302(a)(5)” and “paragraph (1), (2), (5), (6), (7), or (8) of section 6302(a)” for “paragraph (1), (2), or (5) of section 6302(a)”.

1987—Pub. L. 100-12 inserted headings for subsecs. (a) to (d).

1978—Subsec. (a). Pub. L. 95-619, §§425(e)(1), 691(b)(2), substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, wherever appearing, and “subsection (c)” for “subsection (b)”.

Subsec. (c). Pub. L. 95-619, §425(e)(2), substituted “section 6293(c) of this title” for “section 6293(d)(2) of this title” and inserted provision making an exception from the unfair or deceptive act or practice rule.

Subsec. (d). Pub. L. 95-619, §423, added subsec. (d).

§ 6304. Injunctive enforcement

The United States district courts shall have jurisdiction to restrain (1) any violation of section 6302 of this title and (2) any person from distributing in commerce any covered product which does not comply with an applicable rule under section 6294 or 6295 of this title. Any such action shall be brought by the Commission, except that any such action to restrain any violation of section 6302(a)(3) of this title which relates to requirements prescribed by the Secretary, any violation of section 6302(a)(4) of this title which relates to requests of the Secretary under section 6296(b)(2) of this title, or any violation of paragraph (5), (6), (7), or (8) of section 6302(a) of this title shall be brought by the Secretary. Any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 6295(i) of this title or an adapter prohibited under section 6302(a)(7) of this title may also be brought by the attorney general of a State in the name of the State. Any such action may be brought in any United States district court for a district wherein any act, omission, or transaction constituting the violation occurred, or in such court for the district wherein the defendant is found or transacts business. In any action under this section, process may be served on a defendant in any other district in which the defendant resides or may be found.

(Pub. L. 94-163, title III, §334, Dec. 22, 1975, 89 Stat. 929; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288; Pub. L. 110-140, title III, §321(f), Dec. 19, 2007, 121 Stat. 1586; Pub. L.

114-11, title II, §201(4), Apr. 30, 2015, 129 Stat. 189.)

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-11 substituted “paragraph (5), (6), (7), or (8) of section 6302(a)” for “section 6302(a)(5)” and “section 6302(a)(7)” for “section 6302(a)(6)”.

2007—Pub. L. 110-140 inserted after second sentence “Any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 6295(i) of this title or an adapter prohibited under section 6302(a)(6) of this title may also be brought by the attorney general of a State in the name of the State.”

1978—Pub. L. 95-619 substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, wherever appearing.

Statutory Notes and Related Subsidiaries

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.

§ 6305. Citizen suits

(a) Civil actions; jurisdiction

Except as otherwise provided in subsection (b), any person may commence a civil action against—

(1) any manufacturer or private labeler who is alleged to be in violation of any provision of this part or any rule under this part;

(2) any Federal agency which has a responsibility under this part where there is an alleged failure of such agency to perform any act or duty under this part which is not discretionary; or

(3) the Secretary in any case in which there is an alleged failure of the Secretary to comply with a nondiscretionary duty to issue a proposed or final rule according to the schedules set forth in section 6295 of this title.

The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such provision or rule, or order such Federal agency to perform such act or duty, as the case may be. The courts shall advance on the docket, and expedite the disposition of, all causes filed therein pursuant to paragraph (3) of this subsection. If the court finds that the Secretary has failed to comply with a deadline established in section 6295 of this title, the court shall have jurisdiction to order appropriate relief, including relief that will ensure the Secretary's compliance with future deadlines for the same covered product.

(b) Limitation

No action may be commenced—

(1) under subsection (a)(1)—

(A) prior to 60 days after the date on which the plaintiff has given notice of the violation (i) to the Secretary, (ii) to the Commission, and (iii) to any alleged violator of such provision or rule, or

(B) if the Commission has commenced and is diligently prosecuting a civil action to re-