

(Pub. L. 103-272, § 4(j)(10)(A), July 5, 1994, 108 Stat. 1367.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
337	49 App.:1652b (note).	Nov. 16, 1990, Pub. L. 101-604, § 102(d), 104 Stat. 3069.

The words “the Secretary of Transportation submits” are substituted for “submission for the Department of Transportation”, and the words “budget request for the Office” are substituted for “budget request for the Director”, for clarity and consistency in the revised title and with other titles of the United States Code.

SUBCHAPTER III—MISCELLANEOUS

§ 351. Judicial review of actions in carrying out certain transferred duties and powers

(a) JUDICIAL REVIEW.—An action of the Secretary of Transportation in carrying out a duty or power transferred under the Department of Transportation Act (Public Law 89-670, 80 Stat. 931), or an action of the Administrator of the Federal Railroad Administration, the Federal Motor Carrier Safety Administration, or the Federal Aviation Administration in carrying out a duty or power specifically assigned to the Administrator by that Act, may be reviewed judicially to the same extent and in the same way as if the action had been an action by the department, agency, or instrumentality of the United States Government carrying out the duty or power immediately before the transfer or assignment.

(b) APPLICATION OF PROCEDURAL REQUIREMENTS.—A statutory requirement related to notice, an opportunity for a hearing, action on the record, or administrative review that applied to a duty or power transferred by the Act applies to the Secretary or Administrator when carrying out the duty or power.

(c) NONAPPLICATION.—This section does not apply to a duty or power transferred from the Interstate Commerce Commission to the Secretary under section 6(e)(1)–(4) and (6)(A) of the Act.

(Pub. L. 103-272, § 4(j)(10)(A), July 5, 1994, 108 Stat. 1367; Pub. L. 109-59, title IV, § 4125(b), Aug. 10, 2005, 119 Stat. 1738.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
351	49 App.:1653(c).	Oct. 15, 1966, Pub. L. 89-670, § 4(c), 80 Stat. 933.

In this subchapter, the words “duty or power” are substituted for “functions, powers, and duties” for clarity and consistency. The words “department, agency, or instrumentality of the United States Government” are substituted for “department or agency” for consistency in the revised title and with other titles of the United States Code.

In subsection (a), the word “orders” is omitted as being included in “action”.

REFERENCES IN TEXT

The Department of Transportation Act, referred to in subsecs. (a) and (b), is Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, as amended, which was classified principally

to sections 1651 to 1660 of former Title 49, Transportation. The Act was repealed and the provisions thereof reenacted in Title 49, Transportation, by Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2413, and Pub. L. 103-272, July 5, 1994, 108 Stat. 745. The Act was also repealed by Pub. L. 104-287, § 7(5), Oct. 11, 1996, 110 Stat. 3400. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59 substituted “Federal Motor Carrier Safety Administration” for “Federal Highway Administration”.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

§ 352. Authority to carry out certain transferred duties and powers

In carrying out a duty or power transferred under the Department of Transportation Act (Public Law 89-670, 80 Stat. 931), the Secretary of Transportation and the Administrators of the Federal Railroad Administration, the Federal Motor Carrier Safety Administration, and the Federal Aviation Administration have the same authority that was vested in the department, agency, or instrumentality of the United States Government carrying out the duty or power immediately before the transfer. An action of the Secretary or Administrator in carrying out the duty or power has the same effect as when carried out by the department, agency, or instrumentality.

(Pub. L. 103-272, § 4(j)(10)(A), July 5, 1994, 108 Stat. 1368; Pub. L. 109-59, title IV, § 4125(c), Aug. 10, 2005, 119 Stat. 1738.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
352	49 App.:1653(d).	Oct. 15, 1966, Pub. L. 89-670, § 4(d), 80 Stat. 934.

The words “force and” are omitted as surplus.

REFERENCES IN TEXT

The Department of Transportation Act, referred to in text, is Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, as amended, which was classified principally to sections 1651 to 1660 of former Title 49, Transportation. The Act was repealed and the provisions thereof reenacted in Title 49, Transportation, by Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2413, and Pub. L. 103-272, July 5, 1994, 108 Stat. 745. The Act was also repealed by Pub. L. 104-287, § 7(5), Oct. 11, 1996, 110 Stat. 3400. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

AMENDMENTS

2005—Pub. L. 109-59 substituted “Federal Motor Carrier Safety Administration” for “Federal Highway Administration”.

§ 353. Toxicological testing of officers and employees

(a) COLLECTING SPECIMENS.—When the Secretary of Transportation or the head of a component of the Department of Transportation conducts post-accident or post-incident toxicological testing of an officer or employee of the Department, the Secretary or head shall collect the specimen from the officer or employee as soon as practicable after the accident or incident. The Secretary or head shall try to collect the specimen not later than 4 hours after the accident or incident.

(b) REPORTS.—The head of each component shall submit a report to the Secretary on the circumstances about the amount of time required to collect the specimen for a toxicological test conducted on an officer or employee who is reasonably associated with the circumstances of an accident or incident under the investigative jurisdiction of the National Transportation Safety Board.

(c) NONCOMPLIANCE NOT A DEFENSE.—An officer or employee required to submit to toxicological testing may not assert failure to comply with this section as a claim, cause of action, or defense in an administrative or judicial proceeding.

(Pub. L. 103-272, §4(j)(10)(A), July 5, 1994, 108 Stat. 1368.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 353, 49 App.:1657-1., Nov. 28, 1990, Pub. L. 101-641, § 5, 104 Stat. 4656.

In this section, the words "officer or employee" are substituted for "employee" for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (a), the words "Secretary of Transportation or the head of a component of the Department of Transportation" are substituted for "Department of Transportation, including any of its agencies" for consistency in the revised title and with other titles of the Code.

In subsection (b), the word "Secretary" is substituted for "Office of the Secretary of Transportation" for consistency in the revised title and with other titles of the Code. The words "within that agency" are omitted as unnecessary.

In subsection (c), the words "An officer or employee required to submit to toxicological testing may not assert" are substituted for "may not be asserted" for clarity.

§ 354. Investigative authority of Inspector General

(a) IN GENERAL.—The statutory authority of the Inspector General of the Department of Transportation includes authority to conduct, pursuant to Federal criminal statutes, investigations of allegations that a person or entity has engaged in fraudulent or other criminal activity relating to the programs and operations of the Department or its operating administrations.

(b) REGULATED ENTITIES.—The authority to conduct investigations referred to in subsection (a) extends to any person or entity subject to the laws and regulations of the Department or

its operating administrations, whether or not they are recipients of funds from the Department or its operating administrations.

(Added and amended Pub. L. 108-168, §8(a), (b)(1), Dec. 6, 2003, 117 Stat. 2034.)

CODIFICATION

The text of section 228 of Pub. L. 106-159, formerly set out as a note under section 4 of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees, which was transferred to this section, redesignated as text of section, and amended by Pub. L. 108-168, §8(a), (b)(1), was based on Pub. L. 106-159, title II, §228, Dec. 9, 1999, 113 Stat. 1773.

AMENDMENTS

2003—Pub. L. 108-168 renumbered section 228 of Pub. L. 106-159 as this section and substituted "Investigative authority of Inspector General" for "DOT Authority" in section catchline. See Codification note above.

CHAPTER 5—SPECIAL AUTHORITY

SUBCHAPTER I—POWERS

- Sec. 501. Definitions and application.
502. General authority.
503. Service of notice and process on certain motor carriers of migrant workers and on motor private carriers.
504. Reports and records.
505. Arrangements and public records.
506. Authority to investigate.
507. Enforcement.
508. Safety performance history of new drivers; limitation on liability.

SUBCHAPTER II—PENALTIES

- 521. Civil penalties.
522. Reporting and record keeping violations.
523. Unlawful disclosure of information.
524. Evasion of regulation of motor carriers.
525. Disobedience to subpoenas.
526. General criminal penalty when specific penalty not provided.

AMENDMENTS

1998—Pub. L. 105-178, title IV, § 4014(a)(2), June 9, 1998, 112 Stat. 411, added item 508.

1997—Pub. L. 105-102, §2(1), Nov. 20, 1997, 111 Stat. 2204, struck out "DUTIES AND" before "POWERS" in item for heading of subchapter I.

SUBCHAPTER I—POWERS

AMENDMENTS

1997—Pub. L. 105-102, §2(2), Nov. 20, 1997, 111 Stat. 2204, struck out "AND" before "POWERS".

1995—Pub. L. 104-88, title III, §308(c)(1), Dec. 29, 1995, 109 Stat. 947, struck out "DUTIES" before "AND".

§ 501. Definitions and application

- (a) In this chapter—
(1) the definitions in sections 10102 and 13102 of this title apply.
(2) "migrant worker" has the same meaning given that term in section 31501 of this title.
(3) "motor carrier of migrant workers" means a motor carrier of migrant workers subject to the jurisdiction of the Secretary of Transportation under section 31502(c) of this title.

1 Section catchline amended by Pub. L. 112-141 without corresponding amendment of chapter analysis.