

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 49:322(a). The text of 15:1402(e) is omitted as surplus because of the restatement.

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.

[§ 30168. Repealed. Pub. L. 112–141, div. C, title I, § 1204(b)(2)(B), July 6, 2012, 126 Stat. 760]

Section, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 971; Pub. L. 104–287, §5(58), Oct. 11, 1996, 110 Stat. 3394, related to research, testing, development, and training.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30169. Annual reports

(a) **GENERAL REPORT.**—The Secretary of Transportation shall submit to the President to submit to Congress on July 1 of each year a report on the administration of this chapter for the prior calendar year. The report shall include—

- (1) a thorough statistical compilation of accidents and injuries;
- (2) motor vehicle safety standards in effect or prescribed under this chapter;
- (3) the degree of observance of the standards;
- (4) a summary of current research grants and contracts and a description of the problems to be considered under those grants and contracts;
- (5) an analysis and evaluation of research activities completed and technological progress achieved;
- (6) enforcement actions;
- (7) the extent to which technical information was given the scientific community and consumer-oriented information was made available to the public; and
- (8) recommendations for legislation needed to promote cooperation among the States in improving traffic safety and strengthening the national traffic safety program.

(b) **REPORT ON IMPORTING MOTOR VEHICLES.**—Not later than 18 months after regulations are first prescribed under section 2(e)(1)(B) of the Imported Vehicle Safety Compliance Act of 1988, the Secretary shall submit to Congress a report of the actions taken to carry out subchapter III of this chapter and the effectiveness of those actions, including any testing by the Secretary under section 30146(c)(2) of this title. After the first report, the Secretary shall submit a report to Congress under this subsection not later than July 31 of each year.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 972.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30169(a)	15:1408.	Sept. 9, 1966, Pub. L. 89–563, §120, 80 Stat. 728; May 22, 1970, Pub. L. 91–265, §5, 84 Stat. 263; Oct. 27, 1974, Pub. L. 93–492, §110(b), 88 Stat. 1484.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30169(b)	15:1397 (note).	Oct. 31, 1988, Pub. L. 100–562, §2(e)(4), 102 Stat. 2825.

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

Section 2(e)(1)(B) of the Imported Vehicle Safety Compliance Act of 1988, referred to in subsec. (b), is section 2(e)(1)(B) of Pub. L. 100–562, which was set out as a note under section 1397 of Title 15, Commerce and Trade, prior to repeal by Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379.

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 135 and the 2nd item on page 134 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)¹ 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.**—

(A) **CORRECTION.**—A person described in paragraph (1) shall not be subject to criminal penalties under this subsection if: (1) at the time of the violation, such person does not know that the violation would result in an accident causing death or serious bodily injury; and (2) the person corrects any improper reports or failure to report within a reasonable time.

(B) **REASONABLE TIME AND SUFFICIENCY OF CORRECTION.**—The Secretary shall establish

¹ See References in Text note below.

by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of the enactment of this section.

(C) EFFECTIVE DATE.—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

(b) COORDINATION WITH DEPARTMENT OF JUSTICE.—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.

(Added Pub. L. 106-414, §5(b)(1), Nov. 1, 2000, 114 Stat. 1803.)

REFERENCES IN TEXT

Section 1365(g)(3) of title 18, referred to in subsec. (a)(1), was redesignated section 1365(h)(3) of title 18 by Pub. L. 107-307, §2(1), Dec. 2, 2002, 116 Stat. 2445.

The date of the enactment of this section, referred to in subsec. (a)(2)(B), is the date of enactment of Pub. L. 106-414, which was approved Nov. 1, 2000.

§ 30171. Protection of employees providing motor vehicle safety information

(a) DISCRIMINATION AGAINST EMPLOYEES OF MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIPS.—No motor vehicle manufacturer, part supplier, or dealership may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or the Secretary of Transportation information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

(3) testified or is about to testify in such a proceeding;

(4) assisted or participated or is about to assist or participate in such a proceeding; or

(5) objected to, or refused to participate in, any activity that the employee reasonably believed to be in violation of any provision of chapter 301 of this title, or any order, rule, regulation, standard, or ban under such provision.

(b) COMPLAINT PROCEDURE.—

(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may file (or have any person file on his or her behalf), not later than 180 days after the date on which such violation occurs, a complaint with the Secretary

of Labor (hereinafter in this section referred to as the “Secretary”) alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION; PRELIMINARY ORDER.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary’s findings. If the Secretary concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary’s findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(B) REQUIREMENTS.—

(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in