

§ 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 The Act was repealed and the provisions thereof reenacted in Title 49, Transportation, by Pub.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 The Act was also repealed by Pub.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 com-

ply 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

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

DEPOSIT OF FORFEITED FUNDS

Pub. L. 113-235, div. K, title I, Dec. 16, 2014, 128 Stat. 2724, provided in part: “That hereafter funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Jus-

tice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account [Office of Inspector General, Salaries and Expenses] for law enforcement activities authorized under the Inspector General Act of 1978, as amended [5 U.S.C. App.], to remain available until expended.”

Similar provisions were contained in the following prior appropriation act:
Pub. L. 113-76, div. L, title I, Jan. 17, 2014, 128 Stat. 600.

CHAPTER 5—SPECIAL AUTHORITY

SUBCHAPTER I—POWERS

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SUBCHAPTER II—PENALTIES

521. Civil penalties.
522. Reporting and record keeping violations.
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524. Evasion of regulation of motor carriers.
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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.

(b) APPLICATION.—This chapter only applies in carrying out sections 20302(a)(1)(B) and (C), (2), and (3), (c), and (d)(1) and 20303 and chapters 205 (except section 20504(b)), 211, 213 (in carrying out those sections and chapters), and 315 of this title.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2431; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub.

L. 102-548, §2(c), Oct. 28, 1992, 106 Stat. 3648; Pub. L. 103-272, §§4(j)(11)(A), 5(m)(9), July 5, 1994, 108 Stat. 1368, 1376; Pub. L. 104-88, title III, §308(c)(2), Dec. 29, 1995, 109 Stat. 947.)

HISTORICAL AND REVISION NOTES

PUB. L. 97-449

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
501(a)	(no source).	
501(b)	45:15.	Apr. 14, 1910, ch. 160, §6, 36 Stat. 299.
	49:26(g).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §25(g); added Aug. 26, 1937, ch. 818, 50 Stat. 837; Sept. 18, 1940, ch. 722, §14(b), 54 Stat. 919.
	49:1655(f)(2).	Oct. 15, 1966, Pub. L. 89-670, §6(f)(2), 80 Stat. 940.

In the chapter, the source provisions are those in effect on March 31, 1967, the day before the effective date of the Department of Transportation Act (Pub. L. 89-670, 80 Stat. 931), because 49:1655(f)(2) gave the Secretary of Transportation the same powers enumerated in 49:1655(f)(2) that the Interstate Commerce Commission had before certain duties and powers under 49:1655(e) were transferred on April 1, 1967, from the Commission to the Secretary. All references to brokers in the source provisions are omitted as not being applicable to the duties and powers transferred to the Secretary of Transportation.

Subsection (a) is included to ensure that the identical definitions that are relevant are used without repeating them. The source provisions for the definitions are found in the revision notes for sections 3101, 3102(c), and 10102 of the revised title.

In subsection (b), the provisions of law to which the chapter applies are only certain laws listed in 49:1655(e). Those laws include the source provisions restated in chapter 31 of the revised title and 45:4, 5, 6 (in carrying out 45:4 and 5), 11, 12, 13 (proviso), 13 (less proviso in carrying out 45:11, 12, and 13 (proviso)), and 61-64b, and 49:26(a)-(f) (words before last semicolon) and (h). The administrative powers of the Secretary under the chapter are based on the administrative powers of 49:1655(f)(2). That provision lists administrative powers the Commission had under the Interstate Commerce Act (ch. 104, 24 Stat. 379) to carry out the Act, and certain other laws authorized the Commission to use its powers under the Act to carry out those other laws. The administrative powers listed in 49:1655(f)(2) and codified in the chapter therefore apply only to a law listed in 49:1655(e) that was a part of the Interstate Commerce Act or to which the powers of the Commission under the Act were applied. The text of 45:61-64b is included because section 4 of the Act of March 4, 1907 (ch. 2939, 34 Stat. 1417), stated, “It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this Act, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this Act”. The transfer to the Secretary was executed on March 31, 1967. The Act of March 4, 1907, was restated by the Act of December 26, 1969 (Pub. L. 91-169, 83 Stat. 463); section 4 was not included in the restatement. However, repeal by implication is not favored and the transfer was completed on March 31, 1967. Therefore, the text of 45:61-64b is included within the scope of the chapter. The text of 49:304(a)(3) (last sentence 1st-7th words) and (3a) (last sentence 1st-5th words) is omitted as executed.

PUB. L. 103-272

Section 4(j)(11) makes conforming amendments to 49:ch. 5 to reflect the restatement of 49:508 and related provisions in chapter 59 of the revised title.

AMENDMENTS

1995—Subsec. (a)(1). Pub. L. 104-88 substituted “sections 10102 and 13102” for “section 10102”.

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