

ity and for consistency with the defined term. The text of 15:1950(d) (last sentence) is omitted as unnecessary because of section 32308 of the revised title. The words "foreign content" are substituted for "foreign" for clarity and consistency with the defined term.

PUB. L. 103-429, §6(29)

This amends 32304(a)(11) to clarify the restatement of 15:1950(f)(3) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1038).

PUB. L. 103-429, §6(30)

This amends 49:32304(a)(14) to reflect the inclusion of the Northern Mariana Islands and the exclusion of the Canal Zone. The words "the Northern Mariana Islands" are added because of section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94-241, 90 Stat. 268), and as proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593). The words "the Canal Zone" are omitted because of the Panama Canal Treaty of 1977.

AMENDMENTS

1998—Subsec. (a)(3)(B). Pub. L. 105-178, §7106(d)(1)(A), inserted before period at end "", plus the assembly and labor costs incurred for the final assembly of such engines and transmissions".

Subsec. (a)(5). Pub. L. 105-178, §7106(d)(1)(B), inserted at end "Such term does not include facilities for engine and transmission fabrication and assembly and the facilities for fabrication of motor vehicle equipment component parts which are produced at the same final assembly place using forming processes such as stamping, machining, or molding processes."

Subsec. (a)(9)(A). Pub. L. 105-178, §7106(d)(1)(C), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "for an outside supplier, passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; and".

Subsec. (c). Pub. L. 105-178, §7106(d)(3), added subsec. (c). Former subsec. (c) redesignated (f).

Subsec. (d). Pub. L. 105-178, §7106(d)(4), added subsec. (d). Former subsec. (d) redesignated (g).

Pub. L. 105-178, §7106(d)(2), inserted at end "A manufacturer may add to the label required under subsection (b) a line stating the country in which vehicle assembly was completed."

Subsec. (e). Pub. L. 105-178, §7106(d)(5), added subsec. (e). Former subsec. (e) redesignated (h).

Subsecs. (f) to (i). Pub. L. 105-178, §7106(d)(3), redesignated subsecs. (c) to (f) as (f) to (i), respectively.

1994—Subsec. (a)(11). Pub. L. 103-429, §6(29), amended par. (11) generally. Prior to amendment, par. (11) read as follows: "passenger motor vehicle" means a motor vehicle with motive power, manufactured primarily for use on public streets, roads, and highways, and designed to carry not more than 12 individuals—

"(A) including a multipurpose vehicle or light duty truck when the vehicle or truck is rated at not more than 8,500 pounds gross vehicle weight; but

"(B) not including—

"(i) a motorcycle;

"(ii) a truck not designed primarily to carry its operator or passengers; or

"(iii) a vehicle operated only on a rail line."

Subsec. (a)(14). Pub. L. 103-429, §6(30), inserted "the Northern Mariana Islands," after "Puerto Rico," and struck out "the Canal Zone," after "Guam."

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 32304A. Consumer tire information and standards

(a) CONSUMER TIRE INFORMATION.—

(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation (referred to in this section as the "Secretary") shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability.

(2) ITEMS INCLUDED IN RULE.—The rule-making shall include—

(A) a national tire fuel efficiency rating system for motor vehicle replacement tires to assist consumers in making more educated tire purchasing decisions;

(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

(D) a national tire maintenance consumer education program including¹ information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency, safety, and durability of replacement tires.

(3) APPLICABILITY.—This section shall apply only to replacement tires covered under section 575.104(c) of title 49, Code of Federal Regulations, in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act.

(b) PROMULGATION OF REGULATIONS FOR TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

(A) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or 240 kilometers per hour; and

(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

(2) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

(A) STANDARD BASIS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance coefficient measured using the test procedure specified in section 575.106 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).²

(B) NO DISPARATE EFFECT ON HIGH PERFORMANCE TIRES.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) will

¹ So in original. Probably should be "including".

² See References in Text note below.

not have a disproportionate effect on passenger car high performance tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

(C) APPLICABILITY.—

(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

(C) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

(2) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

(A) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with any test procedure promulgated under subsection (a).

(C) BENCHMARKING.—The Secretary shall conduct testing to benchmark the wet traction performance of tire models available for sale in the United States as of the date of enactment of this Act² to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

- (i) tires sold in the United States; and
- (ii) the needs of consumers in the United States.

(D) APPLICABILITY.—

(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

(d) COORDINATION AMONG REGULATIONS.—

(1) COMPATIBILITY.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

(2) COMBINED EFFECT OF RULES.—The Secretary shall evaluate the regulations promulgated under subsections (b) and (c) to ensure that compliance with the minimum performance standards promulgated under subsection (b) will not diminish wet traction performance of affected tires.

(3) RULEMAKING DEADLINES.—The Secretary shall promulgate—

- (A) the regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act;² and
- (B) the regulations under subsection (c) not later than the date of promulgation of the regulations under subsection (b).

(e) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

(f) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

(g) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

(h) APPLICATION WITH STATE AND LOCAL LAWS AND REGULATIONS.—Nothing in this section prohibits a State or political subdivision thereof from enforcing a law or regulation on tire fuel efficiency consumer information that was in effect on January 1, 2006. After a requirement promulgated under this section is in effect, a State or political subdivision thereof may adopt or enforce a law or regulation on tire fuel efficiency consumer information enacted or promulgated after January 1, 2006, if the requirements of that law or regulation are identical to the requirement promulgated under this section. Nothing in this section shall be construed to preempt a State or political subdivision thereof from regulating the fuel efficiency of tires (including establishing testing methods for determining compliance with such standards) not otherwise preempted under this chapter.

(Added Pub. L. 110-140, title I, §111(a), Dec. 19, 2007, 121 Stat. 1506; amended Pub. L. 114-94, div. B, title XXIV, §24332, Dec. 4, 2015, 129 Stat. 1713.)

REFERENCES IN TEXT

The date of enactment of the Ten-in-Ten Fuel Economy Act, referred to in subsec. (a)(1), (3), is the date of enactment of subtitle A (§§101-113) of title I of Pub. L. 110-140, which was approved Dec. 19, 2007.

The date of enactment of this Act, referred to in subsections (b)(2)(A), (c)(2)(C), and (d)(3)(A), probably means the date of enactment of Pub. L. 114-94, which added subsections (b) to (d) and was approved Dec. 4, 2015.

AMENDMENTS

2015—Pub. L. 114-94, §24332(1), which directed insertion of “AND STANDARDS” after “CONSUMER TIRE INFORMATION” in section catchline, was executed by inserting “and standards” after “Consumer tire information”, to reflect the probable intent of Congress.

Subsec. (a). Pub. L. 114-94, §24332(2)(A), substituted “Consumer Tire Information” for “Rulemaking” in heading.

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 subsections (b) to (d) and redesignated former subsections (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) DETAILING 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.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1040.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 32305, 15:1943, Oct. 20, 1972, Pub. L. 92-513, §203, 86 Stat. 957.

In this section, the word "independent" is omitted as surplus.

In subsection (a), the words "he deems" and "his functions under" are omitted as surplus. The words "head of the" are added for consistency in the revised title and with other titles of the United States Code. The words "cooperate with the Secretary and" and "to the Department of Transportation upon request made by the Secretary" are omitted as surplus.

§ 32306. Personnel

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

(1) appoint and fix the pay of employees without regard to the provisions of title 5 governing appointment in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5; and

(2) make contracts with persons for research and preparation of reports.

(b) STATUS OF ADVISORY COMMITTEE MEMBERS.—A member of an advisory committee appointed under section 325 of this title to carry out this chapter is a special United States Government employee under chapter 11 of title 18.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1040.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 32306(a), 15:1942 (1st, 2d sentences), Oct. 20, 1972, Pub. L. 92-513, §202, 86 Stat. 956. Row 2: 32306(b), 15:1942 (last sentence).

In subsection (a), before clause (1), the words "his functions under" are omitted as surplus. In clause (1), 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 49:323(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.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1040.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 32307(a), 15:1944(a)-(c), Oct. 20, 1972, Pub. L. 92-513, §204, 86 Stat. 957. Row 2: 32307(b), 15:1944(e). Row 3: 32307(c), 15:1944(d). Row 4: 32307(d), 15:1944(f).

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 Transportation" and "or his duly authorized agent" are omitted as surplus because of 49:322(b). In clause (1), the words "inspect and copy" are substituted for "have access to, and for the purposes of examination the right to copy", and the word "records" is substituted for "documentary evidence" and "materials and information", for consistency and to eliminate unnecessary words. The words "relevant to the study authorized by this subchapter" are omitted as surplus. In clause (2), the word "order" is substituted for "require, by general or special orders" to eliminate unnecessary words. The words "in such form as the Secretary may prescribe" and "shall be filed with the Secretary within such reasonable period as the Secretary may prescribe" are omitted.