

hibits 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 subsecs. (b)(2)(A), (c)(2)(C), and (d)(3)(A), probably means the date of enactment of Pub. L. 114-94, which added subsecs. (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 subsecs. (b) to (d) and redesignated former subsecs. (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