

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.

§ 32910. Administrative

(a) GENERAL POWERS.—(1) In carrying out this chapter, the Secretary of Transportation or the Administrator of the Environmental Protection Agency may—

(A) inspect and copy records of any person at reasonable times;

(B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) conduct hearings, administer oaths, take testimony, and subpoena witnesses and records the Secretary or Administrator considers advisable.

(2) A witness summoned under paragraph (1)(C) of this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(b) CIVIL ACTIONS TO ENFORCE.—A civil action to enforce a subpoena or order of the Secretary or Administrator under subsection (a) of this section may be brought in the district court of the United States for any judicial district in which the proceeding by the Secretary or Administrator 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 or Administrator as a contempt of court.

(c) DISCLOSURE OF INFORMATION.—The Secretary and the Administrator each shall disclose information obtained under this chapter (except information obtained under section 32904(c) of this title) under section 552 of title 5. However, the Secretary or Administrator may withhold information under section 552(b)(4) of title 5 only if the Secretary or Administrator decides that disclosure of the information would cause significant competitive damage. A matter referred to in section 552(b)(4) and relevant to an administrative or judicial proceeding under this chapter may be disclosed in that proceeding. A measurement or calculation under section 32904(c) of this title shall be disclosed under section 552 of title 5 without regard to section 552(b).

(d) REGULATIONS.—The Administrator may prescribe regulations to carry out duties of the Administrator under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1070; Pub. L. 103-429, §6(39), Oct. 31, 1994, 108 Stat. 4382.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32910(a)	15:2005(b)(1), (3).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §505(b), (d); added Dec. 22, 1975, Pub. L. 94-163, §301, 89 Stat. 909.
32910(b)	15:2005(b)(2).	
32910(c)	15:2005(d).	
32910(d)	(no source).	

In subsection (a)(1), before clause (A), the words “or their duly designated agents” are omitted as surplus because of 49:322(b) and section 3 of Reorganization

Plan No. 3 of 1970 (eff. Dec. 2, 1970, 84 Stat. 2089). In clause (A), the words “inspect and copy records of any person” are substituted for “require, by general or special orders, that any person . . . (B) provide . . . access to (and for the purpose of examination, the right to copy) any documentary evidence of such person” to eliminate unnecessary words. The words “which is relevant to any functions of the Secretary or the EPA Administrator under this subchapter” are omitted as covered by “In carrying out this chapter”. In clause (B), the word “order” is substituted for “require, by general or special orders”, and the words “including reports or answers under oath” are substituted for “Such reports and answers shall be made under oath or otherwise”, to eliminate unnecessary words. The words “in such form as the Secretary or EPA Administrator may prescribe” and “shall be filed with the Secretary or the EPA Administrator within such reasonable period as either may prescribe” are omitted as surplus because of subsection (d) of this section and 49:322(a). The words “relating to any function of the Secretary or the EPA Administrator under this subchapter” are omitted as surplus. In clause (C), the words “sit and act at such times and places” are omitted as being included in “conduct hearings”. The words “subpoena witnesses” are substituted for “require, by subpoena, the attendance and testimony of such witnesses” to eliminate unnecessary words.

In subsection (b), the words “A civil action to enforce a subpoena or order of the Secretary or Administrator under subsection (a) of this section may be brought in the district court of the United States for the judicial district in which the proceeding by the Secretary or Administrator was conducted” are substituted for 15:2005(b)(2) (1st sentence) for consistency and to eliminate unnecessary words.

In subsection (c), the words “to the public” are omitted as surplus. The words “However, the Secretary or the Administrator may withhold information” are substituted for “except that information may be withheld from disclosure” for clarity.

Subsection (d) is added for convenience because throughout the chapter the Administrator is given authority to prescribe regulations to carry out duties of the Administrator.

PUB. L. 103-429

This amends 49:32910(b) to clarify the restatement of 15:2005(b)(2) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1071).

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-429 substituted “any judicial district in which the proceeding by the Secretary or Administrator is conducted” for “the judicial district in which the proceeding by the Secretary or Administrator was conducted”.

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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.

§ 32911. Compliance

(a) GENERAL.—A person commits a violation if the person fails to comply with this chapter and regulations and standards prescribed and orders issued under this chapter (except sections 32902, 32903, 32908(b), 32917(b), and 32918 and regulations and standards prescribed and orders issued under those sections). The Secretary of Transportation shall conduct a proceeding, with an opportunity for a hearing on the record, to decide whether a person has committed a violation. Any interested person may participate in a proceeding under this subsection.

(b) AUTOMOBILE MANUFACTURERS.—A manufacturer of automobiles commits a violation if the