

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-405, §6(b), Nov. 1, 2000, 114 Stat. 1752, provided that: “The amendment made by subsection (a) [amending this section] takes effect on January 1, 2000.”

§ 50916. Disclosing information

The Secretary of Transportation, an officer or employee of the United States Government, or a person making a contract with the Secretary under section 50907(b) of this title may disclose information under this chapter that qualifies for an exemption under section 552(b)(4) of title 5 or is designated as confidential by the person or head of the executive agency providing the information only if the Secretary decides withholding the information is contrary to the public or national interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1340, §70114 of title 49; renumbered §70114 then §50916 of title 51 and amended Pub. L. 111-314, §4(d)(2), (3)(P), (5)(S), Dec. 18, 2010, 124 Stat. 3440-3442.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70114	49 App.:2608(c).	Oct. 30, 1984, Pub. L. 98-575, §9(c), 98 Stat. 3059.

The words “data or” are omitted as surplus. The words “the head of” and “executive” are added for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314, §4(d)(5)(S), substituted “section 50907(b)” for “section 70106(b)”.

Pub. L. 111-314, §4(d)(2), (3)(P), successively renumbered section 70114 of title 49 and section 70114 of this title as this section.

§ 50917. Enforcement and penalty

(a) PROHIBITIONS.—A person may not violate this chapter, a regulation prescribed under this chapter, or any term of a license issued or transferred under this chapter.

(b) GENERAL AUTHORITY.—(1) In carrying out this chapter, the Secretary of Transportation may—

- (A) conduct investigations and inquiries;
- (B) administer oaths;
- (C) take affidavits; and
- (D) under lawful process—

(i) enter at a reasonable time a launch site, reentry site, production facility, assembly site of a launch vehicle or reentry vehicle, crew or space flight participant training site, or site at which a payload is integrated with a launch vehicle or reentry vehicle to inspect an object to which this chapter applies or a record or report the Secretary requires be made or kept under this chapter; and

(ii) seize the object, record, or report when there is probable cause to believe the object, record, or report was used, is being used, or likely will be used in violation of this chapter.

(2) The Secretary may delegate a duty or power under this chapter related to enforcement to an officer or employee of another executive agency with the consent of the head of the agency.

(c) CIVIL PENALTY.—(1) After notice and an opportunity for a hearing on the record, a person the Secretary finds to have violated subsection (a) of this section is liable to the United States Government for a civil penalty of not more than \$100,000. A separate violation occurs for each day the violation continues.

(2) In conducting a hearing under paragraph (1) of this subsection, the Secretary may—

- (A) subpoena witnesses and records; and
- (B) enforce a subpoena in an appropriate district court of the United States.

(3) The Secretary shall impose the civil penalty by written notice. The Secretary may compromise or remit a penalty imposed, or that may be imposed, under this section.

(4) The Secretary shall recover a civil penalty not paid after the penalty is final or after a court enters a final judgment for the Secretary.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1341, §70115 of title 49; Pub. L. 105-303, title I, §102(a)(14), Oct. 28, 1998, 112 Stat. 2850; Pub. L. 108-492, §2(c)(24), Dec. 23, 2004, 118 Stat. 3981; renumbered §70115 then §50917 of title 51, Pub. L. 111-314, §4(d)(2), (3)(Q), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70115(a)	49 App.:2617.	Oct. 30, 1984, Pub. L. 98-575, §§17-19, 98 Stat. 3061.
70115(b)(1) ..	49 App.:2616(b).	
70115(b)(2) ..	49 App.:2616(a).	
70115(c)(1) ..	49 App.:2618(a) (1st, 2d sentences).	
70115(c)(2) ..	49 App.:2618(c).	
70115(c)(3) ..	49 App.:2618(a) (3d, last sentences).	
70115(c)(4) ..	49 App.:2618(b).	

In subsection (a), the words “a requirement of” are omitted as surplus. The word “prescribed” is substituted for “issued” for consistency in the revised title and with other titles of the United States Code. The words “condition, or restriction” are omitted as surplus.

In subsection (b)(1)(A)–(C), the words “concerning any matter relating to enforcement of this chapter” are omitted as surplus.

In subsection (b)(1)(B) and (C), the words “from any person” are omitted as surplus.

In subsection (b)(1)(B), the word “affirmation” is omitted because of 1:1.

In subsection (b)(2), the text of 49 App.:2616(a) (1st sentence) is omitted as surplus because the Secretary of Transportation enforces programs the Secretary carries out unless otherwise provided. The words “the exercise of” are omitted as surplus. The words “duty or power” are substituted for “authority” for consistency in the revised title and with other titles of the Code. The words “to any officer or employee of the Department of Transportation” are omitted as surplus because of 49:322(b).

In subsection (c)(1), the words “in accordance with section 554 of title 5” are omitted for consistency in the revised title and because 5:554 applies to a hearing on the record unless otherwise stated. The words “for each violation” are omitted as surplus.

In subsection (c)(2), the words “relevant papers, books, documents, and other” are omitted as surplus.