

**Editorial Notes**

## 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32307(a) .....	15:1944(a)-(c).	Oct. 20, 1972, Pub. L. 92-513, §204, 86 Stat. 957.
32307(b) .....	15:1944(e).	
32307(c) .....	15:1944(d).	
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 sub-

chapter” 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 as surplus because of 49:322(a). In clause (3), the words “sit and act at such times and places” are omitted as being included in “conduct hearings”.

In subsection (c), the words “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” are substituted for 15:1944(d) (words before semicolon) for consistency in the revised title and to eliminate unnecessary words.

In subsection (d), the words “reported to or otherwise” are omitted as surplus. The words “or such officer or employee” are omitted for consistency with subsection (a) of this section. The words “related to a confidential matter referred to” are substituted for “contains or relates to a trade secret or other matter referred to” to eliminate unnecessary words. The words “a committee of Congress authorized to have the information” are substituted for “the duly authorized committees of the Congress” for clarity.

**§ 32308. General prohibitions, civil penalty, and enforcement**

(a) PROHIBITIONS.—A person may not—

(1) fail to provide the Secretary of Transportation with information requested by the Secretary in carrying out this chapter; or

(2) fail to comply with applicable regulations prescribed by the Secretary in carrying out this chapter.

(b) CIVIL PENALTY.—(1) A person that violates subsection (a) of this section is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation. Each failure to provide information or comply with a regulation in violation of subsection (a) is a separate violation. The maximum penalty under this subsection for a related series of violations is \$400,000.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section.

(3) In determining the amount of a penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

(4) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than \$50,000 for each violation.

(d) CIVIL ACTIONS TO ENFORCE.—(1) The Attorney General may bring a civil action in a United States district court to enjoin a violation of subsection (a) of this section.

(2) When practicable, the Secretary shall—

(A) notify a person against whom an action under this subsection is planned;

(B) give the person an opportunity to present that person’s views; and

(C) give the person a reasonable opportunity to comply.