

49 USC 31133: General powers of the Secretary of Transportation

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From Title 49-TRANSPORTATION

SUBTITLE VI-MOTOR VEHICLE AND DRIVER PROGRAMS

PART B-COMMERCIAL

CHAPTER 311-COMMERCIAL MOTOR VEHICLE SAFETY

SUBCHAPTER III-SAFETY REGULATION

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§31133. General powers of the Secretary of Transportation

(a) GENERAL.-In carrying out this subchapter and regulations prescribed under section 31102 of this title, the Secretary of Transportation may-

- (1) conduct and make contracts for inspections and investigations;
- (2) compile statistics;
- (3) make reports;
- (4) issue subpoenas;
- (5) require production of records and property;
- (6) take depositions;
- (7) hold hearings;
- (8) prescribe recordkeeping and reporting requirements;
- (9) conduct or make contracts for studies, development, testing, evaluation, and training; and
- (10) perform other acts the Secretary considers appropriate.

(b) CONSULTATION.-In conducting inspections and investigations under subsection (a) of this section, the Secretary shall consult, as appropriate, with employers and employees and their authorized representatives and offer them a right of accompaniment.

(c) DELEGATION.-The Secretary may delegate to a State receiving a grant under section 31102 of this title those duties and powers related to enforcement (including conducting investigations) of this subchapter and regulations prescribed under this subchapter that the Secretary considers appropriate.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1001 ; Pub. L. 105–178, title IV, §4006(a), June 9, 1998, 112 Stat. 401 .)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31133(a)	49 App.:2510(a), (b) (1st sentence).	Oct. 30, 1984, Pub. L. 98–554, §211, 98 Stat. 2841 .
31133(b)	49 App.:2510(c).	
31133(c)	49 App.:2510(b) (last sentence).	

In subsection (a), the words before clause (1) are substituted for "In carrying out the Secretary's functions under this chapter, the Secretary is authorized to" and "to carry out the provisions of this chapter, or regulations issued pursuant to section 2302 of this Appendix" to eliminate unnecessary words. Clause (10) is substituted for "perform such acts . . . as the Secretary determines necessary". The text of 49 App.:2510(a) is omitted as covered by 49 App.:2510(b) (1st sentence).

In subsection (b), the words "In conducting inspections and investigations" are substituted for "To carry out the Secretary's inspection and investigation functions" to eliminate unnecessary words. The words "or the Secretary's agent" are omitted as unnecessary.

EDITORIAL NOTES

AMENDMENTS

1998-Subsec. (a)(1). Pub. L. 105–178 inserted "and make contracts for" after "conduct".

STATUTORY NOTES AND RELATED SUBSIDIARIES

BORDER STAFFING STANDARDS

Pub. L. 106–159, title II, §218, Dec. 9, 1999, 113 Stat. 1767 , as amended by Pub. L. 114–94, div. A, title V, §5101(e)(10), Dec. 4, 2015, 129 Stat. 1525 , provided that:

"(a) DEVELOPMENT AND IMPLEMENTATION.-Not later than 1 year after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

"(b) FACTORS TO BE CONSIDERED.-In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

"(c) MAINTENANCE OF EFFORT.-The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

"(d) BORDER COMMERCIAL MOTOR VEHICLE AND SAFETY ENFORCEMENT PROGRAMS.-

"(1) ENFORCEMENT.-If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary should designate the amount made available for allocation under section 31104(a)(1) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

"(2) ALLOCATION.-If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies."