

none of the members of which shall have been directly concerned with the preparation of plans, administration of programs or participation in programs under this chapter. The Committee shall evaluate the significance and impact of the program under this chapter and make recommendations concerning the program. A report shall be transmitted to the Secretary within sixty days after the end of such three-year period.

(Pub. L. 89-182, §15, Sept. 14, 1965, 79 Stat. 684.)

§ 1366. Termination of payments for noncompliance with law or diversion of funds

Whenever the Secretary, after reasonable notice and opportunity for hearing to any designated agency or participating institution receiving funds under this chapter finds that—

(a) the agency or institution is not complying substantially with provisions of this chapter, with the regulations promulgated by the Secretary, or with the approved annual technical services program; or

(b) any funds paid to the agency or institution under the provisions of this chapter have been lost, misapplied, or otherwise diverted from the purposes for which they were paid or furnished—

the Secretary shall notify such agency or institution that no further payments will be made under the provisions of this chapter until he is satisfied that there is substantial compliance or the diversion has been corrected or, if compliance or correction is impossible, until such agency or institution repays or arranges for the repayment of Federal funds which have been diverted or improperly expended.

(Pub. L. 89-182, §16, Sept. 14, 1965, 79 Stat. 684.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1367 of this title.

§ 1367. Repayments

Upon notice by the Secretary to any designated agency or participating institution that no further payments will be made pending substantial compliance, correction, or repayment under section 1366 of this title, any funds which may have been paid to such agency or institution under this chapter and which are not expended by the agency or institution on the date of such notice, shall be repaid to the Secretary and be deposited to the account of the appropriations from which they originally were paid.

(Pub. L. 89-182, §17, Sept. 14, 1965, 79 Stat. 684.)

§ 1368. Records

(a) Grant recipients

Each recipient of a grant under this chapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition of such grant, the total cost of the related approved program, the amount and nature of the cost of the program supplied by other sources, and such other records as will facilitate an effective audit.

(b) Access to records of recipients

The Secretary and the Comptroller General of the United States, or any of their duly author-

ized representatives, shall have access to any books, documents, papers, and records of the recipient that are pertinent to amounts received under this chapter.

(Pub. L. 89-182, §18, Sept. 14, 1965, 79 Stat. 684.)

CHAPTER 38—TRAFFIC AND MOTOR VEHICLE SAFETY

§ 1381. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section, Pub. L. 89-563, §1, Sept. 9, 1966, 80 Stat. 718, provided congressional declaration of purpose of this chapter. See section 30101 of Title 49, Transportation.

SHORT TITLE

Pub. L. 89-563, title I, §101, Sept. 9, 1966, 80 Stat. 718, provided that Pub. L. 89-563 could be cited as the "National Traffic and Motor Vehicle Safety Act of 1966", prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379.

SUBCHAPTER I—MOTOR VEHICLE SAFETY STANDARDS

PART A—GENERAL PROVISIONS

§§ 1391, 1392. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section 1391, Pub. L. 89-563, title I, §102, Sept. 9, 1966, 80 Stat. 718; Pub. L. 91-265, §2, May 22, 1970, 84 Stat. 262; Pub. L. 93-492, title I, §110(a), title II, §201, Oct. 27, 1974, 88 Stat. 1484, provided definitions for purposes of this subchapter. See sections 30102, 30111, and 30125 of Title 49, Transportation.

Section 1392, Pub. L. 89-563, title I, §103, Sept. 9, 1966, 80 Stat. 719; Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931; Pub. L. 93-492, title II, §202, Oct. 27, 1974, 88 Stat. 1484; Pub. L. 94-346, §§2, 3, July 8, 1976, 90 Stat. 815; Pub. L. 97-331, §3, Oct. 15, 1982, 96 Stat. 1619; Pub. L. 102-240, title II, §2505, Dec. 18, 1991, 105 Stat. 2084, related to motor vehicle safety standards. See sections 30103, 30111, and 30125 of Title 49.

§ 1393. Repealed. Pub. L. 93-492, title I, §107(b), Oct. 27, 1974, 88 Stat. 1482

Section, Pub. L. 89-563, title I, §104, Sept. 9, 1966, 80 Stat. 720; Pub. L. 93-492, title I, §107(a), Oct. 27, 1974, 88 Stat. 1481, provided for National Motor Vehicle Safety Advisory Council; subsec. (a) relating to establishment and membership of Council, representative of the general public, publication of names of members, and selection of Chairman; subsec. (b) relating to consultations with Secretary of Transportation; and subsec. (c) relating to compensation and travel expenses of members.

EFFECTIVE DATE OF REPEAL

Section 107(b) of Pub. L. 93-492 provided that the repeal of this section is effective Oct. 1, 1977, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379.

§§ 1394 to 1410b. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section 1394, Pub. L. 89-563, title I, §105, Sept. 9, 1966, 80 Stat. 720, related to judicial review of orders establishing standards, presentation of additional evidence before Secretary, and certified copy of transcript of record. See sections 30103 and 30161 of Title 49, Transportation.

Section 1395, Pub. L. 89-563, title I, §106, Sept. 9, 1966, 80 Stat. 721, related to research, testing, development, and training in traffic and vehicle safety. See section 30168 of Title 49.

Section 1396, Pub. L. 89-563, title I, §107, Sept. 9, 1966, 80 Stat. 721, related to cooperation of Secretary with governmental and private agencies in developing motor vehicle safety standards and methods for determining compliance with such standards. See sections 30111 and 30166 of Title 49.

Section 1397, Pub. L. 89-563, title I, §108, Sept. 9, 1966, 80 Stat. 722; Pub. L. 93-492, title I, §103(a), title II, §203, Oct. 27, 1974, 88 Stat. 1477, 1485; Pub. L. 100-562, §2(a)-(d), Oct. 31, 1988, 102 Stat. 2818, 2824, prohibited manufacture, sale, delivery, or importation of substandard vehicles and rendering inoperative certain devices, elements of design, or motor vehicle equipment. See sections 30103, 30112, 30114, 30115, 30117 to 30122, 30125, 30126, 30141 to 30147, 30166, and 30167 of Title 49.

Section 1398, Pub. L. 89-563, title I, §109, Sept. 9, 1966, 80 Stat. 723; Pub. L. 93-492, title I, §103(b), Oct. 27, 1974, 88 Stat. 1478, related to civil penalties for violations of former section 1397 of this title and Secretary's authority to compromise such penalties. See section 30165 of Title 49.

Section 1399, Pub. L. 89-563, title I, §110, Sept. 9, 1966, 80 Stat. 723; Pub. L. 93-492, title I, §§102(b)(2), 103(c), Oct. 27, 1974, 88 Stat. 1477, 1478, related to jurisdiction of United States district courts for injunctive relief for violations of this subchapter, criminal contempt proceedings, venue, subpoenas, and designation of agent for service of process. See sections 30163 to 30165 of Title 49.

Section 1400, Pub. L. 89-563, title I, §111, Sept. 9, 1966, 80 Stat. 724, required manufacturer or distributor to repurchase or repair motor vehicle or motor vehicle equipment not in compliance with safety standards and provided for civil action against manufacturer or distributor refusing to repurchase or repair. See section 30116 of Title 49.

Section 1401, Pub. L. 89-563, title I, §112, Sept. 9, 1966, 80 Stat. 725; Pub. L. 91-265, §3, May 22, 1970, 84 Stat. 262; Pub. L. 93-492, title I, §104, Oct. 27, 1974, 88 Stat. 1478, related to inspections and investigations for enforcement of this subchapter and of motor vehicle accidents. See sections 30117, 30166, and 30167 of Title 49.

Section 1402, Pub. L. 89-563, title I, §113, as added Pub. L. 93-492, title I, §105, Oct. 27, 1974, 88 Stat. 1480, required manufacturer opposing action of Secretary under this chapter on ground of increased cost to submit cost information necessary to evaluation of manufacturer's statement. See section 30167 of Title 49.

A prior section 1402, Pub. L. 89-563, title I, §113, Sept. 9, 1966, 80 Stat. 725; Pub. L. 91-265, §4(a)-(c), May 22, 1970, 84 Stat. 262, related to discovery of defects by manufacturer, prior to repeal by section 102(a) of Pub. L. 93-492 effective on sixtieth day after Oct. 27, 1974.

Section 1403, Pub. L. 89-563, title I, §114, Sept. 9, 1966, 80 Stat. 726, related to certification of conformity with motor vehicle safety standards and form and placement of certification. See section 30115 of Title 49.

Section 1404, Pub. L. 89-563, title I, §115, Sept. 9, 1966, 80 Stat. 727, as amended by Pub. L. 89-670, §§3(f)(1), 8(i), Oct. 15, 1966, 80 Stat. 931, 943, and Pub. L. 90-83, §10(b), Sept. 11, 1967, 81 Stat. 224, authorized Secretary of Transportation to carry out the provisions of this chapter through a National Traffic Safety Bureau, headed by a Traffic Safety Director.

Section 1405, Pub. L. 89-563, title I, §116, Sept. 9, 1966, 80 Stat. 727, related to effect of this chapter on anti-trust laws of the United States. See section 30103 of Title 49.

Section 1406, Pub. L. 89-563, title I, §118, Sept. 9, 1966, 80 Stat. 728, required Secretary, in exercising authority under this subchapter, to utilize services, research, and testing facilities of public agencies to maximum extent practicable. See section 30168 of Title 49.

Section 1407, Pub. L. 89-563, title I, §119, Sept. 9, 1966, 80 Stat. 728, authorized Secretary to issue, amend, and revoke such rules and regulations as Secretary deemed necessary to carry out this subchapter.

Section 1408, Pub. L. 89-563, title I, §120, Sept. 9, 1966, 80 Stat. 728; Pub. L. 91-265, §5, May 22, 1970, 84 Stat. 263; Pub. L. 93-492, title I, §110(b), Oct. 27, 1974, 88 Stat. 1484,

related to annual report to Congress. See section 30169 of Title 49.

Section 1409, Pub. L. 89-563, title I, §121, Sept. 9, 1966, 80 Stat. 728; Pub. L. 91-265, §1, May 22, 1970, 84 Stat. 262; Pub. L. 92-548, §2, Oct. 25, 1972, 86 Stat. 1159; Pub. L. 93-492, title I, §101, Oct. 27, 1974, 88 Stat. 1470; Pub. L. 94-346, §1, July 8, 1976, 90 Stat. 815; Pub. L. 97-331, §2(a), Oct. 15, 1982, 96 Stat. 1619, authorized appropriations to carry out this chapter for fiscal years 1983, 1984, and 1985.

Section 1410, Pub. L. 89-563, title I, §123, as added Pub. L. 90-283, Apr. 10, 1968, 82 Stat. 72; amended Pub. L. 92-548, §3, Oct. 25, 1972, 86 Stat. 1159, related to exemption from safety standards of motor vehicles. See section 30113 of Title 49.

Section 1410a, Pub. L. 89-563, title I, §124, as added Pub. L. 93-492, title I, §106, Oct. 27, 1974, 88 Stat. 1481, related to petitions of interested persons to commence proceedings on orders issued under sections 1392 and 1412(b) of this title. See sections 30103 and 30162 of Title 49.

Section 1410b, Pub. L. 89-563, title I, §125, as added Pub. L. 93-492, title I, §109, Oct. 27, 1974, 88 Stat. 1482; amended S. Res. 4, Feb. 4, 1977; H. Res. 549, Mar. 25, 1980, related to occupant restraint systems. See section 30124 of Title 49.

PART B—DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

§§ 1411 to 1420. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 1411, Pub. L. 89-563, title I, §151, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1470, related to notification respecting manufacturer's finding of defect or failure to comply with motor vehicle safety standard. See section 30118 of Title 49, Transportation.

Section 1412, Pub. L. 89-563, title I, §152, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1470, related to notification of Secretary's finding of defect or failure to comply with motor vehicle safety standard, publication in Federal Register, and opportunity to present data, views, and arguments. See section 30118 of Title 49.

Section 1413, Pub. L. 89-563, title I, §153, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1471; amended Pub. L. 97-331, §4(b), Oct. 15, 1982, 96 Stat. 1620; Pub. L. 102-240, title II, §2504(a), Dec. 18, 1991, 105 Stat. 2083, related to contents, time, and method of notification regarding manufacturer's finding of defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30119 of Title 49.

Section 1414, Pub. L. 89-563, title I, §154, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1472; amended Pub. L. 102-240, title II, §2504(b), Dec. 18, 1991, 105 Stat. 2083, related to remedy for defect or failure to comply with motor vehicle safety standard. See sections 30119 and 30120 of Title 49.

Section 1415, Pub. L. 89-563, title I, §155, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1474; amended Pub. L. 98-620, title IV, §402(17), Nov. 8, 1984, 98 Stat. 3358, related to enforcement of notification and remedy orders. See section 30121 of Title 49.

Section 1416, Pub. L. 89-563, title I, §156, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475, related to hearing on reasonableness of notification and remedy for defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30120 of Title 49.

Section 1417, Pub. L. 89-563, title I, §157, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475, related to exemption for inconsequential defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30120 of Title 49.

Section 1418, Pub. L. 89-563, title I, §158, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475; amended Pub. L. 95-599, title III, §317, Nov. 6, 1978, 92 Stat. 2752; Pub. L. 97-331, §4(a), Oct. 15, 1982, 96 Stat.

1619, related to information, disclosure, and record-keeping, and to confidential information. See sections 30117, 30166, and 30167 of Title 49.

Section 1419, Pub. L. 89-563, title I, §159, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1476, provided definitions for purposes of this part. See section 30102 of Title 49.

Section 1420, Pub. L. 89-563, title I, §160, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1477, provided that this part did not create or affect warranty obligations under State or Federal law and that consumer remedies under this part were in addition to, and not in lieu of, rights or remedies under State or Federal law. See section 30103 of Title 49.

SUBCHAPTER II—TIRE SAFETY

§§ 1421 to 1426. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section 1421, Pub. L. 89-563, title II, §201, Sept. 9, 1966, 80 Stat. 728, related to labeling for pneumatic tires and required contents of label. See section 30123 of Title 49, Transportation.

Section 1422, Pub. L. 89-563, title II, §202, Sept. 9, 1966, 80 Stat. 729, related to maximum permissible load standards for original equipment tires. See section 30123 of Title 49.

Section 1423, Pub. L. 89-563, title II, §203, Sept. 9, 1966, 80 Stat. 729, related to uniform quality grading system for motor vehicle tires and elimination of deceptive and confusing tire nomenclature. See section 30123 of Title 49.

Section 1424, Pub. L. 89-563, title II, §204, Sept. 9, 1966, 80 Stat. 729; Pub. L. 93-492, title I, §110(c), Oct. 27, 1974, 88 Stat. 1484, related to regrooved tires. See sections 30123, 30163, and 30165 of Title 49.

Section 1425, Pub. L. 89-563, title II, §205, Sept. 9, 1966, 80 Stat. 729, provided that, in event of conflict, orders and regulations issued by Secretary under this subchapter and subchapter I of this chapter applicable to motor vehicle tires were to prevail over orders and interpretations issued by Federal Trade Commission. See section 30123 of Title 49.

Section 1426, Pub. L. 89-563, title II, §206, as added Pub. L. 91-265, §6, May 22, 1970, 84 Stat. 263, related to safety standards for retreaded tires.

SUBCHAPTER III—RESEARCH AND TEST FACILITIES

§ 1431. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section, Pub. L. 89-563, title III, §301, as added Pub. L. 91-265, §7, May 22, 1970, 84 Stat. 263; amended H. Res. 988, Jan. 3, 1975; S. Res. 4, Feb. 4, 1977; H. Res. 549, Mar. 25, 1980, related to facilities for research and testing in traffic safety. See section 30168 of Title 49, Transportation.

CHAPTER 39—FAIR PACKAGING AND LABELING PROGRAM

- Sec. 1451. Congressional declaration of policy.
- 1452. Unfair and deceptive packaging and labeling; scope of prohibition.
 - (a) Nonconforming labels.
 - (b) Exemptions.
- 1453. Requirements of labeling; placement, form, and contents of statement of quantity; supplemental statement of quantity.
 - (a) Contents of label.
 - (b) Supplemental statements.
- 1454. Rules and regulations.
 - (a) Promulgating authority.
 - (b) Exemption of commodities from regulations.
 - (c) Scope of additional regulations.

- Sec. (d) Development by manufacturers, packers, and distributors of voluntary product standards.
- (e) Report and recommendations to Congress upon industry failure to develop or abide by voluntary product standards.
- 1455. Procedure for promulgation of regulations.
 - (a) Hearings by Secretary of Health and Human Services.
 - (b) Judicial review; hearings by Federal Trade Commission.
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 - (d) Returnable or reusable glass containers for beverages.
- 1456. Enforcement.
 - (a) Misbranded consumer commodities.
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 - (c) Imports.
- 1457. Annual reports to Congress; submission dates.
- 1458. Cooperation with State authorities; transmittal of regulations to States; noninterference with existing programs.
- 1459. Definitions.
- 1460. Savings provisions.
- 1461. Effect upon State law.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 21 sections 1033, 1049, 1052.

§ 1451. Congressional declaration of policy

Informed consumers are essential to the fair and efficient functioning of a free market economy. Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons. Therefore, it is hereby declared to be the policy of the Congress to assist consumers and manufacturers in reaching these goals in the marketing of consumer goods. (Pub. L. 89-755, §2, Nov. 3, 1966, 80 Stat. 1296.)

EFFECTIVE DATE

Section 13 of Pub. L. 89-755 provided that: "This Act [enacting this chapter] shall take effect on July 1, 1967: *Provided*, That the Secretary (with respect to any consumer commodity which is a food, drug, device, or cosmetic, as those terms are defined by the Federal Food, Drug, and Cosmetic Act) [section 301 et seq. of Title 21, Food and Drugs], and the Commission (with respect to any other consumer commodity) may by regulation postpone, for an additional twelve-month period, the effective date of this Act [this chapter] with respect to any class or type of consumer commodity on the basis of a finding that such a postponement would be in the public interest."

SHORT TITLE

Section 1 of Pub. L. 89-755 provided: "That this Act [enacting this chapter] may be cited as the 'Fair Packaging and Labeling Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1454 of this title.

§ 1452. Unfair and deceptive packaging and labeling; scope of prohibition

(a) Nonconforming labels

It shall be unlawful for any person engaged in the packaging or labeling of any consumer commodity (as defined in this chapter) for distribu-