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HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

**§ 32913. Compromising and remitting civil penalties**

(a) GENERAL AUTHORITY AND LIMITATIONS.—The Secretary of Transportation may compromise or remit the amount of a civil penalty imposed under section 32912(a) or (b) of this title. However, the amount of a penalty imposed under section 32912(b) may be compromised or remitted only to the extent—

- (1) necessary to prevent the insolvency or bankruptcy of the manufacturer of automobiles;
- (2) the manufacturer shows that the violation was caused by an act of God, a strike, or a fire; or
- (3) the Federal Trade Commission certifies under subsection (b)(1) of this section that a reduction in the penalty is necessary to prevent a substantial lessening of competition.

(b) CERTIFICATION BY COMMISSION.—(1) A manufacturer liable for a civil penalty under section 32912(b) of this title may apply to the Commission for a certification that a reduction in the penalty is necessary to prevent a substantial lessening of competition in the segment of the motor vehicle industry subject to the standard that was violated. The Commission shall make the certification when it finds that reduction is necessary to prevent the lessening. The Commission shall state in the certification the maximum amount by which the penalty may be reduced.

(2) An application under this subsection must be made not later than 30 days after the Secretary decides that the manufacturer has violated section 32911(b) of this title. To the maximum extent practicable, the Commission shall make a decision on an application by the 90th day after the application is filed. A proceeding under this subsection may not delay the manufacturer's liability for the penalty for more than 90 days after the application is filed.

(3) When a civil penalty is collected in a civil action under this chapter before a decision of the Commission under this subsection is final, the payment shall be paid to the court in which the action was brought. The court shall deposit the payment in the general fund of the Treasury on the 90th day after the decision of the Commission becomes final. When the court is holding payment of a penalty reduced under subsection (a)(3) of this section, the Secretary shall direct the court to remit the appropriate amount of the penalty to the manufacturer.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1073; Pub. L. 103-429, §6(41), Oct. 31, 1994, 108 Stat. 4382; Pub. L. 104-287, §6(d)(1)(A), Oct. 11, 1996, 110 Stat. 3399.)

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32913(a) .....	15:2008(b)(3) (2d sentence).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §508(b)(3) (2d sentence), (4), (5); added Dec. 22, 1975, Pub. L. 94-163, §301, 89 Stat. 913; Oct. 10, 1980, Pub. L. 96-425, §6(c)(1), 94 Stat. 1827.
32913(b) .....	15:2008(b)(4), (5).	

In subsection (a), before clause (1), the words “compromise or remit” are substituted for “compromise, modify, or remit, with or without conditions” for consistency in the revised title. The words “against any person” are omitted as surplus. The reference to section 32912(b) (a restatement of 15:2008(b)(1)) is used rather than a reference to 32911(b) (a restatement of 15:2007(a)(1) or (2)) to avoid referring, as in the source, to one provision that in turn refers to another provision. In clause (3), the word “reduction” is substituted for “modification” for clarity. The words “as determined under paragraph (4)” are omitted as surplus.

In subsection (b)(1), the words “the standard that was violated” are substituted for “the standard with respect to which such penalty was assessed”, and the words “The Commission shall make the certification when it finds that reduction” are substituted for “If the manufacturer shows and the Federal Trade Commission determines that modification of the civil penalty for which such manufacturer is otherwise liable . . . the Commission shall so certify”, to eliminate unnecessary words.

In subsection (b)(3), the words “When a civil penalty is collected in a civil action under this chapter” are substituted for “but any payment made” for clarity. The words “action was brought” are substituted for “the penalty is collected” for consistency. The words “and shall (except as otherwise provided in paragraph (5)), be held by such court” are omitted as surplus. The words “When the court is holding payment of a penalty reduced under subsection (a)(3) of this section” are substituted for “Whenever a civil penalty has been assessed and collected from a manufacturer under this section, and is being held by a court in accordance with paragraph (4), and the Secretary subsequently determines to modify such civil penalty pursuant to paragraph (3)(C)” to eliminate unnecessary words.

PUB. L. 103-429

This amends 49:32913(b)(1) to clarify the restatement of 15:2008(b)(4) and (5) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1073).

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-287 made technical amendment to directory language of Pub. L. 103-429, §6(41). See 1994 Amendment notes below.

1994—Subsec. (b). Pub. L. 103-429, §6(41)(A), as amended by Pub. L. 104-287, substituted “Certification” for “Penalty Reduction” in heading.

Subsec. (b)(1). Pub. L. 103-429, §6(41)(B), as amended by Pub. L. 104-287, substituted “a reduction in the penalty is necessary” for “the penalty should be reduced”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(d) of Pub. L. 104-287 provided that the amendment made by that section is effective Oct. 31, 1994.

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.

**§ 32914. Collecting civil penalties**

(a) CIVIL ACTIONS.—If a person does not pay a civil penalty after it becomes a final order of the

Secretary of Transportation or a judgment of a court of appeals of the United States for a circuit, the Attorney General shall bring a civil action in an appropriate district court of the United States to collect the penalty. The validity and appropriateness of the final order imposing the penalty is not reviewable in the action.

(b) PRIORITY OF CLAIMS.—A claim of a creditor against a bankrupt or insolvent manufacturer of automobiles has priority over a claim of the United States Government against the manufacturer for a civil penalty under section 32912(b) of this title when the creditor’s claim is for credit extended before a final judgment (without regard to section 32913(b)(1) and (2) of this title) in an action to collect under subsection (a) of this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1074.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32914(a) .....	15:2008(b)(3) (last sentence), (c)(2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §508(b)(3) (last sentence), (6), (c)(2); added Dec. 22, 1975, Pub. L. 94–163, §301, 89 Stat. 913, 914.
32914(b) .....	15:2008(b)(6).	

In subsection (a), the text of 15:2008(b)(3) (last sentence) is omitted as surplus because of 28:516 and 2461(a). The words “an assessment of” and “and unappealable” are omitted as surplus. The words “of the Secretary of Transportation” are added for clarity. The words “for a circuit” are added for consistency. The words “in favor of the Secretary” are omitted as surplus. The words “shall bring a civil action . . . to collect the penalty” are substituted for “shall recover the amount for which the manufacturer is liable” for consistency.

In subsection (b), the words “A claim of a creditor against a bankrupt or insolvent manufacturer of automobiles has priority over a claim of the United States Government against the manufacturer” are substituted for “A claim of the United States . . . against a manufacturer . . . shall, in the case of the bankruptcy or insolvency of such manufacturer, be subordinate to any claim of a creditor of such manufacturer” for clarity and to eliminate unnecessary words. The words “the date on which” are omitted as surplus.

**§ 32915. Appealing civil penalties**

Any interested person may appeal a decision of the Secretary of Transportation to impose a civil penalty under section 32912(a) or (b) of this title, or of the Federal Trade Commission under section 32913(b)(1) of this title, in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. A person appealing a decision must file a notice of appeal with the court not later than 30 days after the decision and, at the same time, send a copy of the notice by certified mail to the Secretary or the Commission. The Secretary or the Commission promptly shall file with the court a certified copy of the record of the proceeding in which the decision was made.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1074.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32915 .....	15:2008(c)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §508(c)(1); added Dec. 22, 1975, Pub. L. 94–163, §301, 89 Stat. 914.

The words “as the case may be” are omitted as surplus. The text of 15:2008(c)(1) (last sentence) is omitted as surplus because 5:ch. 7 applies unless otherwise stated.

**§ 32916. Reports to Congress**

(a) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary of Transportation shall submit to each House of Congress, and publish in the Federal Register, a report on the review by the Secretary of average fuel economy standards prescribed under this chapter.

(b) JOINT EXAMINATIONS AFTER GRANTING EXEMPTIONS.—(1) After an exemption has been granted under section 32904(b)(6)<sup>1</sup> of this title, the Secretaries of Transportation and Labor shall conduct annually a joint examination of the extent to which section 32904(b)(6)—<sup>1</sup>

(A) achieves the purposes of this chapter;

(B) improves fuel efficiency (thereby facilitating conservation of petroleum and reducing petroleum imports);

(C) has promoted employment in the United States related to automobile manufacturing;

(D) has not caused unreasonable harm to the automobile manufacturing sector in the United States; and

(E) has permitted manufacturers that have assembled passenger automobiles deemed to be manufactured domestically under section 32904(b)(2) of this title thereafter to assemble in the United States passenger automobiles of the same model that have less than 75 percent of their value added in the United States or Canada, together with the reasons.

(2) The Secretary of Transportation shall include the results of the examination under paragraph (1) of this subsection in each report submitted under subsection (a) of this section more than 180 days after an exemption has been granted under section 32904(b)(6) of this title, or submit the results of the examination directly to Congress before the report is submitted when circumstances warrant.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1074; Pub. L. 103–429, §6(42), Oct. 31, 1994, 108 Stat. 4382.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32916(a) .....	15:2002(a)(2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §502(a)(2); added Dec. 22, 1975, Pub. L. 94–163, §301, 89 Stat. 902.
32916(b)(1) ..	15:2012(c)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §512(c); added Oct. 10, 1980, Pub. L. 96–425, §4(a)(2), 94 Stat. 1823.
32916(b)(2) ..	15:2012(c)(2).	

In subsection (a), the words “a report on the review by the Secretary” are substituted for “a review” for

<sup>1</sup> See References in Text note below.