

divided by the fuel economy measured under section 32904(a)(2).

(2) ALTERNATIVE CALCULATION.—If the manufacturer does not request that the Administrator calculate the manufacturing incentive for its electric dual fueled automobiles in accordance with paragraph (1), the Administrator shall calculate such incentive for such automobiles manufactured by such manufacturer after model year 2015 in accordance with subsection (b).

(f) FUEL ECONOMY CALCULATIONS.—The Administrator shall calculate the manufacturer’s average fuel economy under section 32904(a)(1) of this title for each model described under subsections (a)–(d) of this section by using as the denominator the fuel economy measured for each model under subsections (a)–(d).

(g) FUEL ECONOMY INCENTIVE REQUIREMENTS.—In order for any model of dual fueled automobile to be eligible to receive the fuel economy incentives included in section 32906(a) and (b), a label shall be attached to the fuel compartment of each dual fueled automobile of that model, notifying that the vehicle can be operated on an alternative fuel and on gasoline or diesel, with the form of alternative fuel stated on the notice. This requirement applies to dual fueled automobiles manufactured on or after September 1, 2006.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1065; Pub. L. 104–287, §5(63), Oct. 11, 1996, 110 Stat. 3395; Pub. L. 109–58, title VII, §§759, 772(a), Aug. 8, 2005, 119 Stat. 833, 834; Pub. L. 110–140, title I, §109(b), (c), Dec. 19, 2007, 121 Stat. 1506; Pub. L. 113–291, div. A, title III, §318(c), Dec. 19, 2014, 128 Stat. 3341.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32905(a) .....	15:2013(a), (f)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §513(a)–(f); added Oct. 14, 1988, Pub. L. 100–494, §6(a), 102 Stat. 2448; Oct. 24, 1992, Pub. L. 102–486, §403(5)(A)–(F), 106 Stat. 2876.
32905(b) .....	15:2013(b), (f)(1).	
32905(c) .....	15:2013(c), (f)(1).	
32905(d) .....	15:2013(d), (f)(1).	
32905(e) .....	15:2013(e).	
32905(f) .....	15:2013(f)(2)(B).	
32905(g) .....	15:2013(f)(2)(A).	

In subsections (a) and (c), the words “after model year 1992” are substituted for “Subsections (a) and (c) shall apply only to automobiles manufactured after model year 1992” because of the restatement.

In subsections (b) and (d), before each clause (1), the words “in model years 1993–2004” are substituted for “Except as otherwise provided in this subsection, subsections (b) and (d) shall apply only to automobiles manufactured in model year 1993 through model year 2004” to eliminate unnecessary words and because of the restatement.

In subsection (c), the words “For purposes of this section” and “than natural gas” are omitted as unnecessary because of the restatement. The words “a gallon equivalent of natural gas” are omitted as being included in “A gallon equivalent of any gaseous fuel”.

In subsection (e), the words “subject to the provisions of this section” are omitted as unnecessary because of the restatement. The words “for each model described under subsections (a)–(d) of this section” are substituted for “for each model type of dedicated auto-

mobile or dual fueled automobile” to eliminate unnecessary words. The words “by using as the denominator” are substituted for “by including as the denominator of the term” for clarity.

AMENDMENTS

2014—Subsecs. (e) to (g). Pub. L. 113–291 added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

2007—Subsec. (b). Pub. L. 110–140, §109(b)(1), substituted “1993 through 2019” for “1993–2010” in introductory provisions.

Subsec. (b)(2). Pub. L. 110–140, §109(c), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “.5 divided by the fuel economy measured under subsection (a) of this section when operating the model on alternative fuel.”

Subsec. (d). Pub. L. 110–140, §109(b)(2), substituted “1993 through 2019” for “1993–2010” in introductory provisions.

Subsecs. (f) to (h). Pub. L. 110–140, §109(b)(3), (4), redesignated subsec. (h) as (f) and struck out former subsecs. (f) and (g) which related to temporary extension of application of subsecs. (b) and (d) and study and report on success of the policy of subsecs. (b) and (d), respectively.

2005—Subsecs. (b), (d). Pub. L. 109–58, §772(a)(1), substituted “1993–2010” for “1993–2004” in introductory provisions.

Subsec. (f). Pub. L. 109–58, §772(a)(2), substituted “2007” for “2001” in introductory provisions.

Subsec. (f)(1). Pub. L. 109–58, §772(a)(3), substituted “2010” for “2004”.

Subsec. (h). Pub. L. 109–58, §759, added subsec. (h).

1996—Subsec. (g). Pub. L. 104–287 substituted “Committee on Commerce” for “Committee on Energy and Commerce”.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32906. Maximum fuel economy increase for alternative fuel automobiles

(a) IN GENERAL.—For each of model years 1993 through 2019 for each category of automobile (except an electric automobile or, beginning with model year 2016, an alternative fueled automobile that uses a fuel described in subparagraph (E) of section 32901(a)(1)), the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles is—

- (1) 1.2 miles a gallon for each of model years 1993 through 2014;
- (2) 1.0 miles per gallon for model year 2015;
- (3) 0.8 miles per gallon for model year 2016;
- (4) 0.6 miles per gallon for model year 2017;
- (5) 0.4 miles per gallon for model year 2018;
- (6) 0.2 miles per gallon for model year 2019;
- and
- (7) 0 miles per gallon for model years after 2019.

(b) CALCULATION.—In applying subsection (a), the Administrator of the Environmental Protection Agency shall determine the increase in a manufacturer’s average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer’s average fuel economy calculated under section 32905(f) the number equal to what the manufacturer’s average fuel economy would be if it were calculated by the formula under section 32904(a)(1) by including as

the denominator for each model of dual fueled automobiles the fuel economy when the automobiles are operated on gasoline or diesel fuel. (Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1067; Pub. L. 109-58, title VII, §772(b), Aug. 8, 2005, 119 Stat. 834; Pub. L. 110-140, title I, §109(a), Dec. 19, 2007, 121 Stat. 1505; Pub. L. 113-291, div. A, title III, §318(a), (d), Dec. 19, 2014, 128 Stat. 3341, 3342.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32906(a) .....	15:2013(g)(1).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §513(g)(1), (2)(A); added Oct. 14, 1988, Pub. L. 100-494, §6(a), 102 Stat. 2449; Oct. 24, 1992, Pub. L. 102-486, §403(5) (G)(i), (ii)(I), 106 Stat. 2877.
32906(b) .....	15:2013(g)(2)(A).	

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-291, §318(a), substituted “(except an electric automobile or, beginning with model year 2016, an alternative fueled automobile that uses a fuel described in subparagraph (E) of section 32901(a)(1))” for “(except an electric automobile)” in introductory provisions.

Subsec. (b). Pub. L. 113-291, §318(d), substituted “section 32905(f)” for “section 32905(e)”.

2007—Pub. L. 110-140 amended section generally, substituting provisions relating to maximum increase in average fuel economy for each of model years 1993 through 2019 and calculation of each such increase for provisions relating to maximum increase for each of model years 1993 through 2010 and authorizing offsets if the Secretary of Transportation reduced the average fuel economy standard for passenger automobiles for any model year below 27.5 miles per gallon.

2005—Subsec. (a)(1)(A). Pub. L. 109-58, §772(b)(1), substituted “model years 1993-2010” for “the model years 1993-2004”.

Subsec. (a)(1)(B). Pub. L. 109-58, §772(b)(2), substituted “model years 2011-2014” for “the model years 2005-2008”.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32907. Reports and tests of manufacturers

(a) MANUFACTURER REPORTS.—(1) A manufacturer shall report to the Secretary of Transportation on—

(A) whether the manufacturer will comply with an applicable average fuel economy standard under section 32902 of this title for the model year for which the report is made;

(B) the actions the manufacturer has taken or intends to take to comply with the standard; and

(C) other information the Secretary requires by regulation.

(2) A manufacturer shall submit a report under paragraph (1) of this subsection during the 30 days—

(A) before the beginning of each model year; and

(B) beginning on the 180th day of the model year.

(3) When a manufacturer decides that actions reported under paragraph (1)(B) of this sub-

section are not sufficient to ensure compliance with that standard, the manufacturer shall report to the Secretary additional actions the manufacturer intends to take to comply with the standard and include a statement about whether those actions are sufficient to ensure compliance.

(4) This subsection does not apply to a manufacturer for a model year for which the manufacturer is subject to an alternative average fuel economy standard under section 32902(d) of this title.

(b) RECORDS, REPORTS, TESTS, INFORMATION, AND INSPECTION.—(1) Under regulations prescribed by the Secretary or the Administrator of the Environmental Protection Agency to carry out this chapter, a manufacturer shall keep records, make reports, conduct tests, and provide items and information. On request and display of proper credentials, an officer or employee designated by the Secretary or Administrator may inspect automobiles and records of the manufacturer. An inspection shall be made at a reasonable time and in a reasonable way.

(2) The district courts of the United States may—

(A) issue an order enforcing a requirement or request under paragraph (1) of this subsection; and

(B) punish a failure to obey the order as a contempt of court.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1067.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32907(a) .....	15:2005(a)(1)-(3).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §505(a)(1)-(3), (c); added Dec. 22, 1975, Pub. L. 94-163, §301, 89 Stat. 908, 909.
	15:2005(a)(4).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §505(a)(4); added Oct. 10, 1980, Pub. L. 96-425, §3(b), 94 Stat. 1822.
32907(b) .....	15:2005(c).	

In subsection (a)(1), before clause (A), the words “shall report to the Secretary of Transportation on” are substituted for “shall submit a report to the Secretary . . . Each such report shall contain (A) a statement as to” to eliminate unnecessary words. In clause (B), the words “the actions” are substituted for “a plan which describes the steps” to eliminate unnecessary words.

In subsection (a)(2)(A), the words “after model year 1977” are omitted as obsolete.

In subsection (a)(3), the words “actions reported . . . are not sufficient to ensure compliance with that standard” are substituted for “a plan submitted . . . which he stated was sufficient to insure compliance with applicable average fuel economy standards is not sufficient to insure such compliance” to eliminate unnecessary words and for consistency in the section. The words “additional actions” are substituted for “a revised plan which specifies any additional measures” for consistency in the section. The text of 15:2005(a)(3) is omitted as surplus because of 49:322(a).

In subsection (b)(1), the words “Under regulations prescribed by the Secretary or the Administrator of the Environmental Protection Agency to carry out this chapter” are substituted for “as the Secretary or the EPA Administrator may, by rule, reasonably require to enable the Secretary or the EPA Administrator to carry out their duties under this subchapter and under any rules prescribed pursuant to this subchapter” to