

Fischer-1

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 161

To require the Secretary of Transportation to issue rules relating to the testing procedures used under the New Car Assessment Program of the National Highway Traffic Safety Administration, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mrs. FISCHER

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “She Develops Regulations In Vehicle Equality and Safety Act” or the “She
5 DRIVES Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **CRASHWORTHINESS.**—The term “crashworthiness” has the meaning given the term in section
10 32301 of title 49, United States Code.
11

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation.

3 (3) TESTING DEVICE.—The term “testing de-
4 vice” means a testing device used for compliance
5 testing of motor vehicles and motor vehicle equip-
6 ment with respect to Federal motor vehicle safety
7 standards that is described in part 572 of title 49,
8 Code of Federal Regulations (or successor regula-
9 tions).

10 **SEC. 3. FEDERAL MOTOR VEHICLE SAFETY STANDARDS UP-**
11 **DATES.**

12 (a) FRONT IMPACTS.—

13 (1) IN GENERAL.—Not later than 15 days after
14 the date of enactment of this Act, the Secretary
15 shall revise parts 571 and 572 of title 49, Code of
16 Federal Regulations (or successor regulations), to
17 include the following:

18 (A) 50th percentile adult male Test Device
19 for Human Occupant Restraint (THOR) frontal
20 impact testing device.

21 (B) 5th percentile adult female Test De-
22 vice for Human Occupant Restraint (THOR)
23 front impact testing device.

24 (2) FRONT IMPACT FINAL RULES.—

25 (A) IN GENERAL.—

1 (i) THOR-50M.—Not later than 180
2 days after the date of enactment of this
3 Act, the Secretary shall issue a final rule
4 to require the use of the testing device de-
5 scribed in paragraph (1)(A) into parts 571
6 and 572 of title 49, Code of Federal Regu-
7 lations (or successor regulations).

8 (ii) THOR-05F.—

9 (I) PROPOSED RULEMAKING.—
10 Not later than 60 days after the date
11 of enactment of this Act, the Sec-
12 retary shall issue a notice of proposed
13 rulemaking to require the use of the
14 testing device described in paragraph
15 (1)(B) into parts 571 and 572 of title
16 49, Code of Federal Regulations (or
17 successor regulations).

18 (II) FINAL RULE.—Not later
19 than 120 days after the date of enact-
20 ment of this Act, the Secretary shall
21 issue a final rule to require the use of
22 the testing device described in para-
23 graph (1)(B) into parts 571 and 572
24 of title 49, Code of Federal Regula-
25 tions (or successor regulations).

1 (B) REQUIREMENTS.—In issuing the final
2 rules under clauses (i) and (ii)(II) of subpara-
3 graph (A), the Secretary shall—

4 (i) establish or update the injury cri-
5 teria, including the head, neck, chest, ab-
6 domen, pelvis, upper leg, and lower leg in-
7 jury criteria, for the testing devices de-
8 scribed in subparagraphs (A) and (B) of
9 paragraph (1) based on real world injuries
10 and the greatest potential to increase safe-
11 ty; and

12 (ii) establish crashworthiness frontal
13 impact tests with those testing devices for
14 adult female occupants in all designated
15 front seating positions tested, as of the
16 date of enactment of this Act, for adult
17 male occupants.

18 (b) SIDE IMPACTS.—

19 (1) IN GENERAL.—Not later than 18 months
20 after the date of enactment of this Act, the Sec-
21 retary shall revise parts 571 and 572 of title 49,
22 Code of Federal Regulations (or successor regula-
23 tions), to include the following:

1 (A) 50th percentile adult male Worldwide
2 Harmonized Side Impact Dummy side impact
3 testing device.

4 (B) 5th percentile adult female Worldwide
5 Harmonized Side Impact Dummy side impact
6 testing device.

7 (2) SIDE IMPACT FINAL RULE.—

8 (A) IN GENERAL.—

9 (i) PROPOSED RULEMAKING.—Not
10 later than 2 years after the date of enact-
11 ment of this Act, the Secretary shall issue
12 a notice of proposed rulemaking to require
13 the use of the testing devices described in
14 subparagraphs (A) and (B) of paragraph
15 (1) into parts 571 and 572 of title 49,
16 Code of Federal Regulations (or successor
17 regulations).

18 (ii) FINAL RULE.—Not later than 30
19 months after the date of enactment of this
20 Act, the Secretary shall issue a final rule
21 to require the use of the testing devices de-
22 scribed in subparagraphs (A) and (B) of
23 paragraph (1) into parts 571 and 572 of
24 title 49, Code of Federal Regulations (or
25 successor regulations).

1 (B) REQUIREMENTS.—In issuing the final
2 rule under subparagraph (A)(ii), the Secretary
3 shall—

4 (i) establish or update the injury cri-
5 teria, including the head, neck, chest, ab-
6 domen, pelvis, and upper leg criteria, for
7 the testing devices described in subpara-
8 graphs (A) and (B) of paragraph (1) based
9 on real world injuries and the greatest po-
10 tential to increase safety; and

11 (ii) establish front seat crash-
12 worthiness side impact tests with those
13 testing devices for adult female occupants
14 in all designated front seating positions
15 tested, as of the date of enactment of this
16 Act, for adult male occupants.

17 **SEC. 4. NEW CAR ASSESSMENT PROGRAM UPDATE.**

18 (a) FRONT IMPACTS.—

19 (1) IN GENERAL.—The Secretary shall promul-
20 gate a final decision notice to update the testing pro-
21 cedures used to test the crashworthiness of pas-
22 senger motor vehicles under the New Car Assess-
23 ment Program of the National Highway Traffic
24 Safety Administration to require the use of the test-

1 ing devices described in subparagraphs (A) and (B)
2 of section 3(a)(1).

3 (2) TIMING.—

4 (A) IN GENERAL.—The final decision no-
5 tice required under paragraph (1) shall be pro-
6 mulgated concurrently with the issuance of the
7 final rule required under section 3(a)(2)(A)(i) if
8 the Secretary determines that promulgating the
9 final decision notice concurrently with the final
10 rule required under that section does not delay
11 issuance of that final rule.

12 (B) DELAY.—If the Secretary determines
13 under subparagraph (A) that promulgating the
14 final decision notice concurrently with the final
15 rule required under section 3(a)(2)(A)(i) would
16 delay the issuance of that final rule, the Sec-
17 retary shall issue that final rule before promul-
18 gating the final decision notice required under
19 this subsection.

20 (b) SIDE IMPACTS.—

21 (1) IN GENERAL.—The Secretary shall promul-
22 gate a final decision notice to update the testing pro-
23 cedures used to test the crashworthiness of pas-
24 senger motor vehicles under the New Car Assess-
25 ment Program of the National Highway Traffic

1 Safety Administration to require the use of the test-
2 ing devices described in subparagraphs (A) and (B)
3 of section 3(b)(1).

4 (2) TIMING.—

5 (A) IN GENERAL.—The final decision no-
6 tice required under paragraph (1) shall be pro-
7 mulgated concurrently with the issuance of the
8 final rule required under section 3(b)(2)(A)(ii)
9 if the Secretary determines that promulgating
10 the final decision notice concurrently with the
11 final rule required under that section does not
12 delay issuance of that final rule.

13 (B) DELAY.—If the Secretary determines
14 under subparagraph (A) that promulgating the
15 final decision notice concurrently with the final
16 rule required under section 3(b)(2)(A)(ii) would
17 delay the issuance of that final rule, the Sec-
18 retary shall issue that final rule before promul-
19 gating the final decision notice required under
20 this subsection.

21 **SEC. 5. TESTING DEVICES ROADMAP.**

22 (a) INITIAL REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Secretary
25 shall submit to the Committee on Commerce,

1 Science, and Transportation of the Senate and the
2 Committee on Energy and Commerce of the House
3 of Representatives a report that—

4 (A) identifies timelines for the Secretary to
5 incorporate testing devices, other than the test-
6 ing devices described in subparagraphs (A) and
7 (B) of section 3(a)(1) and subparagraphs (A)
8 and (B) of section 3(b)(1), that the Secretary
9 is researching, as of the date of enactment of
10 this Act, into the regulations contained in parts
11 571 and 572 of title 49, Code of Federal Regu-
12 lations (or successor regulations);

13 (B) identifies testing devices used for simi-
14 lar crashworthiness standards in other countries
15 that are more advanced than the testing devices
16 required or being researched by the Secretary;
17 and

18 (C) subject to paragraph (2), describes a
19 process for the Secretary to update the testing
20 devices required in the United States under reg-
21 ulations in effect on the date of enactment of
22 this Act, including whether the Secretary can
23 adopt more advanced testing devices already
24 used for compliance in other countries, such as
25 testing devices in use or being considered as

1 part of the European New Car Assessment Pro-
2 gramme.

3 (2) NO UPDATE NEEDED.—If the Secretary de-
4 termines that testing devices used in the United
5 States as of the date of enactment of this Act do not
6 need to be updated, the Secretary shall include in
7 the report required under paragraph (1) a descrip-
8 tion for why the Secretary believes those testing de-
9 vices do not need to be updated, including by pro-
10 viding a description for each testing device described
11 in part 572 of title 49, Code of Federal Regulations
12 (or successor regulations), that the Secretary deter-
13 mines does not need to be updated.

14 (b) FOLLOW-UP REPORT.—Not later than 5 years
15 after the date on which the Secretary submits the report
16 required under subsection (a), the Secretary shall submit
17 to the Committee on Commerce, Science, and Transpor-
18 tation of the Senate and the Committee on Energy and
19 Commerce of the House of Representatives a report
20 that—

21 (1) describes whether the Secretary has met the
22 timelines described in subsection (a)(1)(A); and

23 (2) identifies any new testing devices used in
24 other countries that are more advanced than the

1 testing devices required or being research by the
2 Secretary as of the date of enactment of this Act.

3 **SEC. 6. SAVINGS PROVISION.**

4 Nothing in this Act restricts the ability of the Sec-
5 retary to update a testing device through proceedings sep-
6 arate from, or subsequent to—

7 (1) the final rules required under clauses (i)
8 and (ii)(II) of section 3(a)(2)(A) and section
9 3(b)(2)(A)(ii); and

10 (2) the final decision notices required under
11 subsections (a)(1) and (b)(1) of section 4.