

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 1732

To authorize elements of the Department of Transportation, 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 intended to be proposed by Mr. BLUMENTHAL (for himself, Mr. MARKEY, and Mr. NELSON)

Viz:

1 Beginning on page 232, strike line 1 and all that fol-
2 lows through page 247, line 18, and insert the following:

3 **Subtitle B—Motor Vehicle Safety**

4 **SEC. 4201. SHORT TITLE.**

5 This subtitle may be cited as the “Motor Vehicle
6 Safety Act of 2015”.

7 **PART I—TRANSPARENCY AND ACCOUNTABILITY**

8 **SEC. 4211. PUBLIC AVAILABILITY OF EARLY WARNING**

9 **DATA.**

10 (a) REGULATIONS.—Not later than 2 years after the
11 date of enactment of this Act, the Secretary shall promul-

1 gate regulations establishing categories of information
2 provided to the Secretary under section 30166(m) of title
3 49, United States Code, as amended by section 4212, that
4 must be made available to the public. The Secretary may
5 establish categories of information that are exempt from
6 public disclosure under section 552(b) of title 5, United
7 States Code.

8 (b) CONSULTATION.—In conducting the rulemaking
9 under subsection (a), the Secretary shall consult with the
10 Director of the Office of Government Information Services
11 within the National Archives and Records Administration
12 and the Director of the Office of Information Policy of
13 the Department of Justice.

14 (c) PRESUMPTION AND LIMITATION.—The Secretary
15 shall promulgate the regulations with a presumption in
16 favor of maximum public availability of information. In
17 promulgating regulations under subsection (a), the fol-
18 lowing types of information shall presumptively not be eli-
19 gible for protection under section 552(b) of title 5, United
20 States Code:

- 21 (1) Vehicle safety defect information related to
22 incidents involving death or injury.
- 23 (2) Aggregated numbers of property damage
24 claims.

1 (3) Aggregated numbers of consumer com-
2 plaints related to potential vehicle defects.

3 (d) NULLIFICATION OF PRIOR REGULATIONS.—Be-
4 ginning 2 years after the date of the enactment of this
5 Act, the regulations establishing early warning reporting
6 class determinations in Appendix C of part 512 of title
7 49, Code of Federal Regulations, shall have no force or
8 effect.

9 **SEC. 4212. ADDITIONAL EARLY WARNING REPORTING RE-**
10 **QUIREMENTS.**

11 Section 30166(m) is amended—

12 (1) in paragraph (3)(C)—

13 (A) by striking “The manufacturer” and
14 inserting the following:

15 “(i) IN GENERAL.—The manufac-
16 turer”; and

17 (B) by adding at the end the following:

18 “(ii) FATAL INCIDENTS.—If an inci-
19 dent described in clause (i) involves a fa-
20 tality, the Secretary shall require the man-
21 ufacturer to submit, as part of its incident
22 report—

23 “(I) all initial claim or notice
24 documents, as defined by the Sec-
25 retary through regulation, except

1 media reports, that notified the manu-
2 facturer of the incident;

3 “(II) any police reports or other
4 documents, as defined by the Sec-
5 retary through regulation, that relate
6 to the initial claim or notice (except
7 for documents that are protected by
8 the attorney-client privilege or work
9 product privileges that are not already
10 publicly available), that describe or re-
11 construct the incident, and that are in
12 the actual possession or control of the
13 manufacturer at the time the incident
14 report is submitted;

15 “(III) any amendments or sup-
16 plements, as defined by the Secretary
17 through regulation, to the initial claim
18 or notice documents described in sub-
19 clause (I), except for—

20 “(aa) medical documents
21 and bills;

22 “(bb) property damage in-
23 voices or estimates; and

24 “(cc) documents related to
25 damages; and

1 “(IV) any police reports or other
2 documents described in subclause (II)
3 that are obtained by the manufacturer
4 after the submission of its incident re-
5 port.”;

6 (2) in paragraph (4), by amending subpara-
7 graph (C) to read as follows:

8 “(C) DISCLOSURE.—

9 “(i) IN GENERAL.—The information
10 provided to the Secretary under this sub-
11 section shall—

12 “(I) be disclosed publicly; and

13 “(II) be entered into the early
14 warning reporting database in a man-
15 ner specified by the Secretary through
16 regulation that is searchable by manu-
17 facturer name, vehicle or equipment
18 make and model name, model year,
19 and reported system or component.

20 “(ii) INFORMATION DISCLOSURE RE-
21 QUIREMENTS.—In administering this sub-
22 paragraph, the Secretary shall—

23 “(I) presume in favor of max-
24 imum public availability of informa-
25 tion;

1 “(II) require the publication of
2 information on incidents involving
3 death or injury; and

4 “(III) require the publication of
5 numbers of property damage claims.”;
6 and

7 (3) by adding at the end the following:

8 “(6) SECTION 552 OF TITLE 5.—Any require-
9 ment for the Secretary to publicly disclose informa-
10 tion under this subsection shall be construed consist-
11 ently with the requirements of section 552 of title 5.

12 “(7) USE OF EARLY WARNING REPORTS.—The
13 Secretary shall consider information gathered under
14 this subsection in proceedings described in sections
15 30118 and 30162.”.

16 **SEC. 4213. IMPROVED NATIONAL HIGHWAY TRAFFIC SAFE-**
17 **TY ADMINISTRATION VEHICLE SAFETY DATA-**
18 **BASES.**

19 (a) IN GENERAL.—Not later than 2 years after the
20 date of the enactment of this Act, and after public con-
21 sultation, the Secretary shall improve public accessibility
22 to information on the National Highway Traffic Safety
23 Administration’s publicly accessible vehicle safety data-
24 bases—

1 (1) by improving organization and functionality,
2 including design features such as drop-down menus,
3 and allowing for data from all of the publicly acces-
4 sible vehicle safety databases to be searched, sorted,
5 aggregated, and downloaded in a manner—

6 (A) consistent with the public interest; and

7 (B) that facilitates easy use by consumers;

8 (2) by providing greater consistency in presen-
9 tation of vehicle safety issues;

10 (3) by improving searchability about specific ve-
11 hicles and issues through standardization of com-
12 monly used search terms and the integration of
13 databases to enable all to be simultaneously searched
14 using the same keyword search function; and

15 (4) by ensuring that all studies, investigation
16 reports, inspection reports, incident reports, and
17 other categories of materials, as specified through
18 the rulemaking under section 4211(a), be made pub-
19 licly available in a manner that is searchable in
20 databases by—

21 (A) manufacturer name, vehicle or equip-
22 ment make and model name, and model year;

23 (B) reported system or component;

24 (C) number of injuries or fatalities; and

1 (D) any other element that the Secretary
2 determines to be in the public interest.

3 (b) INVESTIGATION INFORMATION.—The Secretary
4 shall—

5 (1) provide public notice of information re-
6 quests to manufacturers issued under section 30166
7 of title 49, United States Code; and

8 (2) make such information requests, the manu-
9 facturer's written responses to the information re-
10 quests, and notice of any enforcement or other ac-
11 tion taken as a result of the information requests—

12 (A) available to consumers on the Internet
13 not later than 5 days after such notice is
14 issued; and

15 (B) searchable by manufacturer name, ve-
16 hicle or equipment make and model name,
17 model year, system or component, and the type
18 of inspection or investigation being conducted.

19 (c) SECTION 552 OF TITLE 5.—Any requirement for
20 the Secretary to publicly disclose information under this
21 section shall be construed consistently with the require-
22 ments of section 552 of title 5, United States Code.

23 **SEC. 4214. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
24 **PORTS.**

25 Section 30166(o) is amended—

1 (1) in paragraph (1), by striking “may” and in-
2 serting “shall”; and

3 (2) by adding at the end the following:

4 “(3) DEADLINE.—Not later than 1 year after
5 the date of enactment of the Motor Vehicle Safety
6 Act of 2015, the Secretary shall issue a final rule
7 under paragraph (1).”.

8 **SEC. 4215. REPORTS TO CONGRESS.**

9 (a) ABILITY TO IDENTIFY AND INVESTIGATE VEHI-
10 CLE SAFETY CONCERNS.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of enactment of this Act, and biennially
13 thereafter for 6 years, the Inspector General of the
14 Department of Transportation shall update the In-
15 spector General’s report dated June 18, 2015 (ST-
16 2015-063) on the pre-investigation processes used
17 by the Office of Defects Investigation of the Na-
18 tional Highway Traffic Safety Administration (re-
19 ferred to in this section as “NHTSA”) to collect and
20 analyze vehicle safety data and to determine poten-
21 tial safety issues and whether those processes were
22 sufficiently improved, including an assessment of—

23 (A) the sufficiency of NHTSA’s procedures
24 and practices for collecting, verifying the accu-
25 racy and completeness of, analyzing, and deter-

1 mining whether to further investigate potential
2 safety issues described in consumer complaints
3 and manufacturer submittals to the early warn-
4 ing report system;

5 (B) the number and type of requests for
6 information made by NHTSA based on data re-
7 ceived in the early warning reporting system
8 and consumer complaints received;

9 (C) the number of safety defect investiga-
10 tions opened by NHTSA based on information
11 reported to NHTSA through the early warning
12 reporting system, consumer complaints, or
13 other sources;

14 (D) the nature and vehicle defect category
15 of each safety defect investigation described in
16 subparagraph (C);

17 (E) the duration of each safety defect in-
18 vestigation described in subparagraph (C), in-
19 cluding—

20 (i) the number of safety defect inves-
21 tigation described in subparagraph (C)
22 that are subsequently closed without fur-
23 ther action; and

24 (ii) the number and description of
25 safety defect investigations described in

1 subparagraph (C) that have been open for
2 more than 1 year;

3 (F) the percentage of the safety defect in-
4 vestigations described in subparagraph (C) that
5 result in a finding of a safety defect, recall, or
6 service information campaign;

7 (G) the status and sufficiency of NHTSA's
8 compliance with each recommendation designed
9 to improve vehicle safety made by the Inspector
10 General; and

11 (H) other information the Inspector Gen-
12 eral considers appropriate.

13 (2) REPORT.—

14 (A) IN GENERAL.—Not later than 30 days
15 after the date that a report under paragraph
16 (1) is complete, the Inspector General shall
17 transmit the report to—

18 (i) the Committee on Commerce,
19 Science, and Transportation of the Senate;
20 and

21 (ii) the Committee on Energy and
22 Commerce of the House of Representa-
23 tives.

24 (B) PUBLIC.—The Inspector General shall
25 make the report public as soon as practicable,

1 but not later than 30 days after the date the
2 report is transmitted under subparagraph (A).

3 (b) REPORT ON OPERATIONS OF THE COUNCIL FOR
4 VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND
5 EMERGING TECHNOLOGIES.—

6 (1) IN GENERAL.—Not later than 6 months
7 after the date of enactment of this Act, the Sec-
8 retary shall prepare a report regarding the oper-
9 ations of the Council for Vehicle Electronics, Vehicle
10 Software, and Emerging Technologies established
11 under section 31401 of the Moving Ahead for
12 Progress in the 21st Century Act (49 U.S.C. 105
13 note). The report shall include information about the
14 accomplishments of the Council, the role of the
15 Council in integrating and aggregating expertise
16 across NHTSA, and the priorities of the Council
17 over the next 5 years.

18 (2) SUBMISSION OF REPORT.—The Secretary
19 shall submit the report upon completion to the Com-
20 mittee on Commerce, Science, and Transportation of
21 the Senate and the Committee on Energy and Com-
22 merce of the House of Representatives.

1 **PART II—ENHANCED SAFETY AUTHORITY AND**
2 **CONSUMER PROTECTION**

3 **SEC. 4221. CIVIL PENALTIES.**

4 (a) IN GENERAL.—Section 30165(a) is amended—

5 (1) in paragraph (1)—

6 (A) in the first sentence—

7 (i) by inserting “or causes the viola-
8 tion of” after “violates”; and

9 (ii) by striking “\$5,000” and insert-
10 ing “\$25,000”; and

11 (B) by striking the third sentence;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A), by striking
14 “\$10,000” and inserting “\$100,000”; and

15 (B) in subparagraph (B), by striking the
16 second sentence; and

17 (3) in paragraph (3)—

18 (A) in the first sentence, by inserting “or
19 causes the violation of” after “violates”;

20 (B) in the second sentence, by striking
21 “\$5,000” and inserting “\$25,000”; and

22 (C) by striking the third sentence.

23 (b) CONSTRUCTION.—Nothing in this section shall be
24 construed as preventing the imposition of penalties under
25 section 30165 of title 49, United States Code, prior to
26 the issuance of a final rule under section 31203(b) of the

1 Moving Ahead for Progress in the 21st Century Act (49
2 U.S.C. 30165 note).

3 **SEC. 4222. CRIMINAL PENALTIES.**

4 (a) REPORTING STANDARDS.—

5 (1) IN GENERAL.—Part I of title 18, United
6 States Code, is amended by inserting after chapter
7 101 the following:

8 **“CHAPTER 101A—REPORTING STANDARDS**

“Sec.

“2081. Definitions.

“2082. Failure to inform and warn.

“2083. Relationship to existing law.

9 **“§ 2081. Definitions**

10 “In this chapter—

11 “(1) the term ‘appropriate Federal agency’
12 means an agency with jurisdiction over a covered
13 product, covered service, or business practice;

14 “(2) the term ‘business entity’ means a cor-
15 poration, company, association, firm, partnership,
16 sole proprietor, or other business entity;

17 “(3) the term ‘business practice’ means a meth-
18 od or practice of—

19 “(A) manufacturing, assembling, design-
20 ing, researching, importing, or distributing a
21 covered product;

22 “(B) conducting, providing, or preparing
23 to provide a covered service; or

1 “(C) otherwise carrying out business oper-
2 ations relating to covered products or covered
3 services;

4 “(4) the term ‘covered product’ means a prod-
5 uct manufactured, assembled, designed, researched,
6 imported, or distributed by a business entity that en-
7 ters interstate commerce;

8 “(5) the term ‘covered service’ means a service
9 conducted or provided by a business entity that en-
10 ters interstate commerce;

11 “(6) the term ‘responsible corporate officer’
12 means a person who—

13 “(A) is an employer, director, or officer of
14 a business entity;

15 “(B) has the responsibility and authority,
16 by reason of his or her position in the business
17 entity and in accordance with the rules or prac-
18 tice of the business entity, to acquire knowledge
19 of any serious danger associated with a covered
20 product (or component of a covered product),
21 covered service, or business practice of the busi-
22 ness entity; and

23 “(C) has the responsibility, by reason of
24 his or her position in the business entity, to

1 communicate information about the serious
2 danger to—

3 “(i) an appropriate Federal agency;

4 “(ii) employees of the business entity;

5 or

6 “(iii) individuals, other than employ-
7 ees of the business entity, who may be ex-
8 posed to the serious danger;

9 “(7) the term ‘serious bodily injury’ means an
10 impairment of the physical condition of an indi-
11 vidual, including as a result of trauma, repetitive
12 motion, or disease, that—

13 “(A) creates a substantial risk of death; or

14 “(B) causes—

15 “(i) serious permanent disfigurement;

16 “(ii) unconsciousness;

17 “(iii) extreme pain; or

18 “(iv) permanent or protracted loss or
19 impairment of the function of any bodily
20 member, organ, bodily system, or mental
21 faculty;

22 “(8) the term ‘serious danger’ means a danger,
23 not readily apparent to a reasonable person, that the
24 normal or reasonably foreseeable use of, or the expo-
25 sure of an individual to, a covered product, covered

1 service, or business practice has an imminent risk of
2 causing death or serious bodily injury to an indi-
3 vidual; and

4 “(9) the term ‘warn affected employees’ means
5 take reasonable steps to give, to each individual who
6 is exposed or may be exposed to a serious danger in
7 the course of work for a business entity, a descrip-
8 tion of the serious danger that is sufficient to make
9 the individual aware of the serious danger.

10 **“§ 2082. Failure to inform and warn**

11 “(a) REQUIREMENT.—After acquiring actual knowl-
12 edge of a serious danger associated with a covered product
13 (or component of a covered product), covered service, or
14 business practice of a business entity, a business entity
15 and any responsible corporate officer with respect to the
16 covered product, covered service, or business practice,
17 shall—

18 “(1) as soon as practicable and not later than
19 24 hours after acquiring such knowledge, verbally
20 inform an appropriate Federal agency of the serious
21 danger, unless the business entity or responsible cor-
22 porate officer has actual knowledge that an appro-
23 priate Federal agency has been so informed;

1 “(2) not later than 15 days after acquiring such
2 knowledge, inform an appropriate Federal agency in
3 writing of the serious danger;

4 “(3) as soon as practicable, but not later than
5 30 days after acquiring such knowledge, warn af-
6 fected employees in writing, unless the business enti-
7 ty or responsible corporate officer has actual knowl-
8 edge that affected employees have been so warned;
9 and

10 “(4) as soon as practicable, but not later than
11 30 days after acquiring such knowledge, inform indi-
12 viduals, other than affected employees, who may be
13 exposed to the serious danger of the serious danger
14 if such individuals can reasonably be identified.

15 “(b) PENALTY.—

16 “(1) IN GENERAL.—Whoever knowingly violates
17 subsection (a) shall be fined under this title, impris-
18 oned for not more than 5 years, or both.

19 “(2) PROHIBITION OF PAYMENT BY BUSINESS
20 ENTITIES.—If a final judgment is rendered and a
21 fine is imposed on an individual under this sub-
22 section, the fine may not be paid, directly or indi-
23 rectly, out of the assets of any business entity on be-
24 half of the individual.

1 “(c) CIVIL ACTION TO PROTECT AGAINST RETALIA-
2 TION.—

3 “(1) PROHIBITION.—It shall be unlawful to
4 knowingly discriminate against any person in the
5 terms or conditions of employment, in retention in
6 employment, or in hiring because the person in-
7 formed a Federal agency, warned employees, or in-
8 formed other individuals of a serious danger associ-
9 ated with a covered product, covered service, or busi-
10 ness practice, as required under this section.

11 “(2) ENFORCEMENT ACTION.—

12 “(A) IN GENERAL.—A person who alleges
13 discharge or other discrimination by any person
14 in violation of paragraph (1) may seek relief
15 under paragraph (3), by—

16 “(i) filing a complaint with the Sec-
17 retary of Labor; or

18 “(ii) if the Secretary has not issued a
19 final decision within 180 days of the filing
20 of the complaint and there is no showing
21 that such delay is due to the bad faith of
22 the claimant, bringing an action at law or
23 equity for de novo review in the appro-
24 priate district court of the United States,
25 which shall have jurisdiction over such an

1 action without regard to the amount in
2 controversy.

3 “(B) PROCEDURE.—

4 “(i) IN GENERAL.—An action under
5 subparagraph (A)(i) shall be governed
6 under the rules and procedures set forth in
7 section 42121(b) of title 49.

8 “(ii) EXCEPTION.—Notification made
9 under section 42121(b)(1) of title 49 shall
10 be made to the person named in the com-
11 plaint and to the employer.

12 “(iii) BURDENS OF PROOF.—An ac-
13 tion brought under subparagraph (A)(ii)
14 shall be governed by the legal burdens of
15 proof set forth in section 42121(b) of title
16 49.

17 “(iv) STATUTE OF LIMITATIONS.—An
18 action under subparagraph (A) shall be
19 commenced not later than 180 days after
20 the date on which the violation occurs, or
21 after the date on which the employee be-
22 came aware of the violation.

23 “(v) JURY TRIAL.—A party to an ac-
24 tion brought under subparagraph (A)(ii)
25 shall be entitled to trial by jury.

1 “(3) REMEDIES.—

2 “(A) IN GENERAL.—An employee pre-
3 vailing in any action under paragraph (2)(A)
4 shall be entitled to all relief necessary to make
5 the employee whole.

6 “(B) COMPENSATORY DAMAGES.—Relief
7 for any action under subparagraph (A) shall in-
8 clude—

9 “(i) reinstatement with the same se-
10 niority status that the employee would
11 have had, but for the discrimination;

12 “(ii) the amount of back pay, with in-
13 terest; and

14 “(iii) compensation for any special
15 damages sustained as a result of the dis-
16 crimination, including litigation costs, ex-
17 pert witness fees, and reasonable attorney
18 fees.

19 “(4) RIGHTS RETAINED BY EMPLOYEE.—Noth-
20 ing in this subsection shall be deemed to diminish
21 the rights, privileges, or remedies of any employee
22 under any Federal or State law, or under any collec-
23 tive bargaining agreement.

1 “(5) NONENFORCEABILITY OF CERTAIN PROVI-
2 SIONS WAIVING RIGHTS AND REMEDIES OR REQUIR-
3 ING ARBITRATION OF DISPUTES.—

4 “(A) WAIVER OF RIGHTS AND REM-
5 EDIES.—The rights and remedies provided for
6 in this subsection may not be waived by any
7 agreement, policy form, or condition of employ-
8 ment, including by a predispute arbitration
9 agreement.

10 “(B) PREDISPUTE ARBITRATION AGREE-
11 MENTS.—No predispute arbitration agreement
12 shall be valid or enforceable, if the agreement
13 requires arbitration of a dispute arising under
14 this subsection.

15 **“§ 2083. Relationship to existing law**

16 “(a) RIGHTS TO INTERVENE.—Nothing in this chap-
17 ter shall be construed to limit the right of any individual
18 or group of individuals to initiate, intervene in, or other-
19 wise participate in any proceeding before a regulatory
20 agency or court, nor to relieve any regulatory agency,
21 court, or other public body of any obligation, or affect its
22 discretion to permit intervention or participation by an in-
23 dividual or a group or class of consumers, employees, or
24 citizens in any proceeding or activity.

1 “(b) RULE OF CONSTRUCTION.—Nothing in this
2 chapter shall be construed to—

3 “(1) increase the time period for informing of
4 a serious danger or other harm under any other pro-
5 vision of law; or

6 “(2) limit or otherwise reduce the penalties for
7 any violation of Federal or State law under any
8 other provision of law.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—The table of chapters for part I of title 18,
11 United States Code, is amended by inserting after
12 the item relating to chapter 101 the following:

“101A. Reporting standards 2081”.

13 (3) EFFECTIVE DATE.—The amendments made
14 by paragraphs (1) and (2) shall take effect on the
15 date that is 1 year after the date of enactment of
16 this Act.

17 (b) PROHIBITION ON RENDERING SAFETY ELE-
18 MENTS INOPERATIVE.—Section 30122 is amended by
19 amending subsection (b) to read as follows:

20 “(b) PROHIBITION.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), a person may not knowingly make inoper-
23 ative any part of a device or element of design in-
24 stalled on or in a motor vehicle or motor vehicle
25 equipment in compliance with an applicable motor

1 vehicle safety standard prescribed under this chapter
2 unless the person reasonably believes the vehicle or
3 equipment will not be used (except for testing or a
4 similar purpose during maintenance or repair) when
5 the device or element is inoperative.

6 “(2) EXCEPTION.—The prohibition under para-
7 graph (1) does not apply to a modification made by
8 an individual to a motor vehicle or item of equip-
9 ment owned or leased by that individual.”.

10 (c) CRIMINAL LIABILITY.—Section 30170 is amend-
11 ed by adding at the end the following;

12 “(c) CRIMINAL LIABILITY FOR TAMPERING WITH
13 MOTOR VEHICLE SAFETY ELEMENTS.—Whoever knowing
14 that he will endanger the safety of any person on board
15 a motor vehicle or anyone who he believes will board the
16 same, or with a reckless disregard for the safety of human
17 life, violates section 30122(b) under this title shall be sub-
18 ject to criminal penalties under section 33(a) of title 18.”.

19 **SEC. 4223. COOPERATION WITH FOREIGN GOVERNMENTS.**

20 (a) TITLE 49 AMENDMENT.—Section 30182(b) is
21 amended—

22 (1) in paragraph (4), by striking “; and” and
23 inserting a semicolon;

24 (2) in paragraph (5), by striking the period at
25 the end and inserting “; and”; and

1 (3) by inserting after paragraph (5) the fol-
2 lowing:

3 “(6) enter into cooperative agreements (in co-
4 ordination with the Department of State) and col-
5 laborative research and development agreements
6 with foreign governments.”.

7 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,
8 United States Code, is amended—

9 (1) in subsection (b)(2)(C), by inserting “for-
10 eign government (in coordination with the Depart-
11 ment of State),” after “institution,”; and

12 (2) in subsection (c)(1)(A), by inserting “for-
13 eign governments,” after “local governments,”.

14 **SEC. 4224. IMMINENT HAZARD AUTHORITY.**

15 Section 30118(b) is amended—

16 (1) in paragraph (1), by striking “(1) The Sec-
17 retary may” and inserting “(1) IN GENERAL.—Ex-
18 cept as provided under paragraph (3), the Secretary
19 may”;

20 (2) in paragraph (2), by inserting “ORDERS.—
21 ” before “If the Secretary”; and

22 (3) by adding after paragraph (2) the following:

23 “(3) IMMINENT HAZARDS.—

24 “(A) DECISIONS AND ORDERS.—If the
25 Secretary makes an initial decision that a defect

1 or noncompliance, or combination of both,
2 under subsection (a) presents an imminent haz-
3 ard, the Secretary—

4 “(i) shall notify the manufacturer of a
5 motor vehicle or replacement equipment
6 immediately under subsection (a); and

7 “(ii) shall order the manufacturer of
8 the motor vehicle or replacement equip-
9 ment to immediately—

10 “(I) give notification under sec-
11 tion 30119 of this title to the owners,
12 purchasers, and dealers of the vehicle
13 or equipment of the imminent hazard;
14 and

15 “(II) remedy the defect or non-
16 compliance under section 30120 of
17 this title;

18 “(iii) notwithstanding section 30119
19 or 30120, may order the time for notifica-
20 tion, means of providing notification, ear-
21 liest remedy date, and time the owner or
22 purchaser has to present the motor vehicle
23 or equipment, including a tire, for remedy;
24 and

1 “(iv) may include in an order under
2 this subparagraph any other terms or con-
3 ditions that the Secretary determines nec-
4 essary to abate the imminent hazard.

5 “(B) OPPORTUNITY FOR ADMINISTRATIVE
6 REVIEW.—Subsequent to the issuance of an
7 order under subparagraph (A), opportunity for
8 administrative review shall be provided in ac-
9 cordance with section 554 of title 5, except that
10 such review shall occur not later than 10 days
11 after issuance of such order.

12 “(C) DEFINITION OF IMMINENT HAZ-
13 ARD.—In this paragraph, the term ‘imminent
14 hazard’ means any condition which substan-
15 tially increases the likelihood of serious injury
16 or death if not remedied immediately.”.

17 **SEC. 4225. USED PASSENGER MOTOR VEHICLE CONSUMER**
18 **PROTECTION.**

19 (a) IN GENERAL.—Section 30120 is amended by
20 adding at the end the following:

21 “(k) LIMITATION ON SALE OR LEASE OF USED PAS-
22 SENDER MOTOR VEHICLES.—(1) A dealer may not sell or
23 lease a used passenger motor vehicle until any defect or
24 noncompliance determined under section 30118 with re-
25 spect to the vehicle has been remedied.

1 “(2) Paragraph (1) shall not apply if—

2 “(A) the recall information regarding a used
3 passenger motor vehicle was not accessible at the
4 time of sale or lease using the means established by
5 the Secretary under section 31301 of the Moving
6 Ahead for Progress in the 21st Century Act (49
7 U.S.C. 30166 note); or

8 “(B) notification of the defect or noncompliance
9 is required under section 30118(b), but enforcement
10 of the order is set aside in a civil action to which
11 30121(d) applies.

12 “(3) Notwithstanding section 30102(a)(1), in this
13 subsection—

14 “(A) the term ‘dealer’ means a person that has
15 sold at least 10 motor vehicles to 1 or more con-
16 sumers during the most recent 12-month period; and

17 “(B) the term ‘used passenger motor vehicle’
18 means a motor vehicle that has previously been pur-
19 chased other than for resale.

20 “(4) By rule, the Secretary may exempt the auc-
21 tioning of a used passenger motor vehicle from the re-
22 quirements under paragraph (1) to the extent that the ex-
23 emption does not harm public safety.”

1 (b) EFFECTIVE DATE.—The amendment made under
2 subsection (a) shall take effect on the date that is 18
3 months after the date of the enactment of this Act.

4 **SEC. 4226. UNATTENDED CHILDREN WARNING SYSTEM.**

5 (a) SAFETY RESEARCH INITIATIVE.—Not later than
6 2 years after the date of enactment of this Act, the Sec-
7 retary shall complete research into the development of per-
8 formance requirements to warn a driver that a child or
9 other unattended passenger remains in a rear seating posi-
10 tion after a vehicle motor is disengaged.

11 (b) SPECIFICATIONS.—In completing the research
12 under subsection (a), the Secretary shall consider perform-
13 ance requirements that—

14 (1) sense weight, the presence of a buckled seat
15 belt, or other indications of the presence of a child
16 or other passenger; and

17 (2) provide an alert to prevent hyperthermia
18 and hypothermia that can result in death or severe
19 injuries.

20 (c) RULEMAKING OR REPORT.—

21 (1) RULEMAKING.—Not later than 1 year after
22 the date that the research under subsection (a) is
23 complete, the Secretary shall initiate a rulemaking
24 proceeding to issue a Federal motor vehicle safety
25 standard if the Secretary determines that such a

1 standard meets the requirements and considerations
2 set forth in subsections (a) and (b) of section 30111
3 of title 49, United States Code. The Secretary shall
4 complete the rulemaking and issue a final rule not
5 later than 2 years after the date the rulemaking is
6 initiated.

7 (2) REPORT.—If the Secretary determines that
8 the standard described in subsection (a) does not
9 meet the requirements and considerations set forth
10 in subsections (a) and (b) of section 30111 of title
11 49, United States Code, the Secretary shall submit
12 a report describing the reasons for not prescribing
13 such a standard to—

14 (A) the Committee on Commerce, Science,
15 and Transportation of the Senate; and

16 (B) the Committee on Energy and Com-
17 merce of the House of Representatives.

18 **SEC. 4227. COLLISION AVOIDANCE TECHNOLOGIES.**

19 (a) IN GENERAL.—Not later than 2 years after the
20 date of enactment of this Act, the Secretary shall initiate
21 a rulemaking to establish a Federal motor vehicle safety
22 standard requiring a motor vehicle with a gross vehicle
23 weight rating greater than 26,000 pounds be equipped
24 with crash avoidance and mitigation systems, such as for-

1 ward collision automatic braking systems and lane depar-
2 ture warning systems.

3 (b) PERFORMANCE AND STANDARDS.—The regula-
4 tions prescribed under subsection (a) shall establish per-
5 formance requirements and standards to prevent collisions
6 with moving vehicles, stopped vehicles, pedestrians, cy-
7 clists, and other road users.

8 (c) EFFECTIVE DATE.—The regulations prescribed
9 by the Secretary under this section shall take effect 2
10 years after the date of publication of the final rule.

11 **SEC. 4228. MOTOR VEHICLE PEDESTRIAN PROTECTION.**

12 Not later than 2 years after the date of the enact-
13 ment of this Act, the Secretary, through the Administrator
14 of the National Highway Traffic Safety Administration,
15 shall issue a final rule that—

16 (1) establishes standards for the hood and
17 bumper areas of motor vehicles, including passenger
18 cars, multipurpose passenger vehicles, trucks, and
19 buses with a gross vehicle weight rating of 4,536
20 kilograms (10,000 pounds) or less, in order to re-
21 duce the number of injuries and fatalities suffered
22 by pedestrians who are struck by such vehicles; and

23 (2) considers the protection of vulnerable pedes-
24 trian populations, including children and older
25 adults.

1 **SEC. 4229. IMPAIRED DRIVING IN CONNECTION WITH USE**
2 **OF CONTROLLED SUBSTANCES.**

3 (a) IN GENERAL.—Not later than two years after the
4 date of enactment of this Act, the Administrator of the
5 National Highway Traffic Safety Administration shall—

6 (1) submit to the Committee on Commerce,
7 Science, and Transportation of the Senate and the
8 Committee on Transportation and Infrastructure of
9 the House of Representatives a report setting forth
10 the results of a study, conducted by the Adminis-
11 trator for purposes of this section, designed to deter-
12 mine what constitutes impaired driving for con-
13 trolled substances most commonly found in vehicle
14 accidents in which drivers are fatally or seriously in-
15 jured; and

16 (2) issue guidelines to the States based on the
17 results of the finding in the study.

18 (b) INTERIM REPORT.—Not later than one year after
19 the date of enactment of this Act, the Administrator shall
20 submit to the committees of Congress specified in sub-
21 section (a) a report setting forth the progress of the Ad-
22 ministrator in conducting the study required by that sub-
23 section.

24 **PART III—FUNDING**

25 **SEC. 4231. AUTHORIZATION OF APPROPRIATIONS.**

26 Section 30104 is amended—

1 (1) by striking “\$98,313,500”; and

2 (2) by striking “this part in each fiscal year be-
3 ginning in fiscal year 1999 and ending in fiscal year
4 2001.” and inserting the following: “this chapter
5 and to carry out the Motor Vehicle Safety Act of
6 2015—

7 “(1) \$179,000,000 for fiscal year 2016;

8 “(2) \$187,055,000 for fiscal year 2017;

9 “(3) \$195,659,530 for fiscal year 2018;

10 “(4) \$204,268,549 for fiscal year 2019;

11 “(5) \$214,073,440 for fiscal year 2020; and

12 “(6) \$223,920,818 for fiscal year 2021.”.

13 **PART IV—RECALL PROCESS IMPROVEMENTS**

14 **SEC. 4241. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

15 Section 30120A is amended to read as follows:

16 **“§ 30120A. Recall obligations and bankruptcy of a
17 manufacturer**

18 “Notwithstanding any provision of title 11, United
19 States Code, a manufacturer’s duty to comply with section
20 30112, sections 30115 through 30121, and section 30166
21 of this title shall be enforceable against a manufacturer
22 or a manufacturer’s successors-in-interest whether accom-
23 plished by merger or by acquisition of the manufacturer’s
24 stock, the acquisition of all or substantially all of the man-
25 ufacturer’s assets or a discrete product line, or confirma-

1 tion of any plan of reorganization under section 1129 of
2 title 11.”.

3 **SEC. 4242. DEALER REQUIREMENT TO CHECK FOR AND**
4 **REMEDY RECALL.**

5 Section 30120(f) is amended to read as follows:

6 “(f) DEALERS.—

7 “(1) FAIR REIMBURSEMENT TO DEALERS.—A
8 manufacturer shall pay fair reimbursement to a
9 dealer providing a remedy without charge under this
10 section.

11 “(2) REQUIREMENTS.—Each time a defective
12 or noncomplying motor vehicle is presented to a
13 dealer by the owner of that motor vehicle for any
14 service on that motor vehicle, the dealer shall—

15 “(A) inform the owner of the defect or
16 noncompliance; and

17 “(B) with consent from the owner, remedy
18 the defect or noncompliance without charge
19 under this section.”.

20 **SEC. 4243. APPLICATION OF REMEDIES FOR DEFECTS AND**
21 **NONCOMPLIANCE.**

22 Section 30120(g)(1) is amended by striking “the
23 motor vehicle or replacement equipment was bought by the
24 first purchaser more than 10 calendar years, or”.

1 **SEC. 4244. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

2 (a) **RULEMAKING.**—Not later than 1 year after the
3 date of enactment of this Act, the Secretary shall initiate
4 a rulemaking for a regulation to require a warning system
5 in each new motor vehicle to indicate to the operator in
6 a conspicuous manner when the vehicle is subject to an
7 open recall.

8 (b) **FINAL RULE.**—The Secretary shall prescribe
9 final standards not later than 3 years after the date of
10 enactment of this Act.

11 **SEC. 4245. STATE NOTIFICATION OF OPEN SAFETY RE-**
12 **CALLS.**

13 (a) **GRANT PROGRAM.**—Not later than 2 years after
14 the date of enactment of this Act, the Secretary shall es-
15 tablish a grant program for States to notify registered
16 motor vehicle owners of safety recalls issued by the manu-
17 facturers of those motor vehicles.

18 (b) **ELIGIBILITY.**—To be eligible for a grant, a State
19 shall—

20 (1) submit an application in such form and
21 manner as the Secretary prescribes;

22 (2) agree that when a motor vehicle owner reg-
23 isters the motor vehicle for use in that State, the
24 State will—

25 (A) search the recall database maintained
26 by the National Highway Traffic Safety Admin-

1 istration using the motor vehicle identification
2 number;

3 (B) determine all safety recalls issued by
4 the manufacturer of that motor vehicle that
5 have not been completed; and

6 (C) notify the motor vehicle owner of the
7 safety recalls described in subparagraph (B);
8 and

9 (3) provide such other information or notifica-
10 tion as the Secretary may require.

11 **SEC. 4246. RECALL COMPLETION PILOT GRANT PROGRAM.**

12 (a) **IN GENERAL.**—The Secretary shall conduct a
13 pilot program to evaluate the feasibility and effectiveness
14 of a State process for increasing the recall completion rate
15 for motor vehicles by requiring each owner or lessee of
16 a motor vehicle to have repaired any open recall on that
17 motor vehicle.

18 (b) **GRANTS.**—To carry out this program, the Sec-
19 retary shall make a grant to a State to be used to imple-
20 ment the pilot program described in subsection (a) in ac-
21 cordance with the requirements under subsection (c).

22 (c) **ELIGIBILITY.**—To be eligible for a grant under
23 this section, a State shall—

24 (1) submit an application in such form and
25 manner as the Secretary prescribes;

1 (2) meet the requirements and provide notifica-
2 tion of safety recalls to registered motor vehicle own-
3 ers under the grant program described in section
4 4245;

5 (3) except as provided in subsection (d), agree
6 to require, as a condition of motor vehicle registra-
7 tion, including renewal, that the motor vehicle owner
8 or lessee complete all remedies for defects and non-
9 compliance offered without charge by the manufac-
10 turer or a dealer under section 30120 of title 49,
11 United States Code; and

12 (4) provide such other information or notifica-
13 tion as the Secretary may require.

14 (d) EXCEPTION.—A State may exempt a motor vehi-
15 cle owner or lessee from the requirement under subsection
16 (c)(3) if—

17 (1) the recall occurred not earlier than 75 days
18 prior to the registration or renewal date;

19 (2) the manufacturer, through a local dealer-
20 ship, has not provided the motor vehicle owner or
21 lessee with a reasonable opportunity to complete any
22 applicable safety recall remedy due to a shortage of
23 necessary parts or qualified labor; or

24 (3) the motor vehicle owner or lessee states that
25 the owner or lessee has had no reasonable oppor-

1 tunity to complete all applicable safety recall rem-
2 edies, in which case the State may grant a tem-
3 porary registration, of not more than 90 days, dur-
4 ing which time the motor vehicle owner or lessee
5 shall complete all applicable safety recall remedies
6 for which the necessary parts and qualified labor are
7 available.

8 (e) AWARD.—In selecting an applicant for award
9 under this section, the Secretary shall consider the State's
10 methodology for—

11 (1) determining safety recalls on a motor vehi-
12 cle;

13 (2) informing the owner or lessee of a motor ve-
14 hicle of the safety recalls;

15 (3) requiring the owner or lessee of a motor ve-
16 hicle to repair any safety recall prior to issuing any
17 registration, approval, document, or certificate re-
18 lated to a motor vehicle registration renewal; and

19 (4) determining performance in increasing the
20 safety recall completion rate.

21 (f) PERFORMANCE PERIOD.—A grant awarded under
22 this section shall require a performance period for at least
23 2 years.

24 (g) REPORT.—Not later than 90 days after the com-
25 pletion of the performance period under subsection (f) and

1 the obligations under the pilot program, the grantee shall
2 provide to the Secretary a report of performance con-
3 taining such information as the Secretary considers nec-
4 essary to evaluate the extent to which safety recalls have
5 been remedied.

6 (h) EVALUATION.—Not later than 1 year after the
7 date the Secretary receives the report under subsection
8 (g), the Secretary shall evaluate the extent to which safety
9 recalls identified under subsection (c) have been remedied.

10 **SEC. 4247. IMPROVEMENTS TO NOTIFICATION OF DEFECT**
11 **OR NONCOMPLIANCE.**

12 (a) IMPROVEMENTS TO NOTIFICATION.—

13 (1) IN GENERAL.—Not later than 270 days
14 after the date of enactment of this Act, the Sec-
15 retary shall prescribe a final rule revising the regula-
16 tions under section 577.7 of title 49, Code of Fed-
17 eral Regulations, to include notification by electronic
18 means in addition to notification by first class mail.

19 (2) DEFINITION OF ELECTRONIC MEANS.—In
20 this subsection, the term “electronic means” in-
21 cludes electronic mail and may include such other
22 means of electronic notification, such as social media
23 or targeted online campaigns, as determined by the
24 Secretary.

1 (b) NOTIFICATION BY ELECTRONIC MAIL.—Section
2 30118(c) is amended by inserting “or electronic mail”
3 after “certified mail”.