

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mrs. FISCHER (for herself, Mrs. MURRAY, Mrs. BLACKBURN, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **CRASHWORTHINESS.**—The term “crash-  
4 worthiness” has the meaning given the term in sec-  
5 tion 32301 of title 49, United States Code.

6 (2) **SECRETARY.**—The term “Secretary” means  
7 the Secretary of Transportation.

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

15 **SEC. 3. FEDERAL MOTOR VEHICLE SAFETY STANDARDS UP-**  
16 **DATES.**

17 (a) **FRONT IMPACTS.**—

18 (1) **IN GENERAL.**—Not later than 15 days after  
19 the date of enactment of this Act, the Secretary  
20 shall revise parts 571 and 572 of title 49, Code of  
21 Federal Regulations (or successor regulations), to  
22 include the following:

23 (A) 50th percentile adult male Test Device  
24 for Human Occupant Restraint (THOR) frontal  
25 impact testing device.

1 (B) 5th percentile adult female Test De-  
2 vice for Human Occupant Restraint (THOR)  
3 front impact testing device.

4 (2) FRONT IMPACT FINAL RULES.—

5 (A) IN GENERAL.—

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

13 (ii) THOR-05F.—

14 (I) PROPOSED RULEMAKING.—

15 Not later than 60 days after the date  
16 of enactment of this Act, the Sec-  
17 retary shall issue a notice of proposed  
18 rulemaking to require the use of the  
19 testing device described in paragraph  
20 (1)(B) into parts 571 and 572 of title  
21 49, Code of Federal Regulations (or  
22 successor regulations).

23 (II) FINAL RULE.—Not later  
24 than 120 days after the date of enact-  
25 ment of this Act, the Secretary shall

1 issue a final rule to require the use of  
2 the testing device described in para-  
3 graph (1)(B) into parts 571 and 572  
4 of title 49, Code of Federal Regula-  
5 tions (or successor regulations).

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

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

17 (ii) establish crashworthiness frontal  
18 impact tests with those testing devices for  
19 adult female occupants in all designated  
20 front seating positions tested, as of the  
21 date of enactment of this Act, for adult  
22 male occupants.

23 (C) NEW CAR ASSESSMENT PROGRAM UP-  
24 DATE.—

1 (i) IN GENERAL.—The Secretary shall  
2 promulgate a final decision notice to up-  
3 date the testing procedures used to test the  
4 crashworthiness of passenger motor vehi-  
5 cles under the New Car Assessment Pro-  
6 gram of the National Highway Traffic  
7 Safety Administration to require the use of  
8 the testing devices described in subpara-  
9 graphs (A) and (B) of paragraph (1).

10 (ii) TIMING.—

11 (I) IN GENERAL.—The final deci-  
12 sion notice required under clause (i)  
13 shall be promulgated concurrently  
14 with the issuance of the final rule re-  
15 quired under subparagraph (A)(i) if  
16 the Secretary determines that promul-  
17 gating the final decision notice con-  
18 currently with the final rule required  
19 under that subparagraph does not  
20 delay issuance of that final rule.

21 (II) DELAY.—If the Secretary  
22 determines under subclause (I) that  
23 promulgating the final decision notice  
24 concurrently with the final rule re-  
25 quired under subparagraph (A)(i)

1 would delay the issuance of that final  
2 rule, the Secretary shall issue that  
3 final rule before promulgating the  
4 final decision notice required under  
5 this subparagraph.

6 (b) SIDE IMPACTS.—

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

12 (A) 50th percentile adult male Worldwide  
13 Harmonized Side Impact Dummy side impact  
14 testing device.

15 (B) 5th percentile adult female Worldwide  
16 Harmonized Side Impact Dummy side impact  
17 testing device.

18 (2) SIDE IMPACT FINAL RULE.—

19 (A) IN GENERAL.—

20 (i) PROPOSED RULEMAKING.—Not  
21 later than 2 years after the date of enact-  
22 ment of this Act, the Secretary shall issue  
23 a notice of proposed rulemaking to require  
24 the use of the testing devices described in  
25 subparagraphs (A) and (B) of paragraph

1 (1) into parts 571 and 572 of title 49,  
2 Code of Federal Regulations (or successor  
3 regulations).

4 (ii) FINAL RULE.—Not later than 30  
5 months after the date of enactment of this  
6 Act, the Secretary shall issue a final rule  
7 to require the use of the testing devices de-  
8 scribed in subparagraphs (A) and (B) of  
9 paragraph (1) into parts 571 and 572 of  
10 title 49, Code of Federal Regulations (or  
11 successor regulations).

12 (B) REQUIREMENTS.—In issuing the final  
13 rule under subparagraph (A)(ii), the Secretary  
14 shall—

15 (i) establish or update the injury cri-  
16 teria, including the head, neck, chest, ab-  
17 domen, pelvis, and upper leg criteria, for  
18 the testing devices described in subpara-  
19 graphs (A) and (B) of paragraph (1) based  
20 on real world injuries and the greatest po-  
21 tential to increase safety; and

22 (ii) establish front seat crash-  
23 worthiness side impact tests with those  
24 testing devices for adult female occupants  
25 in all designated front seating positions

1 tested, as of the date of enactment of this  
2 Act, for adult male occupants.

3 (C) NEW CAR ASSESSMENT PROGRAM UP-  
4 DATE.—

5 (i) IN GENERAL.—The Secretary shall  
6 promulgate a final decision notice to up-  
7 date the testing procedures used to test the  
8 crashworthiness of passenger motor vehi-  
9 cles under the New Car Assessment Pro-  
10 gram of the National Highway Traffic  
11 Safety Administration to require the use of  
12 the testing devices described in subpara-  
13 graphs (A) and (B) of paragraph (1).

14 (ii) TIMING.—

15 (I) IN GENERAL.—The final deci-  
16 sion notice required under clause (i)  
17 shall be promulgated concurrently  
18 with the issuance of the final rule re-  
19 quired under subparagraph (A)(ii) if  
20 the Secretary determines that promul-  
21 gating the final decision notice con-  
22 currently with the final rule required  
23 under that subparagraph does not  
24 delay issuance of that final rule.



1 (II) DELAY.—If the Secretary  
2 determines under subclause (I) that  
3 promulgating the final decision notice  
4 concurrently with the final rule re-  
5 quired under subparagraph (A)(ii)  
6 would delay the issuance of that final  
7 rule, the Secretary shall issue that  
8 final rule before promulgating the  
9 final decision notice required under  
10 this subparagraph.

11 **SEC. 4. TESTING DEVICES ROADMAP.**

12 (a) INITIAL REPORT.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary  
15 shall submit to the Committee on Commerce,  
16 Science, and Transportation of the Senate and the  
17 Committee on Energy and Commerce of the House  
18 of Representatives a report that—

19 (A) identifies timelines for the Secretary to  
20 incorporate testing devices, other than the test-  
21 ing devices described in subparagraphs (A) and  
22 (B) of section 3(a)(1) and subparagraphs (A)  
23 and (B) of section 3(b)(1), that the Secretary  
24 is researching, as of the date of enactment of  
25 this Act, into the regulations contained in parts

1           571 and 572 of title 49, Code of Federal Regu-  
2           lations (or successor regulations);

3           (B) identifies testing devices used for simi-  
4           lar crashworthiness standards in other countries  
5           that are more advanced than the testing devices  
6           required or being researched by the Secretary;  
7           and

8           (C) subject to paragraph (2), describes a  
9           process for the Secretary to update the testing  
10          devices required in the United States under reg-  
11          ulations in effect on the date of enactment of  
12          this Act, including whether the Secretary can  
13          adopt more advanced testing devices already  
14          used for compliance in other countries, such as  
15          testing devices in use or being considered as  
16          part of the European New Car Assessment Pro-  
17          gramme.

18          (2) NO UPDATE NEEDED.—If the Secretary de-  
19          termines that testing devices used in the United  
20          States as of the date of enactment of this Act do not  
21          need to be updated, the Secretary shall include in  
22          the report required under paragraph (1) a descrip-  
23          tion for why the Secretary believes those testing de-  
24          vices do not need to be updated, including by pro-  
25          viding a description for each testing device described

1 in part 572 of title 49, Code of Federal Regulations  
2 (or successor regulations), that the Secretary deter-  
3 mines does not need to be updated.

4 (b) FOLLOW-UP REPORT.—Not later than 5 years  
5 after the date on which the Secretary submits the report  
6 required under subsection (a), the Secretary shall submit  
7 to the Committee on Commerce, Science, and Transpor-  
8 tation of the Senate and the Committee on Energy and  
9 Commerce of the House of Representatives a report  
10 that—

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

13 (2) identifies any new testing devices used in  
14 other countries that are more advanced than the  
15 testing devices required or being research by the  
16 Secretary as of the date of enactment of this Act.