

Calendar No. 653

111TH CONGRESS
2^D SESSION

S. 3302

To amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2010

Mr. ROCKEFELLER (for himself, Mr. PRYOR, Mrs. BOXER, Ms. CANTWELL, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mr. BEGICH, Mr. UDALL of New Mexico, Mrs. MCCASKILL, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 29, 2010

Reported by Mr. ROCKEFELLER with an amendment in the nature of a substitute

[Strike all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Motor Vehicle Safety Act of 2010”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—VEHICLE ELECTRONICS AND SAFETY STANDARDS

Sec. 101. NHTSA electronics, software, and engineering expertise.

Sec. 102. Vehicle stopping distance and brake override standard.

Sec. 103. Pedal placement standard.

Sec. 104. Electronic systems performance standard.

Sec. 105. Keyless ignition systems standard.

Sec. 106. Transmission configuration standard.

Sec. 107. Vehicle event data recorders.

TITLE II—ENHANCED SAFETY AUTHORITIES

Sec. 201. Civil penalties.

Sec. 202. Imminent hazard authority.

TITLE III—TRANSPARENCY AND ACCOUNTABILITY

Sec. 301. Public availability of early warning data.

Sec. 302. Improved NHTSA vehicle safety database.

Sec. 303. Consumer notice of software updates and other communications with
 dealers.

Sec. 304. Promotion of vehicle defect reporting.

Sec. 305. NHTSA hotline for manufacturer, dealer, and mechanic personnel.

Sec. 306. Whistleblower protections for motor vehicle manufacturer, part sup-
 plier, and dealership employees.

Sec. 307. Corporate responsibility for NHTSA reports.

Sec. 308. Anti-revolving door.

Sec. 309. Deadlines for rulemaking.

TITLE IV—FUNDING

Sec. 401. Authorization of appropriations.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

1 (1) PASSENGER VEHICLE.—The term “pas-
 2 senger vehicle” means a motor vehicle (as defined in
 3 section 30102(a)(6) of title 49, United States Code),
 4 other than a motorcycle or trailer, that is rated at
 5 less than 10,000 pounds gross vehicular weight.

6 (2) SECRETARY.—The term “Secretary” means
 7 the Secretary of Transportation, acting through the
 8 Administrator of the National Highway Traffic Safe-
 9 ty Administration.

10 **TITLE I—VEHICLE ELEC-** 11 **TRONICS AND SAFETY STAND-** 12 **ARDS**

13 **SEC. 101. NHTSA ELECTRONICS, SOFTWARE, AND ENGI-** 14 **NEERING EXPERTISE.**

15 (a) CENTER FOR VEHICLE ELECTRONICS, VEHICLE
 16 SOFTWARE, AND EMERGING TECHNOLOGIES.—The Sec-
 17 retary shall establish, within the National Highway Traffic
 18 Safety Administration, a Center for Vehicle Electronics,
 19 Vehicle Software, and Emerging Technologies to build, in-
 20 tegrate, and aggregate the agency’s expertise in vehicle
 21 electronics and other new and emerging technologies. The
 22 center shall coordinate with all components of the agency
 23 responsible for vehicle safety, including research and de-
 24 velopment, rulemaking, and defects investigation.

1 (b) HONORS RECRUITMENT PROGRAM.—The Sec-
 2 retary shall establish, within the National Highway Traffic
 3 Safety Administration, an honors program for engineering
 4 students, computer science students, and other students
 5 interested in vehicle safety that will enable them to train
 6 with engineers and other safety officials for a career in
 7 vehicle safety. The Secretary is authorized to provide a
 8 stipend to students during their participation in the pro-
 9 gram.

10 **SEC. 102. VEHICLE STOPPING DISTANCE AND BRAKE OVER-**
 11 **RIDE STANDARD.**

12 (a) UNINTENDED ACCELERATION.—The Secretary
 13 shall initiate a rulemaking proceeding to prescribe a Fed-
 14 eral motor vehicle safety standard that would prevent un-
 15 intended acceleration in passenger vehicles. The stand-
 16 ard—

17 (1) shall require manufacturers of passenger ve-
 18 hicles to equip the vehicles with a technology or
 19 mechanism that enables a driver to bring a vehicle
 20 safely to a full stop within a specified distance, to
 21 be determined by the Secretary according to the
 22 speed, size, and weight of the vehicle, by normal
 23 braking pressure even if the vehicle is operating si-
 24 multaneously at open throttle;

1 (2) may permit compliance through a smart
 2 pedal system that requires brake pedal input, after
 3 a period of time, to override the input signal from
 4 the accelerator pedal and other functions, in order to
 5 safely control the vehicle;

6 (3) shall require that redundant circuits or
 7 other mechanisms be built into accelerator control
 8 systems, including systems controlled by electronic
 9 throttle, to maintain vehicle control in the event of
 10 failure of the primary circuit or mechanism; and

11 (4) may permit vehicles to incorporate a means
 12 by which the driver would be able to temporarily dis-
 13 engage the function required under paragraph (1) to
 14 facilitate operations, such as maneuvering trailers,
 15 that may require the simultaneous operation of
 16 brake and accelerator.

17 (b) DEADLINE.—The Secretary shall issue a final
 18 rule under subsection (a) within 1 year after the date of
 19 enactment of this Act.

20 (c) LEAD-TIME.—The standard prescribed under
 21 subsection (a) shall provide not more than 2 model years
 22 of regulatory lead-time.

23 **SEC. 103. PEDAL PLACEMENT STANDARD.**

24 (a) IN GENERAL.—The Secretary shall initiate a
 25 rulemaking proceeding to prescribe a Federal motor vehi-

1 cle safety standard that would prevent potential obstruc-
 2 tion of pedal movement in passenger vehicles by estab-
 3 lishing minimum clearances for passenger vehicle foot ped-
 4 als with respect to other pedals; the vehicle floor (including
 5 aftermarket floor coverings); and any other potential ob-
 6 struction to pedal movement, taking into account various
 7 pedal mounting configurations.

8 (b) DEADLINE.—The Secretary shall issue a final
 9 rule under subsection (a) within 2 years after the date
 10 of enactment of this Act.

11 (c) COMBINED RULEMAKING.—If appropriate, the
 12 Secretary may combine the rulemaking proceeding re-
 13 quired by subsection (a) with the rulemaking proceeding
 14 required by section 102.

15 (d) LEAD-TIME.—The standard prescribed under
 16 subsection (a) shall provide not more than 2 model years
 17 of regulatory lead-time.

18 **SEC. 104. ELECTRONIC SYSTEMS PERFORMANCE STAND-**
 19 **ARD.**

20 (a) IN GENERAL.—The Secretary shall initiate a
 21 rulemaking proceeding to require electronic systems in
 22 passenger vehicles to meet minimum performance stand-
 23 ards. Such a rule may include requirements for electronic
 24 components; the interaction of those electronic compo-

1 nents, or the effect of surrounding environments on those
 2 electronic systems.

3 (b) ~~DEADLINE.~~—The Secretary shall issue a final
 4 rule under subsection (a) within 3 years after the date
 5 of enactment of this Act.

6 (c) ~~LEAD-TIME.~~—The standard prescribed under
 7 subsection (a) shall provide not more than 2 model years
 8 of regulatory lead-time.

9 **SEC. 105. KEYLESS IGNITION SYSTEMS STANDARD.**

10 (a) ~~IN GENERAL.~~—The Secretary shall initiate a
 11 rulemaking proceeding to prescribe a Federal motor vehi-
 12 cle safety standard for passenger vehicles with keyless or
 13 push-button ignition systems; to establish—

14 (1) the means by which a driver who may be
 15 unfamiliar with the vehicle uses the ignition system
 16 to safely bring a vehicle under control during an
 17 emergency situation; and

18 (2) the appropriate labeling, size, and location
 19 of the controls for such systems.

20 (b) ~~DEADLINE.~~—The Secretary shall issue a final
 21 rule under subsection (a) within 1 year after the date of
 22 enactment of this Act.

23 (c) ~~LEAD-TIME.~~—The standard prescribed under
 24 subsection (a) shall provide not more than 2 model years
 25 of regulatory lead-time.

1 **SEC. 106. TRANSMISSION CONFIGURATION STANDARD.**

2 (a) **IN GENERAL.**—The Secretary shall initiate a
 3 rulemaking proceeding to prescribe a Federal motor vehi-
 4 cle safety standard for passenger vehicles requiring an in-
 5 tuitive configuration and labeling of gear shifting controls
 6 for drivers, including drivers unfamiliar with the vehicle,
 7 and that makes the neutral position conspicuous.

8 (b) **DEADLINE.**—The Secretary shall issue a final
 9 rule under subsection (a) within 1 year after the date of
 10 enactment of this Act.

11 (c) **LEAD-TIME.**—The standard prescribed under
 12 subsection (a) shall provide not more than 1 model year
 13 of regulatory lead-time.

14 **SEC. 107. VEHICLE EVENT DATA RECORDERS.**

15 (a) **MANDATORY EVENT DATA RECORDERS.**—Not
 16 later than 60 days after the date of enactment of this Act,
 17 the Secretary shall require that all passenger vehicles be
 18 equipped with an event data recorder that meets the re-
 19 quirements for such recorders established in part 563 of
 20 title 49, Code of Federal Regulations. The Secretary shall
 21 require compliance with such requirement for all pas-
 22 senger vehicles manufactured in the first model year that
 23 is 2 years after the date of enactment of this Act.

24 (b) **REVISED REQUIREMENTS FOR EVENT DATA RE-**
 25 **CORDERS.**—The Secretary shall initiate a rulemaking pro-
 26 ceeding requiring that the event data recorders required

1 to be installed in passenger vehicles pursuant to subsection

2 (a)—

3 (1) be temperature, water, crash, and tamper

4 resistant; and

5 (2) continuously record vehicle operational data

6 that can be accessed for retrieval and analysis in ac-

7 cordance with subsections (c) and (d).

8 (c) SPECIFICATIONS.—The rule—

9 (1) shall require such recorders to record, for a

10 reasonable time before, during, and after a crash or

11 airbag deployment, information that includes engine

12 performance, steering, braking, acceleration, vehicle

13 speed, seat belt use, and airbag deployment level, de-

14 activation status, deployment time, and deployment

15 stage, and may require such recorders to record

16 other data, such as data related to vehicle rollovers,

17 as the Secretary considers appropriate;

18 (2) shall require such recorders to record data

19 for at least 60 seconds prior to, and 15 seconds

20 after, a crash or airbag deployment;

21 (3) may require such recorders to capture cer-

22 tain events such as rapid deceleration, full-throttle

23 acceleration lasting more than 15 seconds, and full

24 braking lasting more than 10 seconds, even if there

25 is not a crash or airbag deployment;

1 (4) may not require information recorded or
2 transmitted by such data recorders to include the ve-
3 hicle's location;

4 (5) shall require that data stored on such re-
5 corders be accessible, regardless of vehicle manufac-
6 turer or model, with commercially available equip-
7 ment; and

8 (6) shall specify data format requirements and
9 other requirements; and shall require an interoper-
10 able data access port to facilitate universal accessi-
11 bility and analysis.

12 ~~(d) LIMITATIONS ON INFORMATION RETRIEVAL.—~~

13 ~~(1) OWNERSHIP OF DATA.—~~The rule issued
14 under subsection (b) shall provide that any data in
15 a data recorder required under the rule is the prop-
16 erty of the owner or lessee of the motor vehicle in
17 which the data recorder is installed.

18 ~~(2) PRIVACY.—~~The rule issued under sub-
19 section (b) shall provide that information recorded
20 or transmitted by such a data recorder may not be
21 retrieved by a person other than the owner or lessee
22 of the motor vehicle in which the recorder is in-
23 stalled unless—

24 ~~(A)~~ a court authorizes retrieval of the in-
25 formation in furtherance of a legal proceeding;

1 (B) the owner or lessee consents to the re-
 2 trieval of the information for any purpose, in-
 3 cluding the purpose of diagnosing, servicing, or
 4 repairing the motor vehicle; or

5 (C) the information is retrieved by a Gov-
 6 ernment motor vehicle safety agency for the
 7 purpose of improving motor vehicle safety if the
 8 personally identifiable information of the owner,
 9 lessee, or driver of the vehicle and the vehicle
 10 identification number is not disclosed in connec-
 11 tion with the retrieved information.

12 (c) DISCLOSURE OF EXISTENCE AND PURPOSE OF
 13 EVENT DATA RECORDER.—The rule issued under sub-
 14 section (b) shall provide that any owner’s manual or simi-
 15 lar documentation provided to the first purchaser of a pas-
 16 senger vehicle for purposes other than resale shall disclose
 17 that the vehicle is equipped with such a data recorder and
 18 explain the purpose of the recorder.

19 (f) ACCESS TO EVENT DATA RECORDERS IN DEFECT
 20 INVESTIGATIONS.—Section 30166(e)(3)(C) of title 49,
 21 United States Code, is amended by inserting “, including
 22 any electronic data contained within the vehicle’s diag-
 23 nostic system or event data recorder” after “equipment”.

8 ~~TITLE II—ENHANCED SAFETY~~
9 ~~AUTHORITIES~~

11 Section 30165 of title 49, United States Code, is
12 amended—

14 (A) in the first sentence by striking
15 “\$5,000” and inserting “\$25,000”; and

18 (A) in the second sentence by striking
19 “\$5,000” and inserting “\$25,000”; and

(a) IN GENERAL.—Section 30118(b) of title 49, United States Code, is amended by adding at the end the following:

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1 “(A) ORDERS.—Notwithstanding the pro-
2 cedures set forth in paragraphs (1) and (2), if
3 the Secretary decides that a motor vehicle or an
4 item of motor vehicle replacement equipment is
5 not compliant with a motor vehicle safety
6 standard or contains a defect related to motor
7 vehicle safety and presents an imminent hazard
8 to public safety that may result in death or se-
9 rious bodily harm, the Secretary—

10 “(i) shall notify the manufacturer of
11 the motor vehicle or replacement equip-
12 ment of the decision that the vehicle or
13 equipment poses an imminent safety haz-
14 ard to the public and the basis for that de-
15 cision;

16 “(ii) may order the manufacturer and
17 any person having a legal relationship with
18 the manufacturer, including dealers and
19 distributors, to stop any further produc-
20 tion, sale, offer for sale, lease, offer for
21 lease, distribution, the introduction or de-
22 livery for introduction in interstate com-
23 merce, or importation into the United
24 States of that motor vehicle or item of re-
25 placement equipment; and

1 “(iii) may order the manufacturer and
 2 any person having a legal relationship with
 3 the manufacturer, including dealers and
 4 distributors, to notify purchasers of the ve-
 5 hicle or item of replacement equipment of
 6 the Secretary’s decision that the vehicle or
 7 the item of replacement equipment poses
 8 an imminent safety hazard and provide the
 9 purchaser of such vehicle or item of re-
 10 placement equipment with information ex-
 11 plaining the safety risk and actions the
 12 purchasers can take to reduce that risk.”.

13 (b) JUDICIAL REVIEW OF RECALL ORDERS.—Section
 14 30161 of title 49, United States Code, is amended—

15 (1) in subsection (a)—

16 (A) by striking “A person” and inserting
 17 “(1) A person”; and

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

19 “(2) A person adversely affected by an order issued
 20 under section 30118 may apply for review of the order
 21 by filing a petition for review in court of appeals of the
 22 United States for the circuit in which the person resides
 23 or has its principal place of business or the United States
 24 Court of Appeals for the District of Columbia Circuit. The

1 petition must be filed not later than 59 days after the
2 order is issued.”; and

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

4 “(f) AVAILABILITY OF REVIEW.—An action of the
5 Secretary with respect to which review could have been
6 obtained under subsection (a)(2) shall not be subject to
7 judicial review in a civil action for enforcement.”.

8 **TITLE III—TRANSPARENCY AND** 9 **ACCOUNTABILITY**

10 **SEC. 301. PUBLIC AVAILABILITY OF EARLY WARNING DATA.**

11 (a) IN GENERAL.—Section 30166(m) of title 49,
12 United States Code, is amended by—

13 (1) in paragraph (3)(A) by striking clause (ii)
14 and inserting the following:

15 “(ii) customer satisfaction campaigns;
16 customer advisories, recalls, consumer
17 complaints, warranty claims, field reports,
18 dealer communications, or other informa-
19 tion involving the repair or replacement of,
20 or software upgrades for, motor vehicles or
21 motor vehicle equipment.”; and

22 (2) in paragraph (4), by striking subparagraph
23 (C) and inserting the following:

24 “(C) DISCLOSURE.—The information pro-
25 vided to the Secretary pursuant to this sub-

1 section shall be disclosed publicly unless exempt
 2 from disclosure under section 552(b) of title
 3 5.”.

4 (b) REGULATIONS.—Not later than 2 years after the
 5 date of enactment of this Act, the Secretary shall issue
 6 regulations establishing categories of information provided
 7 to the Secretary pursuant to this subsection that must be
 8 made available to the public. The Secretary may also es-
 9 tablish categories of information that may be withheld
 10 from public disclosure under paragraphs (4) and (6) of
 11 section 552(b) of title 5, United States Code.

12 (c) CONSULTATION.—In conducting the rulemaking
 13 required under subsection (a), the Secretary shall consult
 14 with the Director of the Office of Government Information
 15 Services within the National Archives and the Director of
 16 the Office of Information Policy of the Department of Jus-
 17 tice.

18 (d) PRESUMPTION AND LIMITATION.—The Secretary
 19 shall issue the regulations with a presumption in favor of
 20 maximum public availability of information. The following
 21 types of information shall not be eligible for protection
 22 under section 552(b) of title 5, United States Code, and
 23 shall not be withheld from public disclosure:

1 (1) Production information regarding passenger
2 vehicles; information on incidents involving death or
3 injury; and numbers of property damage claims.

4 (2) Aggregated numbers of consumer com-
5 plaints.

6 (c) NULLIFICATION OF PRIOR REGULATIONS.—Be-
7 ginning 2 years after the date of the enactment of this
8 Act, the regulations establishing early warning reporting
9 class determinations in Appendix C of section 512 of title
10 49, Code of Federal Regulations, shall have no force or
11 effect.

12 **SEC. 302. IMPROVED NHTSA VEHICLE SAFETY DATABASE.**

13 (a) IN GENERAL.—Not later than 2 years after the
14 date of the enactment of this Act, the Secretary shall im-
15 prove public accessibility to information on the National
16 Highway Traffic Safety Administration’s publicly acces-
17 sible vehicle safety databases by—

18 (1) improving organization and functionality;
19 including design features such as dropdown menus;
20 and allowing for data to be searched, aggregated,
21 and downloaded;

22 (2) providing greater consistency in presen-
23 tation of vehicle safety issues; and

1 (3) improving searchability about specific vehi-
 2 cles and issues through standardization of commonly
 3 used search terms.

4 (b) ~~VEHICLE RECALL INFORMATION.~~—The Secretary
 5 shall require that motor vehicle recall information be made
 6 available to consumers on the Internet, searchable by vehi-
 7 cle identification number in a format that preserves con-
 8 sumer privacy. The Secretary may initiate a rulemaking
 9 proceeding to require that such information be available
 10 on manufacturer Web sites or through other reasonable
 11 means.

12 **SEC. 303. CONSUMER NOTICE OF SOFTWARE UPDATES AND**
 13 **OTHER COMMUNICATIONS WITH DEALERS.**

14 (a) ~~INTERNET ACCESSIBILITY.~~—Section 30166(f) of
 15 title 49, United States Code, is amended—

16 (1) by inserting “, and make available on a
 17 publicly accessible Internet website,” after “Sec-
 18 retary of Transportation”; and

19 (2) by adding at the end the following: “Com-
 20 munications submitted to the Secretary and required
 21 to be published on a manufacturer’s Internet website
 22 shall include all notices to dealerships of software
 23 upgrades and modifications recommended by a man-
 24 ufacturer for all previously sold vehicles. Notice is
 25 required even if the software upgrade or modifica-

1 tion is not related to a safety defect or noncompli-
 2 ance with a motor vehicle safety standard. The no-
 3 tice shall include a plain language description of the
 4 purpose of the update and that description shall be
 5 prominently placed at the beginning of the notice.”.

6 **SEC. 304. PROMOTION OF VEHICLE DEFECT REPORTING.**

7 Section 32302 of title 49, United States Code, is
 8 amended by adding at the end the following:

9 “(d) MOTOR VEHICLE DEFECT REPORTING INFOR-
 10 MATION.—

11 “(1) RULEMAKING REQUIRED.—Within 1 year
 12 after the date of enactment of the Motor Vehicle
 13 Safety Act of 2010 the Secretary shall prescribe reg-
 14 ulations that require passenger motor vehicle manu-
 15 facturers to affix, in the glove compartment or in
 16 another readily accessible location on the vehicle, a
 17 sticker, decal, or other device that provides, in sim-
 18 ple and understandable language, information about
 19 how to submit a safety-related motor vehicle defect
 20 complaint with the National Highway Traffic Safety
 21 Administration. The Secretary shall require the
 22 same information to be prominently printed on a
 23 separate page within the owner’s manual. The infor-
 24 mation may not be placed on the label required by

1 section 3 of the Automobile Information Disclosure
 2 Act (15 U.S.C. 1232).

3 “(2) APPLICATION.—The requirements estab-
 4 lished under paragraph (1) shall apply to passenger
 5 motor vehicles manufactured in model years begin-
 6 ning more than 1 year after the date on which a
 7 final rule is published under that paragraph.”.

8 **SEC. 305. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**
 9 **AND MECHANIC PERSONNEL.**

10 The Secretary shall—

11 (1) establish a means by which mechanics, pas-
 12 senger vehicle dealership personnel, and passenger
 13 vehicle manufacturer personnel may contact the Na-
 14 tional Highway Traffic Safety Administration di-
 15 rectly and confidentially regarding potential pas-
 16 senger vehicle safety defects; and

17 (2) publicize the means for contacting the Na-
 18 tional Highway Traffic Safety Administration in a
 19 manner that targets mechanics, passenger vehicle
 20 dealership personnel, and manufacturer personnel.

1 **SEC. 306. WHISTLEBLOWER PROTECTIONS FOR MOTOR VE-**
 2 **HICLE MANUFACTURER, PART SUPPLIER,**
 3 **AND DEALERSHIP EMPLOYEES.**

4 (a) IN GENERAL.—Subchapter IV of chapter 301 of
 5 title 49, United States Code, is amended by adding at the
 6 end the following:

7 **“§ 30171. Protection of employees providing motor ve-**
 8 **hicle safety information**

9 “(a) DISCRIMINATION AGAINST EMPLOYEES OF
 10 MANUFACTURERS, PART SUPPLIERS, AND DEALER-
 11 SHIPS.—No motor vehicle manufacturer, part supplier, or
 12 dealership may discharge an employee or otherwise dis-
 13 criminate against an employee with respect to compensa-
 14 tion, terms, conditions, or privileges of employment be-
 15 cause the employee (or any person acting pursuant to a
 16 request of the employee)—

17 “(1) provided, caused to be provided, or is
 18 about to provide (with any knowledge of the em-
 19 ployer) or cause to be provided to the employer or
 20 the Secretary information relating to any motor ve-
 21 hicle defect or any violation or alleged violation of
 22 any notification or reporting requirement of this
 23 chapter;

24 “(2) has filed, caused to be filed, or is about to
 25 file (with any knowledge of the employer) or cause
 26 to be filed a proceeding relating to any violation or

1 alleged violation of any motor vehicle defect or any
 2 violation or alleged violation of any notification or
 3 reporting requirement of this chapter;

4 “(3) testified or is about to testify in such a
 5 proceeding; or

6 “(4) assisted or participated or is about to as-
 7 sist or participate in such a proceeding.

8 “(b) COMPLAINT PROCEDURE.—

9 “(1) FILING AND NOTIFICATION.—A person
 10 who believes that he or she has been discharged or
 11 otherwise discriminated against by any person in
 12 violation of subsection (a) may, not later than 180
 13 days after the date on which such violation occurs,
 14 file (or have any person file on his or her behalf) a
 15 complaint with the Secretary of Transportation al-
 16 leging such discharge or discrimination. Upon re-
 17 ceipt of such a complaint, the Secretary shall notify,
 18 in writing, the person named in the complaint of the
 19 filing of the complaint, of the allegations contained
 20 in the complaint, of the substance of evidence sup-
 21 porting the complaint, and of the opportunities that
 22 will be afforded to such person under paragraph (2).

23 “(2) INVESTIGATION; PRELIMINARY ORDER.—

24 “(A) IN GENERAL.—Not later than 60
 25 days after the date of receipt of a complaint

1 filed under paragraph (1) and after affording
2 the person named in the complaint an oppor-
3 tunity to submit to the Secretary a written re-
4 sponse to the complaint and an opportunity to
5 meet with a representative of the Secretary to
6 present statements from witnesses, the Sec-
7 retary shall conduct an investigation and deter-
8 mine whether there is reasonable cause to be-
9 lieve that the complaint has merit and notify, in
10 writing, the complainant and the person alleged
11 to have committed a violation of subsection (a)
12 of the Secretary's findings. If the Secretary
13 concludes that there is a reasonable cause to
14 believe that a violation of subsection (a) has oc-
15 curred, the Secretary shall accompany the Sec-
16 retary's findings with a preliminary order pro-
17 viding the relief prescribed by paragraph
18 ~~(3)(B)~~. Not later than 30 days after the date
19 of notification of findings under this paragraph,
20 either the person alleged to have committed the
21 violation or the complainant may file objections
22 to the findings or preliminary order, or both,
23 and request a hearing on the record. The filing
24 of such objections shall not operate to stay any
25 reinstatement remedy contained in the prelimi-

1 nary order. Such hearings shall be conducted
 2 expeditiously. If a hearing is not requested in
 3 such 30-day period, the preliminary order shall
 4 be deemed a final order that is not subject to
 5 judicial review.

6 “(B) REQUIREMENTS.—

7 “(i) REQUIRED SHOWING BY COM-
 8 PLAINANT.—The Secretary shall dismiss a
 9 complaint filed under this subsection and
 10 shall not conduct an investigation other-
 11 wise required under subparagraph (A) un-
 12 less the complainant makes a prima facie
 13 showing that any behavior described in
 14 paragraphs (1) through (4) of subsection
 15 (a) was a contributing factor in the unfa-
 16 vorable personnel action alleged in the
 17 complaint.

18 “(ii) SHOWING BY EMPLOYER.—Not-
 19 withstanding a finding by the Secretary
 20 that the complainant has made the show-
 21 ing required under clause (i), no investiga-
 22 tion otherwise required under subpara-
 23 graph (A) shall be conducted if the em-
 24 ployer demonstrates, by clear and con-
 25 vincing evidence, that the employer would

1 have taken the same unfavorable personnel
2 action in the absence of that behavior.

3 ~~“(iii) CRITERIA FOR DETERMINATION~~
4 ~~BY SECRETARY.—~~The Secretary may de-
5 termine that a violation of subsection (a)
6 has occurred only if the complainant dem-
7 onstrates that any behavior described in
8 paragraphs (1) through (4) of subsection
9 (a) was a contributing factor in the unfa-
10 vorable personnel action alleged in the
11 complaint.

12 ~~“(iv) PROHIBITION.—~~Relief may not
13 be ordered under subparagraph (A) if the
14 employer demonstrates by clear and con-
15 vincing evidence that the employer would
16 have taken the same unfavorable personnel
17 action in the absence of that behavior.

18 ~~“(3) FINAL ORDER.—~~

19 ~~“(A) DEADLINE FOR ISSUANCE; SETTLE-~~
20 ~~MENT AGREEMENTS.—~~Not later than 120 days
21 after the date of conclusion of a hearing under
22 paragraph (2), the Secretary shall issue a final
23 order providing the relief prescribed by this
24 paragraph or denying the complaint. At any
25 time before issuance of a final order, a pro-

ceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

“(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

“(i) to take affirmative action to abate the violation;

“(ii) to reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

“(iii) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (in-

cluding attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

“(C) FRIVOLOUS COMPLAINTS.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorney's fee not exceeding \$1,000.

“(4) REVIEW.—

“(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5. The commencement of proceedings under this sub-

paragraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(5) ENFORCEMENT OF ORDER BY SECRETARY.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

“(6) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court

1 shall have jurisdiction, without regard to the
2 amount in controversy or the citizenship of the
3 parties, to enforce such order.

4 “(B) ATTORNEY FEES.—The court, in
5 issuing any final order under this paragraph,
6 may award costs of litigation (including reason-
7 able attorney and expert witness fees) to any
8 party whenever the court determines such
9 award is appropriate.

10 “(c) MANDAMUS.—Any nondiscretionary duty im-
11 posed by this section shall be enforceable in a mandamus
12 proceeding brought under section 1361 of title 28.

13 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
14 TIONS.—Subsection (a) shall not apply with respect to an
15 employee of a motor vehicle manufacturer, part supplier,
16 or dealership who, acting without direction from such
17 motor vehicle manufacturer, part supplier, or dealership
18 (or such person’s agent), deliberately causes a violation
19 of any requirement relating to motor vehicle safety under
20 this chapter.”.

21 “(b) CONFORMING AMENDMENT.—The table of sec-
22 tions for chapter 301 of title 49, United States Code, is
23 amended by inserting after the item relating to section
24 30170 the following:

“30171. Protection of employees providing motor vehicle safety information”.

1 **SEC. 307. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
 2 **PORTS.**

3 (a) IN GENERAL.—Section 30166 of title 49, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 “(o) CORPORATE RESPONSIBILITY FOR REPORTS.—
 7 The Secretary shall require for each company submitting
 8 information to the Secretary in response to a preliminary
 9 safety investigation, or in response to an official safety in-
 10 vestigation under this chapter, that the principal executive
 11 officer or officers residing in the United States certify
 12 that—

13 “(1) the signing officer has reviewed the sub-
 14 mission; and

15 “(2) based on the officer’s knowledge, the sub-
 16 mission does not contain any untrue statement of a
 17 material fact or omit to state a material fact nec-
 18 essary in order to make the statements made, in
 19 light of the circumstances under which such state-
 20 ments were made, not misleading.”.

21 (b) PENALTIES.—

22 (1) CIVIL PENALTY.—Section 30165(a) of title
 23 49, United States Code, is amended—

24 (A) by striking “A person” in paragraph
 25 (3) and inserting “Except as provided in para-
 26 graph (4), a person”; and

1 (B) by adding at the end thereof the fol-
 2 lowing:

3 “(4) FALSE, MISLEADING OR INCOMPLETE RE-
 4 PORTS.—A person who knowingly and willfully sub-
 5 mits materially false, misleading, or incomplete in-
 6 formation to the Secretary, after certifying the same
 7 information as accurate and complete under the cer-
 8 tification process established pursuant to section
 9 30166(o), shall be subject to a civil penalty of not
 10 more than \$50,000 per day. The maximum penalty
 11 under this paragraph for a related series of daily
 12 violations is \$250,000,000.”.

13 (2) CRIMINAL PENALTY.—Section 30170 of
 14 title 49, United States Code, is amended—

15 (A) by redesignating paragraphs (1) and
 16 (2) of subsection (a) as paragraphs (2) and (3),
 17 respectively, and by inserting before paragraph
 18 (2) the following:

19 “(1) SUBMITTING MISLEADING INFORMATION
 20 TO THE SECRETARY.—A person who violates section
 21 1001 of title 18 with respect to the reporting re-
 22 quirements of section 30118, 30119, or 30166, with
 23 the specific intent of misleading the Secretary with
 24 respect to motor vehicle or motor vehicle equipment
 25 safety related defects shall, in addition to the pen-

1 alties imposed under title 18, be subject to imprison-
 2 ment for not more than an additional 12 months.”;

3 (B) by striking the heading for paragraph
 4 (2), as redesignated, of subsection (a) and in-
 5 serting the following:

6 “(2) SUBMITTING MISLEADING INFORMATION
 7 TO THE SECRETARY THAT LEADS TO DEATH OR SE-
 8 RIOUS INJURY.—”; and

9 (C) by striking subparagraph (A) of para-
 10 graph (3), as redesignated, of subsection (a)
 11 and inserting the following:

12 “(A) CORRECTION.—A person described in
 13 paragraph (1) or (2) shall not be subject to
 14 criminal penalties under this subsection if—

15 “(i) the person corrects any improper
 16 reports or failure to report within a rea-
 17 sonable time; and

18 “(ii) in the case of a person described
 19 in paragraph (2), at the time of the viola-
 20 tion, such person does not know that the
 21 violation would result in an accident caus-
 22 ing death or serious bodily injury.”.

23 **SEC. 308. ANTI-REVOLVING DOOR.**

24 (a) PROFESSIONAL RESPONSIBILITY INTEGRITY PE-
 25 RIOD.—

1 (1) IN GENERAL.—Subchapter I of chapter 301
 2 of title 49, United States Code, is amended by add-
 3 ing at the end the following:

4 **“§ 30107. Restriction on certain employment activi-**
 5 **ties.**

6 “(a) NHTSA EMPLOYEES.—

7 “(1) IN GENERAL.—A individual to whom this
 8 subsection applies who is employed by the National
 9 Highway Traffic Safety Administration may not
 10 commence employment with, or otherwise advise,
 11 provide assistance to, or represent for compensation,
 12 a manufacturer or other person subject to regulation
 13 under this chapter during the 36-month period com-
 14 mencing upon that individual’s termination of em-
 15 ployment with the National Highway Traffic Safety
 16 Administration if such employment, advice, assist-
 17 ance, or representation involves—

18 “(A) written or oral communication with
 19 the National Highway Traffic Safety Adminis-
 20 tration on any matter relating to compliance
 21 with the requirements of this chapter on behalf
 22 of the manufacturer or person;

23 “(B) representing or advising a manufac-
 24 turer with respect to a motor vehicle safety or
 25 fuel economy issue, including any defect related

to motor vehicle safety, compliance with a motor vehicle safety standard, or compliance with an average fuel economy standard prescribed under chapter 329 of this title; or

“(C) assisting a manufacturer in responding to a request for information from the National Highway Traffic Safety Administration.

“(2) APPLICATION.—

“(A) IN GENERAL.—This subsection applies to any individual—

“(i) to whom section 207(e) or (d) of title 18 applies; or

“(ii) whose responsibilities during his or her last 12 months of employment at the National Highway Traffic Safety Administration included administrative, managerial, supervisory, legal, or senior technical responsibility for any motor vehicle safety-related program or activity.

“(2) SAFE HARBOR.—This subsection does not apply to any individual employed by a manufacturer or other person subject to regulation under this chapter as of the date of enactment of the Motor Vehicle Safety Act of 2010.

1 “(b) MANUFACTURERS.—It is unlawful for any man-
 2 ufacturer or other person subject to regulation under this
 3 chapter to employ or contract for the services of an indi-
 4 vidual to whom subsection (a) applies during the 36-
 5 month period commencing on the individual’s termination
 6 of employment with the National Highway Traffic Safety
 7 Administration in a capacity in which the individual is
 8 prohibited from serving during that period.”.

9 (2) CIVIL PENALTY.—Section 30165(a) of title
 10 49, United States Code, as amended by section 307,
 11 is further amended by adding at the end the fol-
 12 lowing:

13 “(5) SECTION 30107.—An individual who vio-
 14 lates section 30107(a) is liable to the United States
 15 Government for a civil penalty as determined under
 16 section 216(b) of title 18 for an offense under sec-
 17 tion 207 of that title. A manufacturer or other per-
 18 son subject to regulation under this chapter who vio-
 19 lates section 30107(b) is liable to the United States
 20 Government for a civil penalty of the sum of—

21 “(A) an amount equal to not less than
 22 \$100,000; and

23 “(B) an amount equal to 90 percent of the
 24 annual compensation or fee paid or payable to

1 the individual with respect to whom the viola-
2 tion occurred.”.

3 ~~(3) CONFORMING AMENDMENT.~~—The table of
4 contents for chapter 301 of title 49, United States
5 Code, is amended by inserting after the item relating
6 to section 30106 the following:

“30107. Restriction on certain employment activities”.

7 ~~(b) STUDY OF DEPARTMENT OF TRANSPORTATION~~
8 ~~POLICIES ON OFFICIAL COMMUNICATION WITH FORMER~~
9 ~~MOTOR VEHICLE SAFETY ISSUE EMPLOYEES.~~—Within 1
10 year after the date of enactment of this Act the Depart-
11 ment of Transportation Inspector General shall—

12 (1) review the Department’s policies and proce-
13 dures applicable to official communication with
14 former employees concerning motor vehicle safety
15 compliance matters for which they had responsibility
16 during the last 12 months of their tenure at the De-
17 partment, including any limitations on the ability of
18 such employees to submit comments, or otherwise
19 communicate directly with the Department, on
20 motor vehicle safety issues; and

21 (2) submit a report to the Senate Committee on
22 Commerce, Science, and Transportation and the
23 House of Representatives Committee on Energy and
24 Commerce containing the Inspector General’s find-
25 ings, conclusions, and recommendations for

strengthening those policies and procedures to minimize the risk of undue influence without compromising the ability of the Department to employ and retain highly qualified individuals for such responsibilities.

~~(c) POST-EMPLOYMENT POLICY STUDY.—~~

~~(1) IN GENERAL.—~~The Department of Transportation Inspector General shall conduct a study of the Department's policies relating to post-employment restrictions on employees who perform functions related to transportation safety.

~~(2) REPORT.—~~Not later than 1 year after the date of enactment of this Act, the Inspector General shall submit a report containing the results of the study conducted under paragraph ~~(1)~~ to—

~~(A) the Senate Committee on Commerce, Science, and Transportation;~~

~~(B) the House of Representatives Committee on Energy and Commerce; and~~

~~(C) the Secretary of Transportation.~~

~~(3) USE OF RESULTS.—~~The Secretary of transportation shall review the results of the study and take whatever action the Secretary determines to be appropriate.

1 **SEC. 309. DEADLINES FOR RULEMAKING.**

2 If the Secretary determines that a deadline for a final
3 rule under this Act or an amendment made by this Act
4 cannot be met, the Secretary shall—

5 (1) notify the Committee on Energy and Com-
6 merce of the House of Representatives and the Sen-
7 ate Committee on Commerce, Science, and Trans-
8 portation and explain why that deadline cannot be
9 met; and

10 (2) establish a new deadline for that rule.

11 **TITLE IV—FUNDING**

12 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 30104 of title 49, United States Code, is
14 amended—

15 (1) by striking “\$98,313,500”; and

16 (2) by striking “in each fiscal year beginning”
17 and all that follows and inserting “and to carry out
18 the Motor Vehicle Safety Act of 2010—

19 “(1) \$200,000,000 for fiscal year 2011;

20 “(2) \$240,000,000 for fiscal year 2012; and

21 “(3) \$280,000,000 for fiscal year 2013.”.

22 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

23 (a) *SHORT TITLE.*—*This Act may be cited as the*
24 *“Motor Vehicle Safety Act of 2010”.*

25 (b) *TABLE OF CONTENTS.*—*The table of contents for*
26 *this Act is as follows:*

- Sec. 1. Short title; table of contents.*
Sec. 2. Definitions.

TITLE I—VEHICLE ELECTRONICS AND SAFETY STANDARDS

- Sec. 101. NHTSA electronics, software, and engineering expertise.*
Sec. 102. Vehicle stopping distance and brake override standard.
Sec. 103. Pedal placement standard.
Sec. 104. Electronic systems performance standard.
Sec. 105. Pushbutton ignition systems standard.
Sec. 106. Transmission labeling standard.
Sec. 107. Vehicle event data recorders.

TITLE II—ENHANCED SAFETY AUTHORITIES

- Sec. 201. Civil penalties.*
Sec. 202. Imminent hazard authority.

TITLE III—TRANSPARENCY AND ACCOUNTABILITY

- Sec. 301. Public availability of early warning data.*
Sec. 302. Improved NHTSA vehicle safety database.
Sec. 303. Consumer notice of software updates and other communications with dealers.
Sec. 304. Promotion of vehicle defect reporting.
Sec. 305. NHTSA hotline for manufacturer, dealer, and mechanic personnel.
Sec. 306. Whistleblower protections for motor vehicle manufacturer, part supplier, and dealership employees.
Sec. 307. Corporate responsibility for NHTSA reports.
Sec. 308. Anti-revolving door.
Sec. 309. Deadlines for rulemaking.
Sec. 310. Used passenger motor vehicle consumer protection.
Sec. 311. Use of existing regulatory framework.
Sec. 312. Recalled vehicles and replacement equipment.

TITLE IV—FUNDING

- Sec. 401. Authorization of appropriations.*

TITLE V—PEDESTRIAN SAFETY ENHANCEMENT

- Sec. 501. Short title.*
Sec. 502. Definitions.
Sec. 503. Minimum sound requirement for motor vehicles.
Sec. 504. Authorization of appropriations.

TITLE VI—IN-VEHICLE ALCOHOL DETECTION DEVICE RESEARCH

- Sec. 601. Short title.*
Sec. 602. Findings.
Sec. 603. Driver Alcohol detection system for safety research.
Sec. 604. Definitions.
Sec. 605. Application with other laws.
Sec. 606. Authorization of appropriations.

1 SEC. 2. DEFINITIONS.

2 In this Act:

(1) *PASSENGER MOTOR VEHICLE.*—*The term “passenger motor vehicle” means a motor vehicle (as defined in section 30102(a)(6) of title 49, United States Code) that is rated at less than 10,000 pounds gross vehicular weight, but does not include—*

(A) a motorcycle;

(B) a low speed vehicle (as defined in section 571.3 of title 49, Code of Federal Regulations); or

(C) a trailer.

(2) *SECRETARY.*—*The term “Secretary” means the Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.*

TITLE I—VEHICLE ELECTRONICS AND SAFETY STANDARDS

SEC. 101. NHTSA ELECTRONICS, SOFTWARE, AND ENGINEERING EXPERTISE.

(a) COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.—

(1) IN GENERAL.—*The Secretary shall establish, within the National Highway Traffic Safety Administration, a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies to build, integrate, and aggregate the agency’s expertise in pas-*

1 *senger motor vehicle electronics and other new and*
 2 *emerging technologies.*

3 (2) *IMPLEMENTATION OF ROADMAP.*—*The Coun-*
 4 *cil shall implement the NHTSA Plastic and Com-*
 5 *posite Intensive Vehicle Safety Roadmap (Report No.*
 6 *DOT HS 810 863) to ensure that inclusion of emerg-*
 7 *ing lightweight plastic and composite technologies in*
 8 *motor vehicles to increase fuel efficiency, lower emis-*
 9 *sions, and meet Corporate Average Fuel Economy*
 10 *standards enhances passenger motor vehicle safety.*

11 (3) *INTRA-AGENCY COORDINATION.*—*The Council*
 12 *shall coordinate with all components of the Adminis-*
 13 *tration responsible for vehicle safety, including re-*
 14 *search and development, rulemaking, and defects in-*
 15 *vestigation.*

16 (b) *HONORS RECRUITMENT PROGRAM.*—*The Secretary*
 17 *shall establish, within the National Highway Traffic Safety*
 18 *Administration, an honors program for engineering stu-*
 19 *dents, computer science students, and other students inter-*
 20 *ested in vehicle safety that will enable them to train with*
 21 *engineers and other safety officials for a career in vehicle*
 22 *safety. The Secretary is authorized to provide a stipend to*
 23 *students during their participation in the program.*

24 (c) *ASSESSMENT.*—*The Council shall assess the impli-*
 25 *cations of emerging safety technologies in passenger motor*

1 *vehicles in consultation with affected stakeholders, includ-*
 2 *ing specifically the effect on consumers, product avail-*
 3 *ability, and cost.*

4 **SEC. 102. VEHICLE STOPPING DISTANCE AND BRAKE OVER-**
 5 **RIDE STANDARD.**

6 (a) *UNINTENDED ACCELERATION.*—*The Secretary*
 7 *shall initiate a rulemaking proceeding to prescribe a Fed-*
 8 *eral motor vehicle safety standard that would mitigate un-*
 9 *intended acceleration in passenger motor vehicles. The*
 10 *standard—*

11 (1) *shall establish performance requirements, to*
 12 *be determined by the Secretary according to the speed,*
 13 *size, and weight of the vehicle, that enable a driver to*
 14 *bring a passenger motor vehicle safely to a full stop*
 15 *by normal braking application even if the vehicle is*
 16 *simultaneously receiving accelerator input signals, in-*
 17 *cluding a full-throttle input signal;*

18 (2) *may permit compliance through a system*
 19 *that requires brake pedal application, after a period*
 20 *of time determined by the Secretary, to override an*
 21 *accelerator pedal input signal in order to stop the ve-*
 22 *hicle;*

23 (3) *shall require that redundant circuits or other*
 24 *mechanisms be built into accelerator control systems,*
 25 *including systems controlled by electronic throttle, to*

1 *maintain vehicle control in the event of failure of the*
 2 *primary circuit or mechanism; and*

3 *(4) may permit vehicles to incorporate a means*
 4 *to temporarily disengage the function required under*
 5 *paragraph (1) to facilitate operations, such as ma-*
 6 *neuvering trailers or climbing steep hills, that may*
 7 *require the simultaneous operation of brake and accel-*
 8 *erator.*

9 *(b) DEADLINE.—The Secretary shall issue a final rule*
 10 *under subsection (a) within 1 year after the date of enact-*
 11 *ment of this Act.*

12 **SEC. 103. PEDAL PLACEMENT STANDARD.**

13 *(a) IN GENERAL.—The Secretary shall initiate a rule-*
 14 *making proceeding to consider prescribing a Federal motor*
 15 *vehicle safety standard that would mitigate potential ob-*
 16 *struction of pedal movement in passenger motor vehicles,*
 17 *taking into account various pedal mounting configurations,*
 18 *minimum clearances for passenger motor vehicle foot pedals*
 19 *with respect to other pedals, the vehicle floor (including*
 20 *aftermarket floor coverings), and any other potential ob-*
 21 *structions to pedal movement as determined by the Sec-*
 22 *retary.*

23 *(b) DEADLINE.—The Secretary shall issue a final rule*
 24 *under subsection (a) within 3 years after the date of enact-*
 25 *ment of this Act, or, if the Secretary determines that a*

1 *standard is not warranted based on the requirements and*
 2 *considerations set forth in section 30111(a) and (b) of title*
 3 *49, United States Code, transmit a report to the Senate*
 4 *Committee on Commerce, Science, and Transportation, and*
 5 *the House of Representatives Committee on Energy and*
 6 *Commerce describing the reasons for not prescribing the*
 7 *standard.*

8 (c) *COMBINED RULEMAKING.*—*If appropriate, the Sec-*
 9 *retary may combine the rulemaking proceeding required by*
 10 *subsection (a) with the rulemaking proceeding required by*
 11 *section 102.*

12 **SEC. 104. ELECTRONIC SYSTEMS PERFORMANCE STAND-**
 13 **ARD.**

14 (a) *IN GENERAL.*—*The Secretary shall initiate a rule-*
 15 *making proceeding to prescribe or amend a Federal motor*
 16 *vehicle safety standard to require electronic systems in pas-*
 17 *senger motor vehicles to meet minimum performance re-*
 18 *quirements. Such a rule may include requirements for elec-*
 19 *tronic components, the interaction of those electronic com-*
 20 *ponents, or the effect of surrounding environments on those*
 21 *electronic systems.*

22 (b) *NATIONAL ACADEMY OF SCIENCES.*—*In conducting*
 23 *the rulemaking, the Secretary shall consider to the extent*
 24 *appropriate the findings and recommendations of the Na-*

1 tional Academy of Sciences, if any, pursuant to its study
2 of electronic vehicle controls.

3 (c) *DEADLINE.*—The Secretary shall issue a final rule
4 under subsection (a) within 4 years after the date of enact-
5 ment of this Act.

6 **SEC. 105. PUSHBUTTON IGNITION SYSTEMS STANDARD.**

7 (a) *PUSHBUTTON IGNITION STANDARD.*—

8 (1) *IN GENERAL.*—The Secretary shall initiate a
9 rulemaking proceeding to consider prescribing a Fed-
10 eral motor vehicle safety standard for passenger motor
11 vehicles with pushbutton ignition systems, to establish
12 a standardized operation of such systems when used
13 by drivers, including drivers who may be unfamiliar
14 with such systems, in an emergency situation when
15 the vehicle is in motion.

16 (2) *OTHER IGNITION SYSTEMS.*—In the rule-
17 making proceeding under paragraph (1), the Sec-
18 retary may include any other ignition-starting mech-
19 anism that the Secretary deems it appropriate to con-
20 sider.

21 (b) *PUSHBUTTON IGNITION SYSTEM.*—The term
22 “pushbutton ignition system” means a mechanism, such as
23 the push of a button, for starting a passenger motor vehicle
24 that does not involve the physical insertion and turning of
25 a tangible key.

1 (c) *DEADLINE.*—*The Secretary shall issue a final rule*
 2 *under subsection (a) within 2 years after the date of enact-*
 3 *ment of this Act, or, if the Secretary determines that a*
 4 *standard is not warranted based on the requirements and*
 5 *considerations set forth in section 30111(a) and (b) of title*
 6 *49, United States Code, transmit a report to the Senate*
 7 *Committee on Commerce, Science, and Transportation, and*
 8 *the House of Representatives Committee on Energy and*
 9 *Commerce describing the reasons for not prescribing the*
 10 *standard.*

11 **SEC. 106. TRANSMISSION LABELING STANDARD.**

12 (a) *IN GENERAL.*—*The Secretary shall initiate a rule-*
 13 *making proceeding to consider amending Federal motor ve-*
 14 *hicle safety standard 102 to improve the recognition of the*
 15 *gear selector positions for drivers, including drivers not fa-*
 16 *miliar with the vehicle, and to make the neutral position*
 17 *more conspicuous.*

18 (b) *DEADLINE.*—*The Secretary shall issue a final rule*
 19 *under subsection (a) within 2 years after the date of enact-*
 20 *ment of this Act, or, if the Secretary determines that amend-*
 21 *ment of the standard is not warranted based on the require-*
 22 *ments and considerations set forth in section 30111(a) and*
 23 *(b) of title 49, United States Code, transmit a report to*
 24 *the Senate Committee on Commerce, Science, and Trans-*
 25 *portation, and the House of Representatives Committee on*

1 *Energy and Commerce describing the reasons for not pre-*
 2 *scribing the standard.*

3 **SEC. 107. VEHICLE EVENT DATA RECORDERS.**

4 (a) *MANDATORY EVENT DATA RECORDERS.—*

5 (1) *IN GENERAL.—Not later than 180 days after*
 6 *the date of enactment of this Act, the Secretary shall*
 7 *revise part 563 of title 49, Code of Federal Regula-*
 8 *tions, to require that new passenger motor vehicles*
 9 *sold in the United States beginning with the 2015*
 10 *model year be equipped with an event data recorder*
 11 *that meets the requirements of that part.*

12 (2) *PENALTY.—The violation of any provision of*
 13 *part 563 of title 49, Code of Federal Regulations—*

14 (A) *shall be deemed to be a violation of sec-*
 15 *tion 30112 of title 49, United States Code, and*
 16 *subject to civil penalties under section 30165(a)*
 17 *of that title; but*

18 (B) *shall not subject a manufacturer (as de-*
 19 *fined in section 30102(a)(5) of that title) to the*
 20 *requirements of section 30120 of that title.*

21 (b) *LIMITATIONS ON INFORMATION RETRIEVAL.—*

22 (1) *OWNERSHIP OF DATA.—Any data in an*
 23 *event data recorder required under part 563 of title*
 24 *49, Code of Federal Regulations, regardless of when*
 25 *the passenger motor vehicle in which it is installed*

1 *was manufactured, is the property of the owner or les-*
2 *see of the passenger motor vehicle in which the data*
3 *recorder is installed.*

4 (2) *PRIVACY.—Data recorded or transmitted by*
5 *such a data recorder may not be retrieved by a person*
6 *other than the owner or lessee of the motor vehicle in*
7 *which the recorder is installed unless—*

8 (A) *a court authorizes retrieval of the infor-*
9 *mation in furtherance of a legal proceeding;*

10 (B) *the owner or lessee consents to the re-*
11 *trieval of the information for any purpose, in-*
12 *cluding the purpose of diagnosing, servicing, or*
13 *repairing the motor vehicle;*

14 (C) *the information is retrieved pursuant to*
15 *an investigation or inspection authorized under*
16 *section 30166 of title 49, United States Code,*
17 *and the personally identifiable information of*
18 *the owner, lessee, or driver of the vehicle and the*
19 *vehicle identification number is not disclosed in*
20 *connection with the retrieved information; or*

21 (D) *the information is retrieved for the pur-*
22 *pose of determining the need for, or facilitating,*
23 *emergency medical response in the event of a*
24 *motor vehicle crash.*

1 (c) *REVISED REQUIREMENTS FOR EVENT DATA RE-*
 2 *CORDERS.*—*The Secretary shall initiate a rulemaking pro-*
 3 *ceeding to prescribe or amend a Federal motor vehicle safety*
 4 *standard that would update part 563 of title 49, Code of*
 5 *Federal Regulations, to require that event data recorders*
 6 *in passenger motor vehicles record operational data that*
 7 *can be stored and accessed for retrieval and analysis in ac-*
 8 *cordance with subsection (d).*

9 (d) *SPECIFICATIONS.*—*The rule—*

10 (1) *shall require such recorders to capture and*
 11 *store data covering a reasonable time before, during,*
 12 *and after a motor vehicle accident or airbag deploy-*
 13 *ment, including information about engine perform-*
 14 *ance, steering, braking, acceleration, vehicle speed,*
 15 *seat belt use, airbag deployment level, deactivation*
 16 *status, deployment time, and deployment stage, and*
 17 *may require such recorders to record other data re-*
 18 *lated to motor vehicle safety, such as data related to*
 19 *vehicle rollovers, as the Secretary considers appro-*
 20 *priate;*

21 (2) *shall require such recorders to store data for*
 22 *a sufficient time to capture relevant data from events*
 23 *leading up to a motor vehicle accident, the accident*
 24 *itself, and the aftermath of an accident, including a*
 25 *rollover;*

1 (3) may require such recorders to capture and
2 store certain events such as rapid deceleration, full-
3 throttle acceleration, or full braking that may indi-
4 cate unintended acceleration, even if there is not an
5 accident or airbag deployment;

6 (4) may not require information recorded by
7 such data recorders to include the vehicle's location
8 except as deemed necessary by the Secretary for pur-
9 poses of determining the need for, or facilitating,
10 emergency medical response in the event of a motor
11 vehicle crash;

12 (5) shall require that data stored on such record-
13 ers be accessible, regardless of vehicle manufacturer or
14 model, with commercially available equipment;

15 (6) shall specify data format requirements;

16 (7) may require an interoperable data access
17 port to facilitate universal accessibility and analysis;

18 (8) shall require that such recorders meet the
19 performance requirements for crash resistance in-
20 cluded in part 563 of title 49, Code of Federal Regu-
21 lations, and, if the Secretary determines that these re-
22 quirements do not provide adequate temperature,
23 crash or water resistance, the Secretary may establish
24 additional requirements; and

1 (9) shall establish requirements for preventing
 2 unauthorized access to the data stored on an event
 3 data recorder in order to protect the security, integ-
 4 rity, and authenticity of the data.

5 (e) *DISCLOSURE OF EXISTENCE AND PURPOSE OF*
 6 *EVENT DATA RECORDER.*—The rule issued under sub-
 7 section (c) shall require that any owner’s manual or similar
 8 documentation provided to the first purchaser of a pas-
 9 senger motor vehicle for purposes other than resale disclose
 10 that the vehicle is equipped with such a data recorder and
 11 explain the purpose of the recorder.

12 (f) *ACCESS TO EVENT DATA RECORDERS IN DEFECT*
 13 *INVESTIGATIONS.*—Section 30166(c)(3)(C) of title 49,
 14 United States Code, is amended by striking “equipment;”
 15 and inserting “equipment, including any electronic data
 16 contained within the vehicle’s diagnostic system or event
 17 data recorder;”.

18 (g) *DEADLINE FOR RULEMAKING.*—The Secretary
 19 shall issue a final rule under subsection (b) not later than
 20 3 years after the date of enactment of this Act.

21 (h) *EVENT DATA RECORDERS FOR NEW MEDIUM-DUTY*
 22 *AND HEAVY-DUTY VEHICLES.*—

23 (1) *IN GENERAL.*—Not later than 3 years after
 24 the date of the enactment of this Act, the Secretary
 25 shall require that all new medium-duty vehicles and

heavy-duty vehicles sold in the United States beginning with model year 2017 be equipped with an event data recorder.

(2) *MEDIUM- AND HEAVY-DUTY VEHICLES DEFINED.*—In this subsection, the term “medium-duty vehicles and heavy-duty vehicles” means motor vehicles (as defined in section 30102(a)(6) of title 49, United States Code) that are rated at 10,001 pounds gross vehicular weight or more. The term does not include trailers.

TITLE II—ENHANCED SAFETY AUTHORITIES

SEC. 201. CIVIL PENALTIES.

(a) *IN GENERAL.*—Section 30165 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence by striking “\$5,000” and inserting “\$25,000”; and

(B) in the third sentence by striking “\$15,000,000” and inserting “\$300,000,000”;

(2) in subsection (a)(3)—

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

(B) in the third sentence by striking “\$15,000,000” and inserting “\$300,000,000”;

1 (3) *by striking subsection (c) and inserting the*
 2 *following:*

3 “(c) *RELEVANT FACTORS IN DETERMINING AMOUNT*
 4 *OF PENALTY OR COMPROMISE.—In determining the*
 5 *amount of a civil penalty or compromise, the nature, cir-*
 6 *cumstances, extent, and gravity of the violation shall be con-*
 7 *sidered. The determination shall include, where appro-*
 8 *priate, the nature of the defect or noncompliance, knowledge*
 9 *by the person charged of its obligation to recall or notify*
 10 *the public, the severity of the risk of injury, the occurrence*
 11 *or absence of injury, the number of motor vehicles or items*
 12 *of motor vehicle equipment distributed with the defect or*
 13 *noncompliance, the existence of an imminent hazard, ac-*
 14 *tions taken by the person charged to identify, investigate,*
 15 *or mitigate the condition, the appropriateness of such pen-*
 16 *alty in relation to the size of the business of the person*
 17 *charged, including the potential for undue adverse economic*
 18 *impacts on small business, and such other factors as appro-*
 19 *priate.”.*

20 (b) *CIVIL PENALTY CRITERIA.—Not later than 1 year*
 21 *after the date of enactment of this Act, and in accordance*
 22 *with the procedures of section 553 of title 5, United States*
 23 *Code, the Secretary shall issue a final regulation providing*
 24 *its interpretation of the penalty factors described in section*

1 30165(c) of title 49, United States Code, as amended by
 2 subsection (a).

3 (c) CONSTRUCTION.—Nothing in this section shall be
 4 construed as preventing the imposition of penalties under
 5 section 30165 of title 49, United States Code, prior to the
 6 issuance of a final regulation pursuant to subsection (b).

7 **SEC. 202. IMMINENT HAZARD AUTHORITY.**

8 (a) IN GENERAL.—Section 30118(b) of title 49, United
 9 States Code, is amended—

10 (1) by redesignating paragraph (2) as para-
 11 graph (3);

12 (2) by inserting “or (2)” in paragraph (3) (as
 13 redesignated) after “under paragraph (1)”; and

14 (3) by inserting after paragraph (1) the fol-
 15 lowing:

16 “(2) If the Secretary of Transportation in mak-
 17 ing a decision under subsection (a) initially decides
 18 that such defect or noncompliance presents a substan-
 19 tial likelihood of death or serious injury to the public
 20 if not discontinued immediately, the Secretary shall
 21 notify the manufacturer of the decision that the vehi-
 22 cle or replacement equipment poses an imminent safe-
 23 ty hazard to the public and the basis for that deci-
 24 sion. Not later than 10 days after the initial decision,
 25 the manufacturer and interested persons shall be

1 *given an opportunity to present information, views,*
 2 *and arguments to the Secretary. The Secretary shall*
 3 *consider such information, views and arguments and*
 4 *may make a final decision as to whether a motor ve-*
 5 *hicle or replacement equipment contains a defect re-*
 6 *lated to motor vehicle safety or does not comply with*
 7 *an applicable motor vehicle safety standard pre-*
 8 *scribed under this chapter.”.*

9 ***(b) PROCEDURES.***—*Not later than 2 years after the*
 10 *date of enactment of this Act, the Secretary shall issue regu-*
 11 *lations establishing procedures for the issuance of a decision*
 12 *under section 30118(b)(2) of title 49, United States Code*
 13 *(as added by subsection (a)) and enforcement of an order*
 14 *based on such decision. In establishing such procedures, the*
 15 *Secretary shall prioritize the mitigation of imminent safety*
 16 *hazards.*

17 ***TITLE III—TRANSPARENCY AND*** 18 ***ACCOUNTABILITY***

19 ***SEC. 301. PUBLIC AVAILABILITY OF EARLY WARNING DATA.***

20 ***(a) IN GENERAL.***—*Section 30166(m) of title 49,*
 21 *United States Code, is amended by—*

22 ***(1) by striking clause (ii) in paragraph (3)(A)***
 23 ***and inserting the following:***

24 ***“(ii) customer satisfaction campaigns,***
 25 ***customer advisories, recalls, consumer com-***

1 *plaints, warranty claims, field reports, tech-*
 2 *nical service bulletins, or other activity in-*
 3 *volving the repair or replacement of motor*
 4 *vehicles or motor vehicle equipment.”; and*

5 *(2) by striking subparagraph (C) of paragraph*
 6 *(4) and inserting the following:*

7 *“(C) DISCLOSURE.—The information pro-*
 8 *vided to the Secretary pursuant to this sub-*
 9 *section shall be disclosed publicly unless exempt*
 10 *from disclosure under section 552(b) of title 5.”.*

11 *(b) REGULATIONS.—Not later than 2 years after the*
 12 *date of enactment of this Act, the Secretary shall issue regu-*
 13 *lations establishing categories of information provided to*
 14 *the Secretary pursuant to section 30166(m) that must be*
 15 *made available to the public. The Secretary may establish*
 16 *categories of information that are exempt from public dis-*
 17 *closure under section 552(b) of title 5, United States Code.*

18 *(c) CONSULTATION.—In conducting the rulemaking re-*
 19 *quired under subsection (a), the Secretary shall consult with*
 20 *the Director of the Office of Government Information Serv-*
 21 *ices within the National Archives and the Director of the*
 22 *Office of Information Policy of the Department of Justice.*

23 *(d) PRESUMPTION AND LIMITATION.—The Secretary*
 24 *shall issue the regulations with a presumption in favor of*
 25 *maximum public availability of information. In issuing*

1 regulations under subsection (b), the following types of in-
 2 formation shall presumptively not be eligible for protection
 3 under section 552(b) of title 5, United States Code:

4 (1) Vehicle safety defect information related to
 5 incidents involving death or injury.

6 (2) Aggregated numbers of property damage
 7 claims; and

8 (3) Aggregated numbers of consumer complaints
 9 related to potential vehicle defects.

10 **SEC. 302. IMPROVED NHTSA VEHICLE SAFETY DATABASE.**

11 (a) *IN GENERAL.*—Not later than 2 years after the
 12 date of the enactment of this Act, the Secretary shall im-
 13 prove public accessibility to information on the National
 14 Highway Traffic Safety Administration’s publicly acces-
 15 sible vehicle safety databases by—

16 (1) improving organization and functionality,
 17 including modern web design features, and allowing
 18 for data to be searched, aggregated, and downloaded;

19 (2) providing greater consistency in presentation
 20 of vehicle safety issues; and

21 (3) improving searchability about specific vehi-
 22 cles and issues through standardization of commonly
 23 used search terms.

24 (b) *VEHICLE RECALL INFORMATION.*—Not later than
 25 1 year after the date of the enactment of this Act, the Sec-

1 retary shall require that motor vehicle safety recall informa-
 2 tion be made available to consumers on the Internet, search-
 3 able by a vehicle make and model and searchable by a vehi-
 4 cle identification number, in a format that preserves con-
 5 sumer privacy and that provides information about each
 6 recall that has not been completed for that vehicle. The Sec-
 7 retary may initiate a rulemaking proceeding to require that
 8 manufacturers provide such information at no cost on pub-
 9 licly accessible Internet websites or through other reasonable
 10 means.

11 **SEC. 303. CONSUMER NOTICE OF SOFTWARE UPDATES AND**
 12 **OTHER COMMUNICATIONS WITH DEALERS.**

13 (a) *INTERNET ACCESSIBILITY*.—Section 30166(f) of
 14 title 49, United States Code, is amended—

15 (1) by striking “Transportation” and inserting
 16 “Transportation, and make available on a publicly
 17 accessible Internet website,”; and

18 (2) by adding at the end the following: “Commu-
 19 nications submitted to the Secretary and required to
 20 be published on a manufacturer’s Internet website
 21 shall include all notices to dealerships of software up-
 22 grades and modifications recommended by a manu-
 23 facturer for all previously sold vehicles. Notice is re-
 24 quired even if the software upgrade or modification is
 25 not related to a safety defect or noncompliance with

1 *a motor vehicle safety standard. The notice shall in-*
 2 *clude a plain language description of the purpose of*
 3 *the update and that description shall be prominently*
 4 *placed at the beginning of the notice. Communica-*
 5 *tions required to be submitted to the Secretary under*
 6 *this subsection shall be accompanied by an index to*
 7 *each communication which identifies the make, model,*
 8 *and model year of the affected vehicles and a concise*
 9 *summary of the subject matter of the communication.*
 10 *The index shall be made available by the Secretary to*
 11 *the public on the Internet in a searchable format.”.*

12 **SEC. 304. PROMOTION OF VEHICLE DEFECT REPORTING.**

13 *Section 32302 of title 49, United States Code, is*
 14 *amended by adding at the end the following:*

15 “(d) *MOTOR VEHICLE DEFECT REPORTING INFORMA-*
 16 *TION.—*

17 “(1) *RULEMAKING REQUIRED.—Within 1 year*
 18 *after the date of enactment of the Motor Vehicle Safety*
 19 *Act of 2010 the Secretary shall prescribe regulations*
 20 *that require passenger motor vehicle manufacturers to*
 21 *affix, in the glove compartment or in another readily*
 22 *accessible location on the vehicle, a sticker, decal, or*
 23 *other device that provides, in simple and understand-*
 24 *able language, information about how to submit a*
 25 *safety-related motor vehicle defect complaint to the*

1 *National Highway Traffic Safety Administration.*
 2 *The Secretary shall require the same information to*
 3 *be prominently printed on a separate page within the*
 4 *owner's manual. The information may not be placed*
 5 *on the label required by section 3 of the Automobile*
 6 *Information Disclosure Act (15 U.S.C. 1232).*

7 “(2) *APPLICATION.*—*The requirements estab-*
 8 *lished under paragraph (1) shall apply to passenger*
 9 *motor vehicles manufactured in model years begin-*
 10 *ning more than 1 year after the date on which a final*
 11 *rule is published under that paragraph.”.*

12 **SEC. 305. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**
 13 **AND MECHANIC PERSONNEL.**

14 *The Secretary shall—*

15 (1) *establish a means by which mechanics, pas-*
 16 *senger motor vehicle dealership personnel, and pas-*
 17 *senger motor vehicle manufacturer personnel may*
 18 *contact the National Highway Traffic Safety Admin-*
 19 *istration directly and confidentially regarding poten-*
 20 *tial passenger motor vehicle safety defects; and*

21 (2) *publicize the means for contacting the Na-*
 22 *tional Highway Traffic Safety Administration in a*
 23 *manner that targets mechanics, passenger motor vehi-*
 24 *cle dealership personnel, and manufacturer personnel.*

1 **SEC. 306. WHISTLEBLOWER PROTECTIONS FOR MOTOR VE-**
 2 **HICLE MANUFACTURER, PART SUPPLIER, AND**
 3 **DEALERSHIP EMPLOYEES.**

4 (a) *IN GENERAL.*—Subchapter IV of chapter 301 of
 5 title 49, United States Code, is amended by adding at the
 6 end the following:

7 **“§ 30171. Protection of employees providing motor ve-**
 8 **hicle safety information**

9 “(a) *DISCRIMINATION AGAINST EMPLOYEES OF MANU-*
 10 *FACTURERS, PART SUPPLIERS, AND DEALERSHIPS.*—No
 11 motor vehicle manufacturer, part supplier, or dealership
 12 may discharge an employee or otherwise discriminate
 13 against an employee with respect to compensation, terms,
 14 conditions, or privileges of employment because the em-
 15 ployee (or any person acting pursuant to a request of the
 16 employee)—

17 “(1) provided, caused to be provided, or is about
 18 to provide (with any knowledge of the employer) or
 19 cause to be provided to the employer or the Secretary
 20 of Transportation information relating to any motor
 21 vehicle defect or any violation or alleged violation of
 22 any notification or reporting requirement of this
 23 chapter;

24 “(2) has filed, caused to be filed, or is about to
 25 file (with any knowledge of the employer) or cause to
 26 be filed a proceeding relating to any violation or al-

1 *leged violation of any motor vehicle defect or any vio-*
 2 *lation or alleged violation of any notification or re-*
 3 *porting requirement of this chapter;*

4 *“(3) testified or is about to testify in such a pro-*
 5 *ceeding;*

6 *“(4) assisted or participated or is about to assist*
 7 *or participate in such a proceeding; or*

8 *“(5) objected to, or refused to participate in, any*
 9 *activity that the employee reasonably believed to be in*
 10 *violation of any provision of any Act enforced by the*
 11 *Secretary of Transportation, or any order, rule, regu-*
 12 *lation, standard, or ban under any such Act.*

13 *“(b) COMPLAINT PROCEDURE.—*

14 *“(1) FILING AND NOTIFICATION.—A person who*
 15 *believes that he or she has been discharged or other-*
 16 *wise discriminated against by any person in viola-*
 17 *tion of subsection (a) may, not later than 180 days*
 18 *after the date on which such violation occurs, file (or*
 19 *have any person file on his or her behalf) a complaint*
 20 *with the Secretary of Labor alleging such discharge or*
 21 *discrimination. Upon receipt of such a complaint, the*
 22 *Secretary shall notify, in writing, the person named*
 23 *in the complaint of the filing of the complaint, of the*
 24 *allegations contained in the complaint, of the sub-*
 25 *stance of evidence supporting the complaint, and of*

1 *the opportunities that will be afforded to such person*
2 *under paragraph (2).*

3 “(2) *INVESTIGATION; PRELIMINARY ORDER.*—

4 “(A) *IN GENERAL.*—Not later than 60 days
5 *after the date of receipt of a complaint filed*
6 *under paragraph (1) and after affording the per-*
7 *son named in the complaint an opportunity to*
8 *submit to the Secretary a written response to the*
9 *complaint and an opportunity to meet with a*
10 *representative of the Secretary to present state-*
11 *ments from witnesses, the Secretary shall conduct*
12 *an investigation and determine whether there is*
13 *reasonable cause to believe that the complaint*
14 *has merit and notify, in writing, the complain-*
15 *ant and the person alleged to have committed a*
16 *violation of subsection (a) of the Secretary’s find-*
17 *ings. If the Secretary concludes that there is a*
18 *reasonable cause to believe that a violation of*
19 *subsection (a) has occurred, the Secretary shall*
20 *accompany the Secretary’s findings with a pre-*
21 *liminary order providing the relief prescribed by*
22 *paragraph (3)(B). Not later than 30 days after*
23 *the date of notification of findings under this*
24 *paragraph, either the person alleged to have com-*
25 *mitted the violation or the complainant may file*

1 *objections to the findings or preliminary order,*
 2 *or both, and request a hearing on the record. The*
 3 *filing of such objections shall not operate to stay*
 4 *any reinstatement remedy contained in the pre-*
 5 *liminary order. Such hearings shall be conducted*
 6 *expeditiously. If a hearing is not requested in*
 7 *such 30-day period, the preliminary order shall*
 8 *be deemed a final order that is not subject to ju-*
 9 *dicial review.*

10 “(B) *REQUIREMENTS.*—

11 “(i) *REQUIRED SHOWING BY COM-*
 12 *PLAINANT.*—*The Secretary shall dismiss a*
 13 *complaint filed under this subsection and*
 14 *shall not conduct an investigation otherwise*
 15 *required under subparagraph (A) unless the*
 16 *complainant makes a prima facie showing*
 17 *that any behavior described in paragraphs*
 18 *(1) through (4) of subsection (a) was a con-*
 19 *tributing factor in the unfavorable per-*
 20 *sonnel action alleged in the complaint.*

21 “(ii) *SHOWING BY EMPLOYER.*—*Not-*
 22 *withstanding a finding by the Secretary*
 23 *that the complainant has made the showing*
 24 *required under clause (i), no investigation*
 25 *otherwise required under subparagraph (A)*

1 *shall be conducted if the employer dem-*
 2 *onstrates, by clear and convincing evidence,*
 3 *that the employer would have taken the*
 4 *same unfavorable personnel action in the*
 5 *absence of that behavior.*

6 “(iii) *CRITERIA FOR DETERMINATION*
 7 *BY SECRETARY.—The Secretary may deter-*
 8 *mine that a violation of subsection (a) has*
 9 *occurred only if the complainant dem-*
 10 *onstrates that any behavior described in*
 11 *paragraphs (1) through (4) of subsection (a)*
 12 *was a contributing factor in the unfavorable*
 13 *personnel action alleged in the complaint.*

14 “(iv) *PROHIBITION.—Relief may not*
 15 *be ordered under subparagraph (A) if the*
 16 *employer demonstrates by clear and con-*
 17 *vincing evidence that the employer would*
 18 *have taken the same unfavorable personnel*
 19 *action in the absence of that behavior.*

20 “(3) *FINAL ORDER.—*

21 “(A) *DEADLINE FOR ISSUANCE; SETTLE-*
 22 *MENT AGREEMENTS.—Not later than 120 days*
 23 *after the date of conclusion of a hearing under*
 24 *paragraph (2), the Secretary shall issue a final*
 25 *order providing the relief prescribed by this*

1 *paragraph or denying the complaint. At any*
 2 *time before issuance of a final order, a pro-*
 3 *ceeding under this subsection may be terminated*
 4 *on the basis of a settlement agreement entered*
 5 *into by the Secretary, the complainant, and the*
 6 *person alleged to have committed the violation.*

7 *“(B) REMEDY.—If, in response to a com-*
 8 *plaint filed under paragraph (1), the Secretary*
 9 *determines that a violation of subsection (a) has*
 10 *occurred, the Secretary shall order the person*
 11 *who committed such violation—*

12 *“(i) to take affirmative action to abate*
 13 *the violation;*

14 *“(ii) to reinstate the complainant to*
 15 *his or her former position together with the*
 16 *compensation (including back pay) and re-*
 17 *store the terms, conditions, and privileges*
 18 *associated with his or her employment; and*

19 *“(iii) to provide compensatory dam-*
 20 *ages to the complainant.*

21 *If such an order is issued under this paragraph,*
 22 *the Secretary, at the request of the complainant,*
 23 *shall assess against the person against whom the*
 24 *order is issued a sum equal to the aggregate*
 25 *amount of all costs and expenses (including at-*

1 *torneys' and expert witness fees) reasonably in-*
 2 *curred, as determined by the Secretary, by the*
 3 *complainant for, or in connection with, the*
 4 *bringing the complaint upon which the order*
 5 *was issued.*

6 “(C) *FRIVOLOUS COMPLAINTS.*—*If the Sec-*
 7 *retary finds that a complaint under paragraph*
 8 *(1) is frivolous or has been brought in bad faith,*
 9 *the Secretary may award to the prevailing em-*
 10 *ployer a reasonable attorney's fee not exceeding*
 11 *\$1,000.*

12 “(D) *DE NOVO REVIEW.*—*With respect to a*
 13 *complaint under paragraph (1), if the Secretary*
 14 *of Labor has not issued a final decision within*
 15 *210 days after the filing of the complaint and if*
 16 *the delay is not due to the bad faith of the em-*
 17 *ployee, the employee may bring an original ac-*
 18 *tion at law or equity for de novo review in the*
 19 *appropriate district court of the United States,*
 20 *which shall have jurisdiction over such an action*
 21 *without regard to the amount in controversy,*
 22 *and which action shall, at the request of either*
 23 *party to the action, be tried by the court with a*
 24 *jury. The Action shall be governed by the same*

1 *legal burdens of proof specified in paragraph*
 2 *(2)(B) for review by the Secretary of Labor.*

3 “(4) *REVIEW.*—

4 “(A) *APPEAL TO COURT OF APPEALS.*—Any
 5 *person adversely affected or aggrieved by an*
 6 *order issued under paragraph (3) may obtain re-*
 7 *view of the order in the United States Court of*
 8 *Appeals for the circuit in which the violation,*
 9 *with respect to which the order was issued, alleg-*
 10 *edly occurred or the circuit in which the com-*
 11 *plainant resided on the date of such violation.*
 12 *The petition for review shall be filed not later*
 13 *than 60 days after the date of the issuance of the*
 14 *final order of the Secretary. Review shall con-*
 15 *form to chapter 7 of title 5. The commencement*
 16 *of proceedings under this subparagraph shall*
 17 *not, unless ordered by the court, operate as a*
 18 *stay of the order.*

19 “(B) *LIMITATION ON COLLATERAL AT-*
 20 *TACK.*—An order of the Secretary with respect to
 21 *which review could have been obtained under*
 22 *subparagraph (A) shall not be subject to judicial*
 23 *review in any criminal or other civil proceeding.*

24 “(5) *ENFORCEMENT OF ORDER BY SECRETARY.*—

25 *Whenever any person has failed to comply with an*

1 *order issued under paragraph (3), the Secretary may*
 2 *file a civil action in the United States district court*
 3 *for the district in which the violation was found to*
 4 *occur to enforce such order. In actions brought under*
 5 *this paragraph, the district courts shall have jurisdic-*
 6 *tion to grant all appropriate relief including, but not*
 7 *limited to, injunctive relief and compensatory dam-*
 8 *ages.*

9 “(6) *ENFORCEMENT OF ORDER BY PARTIES.—*

10 “(A) *COMMENCEMENT OF ACTION.—A per-*
 11 *son on whose behalf an order was issued under*
 12 *paragraph (3) may commence a civil action*
 13 *against the person to whom such order was*
 14 *issued to require compliance with such order.*
 15 *The appropriate United States district court*
 16 *shall have jurisdiction, without regard to the*
 17 *amount in controversy or the citizenship of the*
 18 *parties, to enforce such order.*

19 “(B) *ATTORNEY FEES.—The court, in*
 20 *issuing any final order under this paragraph,*
 21 *may award costs of litigation (including reason-*
 22 *able attorney and expert witness fees) to any*
 23 *party whenever the court determines such award*
 24 *is appropriate.*

1 “(c) *MANDAMUS*.—Any nondiscretionary duty im-
 2 posed by this section shall be enforceable in a mandamus
 3 proceeding brought under section 1361 of title 28.

4 “(d) *NONAPPLICABILITY TO DELIBERATE VIOLA-*
 5 *TIONS*.—Subsection (a) shall not apply with respect to an
 6 employee of a motor vehicle manufacturer, part supplier,
 7 or dealership who, acting without direction from such motor
 8 vehicle manufacturer, part supplier, or dealership (or such
 9 person’s agent), deliberately causes a violation of any re-
 10 quirement relating to motor vehicle safety under this chap-
 11 ter.”.

12 (b) *CONFORMING AMENDMENT*.—The table of sections
 13 for chapter 301 of title 49, United States Code, is amended
 14 by inserting after the item relating to section 30170 the fol-
 15 lowing:

“30171. Protection of employees providing motor vehicle safety information”.

16 **SEC. 307. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
 17 **PORTS.**

18 (a) *IN GENERAL*.—Section 30166 of title 49, United
 19 States Code, is amended by adding at the end the following:

20 “(o) *CORPORATE RESPONSIBILITY FOR REPORTS*.—

21 “(1) *IN GENERAL*.—The Secretary shall require
 22 for each company submitting information to the Sec-
 23 retary in response to a request for information in a
 24 safety defect or compliance investigation under this
 25 chapter, that a principal officer certify that—

1 “(A) the signing officer has reviewed the
2 submission; and

3 “(B) based on the officer’s knowledge, the
4 submission does not contain any untrue state-
5 ment of a material fact or omit to state a mate-
6 rial fact necessary in order to make the state-
7 ments made, in light of the circumstances under
8 which such statements were made, not mis-
9 leading.

10 “(2) NOTICE.—The certification requirements of
11 this section shall be clearly stated on any request for
12 information under paragraph (1).

13 “(3) DEFINITION OF PRINCIPAL OFFICER.—In
14 this section, the term ‘principal officer’ means—

15 “(A) an officer of the company who resides
16 in the United States who is responsible for safety
17 compliance under United States laws and re-
18 ports directly to the principal executive officer of
19 the company; or

20 “(B) the principal executive officer residing
21 in the United States.”.

22 (b) PENALTIES.—

23 (1) CIVIL PENALTY.—Section 30165(a) of title
24 49, United States Code, is amended—

1 (A) by striking “A person” in paragraph
 2 (3) and inserting “Except as provided in para-
 3 graph (4), a person”; and

4 (B) by adding at the end thereof the fol-
 5 lowing:

6 “(4) *FALSE, MISLEADING OR INCOMPLETE RE-*
 7 *PORTS.—A person who knowingly and willfully sub-*
 8 *mits materially false, misleading, or incomplete infor-*
 9 *mation to the Secretary, after certifying the same in-*
 10 *formation as accurate and complete under the certifi-*
 11 *cation process established pursuant to section*
 12 *30166(o), shall be subject to a civil penalty of not*
 13 *more than \$50,000 per day. The maximum penalty*
 14 *under this paragraph for a related series of daily vio-*
 15 *lations is \$10,000,000.”.*

16 (2) *CRIMINAL PENALTY.—Section 30170 of title*
 17 *49, United States Code, is amended—*

18 (A) by redesignating paragraphs (1) and
 19 (2) of subsection (a) as paragraphs (2) and (3),
 20 respectively, and by inserting before paragraph
 21 (2) the following:

22 “(1) *SUBMITTING MISLEADING INFORMATION TO*
 23 *THE SECRETARY.—A person who violates section 1001*
 24 *of title 18 with respect to the reporting requirements*
 25 *of section 30118, 30119, or 30166 with the specific in-*

1 *tent of misleading the Secretary with respect to motor*
 2 *vehicle or motor vehicle equipment safety related de-*
 3 *fects shall, in addition to the penalties imposed under*
 4 *title 18, be subject to imprisonment for not more than*
 5 *an additional 12 months.”;*

6 *(B) by striking the heading for paragraph*
 7 *(2), as redesignated, of subsection (a) and insert-*
 8 *ing the following:*

9 *“(2) SUBMITTING MISLEADING INFORMATION TO*
 10 *THE SECRETARY THAT LEADS TO DEATH OR SERIOUS*
 11 *INJURY.—”;* and

12 *(C) by striking subparagraph (A) of para-*
 13 *graph (3), as redesignated, of subsection (a) and*
 14 *inserting the following:*

15 *“(A) CORRECTION.—A person described in*
 16 *paragraph (1) or (2) shall not be subject to*
 17 *criminal penalties under this subsection if—*

18 *“(i) the person corrects any improper*
 19 *reports or failure to report within a reason-*
 20 *able time; and*

21 *“(ii) in the case of a person described*
 22 *in paragraph (2), at the time of the viola-*
 23 *tion, such person does not know that the*
 24 *violation would result in an accident caus-*
 25 *ing death or serious bodily injury.”.*

1 **SEC. 308. ANTI-REVOLVING DOOR.**

2 (a) *PROFESSIONAL RESPONSIBILITY INTEGRITY PE-*
 3 *RIOD.*—

4 (1) *IN GENERAL.*—Subchapter I of chapter 301
 5 of title 49, United States Code, is amended by adding
 6 at the end the following:

7 **“§ 30107. Restriction on certain employment activities**

8 “(a) *NHTSA EMPLOYEES.*—

9 “(1) *IN GENERAL.*—A individual to whom this
 10 subsection applies who is employed by the National
 11 Highway Traffic Safety Administration may not
 12 commence employment with, or otherwise advise, pro-
 13 vide assistance to, or represent for compensation, a
 14 manufacturer or other person subject to regulation
 15 under this chapter during the 36-month period com-
 16 mencing upon that individual’s termination of em-
 17 ployment with the National Highway Traffic Safety
 18 Administration if such employment, advice, assist-
 19 ance, or representation involves—

20 “(A) written or oral communication with
 21 the National Highway Traffic Safety Adminis-
 22 tration on any matter relating to compliance
 23 with the requirements of this chapter on behalf
 24 of the manufacturer or person;

25 “(B) representing or advising a manufac-
 26 turer with respect to a motor vehicle safety or

1 *fuel economy issue, including any defect related*
 2 *to motor vehicle safety, compliance with a motor*
 3 *vehicle safety standard, or compliance with an*
 4 *average fuel economy standard prescribed under*
 5 *chapter 329 of this title; or*

6 *“(C) assisting a manufacturer in respond-*
 7 *ing to a request for information from the Na-*
 8 *tional Highway Traffic Safety Administration.*

9 *“(2) APPLICATION.—*

10 *“(A) IN GENERAL.—This subsection applies*
 11 *to any individual—*

12 *“(i) to whom section 207 (c) or (d) of*
 13 *title 18 applies; or*

14 *“(ii) whose responsibilities during his*
 15 *or her last 12 months of employment at the*
 16 *National Highway Traffic Safety Adminis-*
 17 *tration included administrative, manage-*
 18 *rial, supervisory, legal, or senior technical*
 19 *responsibility for any motor vehicle safety-*
 20 *related program or activity.*

21 *“(3) SAFE HARBOR.—This subsection does not*
 22 *apply to any individual employed by a manufacturer*
 23 *or other person subject to regulation under this chap-*
 24 *ter as of the date of enactment of the Motor Vehicle*
 25 *Safety Act of 2010.*

1 “(b) *MANUFACTURERS.*—*It is unlawful for any manu-*
 2 *facturer or other person subject to regulation under this*
 3 *chapter to employ or contract for the services of an indi-*
 4 *vidual to whom subsection (a) applies during the 36-month*
 5 *period commencing on the individual’s termination of em-*
 6 *ployment with the National Highway Traffic Safety Ad-*
 7 *ministration in a capacity in which the individual is pro-*
 8 *hibited from serving during that period.*”.

9 (2) *CIVIL PENALTY.*—*Section 30165(a) of title*
 10 *49, United States Code, as amended by section 307,*
 11 *is further amended by adding at the end the fol-*
 12 *lowing:*

13 “(5) *SECTION 30107.*—*An individual who vio-*
 14 *lates section 30107(a) is liable to the United States*
 15 *Government for a civil penalty as determined under*
 16 *section 216(b) of title 18 for an offense under section*
 17 *207 of that title. A manufacturer or other person sub-*
 18 *ject to regulation under this chapter who violates sec-*
 19 *tion 30107(b) is liable to the United States Govern-*
 20 *ment for a civil penalty of the sum of—*

21 “(A) *an amount equal to not less than*
 22 *\$100,000; and*

23 “(B) *an amount equal to 90 percent of the*
 24 *annual compensation or fee paid or payable to*

1 *the individual with respect to whom the viola-*
 2 *tion occurred.”.*

3 (3) *CONFORMING AMENDMENT.—The table of*
 4 *contents for chapter 301 of title 49, United States*
 5 *Code, is amended by inserting after the item relating*
 6 *to section 30106 the following:*

“30107. Restriction on certain employment activities.”.

7 (b) *STUDY OF DEPARTMENT OF TRANSPORTATION*
 8 *POLICIES ON OFFICIAL COMMUNICATION WITH FORMER*
 9 *MOTOR VEHICLE SAFETY ISSUE EMPLOYEES.—Within 1*
 10 *year after the date of enactment of this Act the Department*
 11 *of Transportation Inspector General shall—*

12 (1) *review the Department’s policies and proce-*
 13 *dures applicable to official communication with*
 14 *former employees concerning motor vehicle safety*
 15 *compliance matters for which they had responsibility*
 16 *during the last 12 months of their tenure at the De-*
 17 *partment, including any limitations on the ability of*
 18 *such employees to submit comments, or otherwise*
 19 *communicate directly with the Department, on motor*
 20 *vehicle safety issues; and*

21 (2) *submit a report to the Senate Committee on*
 22 *Commerce, Science, and Transportation and the*
 23 *House of Representatives Committee on Energy and*
 24 *Commerce containing the Inspector General’s find-*
 25 *ings, conclusions, and recommendations for strength-*

1 *ening those policies and procedures to minimize the*
 2 *risk of undue influence without compromising the*
 3 *ability of the Department to employ and retain high-*
 4 *ly qualified individuals for such responsibilities.*

5 *(c) POST-EMPLOYMENT POLICY STUDY.—*

6 *(1) IN GENERAL.—The Department of Transpor-*
 7 *tation Inspector General shall conduct a study of the*
 8 *Department's policies relating to post-employment re-*
 9 *strictions on employees who perform functions related*
 10 *to transportation safety.*

11 *(2) REPORT.—Not later than 1 year after the*
 12 *date of enactment of this Act, the Inspector General*
 13 *shall submit a report containing the results of the*
 14 *study conducted under paragraph (1) to—*

15 *(A) the Senate Committee on Commerce,*
 16 *Science, and Transportation;*

17 *(B) the House of Representatives Committee*
 18 *on Energy and Commerce; and*

19 *(C) the Secretary of Transportation.*

20 *(3) USE OF RESULTS.—The Secretary of Trans-*
 21 *portation shall review the results of the study and*
 22 *take whatever action the Secretary determines to be*
 23 *appropriate.*

1 **SEC. 309. DEADLINES FOR RULEMAKING.**

2 *If the Secretary determines that a deadline for a final*
 3 *rule under this Act or an amendment made by this Act*
 4 *cannot be met, the Secretary shall—*

5 *(1) notify the House of Representatives Com-*
 6 *mittee on Energy and Commerce and the Senate*
 7 *Committee on Commerce, Science, and Transpor-*
 8 *tation and explain why that deadline cannot be met;*
 9 *and*

10 *(2) establish a new deadline for that rule.*

11 **SEC. 310. USED PASSENGER MOTOR VEHICLE CONSUMER**
 12 **PROTECTION.**

13 *(a) IN GENERAL.—Section 30120 of title 49, United*
 14 *States Code, is amended by adding at the end the following:*

15 *“(k) LIMITATION ON SALE OR LEASE OF USED MOTOR*
 16 *VEHICLES.—*

17 *“(1) A dealer may not sell or lease a used pas-*
 18 *senger motor vehicle until—*

19 *“(A) the dealer clearly and conspicuously*
 20 *notifies the purchaser or lessee, in writing, of*
 21 *any notifications of a defect or noncompliance*
 22 *pursuant to section 30118(b) or section 30118(c)*
 23 *of this title with respect to the vehicle that have*
 24 *not been remedied; and*

25 *“(B) the purchaser or lessee acknowledges,*
 26 *in writing, the receipt of such notification.*

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

2 “(A) the defect or noncompliance is rem-
3 edied as required by this section before delivery
4 under the sale or lease; or

5 “(B) notification of the defect or noncompli-
6 ance is required under section 30118(b) but en-
7 forcement of the order is set aside in a civil ac-
8 tion to which 30121(d) applies.

9 “(3) This subsection does not apply to a dealer,
10 if the recall information regarding a used passenger
11 motor vehicle was not accessible at the time of sale or
12 lease using the means established by the Secretary in
13 section 302(b) of the Motor Vehicle Safety Act of 2010.

14 “(4) In this subsection, notwithstanding section
15 30102(a)(1) of this title—

16 “(A) the term ‘dealer’ means a person who
17 sold at least 10 motor vehicles to consumers dur-
18 ing the prior 12 months; and

19 “(B) the term ‘used motor vehicle’ means a
20 motor vehicle that has previously been purchased
21 other than for resale.

22 “(5) By rule, the Secretary may exempt the auc-
23 tioning of used motor vehicles from the requirements
24 of this section to the extent that the exemption does
25 not harm public safety.”.

1 (b) *EFFECTIVE DATE.*—*This section shall take effect*
 2 *18 months after the date of enactment of this Act.*

3 **SEC. 311. USE OF EXISTING REGULATORY FRAMEWORK.**

4 *In conducting any rulemaking proceedings required by*
 5 *this Act or by any amendment made by this Act, the Sec-*
 6 *retary shall, where appropriate, amend or modify existing*
 7 *regulations or standards pertaining to the same or a simi-*
 8 *lar subject matter.*

9 **SEC. 312. RECALLED VEHICLES AND REPLACEMENT EQUIP-**
 10 **MENT.**

11 (a) *IMPROVING THE EFFICACY OF MOTOR VEHICLE*
 12 *SAFETY RECALLS.*—*Section 30119(e) of title 49, United*
 13 *States Code, is amended by adding at the end the following:*
 14 *“If, in the Secretary’s judgment, depending on the severity*
 15 *of the defect or noncompliance, the second notification by*
 16 *a manufacturer does not result in an adequate number of*
 17 *passenger motor vehicles or items of replacement equipment*
 18 *being returned for remedy, the Secretary may—*

19 *“(1) attempt to notify the registered owner of the*
 20 *recalled vehicle via first class mail or electronic*
 21 *means; and*

22 *“(2) explain in writing to the registered owner*
 23 *the safety risk posed by the defect or noncompliance.”.*

1 (b) *LOCATING OWNERS OR LESSEES.*—Section 30119
 2 of title 49, United States Code, is amended by adding at
 3 the end the following:

4 “(g) *LOCATING OWNERS OR LESSEES.*—Depending on
 5 the magnitude of the risk to passenger motor vehicle safety,
 6 in the case of severe and life-threatening defects the Sec-
 7 retary may utilize, as appropriate, governmental motor ve-
 8 hicle databases or require manufacturers to provide suffi-
 9 cient information to enable the Secretary to locate and no-
 10 tify the owner or lessee of the defective or noncompliant ve-
 11 hicle or replacement equipment.”.

12 ***TITLE IV—FUNDING***

13 ***SEC. 401. AUTHORIZATION OF APPROPRIATIONS.***

14 Section 30104 of title 49, United States Code, is
 15 amended—

16 (1) by striking “\$98,313,500”; and

17 (2) by striking “in each fiscal year beginning”

18 and all that follows and inserting “and to carry out

19 the Motor Vehicle Safety Act of 2010—

20 “(1) \$200,000,000 for fiscal year 2011;

21 “(2) \$240,000,000 for fiscal year 2012; and

22 “(3) \$280,000,000 for fiscal year 2013.”.

1 ***TITLE V—PEDESTRIAN SAFETY***
 2 ***ENHANCEMENT***

3 ***SEC. 501. SHORT TITLE.***

4 *This title may be cited as the “Pedestrian Safety En-*
 5 *hancement Act of 2009’.*

6 ***SEC. 502. DEFINITIONS.***

7 *In this title:*

8 (1) *ALERT SOUND; SOUND.*—*The term “alert*
 9 *sound” or “sound” means a vehicle-emitted sound to*
 10 *enable pedestrians to discern vehicle presence, direc-*
 11 *tion, location, and operation.*

12 (2) *CROSS-OVER SPEED.*—*The term “cross-over*
 13 *speed” means the speed at which tire noise, wind re-*
 14 *sistance, and other factors eliminate the need for a*
 15 *separate alert sound as determined by the Secretary.*

16 (3) *CONVENTIONAL MOTOR VEHICLE.*—*The term*
 17 *“conventional motor vehicle” means a motor vehicle*
 18 *powered by a gasoline, diesel, or alternative fueled in-*
 19 *ternal combustion engine as its sole means of propul-*
 20 *sion.*

21 (4) *DEALER.*—*The term “dealer” has the mean-*
 22 *ing given such term in section 30102(a)(1) of title 49,*
 23 *United States Code.*

1 (5) *DEFECT*.—The term “defect” has the mean-
 2 ing given such term in section 30102(a)(2) of title 49,
 3 United States Code.

4 (6) *ELECTRIC VEHICLE*.—The term “electric ve-
 5 hicle” means a motor vehicle with an electric motor
 6 as its sole means of propulsion.

7 (7) *HYBRID VEHICLE*.—The term “hybrid vehi-
 8 cle” means a motor vehicle which has more than one
 9 means of propulsion.

10 (8) *MANUFACTURER*.—The term “manufacturer”
 11 has the meaning given such term in section
 12 30102(a)(5) of title 49, United States Code.

13 (9) *MOTOR VEHICLE*.—The term “motor vehicle”
 14 has the meaning given such term in section
 15 30102(a)(6) of title 49, United States Code, except
 16 that such term shall not include a trailer (as such
 17 term is defined in section 571.3 of title 49, Code of
 18 Federal Regulations).

19 (10) *SECRETARY*.—The term “Secretary” means
 20 the Secretary of Transportation.

21 **SEC. 503. MINIMUM SOUND REQUIREMENT FOR MOTOR VE-**
 22 **HICLES.**

23 (a) *RULEMAKING REQUIRED*.—Not later than 18
 24 months after the date of enactment of this Act the Secretary
 25 shall initiate rulemaking, under section 30111 of title 49,

1 *United States Code, to promulgate a motor vehicle safety*
2 *standard—*

3 (1) *establishing performance requirements for an*
4 *alert sound that allows blind and other pedestrians to*
5 *reasonably detect a nearby electric or hybrid vehicle*
6 *operating below the cross-over speed, if any, and*

7 (2) *requiring new electric or hybrid vehicles to*
8 *provide an alert sound conforming to the require-*
9 *ments of the motor vehicle safety standard established*
10 *under this subsection.*

11 *The motor vehicle safety standard established under this*
12 *subsection shall not require either driver or pedestrian acti-*
13 *vation of the alert sound and shall allow the pedestrian to*
14 *reasonably detect a nearby electric or hybrid vehicle in crit-*
15 *ical operating scenarios including, but not limited to, con-*
16 *stant speed, accelerating, or decelerating. The Secretary*
17 *shall allow manufacturers to provide each vehicle with one*
18 *or more sounds that comply with the motor vehicle safety*
19 *standard at the time of manufacture. Further, the Secretary*
20 *shall require manufacturers to provide, within reasonable*
21 *manufacturing tolerances, the same sound or set of sounds*
22 *for all vehicles of the same make and model and shall pro-*
23 *hibit manufacturers from providing any mechanism for*
24 *anyone other than the manufacturer or the dealer to disable,*
25 *alter, replace, or modify the sound or set of sounds, except*

1 *that the manufacturer or dealer may alter, replace, or mod-*
 2 *ify the sound or set of sounds in order to remedy a defect*
 3 *or non-compliance with the motor vehicle safety standard.*
 4 *The Secretary shall promulgate the required motor vehicle*
 5 *safety standard pursuant to this subsection not later than*
 6 *36 months after the date of enactment of this Act.*

7 **(b) CONSIDERATION.**—*When conducting the required*
 8 *rulemaking, the Secretary shall—*

9 **(1)** *determine the minimum level of sound emit-*
 10 *ted from a motor vehicle that is necessary to provide*
 11 *blind and other pedestrians with the information*
 12 *needed to reasonably detect a nearby electric or hy-*
 13 *brid vehicle operating at or below the cross-over speed,*
 14 *if any;*

15 **(2)** *determine the performance requirements for*
 16 *an alert sound that is recognizable to a pedestrian as*
 17 *a motor vehicle in operation; and*

18 **(3)** *consider the overall community noise impact.*

19 **(c) PHASE-IN REQUIRED.**—*The motor vehicle safety*
 20 *standard prescribed pursuant to subsection (a) of this sec-*
 21 *tion shall establish a phase-in period for compliance, as de-*
 22 *termined by the Secretary, and shall require full compliance*
 23 *with the required motor vehicle safety standard for motor*
 24 *vehicles manufactured on or after September 1 of the cal-*

1 *endar year that begins 3 years after the date on which the*
 2 *final rule is issued.*

3 *(d) REQUIRED CONSULTATION.—When conducting the*
 4 *required study and rulemaking, the Secretary shall—*

5 *(1) consult with the Environmental Protection*
 6 *Agency to assure that the motor vehicle safety stand-*
 7 *ard is consistent with existing noise requirements*
 8 *overseen by that Agency;*

9 *(2) consult consumer groups representing indi-*
 10 *viduals who are blind;*

11 *(3) consult with automobile manufacturers and*
 12 *professional organizations representing them; and*

13 *(4) consult technical standardization organiza-*
 14 *tions responsible for measurement methods such as the*
 15 *Society of Automotive Engineers, the International*
 16 *Organization for Standardization, and the United*
 17 *Nations Economic Commission for Europe, World*
 18 *Forum for Harmonization of Vehicle Regulations.*

19 *(e) REQUIRED STUDY AND REPORT TO CONGRESS.—*
 20 *Not later than 48 months after the date of enactment of*
 21 *this Act, the Secretary shall complete a study and report*
 22 *to Congress as to whether there exists a safety need to apply*
 23 *the motor vehicle safety standard required by subsection (a)*
 24 *to conventional motor vehicles. In the event that the Sec-*
 25 *retary determines there exists a safety need, the Secretary*

1 *shall initiate rulemaking under section 30111 of title 49,*
 2 *United States Code, to extend the standard to conventional*
 3 *motor vehicles.*

4 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated to the Sec-*
 6 *retary of Transportation such sums as may be necessary*
 7 *to carry out this title.*

8 **TITLE VI—IN-VEHICLE ALCOHOL**
 9 **DETECTION DEVICE RESEARCH**

10 **SEC. 601. SHORT TITLE.**

11 *This title may be cited as the “Research of Alcohol De-*
 12 *tection Systems for Stopping Alcohol-related Fatalities Ev-*
 13 *erywhere Act of 2010” or the “ROADS SAFE Act of 2010”.*

14 **SEC. 602. FINDINGS.**

15 *Congress finds the following:*

16 *(1) Alcohol-impaired driving fatalities represent*
 17 *approximately $\frac{1}{3}$ of all highway fatalities in the*
 18 *United States in a given year.*

19 *(2) In 2008, there were 11,773 alcohol-impaired*
 20 *driving fatalities.*

21 *(3) An estimated 9,000 road traffic deaths could*
 22 *be prevented every year if alcohol detection tech-*
 23 *nologies were more widely used to prevent alcohol-im-*
 24 *paired drivers from operating their vehicles.*

1 (4) *The National Highway Traffic Safety Ad-*
 2 *ministration has partnered with automobile manufac-*
 3 *turers to develop alcohol detection technologies that*
 4 *could be installed in vehicles to prevent drunk driv-*
 5 *ing.*

6 (5) *Alcohol detection technologies will not be*
 7 *widely accepted by the public unless they are mod-*
 8 *erately priced, absolutely reliable, and set at a level*
 9 *that would not prevent a driver whose blood alcohol*
 10 *content is less than the legal limit from operating a*
 11 *vehicle.*

12 **SEC. 603. DRIVER ALCOHOL DETECTION SYSTEM FOR SAFE-**
 13 **TY RESEARCH.**

14 (a) *IN GENERAL.*—*The Administrator of the National*
 15 *Highway Traffic Safety Administration shall carry out a*
 16 *collaborative research effort under chapter 301 of title 49,*
 17 *United States Code, to continue to explore the feasibility*
 18 *and the potential benefits of, and the public policy chal-*
 19 *lenges associated with, more widespread deployment of in-*
 20 *vehicle technology to prevent alcohol-impaired driving.*

21 (b) *REPORTS.*—*The Administrator shall submit a re-*
 22 *port annually to the Senate Committee on Commerce,*
 23 *Science, and Transportation and the House of Representa-*
 24 *tives Committee on Energy and Commerce—*

1 (1) *describing progress in carrying out the col-*
2 *laborative research effort; and*

3 (2) *including an accounting for the use of Fed-*
4 *eral funds obligated or expended in carrying out that*
5 *effort.*

6 **SEC. 604. DEFINITIONS.**

7 *In this title:*

8 (1) *ALCOHOL-IMPAIRED DRIVING.*—*The term “al-*
9 *cohol-impaired driving” means operation of a motor*
10 *vehicle (as defined in section 30102(a)(6) of title 49,*
11 *United States Code) by an individual whose blood al-*
12 *cohol content is at or above the legal limit.*

13 (2) *LEGAL LIMIT.*—*The term “legal limit”*
14 *means a blood alcohol concentration of 0.08 percent or*
15 *greater (as specified by chapter 163 of title 23, United*
16 *States Code) or such other percentage limitation as*
17 *may be established by applicable Federal, State, or*
18 *local law.*

19 **SEC. 605. APPLICATION WITH OTHER LAWS.**

20 *Nothing in this title shall be construed to modify or*
21 *otherwise affect any Federal, State, or local government*
22 *law, civil or criminal, with respect to the operation of a*
23 *motor vehicle.*

1 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—*There are authorized to be appro-*
3 *priated to the Secretary of Transportation \$12,000,000 for*
4 *each of fiscal years 2011 through 2015 to carry out the col-*
5 *laborative research effort under section 603(a).*

6 (b) *EXCESS FUNDS.*—*Any amounts appropriated pur-*
7 *suant to subsection (a) that are not needed to carry out*
8 *collaborative research under section 603(a) may be used by*
9 *the Secretary for highway safety research in accordance*
10 *with chapter 301 of title 49, United States Code, and chap-*
11 *ter 403 of title 23, United States Code.*

Calendar No. 653

11TH CONGRESS
2^D Session
S. 3302

A BILL

To amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, and for other purposes.

NOVEMBER 29, 2010

Reported with an amendment in the nature of a
substitute