

Calendar No. 141

119TH CONGRESS
1ST SESSION

S. 161

[Report No. 119-56]

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

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2025

Mrs. FISCHER (for herself, Mrs. MURRAY, Mrs. BLACKBURN, Ms. DUCKWORTH, Ms. COLLINS, Mr. WELCH, Mrs. CAPITO, Mr. SCHATZ, Mrs. BRITT, Mr. HICKENLOOPER, Ms. ROSEN, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 31, 2025

Reported by Mr. CRUZ, with an amendment

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

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

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

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

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

19 **SEC. 3. FEDERAL MOTOR VEHICLE SAFETY STANDARDS UP-**
20 **DATES.**

21 (a) **FRONT IMPACTS.**—

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

1 (A) 50th percentile adult male Test Device
 2 for Human Occupant Restraint (THOR) frontal
 3 impact testing device.

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

7 (2) FRONT IMPACT FINAL RULES.—

8 (A) IN GENERAL.—

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

16 (ii) THOR-05F.—

17 (I) PROPOSED RULEMAKING.—

18 Not later than 60 days after the date
 19 of enactment of this Act, the Sec-
 20 retary shall issue a notice of proposed
 21 rulemaking to require the use of the
 22 testing device described in paragraph
 23 (1)(B) into parts 571 and 572 of title
 24 49, Code of Federal Regulations (or
 25 successor regulations).

1 (HI) FINAL RULE.—Not later
2 than 120 days after the date of enact-
3 ment of this Act, the Secretary shall
4 issue a final rule to require the use of
5 the testing device described in para-
6 graph (1)(B) into parts 571 and 572
7 of title 49, Code of Federal Regula-
8 tions (or successor regulations).

9 (B) REQUIREMENTS.—In issuing the final
10 rules under clauses (i) and (ii)(H) of subpara-
11 graph (A), the Secretary shall—

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

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

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

(i) IN GENERAL.—The Secretary shall promulgate a final decision notice to update the testing procedures used to test the crashworthiness of passenger motor vehicles under the New Car Assessment Program of the National Highway Traffic Safety Administration to require the use of the testing devices described in subparagraphs (A) and (B) of paragraph (1).

(ii) TIMING.—

(I) IN GENERAL.—The final decision notice required under clause (i) shall be promulgated concurrently with the issuance of the final rule required under subparagraph (A)(i) if the Secretary determines that promulgating the final decision notice concurrently with the final rule required under that subparagraph does not delay issuance of that final rule.

(II) DELAY.—If the Secretary determines under subclause (I) that promulgating the final decision notice

concurrently with the final rule required under subparagraph (A)(i) would delay the issuance of that final rule, the Secretary shall issue that final rule before promulgating the final decision notice required under this subparagraph.

~~(b) SIDE IMPACTS.—~~

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

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

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

~~(2) SIDE IMPACT FINAL RULE.—~~

~~(A) IN GENERAL.—~~

~~(i) PROPOSED RULEMAKING.—~~Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to require

the use of the testing devices described in subparagraphs (A) and (B) of paragraph (1) into parts 571 and 572 of title 49, Code of Federal Regulations (or successor regulations).

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

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

(i) establish or update the injury criteria, including the head, neck, chest, abdomen, pelvis, and upper leg criteria, for the testing devices described in subparagraphs (A) and (B) of paragraph (1) based on real world injuries and the greatest potential to increase safety; and

(ii) establish front seat crashworthiness side impact tests with those

1 testing devices for adult female occupants
 2 in all designated front seating positions
 3 tested, as of the date of enactment of this
 4 Act, for adult male occupants.

5 (C) NEW CAR ASSESSMENT PROGRAM UP-
 6 DATE.—

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

16 (ii) TIMING.—

17 (I) IN GENERAL.—The final deci-
 18 sion notice required under clause (i)
 19 shall be promulgated concurrently
 20 with the issuance of the final rule re-
 21 quired under subparagraph (A)(ii) if
 22 the Secretary determines that promul-
 23 gating the final decision notice con-
 24 currently with the final rule required

1 under that subparagraph does not
2 delay issuance of that final rule.

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

13 **SEC. 4. TESTING DEVICES ROADMAP.**

14 ~~(a) INITIAL REPORT.—~~

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

21 ~~(A)~~ identifies timelines for the Secretary to
22 incorporate testing devices, other than the test-
23 ing devices described in subparagraphs ~~(A)~~ and
24 ~~(B)~~ of section 3(a)(1) and subparagraphs ~~(A)~~
25 and ~~(B)~~ of section 3(b)(1), that the Secretary

1 is researching, as of the date of enactment of
2 this Act, into the regulations contained in parts
3 571 and 572 of title 49, Code of Federal Regu-
4 lations (or successor regulations);

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

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

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

1 vices do not need to be updated, including by pro-
 2 viding a description for each testing device described
 3 in part 572 of title 49, Code of Federal Regulations
 4 (or successor regulations), that the Secretary deter-
 5 mines does not need to be updated.

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

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

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

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “She Develops Regula-*
 21 *tions In Vehicle Equality and Safety Act” or the “She*
 22 *DRIVES Act”.*

23 **SEC. 2. DEFINITIONS.**

24 *In this Act:*

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

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

6 (3) *TESTING DEVICE*.—The term “testing device”
7 means a testing device used for compliance testing of
8 motor vehicles and motor vehicle equipment with re-
9 spect to Federal motor vehicle safety standards that is
10 described in part 572 of title 49, Code of Federal Reg-
11 ulations (or successor regulations).

12 **SEC. 3. FEDERAL MOTOR VEHICLE SAFETY STANDARDS UP-**
13 **DATES.**

14 (a) *FRONT IMPACTS*.—

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

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

23 (B) 5th percentile adult female Test Device
24 for Human Occupant Restraint (THOR) frontal
25 impact testing device.

1 (2) *FRONT IMPACT FINAL RULES.*—

2 (A) *IN GENERAL.*—

3 (i) *THOR-50M.*—Not later than 180
4 days after the date of enactment of this Act,
5 the Secretary shall issue a final rule to re-
6 quire the use of the testing device described
7 in paragraph (1)(A) into parts 571 and
8 572 of title 49, Code of Federal Regulations
9 (or successor regulations).

10 (ii) *THOR-05F.*—

11 (I) *PROPOSED RULEMAKING.*—Not
12 later than 60 days after the date of en-
13 actment of this Act, the Secretary shall
14 issue a notice of proposed rulemaking
15 to require the use of the testing device
16 described in paragraph (1)(B) into
17 parts 571 and 572 of title 49, Code of
18 Federal Regulations (or successor regu-
19 lations).

20 (II) *FINAL RULE.*—Not later than
21 120 days after the date of enactment of
22 this Act, the Secretary shall issue a
23 final rule to require the use of the test-
24 ing device described in paragraph
25 (1)(B) into parts 571 and 572 of title

1 49, Code of Federal Regulations (or
2 successor regulations).

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

6 (i) *establish or update the injury cri-*
7 *teria, including the head, neck, chest, abdo-*
8 *men, pelvis, upper leg, and lower leg injury*
9 *criteria, for the testing devices described in*
10 *subparagraphs (A) and (B) of paragraph*
11 *(1) based on real world injuries and the*
12 *greatest potential to increase safety; and*

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

19 (b) *SIDE IMPACTS.*—

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

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

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

7 (2) *SIDE IMPACT FINAL RULE.*—

8 (A) *IN GENERAL.*—

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

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

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

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

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

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

18 (a) *FRONT IMPACTS.*—

19 (1) *IN GENERAL.*—*The Secretary shall promul-*
 20 *gate a final decision notice to update the testing pro-*
 21 *cedures used to test the crashworthiness of passenger*
 22 *motor vehicles under the New Car Assessment Pro-*
 23 *gram of the National Highway Traffic Safety Admin-*
 24 *istration to require the use of the testing devices de-*

scribed in subparagraphs (A) and (B) of section 3(a)(1).

(2) *TIMING.*—

(A) *IN GENERAL.*—The final decision notice required under paragraph (1) shall be promulgated concurrently with the issuance of the final rule required under section 3(a)(2)(A)(i) if the Secretary determines that promulgating the final decision notice concurrently with the final rule required under that section does not delay issuance of that final rule.

(B) *DELAY.*—If the Secretary determines under subparagraph (A) that promulgating the final decision notice concurrently with the final rule required under section 3(a)(2)(A)(i) would delay the issuance of that final rule, the Secretary shall issue that final rule before promulgating the final decision notice required under this subsection.

(b) *SIDE IMPACTS.*—

(1) *IN GENERAL.*—The Secretary shall promulgate a final decision notice to update the testing procedures used to test the crashworthiness of passenger motor vehicles under the New Car Assessment Program of the National Highway Traffic Safety Admin-

1 *istration to require the use of the testing devices de-*
 2 *scribed in subparagraphs (A) and (B) of section*
 3 *3(b)(1).*

4 (2) *TIMING.—*

5 (A) *IN GENERAL.—The final decision notice*
 6 *required under paragraph (1) shall be promul-*
 7 *gated concurrently with the issuance of the final*
 8 *rule required under section 3(b)(2)(A)(ii) if the*
 9 *Secretary determines that promulgating the final*
 10 *decision notice concurrently with the final rule*
 11 *required under that section does not delay*
 12 *issuance of that final rule.*

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

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

22 (a) *INITIAL REPORT.—*

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

1 *Transportation of the Senate and the Committee on*
2 *Energy and Commerce of the House of Representa-*
3 *tives a report that—*

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

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

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

1 *vices in use or being considered as part of the*
 2 *European New Car Assessment Programme.*

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

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

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

22 *(2) identifies any new testing devices used in*
 23 *other countries that are more advanced than the test-*
 24 *ing devices required or being research by the Sec-*
 25 *retary as of the date of enactment of this Act.*

1 **SEC. 6. SAVINGS PROVISION.**

2 *Nothing in this Act restricts the ability of the Sec-*
3 *retary to update a testing device through proceedings sepa-*
4 *rate from, or subsequent to—*

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

8 *(2) the final decision notices required under sub-*
9 *sections (a)(1) and (b)(1) of section 4.*

Calendar No. 141

119TH CONGRESS
1ST Session

S. 161

[Report No. 119-56]

A BILL

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

JULY 31, 2025

Reported with an amendment