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119TH CONGRESS }
1st Session

SENATE

{ REPORT
119-56

**SHE DEVELOPS REGULATIONS IN VEHICLE
EQUALITY AND SAFETY ACT**

R E P O R T

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

ON

S. 161



JULY 31, 2025.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

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SHE DEVELOPS REGULATIONS IN VEHICLE EQUALITY AND SAFETY ACT

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Mr. CRUZ, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 161]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 161) to require the Secretary of Transportation to issue rules relating to the testing procedures used under the New Car Assessment Program of the National Highway Traffic Safety Administration, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

PURPOSE OF THE BILL

The purpose of S. 161, She DRIVES Act, is to require the Secretary of Transportation to issue rules relating to the testing procedures under the Federal Motor Vehicle Safety Standards and the New Car Assessment Program of the National Highway Traffic Safety Administration.

BACKGROUND AND NEEDS

According to early estimates from the National Highway Traffic Safety Administration (NHTSA), there were 40,990 traffic fatalities in 2023.¹ NHTSA is responsible for enforcing vehicle safety standards with the goal of reducing crashes and injuries on the roadway. NHTSA sets vehicle safety standards by issuing vehicle safety reg-

¹NHTSA, *Early Estimates of Motor Vehicle Traffic Fatalities in 2023*, April 2024 (<https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813561>).

ulations known as the Federal Motor Vehicle Safety Standards (FMVSS). The FMVSS are safety regulations that specify design, construction, performance, and durability requirements for motor vehicles. Manufacturers are responsible for certifying that their products meet all FMVSS to sell vehicles in the United States.

NHTSA also administers the New Car Assessment Program (NCAP), also known as the five-star safety ratings program. This motor vehicle crash test program evaluates new vehicles for crash-worthiness, crash avoidance technology, and pedestrian protection.² The requirements to achieve a five-star rating go above and beyond what is required by FMVSS to encourage manufacturers to build vehicles that consistently achieve high ratings.

To provide manufacturers a repeatable and consistent way to measure occupant protection across different vehicle makes and models, NHTSA requires manufacturers to use test dummies, also known as anthropomorphic test devices (ATDs), to measure the impact to vehicle occupants in crash tests. NHTSA sets requirements for the type of ATDs used in crash tests, including for durability, biofidelity, repeatability, and reproducibility.³ However, the Government Accountability Office (GAO) has found that the data collected from the current ATDs does not measure whether the vehicle safety features are effective for a diverse range of people.⁴ For example, the current ATDs may not adequately measure the risks of lower leg injuries for females compared to males in similar crashes.⁵

According to an ATD manufacturer's description, the current adult female ATD is a scaled-down version of the male ATD.⁶ This means that while the height is reduced, internally, the dummy used to represent the female body is based off the bone mass, bone structure, musculature, fat distribution, and organ distribution of a male.⁷ The Committee is concerned that this inaccurate representation has potentially created a safety disparity. Women have a 73-percent higher risk of injury from fatal car crashes than males and are more likely to sustain injuries to their pelvis or liver. Testing key safety features with ATDs designed to accurately reflect a greater range of human anatomies in the driver's seat could help protect more vehicle occupants from injuries in real-world crashes.⁸

Given the inadequacy of the current ATDs and the significant fatality and injury rate disparity between men and women, the Committee believes action is needed to address this public safety concern. This legislation requires NHTSA to update its regulations to adopt more technologically advanced ATDs that represent the 50th

²"NHTSA 5-Star Safety Ratings," National Highway Traffic Safety Administration (<https://www.nhtsa.gov/ratings#>).

³Daniel Rhule et al., *The Process of Evolution and Documentation of Crash Test Dummies for Part 572 of the Code of Federal Regulations*, National Highway Traffic Safety Administration, paper no. 05-0284 (<https://www-esv.nhtsa.dot.gov/Proceedings/19/05-0284-W.pdf>).

⁴Government Accountability Office, *Vehicle Safety: DOT Should Take Additional Action to Improve the Information Obtained from Crash Test Dummies*, GAO-23-105595, March 8, 2023 (<https://www.gao.gov/products/gao-23-105595>).

⁵Ibid.

⁶"Hybrid III 5th Female: Key Features," Humanetics (<https://www.humaneticsgroup.com/products/anthropomorphic-test>).

⁷Lurah Lowery, "Nonprofit Advocates for Improved Female Vehicle Passenger Safety with Federal Bill," *Repairer Driven News*, August 19, 2024 (<https://www.repairerdrivennews.com/2024/08/19/173130/>).

⁸Jason Forman et al., "Automobile Injury Trends in the Contemporary Fleet: Belted Occupants in Frontal Collisions," *Traffic Injury Prevention*, vol. 20 (2019), no. 6 pp. 607-612 (<https://doi.org/10.1080/15389588.2019.1630825>).

percentile adult male and ATDs that represent the 5th percentile adult female for front and side impact crash testing for both NCAP and FMVSS.

SUMMARY OF PROVISIONS

S. 161 would do the following:

- Require NHTSA to amend its regulations to require the use of more technologically advanced ATDs that represent the 50th percentile adult male and ATDs that represent the 5th percentile adult female for front and side impact crash testing.
- Require NHTSA to update NCAP crashworthiness testing procedures to include crashworthiness frontal impact and side impact tests for female occupants in all front seating positions.
- When updating the ATD regulation, establish injury criteria to better measure the risk of injury or death in crashes that are based on real-world data and the greatest potential to increase safety.
- Require NHTSA to send a report within 1 year to the relevant congressional committees providing a roadmap with deadlines for NHTSA to update its regulation to require the use of more advanced ATDs, and to update the report on NHTSA's progress in meeting the roadmap deadline 5 years after the report is submitted.

LEGISLATIVE HISTORY

S. 161 was introduced on January 21, 2025, by Senator Fischer (for herself and Senators Murray, Blackburn, and Duckworth) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Collins, Welch, Capito, Schatz, Britt, Hickenlooper, Rosen, and Daines are additional cosponsors. On February 5, 2025, the Committee met in open Executive Session and, by voice vote, ordered S. 161 to be reported favorably with an amendment (in the nature of a substitute).

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 161, She DRIVES Act			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on February 5, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	14	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply? No	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Mandate Effects	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold
* = between zero and \$500,000.			

S. 161 would require the National Highway Traffic Safety Administration (NHTSA) to conduct additional crash tests for motor vehicles using devices that represent female drivers. The agency does not currently use such devices for all test types. The bill also would require NHTSA to issue rules requiring the use of newer, more advanced crash test devices by both the agency and vehicle manufacturers. Finally, S. 161 would require NHTSA to report to the Congress twice on its plans to incorporate additional advanced crash test devices—once within a year of enactment and again in 2031.

Based on information from the agency, CBO expects that NHTSA would spend about \$3 million annually, beginning in 2027, for additional test vehicles and about \$500,000 annually for additional staff and equipment. On that basis, and accounting for anticipated inflation, CBO estimates that implementing the bill would cost \$14 million over the 2025–2030 period. CBO expects the bill’s rule-making requirements would largely codify NHTSA’s planned rule-making processes and would have an insignificant cost. Based on the costs of similar activities, CBO estimates that the two reports would cost less than \$500,000. Any increase in spending to implement the bill would be subject to the availability of appropriated funds.

The costs of the legislation, detailed in Table 1, fall within budget function 400 (transportation).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 161

	By fiscal year, millions of dollars—						
	2025	2026	2027	2028	2029	2030	2025–2030
Estimated Authorization	*	*	2	4	4	4	14
Estimated Outlays	*	*	2	4	4	4	14

* = between zero and \$500,000.

S. 161 would impose private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) by requiring vehicle man-

ufacturers to use advanced crash test devices and to conduct additional tests using devices that represent females in the driver's seat.

The cost of compliance for manufacturers would stem from two, one-time expenditures as manufacturers replace their inventories of testing devices. Based on information from the automotive industry, CBO estimates that each device would cost about \$1 million. Because manufacturers own some of the devices required for front-impact testing, CBO estimates the cost to replace existing testing devices with advanced devices would total between \$50 million and \$60 million. When standards for side-impact testing devices are finalized, we estimate the cost to replace existing side impact testing devices would be between \$150 million and \$160 million. CBO estimates that the cost of additional testing would incrementally increase the annual cost of testing by a small amount. Because those costs would occur over multiple years, CBO estimates that the total cost of the mandates in a single year would fall below the threshold established in UMRA for private-sector mandates (\$206 million in 2025, adjusted annually for inflation).

The bill would not impose intergovernmental mandates as defined in UMRA.

The CBO staff contacts for this estimate are Willow Latham-Proença (for federal costs) and Lucy Marret (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Number of Persons Covered

S. 161, as reported, would require NHTSA to update the standards for ATDs and NCAP. The bill would affect the manufacturers of passenger motor vehicles sold in the United States, all of which are already subject to NHTSA regulations. The number of persons covered should be consistent with those currently subject to the ATD and NCAP regulations.

Economic Impact

S. 161, as reported, is expected to have modest economic costs associated with initial implementation and ongoing administrative expenses. The bill would require NHTSA to purchase new ATDs and conduct additional crash tests when conducting an NCAP analysis on a single vehicle model, requiring additional resources to test the same number of models, or impact the number of vehicles the agency tests. A THOR-50M dummy, which is reusable, is estimated to cost up to \$750,000, according to NHTSA.⁹ Although

⁹Department of Transportation, National Highway Traffic Safety Administration, Notice of Proposed Rulemaking, "Anthropomorphic Test Devices; THOR 50th Percentile Adult Male Test Dummy; Incorporation by Reference," *Federal Register*, vol. 88, no. 172, pp. 61896–61949, September 7, 2023 (<https://www.federalregister.gov/documents/2023/09/07/2023-19008/>)

there are upfront costs, it is hoped that the benefits to vehicle safety standards from covering a more diverse population and the possibility for an overall reduction in fatalities and injuries will outweigh the initial costs.

Privacy

S. 161, as reported, would not have any adverse impact on the personal privacy of individuals.

Paperwork

S. 161, as reported, would not increase paperwork requirements for private individuals or businesses.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “She Develops Regulations In Vehicle Equality and Safety Act” or the “She DRIVES Act”.

Section 2. Definitions.

This section would define the terms “crashworthiness”, “Secretary”, and “testing device”.

Section 3. Federal motor vehicle safety standards update.

This section would require NHTSA to update FMVSS to require frontal impact testing to include the 50th percentile adult male Test Device for Human Occupant Restraint (THOR) frontal impact testing device and the 5th percentile adult female THOR frontal impact testing device no later than 15 days after enactment.

This section would require the Secretary to issue a final rule that requires the use of the THOR frontal impact testing device. In issuing this rule, the Secretary would be required to establish or update the injury criteria based on new data, and establish frontal impact tests for adult female occupants with all front seating positions tested.

This section would require NHTSA to revise the FMVSS no later than 18 months after enactment to require side impact testing to include the: (1) 50th percentile adult male Worldwide Harmonized Side Impact Dummy side impact testing device and (2) 5th percentile adult female Worldwide Harmonized Side Impact Dummy side impact testing device. Lastly, this section would require the Secretary to issue a final rule that requires the use of the side impact testing devices no later than 30 months after enactment.

anthropomorphic-test-devices-thor-50th-percentile-adult-male-test-dummy-incorporation-by-reference).

Section 4. New car assessment program update.

This section would require NHTSA to promulgate the final decision notices to update the crashworthiness testing procedures for both front and side impact testing devices under the New Car Assessment Program. This section would also require that the final decision notices be issued concurrently with the final rules, or if issuing the decision and the rule together would delay the rule, then NHTSA will issue the rule first.

Section 5. Testing devices roadmap.

This section would require NHTSA to submit a report to Congress that outlines a timeline of incorporating the testing devices, identify testing devices of other countries that are more advanced than the U.S. testing devices being used or researched, and describe its process of updating the testing devices required under the FMVSS no later than 1 year after enactment. If NHTSA believes the testing devices do not need to be updated, NHTSA would include its justification. NHTSA would be required to submit a follow-up report to Congress no later than 5 years after the initial report on the Secretary's progress on meeting the report's timelines and whether the Secretary has identified any new testing devices.

Section 6. Savings provision.

This section would preserve the Secretary's authority to revise or update a testing device regardless of the specific rulemaking or notices required in this Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

