

AMENDMENT TO RULES COMMITTEE PRINT 117-8

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Page 1508, after line 13, add the following new section (and update the table of contents accordingly):

1 SEC. 10109. VEHICLE TECHNOLOGY COMPETITIVENESS.

2 (a) HIGHLY AUTOMATED SYSTEMS SAFETY CENTER
3 OF EXCELLENCE.—

4 (1) DEFINITIONS.—In this subsection:

5 (A) CENTER.—The term “Center” means
6 the Highly Automated Systems Safety Center
7 of Excellence established under paragraph (2).

8 (B) DEPARTMENT.—The term “Department”
9 means the Department of Transportation.
10

11 (C) SECRETARY.—The term “Secretary”
12 means the Secretary of Transportation.

13 (2) ESTABLISHMENT.—The Secretary shall es-
14 tablish a Highly Automated Systems Safety Center
15 of Excellence within the Department for the purpose
16 of maintaining a workforce at the Department that
17 is capable of reviewing, assessing, and validating the
18 safety of automated technologies.

19 (3) DUTIES.—

1 (A) IN GENERAL.—The Center shall—

2 (i) serve as a central location within
3 the Department for expertise in—

4 (I) automation and human fac-
5 tors;

6 (II) computer science;

7 (III) data analytics;

8 (IV) machine learning; and

9 (V) sensors and other tech-
10 nologies relating to automated sys-
11 tems; and

12 (ii) collaborate with, and provide sup-
13 port to, all operating administrations of
14 the Department with respect to highly
15 automated systems.

16 (B) REVIEW, ASSESSMENT, AND VALIDA-
17 TION.—The workforce of the Center, in coordi-
18 nation with relevant operating administrations
19 of the Department, shall review, assess, and
20 validate highly automated systems to ensure the
21 safety of those systems.

22 (C) AUTHORITY.—The activities of the
23 Center under this subsection shall not super-
24 sede any certification authority granted to an

1 operating administration of the Department
2 under other law (including regulations).

3 (4) WORKFORCE.—The Center shall have a
4 workforce composed of—

5 (A) employees of the Department, includ-
6 ing—

7 (i) direct hires; or

8 (ii) detailees from operating adminis-
9 trations of the Department; or

10 (B) detailees of other Federal agencies.

11 (5) SAVINGS CLAUSE.—Nothing in this sub-
12 section supersedes any law (including regulations)—

13 (A) granting certification authority to an
14 operating administration of the Department;

15 (B) establishing certification responsibil-
16 ities for manufacturers (as defined in section
17 30102(a) of title 49, United States Code); or

18 (C) granting authority to an operating ad-
19 ministration of the Department to determine
20 safety defects in regulated products.

21 (6) CONFORMING AMENDMENT.—Section 105
22 of division H of the Further Consolidated Appro-
23 priations Act, 2020 (49 U.S.C. 102 note; Public
24 Law 116–94) is repealed.

1 (7) REPORT.—Not later than 90 days after the
2 date of enactment of this Act, the Secretary shall
3 submit to the appropriate committees of Congress a
4 report describing—

5 (A) the staffing needs of the Center; and

6 (B) the staffing plan for the Center.

7 (b) MOTOR VEHICLE TESTING OR EVALUATION.—

8 (1) DEFINITIONS.—Section 30102(a) of title
9 49, United States Code, is amended—

10 (A) in the matter preceding paragraph (1),
11 by striking “chapter—” and inserting “chap-
12 ter:”;

13 (B) in each of paragraphs (1) through
14 (13)—

15 (i) by inserting “The term” after the
16 paragraph designation; and

17 (ii) by inserting a paragraph heading,
18 the text of which is comprised of the term
19 defined in the paragraph;

20 (C) by redesignating paragraphs (1)
21 through (13) as paragraphs (2), (3), (4), (5),
22 (7), (8), (9), (10), (11), (12), (13), (14), and
23 (15), respectively;

24 (D) by inserting before paragraph (2) (as
25 so redesignated) the following:

1 “(1) AUTOMATED DRIVING SYSTEM.—The term
2 ‘automated driving system’ means a Level 3, Level
3 4, or Level 5 automated driving system (as defined
4 in the SAE International Recommended Practice
5 numbered J3016 and dated June 15, 2018 (or a
6 subsequent standard adopted by the Secretary)).”;
7 and

8 (E) by inserting after paragraph (5) (as so
9 redesignated) the following:

10 “(6) HIGHLY AUTOMATED VEHICLE.—The term
11 ‘highly automated vehicle’ means a motor vehicle
12 that is equipped with an automated driving sys-
13 tem.”.

14 (2) APPLICATION OF CERTAIN PROHIBITIONS.—
15 Section 30112(b) of title 49, United States Code, is
16 amended by striking paragraph (10) and inserting
17 the following:

18 “(10) the introduction of a motor vehicle in
19 interstate commerce solely for purposes of testing,
20 evaluation, or demonstration—

21 “(A) by a manufacturer that—

22 “(i) agrees not to sell or lease, or
23 offer for sale or lease, the motor vehicle at
24 the conclusion of the testing, evaluation, or
25 demonstration;

1 “(ii) has manufactured and distrib-
2 uted into the United States motor vehicles
3 that are certified, or motor vehicle equip-
4 ment utilized in a motor vehicle that is cer-
5 tified, to comply with all applicable Federal
6 motor vehicle safety standards;

7 “(iii) has submitted to the Secretary
8 appropriate manufacturer identification in-
9 formation under part 566 of title 49, Code
10 of Federal Regulations (or successor regu-
11 lations); and

12 “(iv) if applicable, has identified an
13 agent for service of process in accordance
14 with part 551 of that title (or successor
15 regulations); or

16 “(B) of a highly automated vehicle, auto-
17 mated driving system, or component of an auto-
18 mated driving system if—

19 “(i) the testing, evaluation, or dem-
20 onstration of the vehicle is conducted only
21 by employees, agents, or fleet management
22 contractors of the manufacturer of the
23 highly automated vehicle, the automated
24 driving system, or any component of such
25 vehicle or system;

1 “(ii) the manufacturer agrees not to
2 sell or lease, or offer for sale or lease, the
3 highly automated vehicle, automated driv-
4 ing system, or component of an automated
5 driving system at the conclusion of the
6 testing, evaluation, or demonstration;

7 “(iii) the manufacturer has submitted
8 appropriate manufacturer identification in-
9 formation under part 566 of title 49, Code
10 of Federal Regulations (or successor regu-
11 lations), if applicable, or similar manufac-
12 turer identification information, includ-
13 ing—

14 “(I) the name of the manufac-
15 turer (including a manufacturer that
16 is an individual, partnership, corpora-
17 tion, or institution of higher edu-
18 cation) and a point of contact;

19 “(II) the physical address of the
20 manufacturer and the State of incor-
21 poration of the manufacturer, if appli-
22 cable;

23 “(III) a description of each type
24 of motor vehicle used during develop-
25 ment of the highly automated vehicle,

1 automated driving system, or compo-
2 nent of the automated driving system
3 manufactured by the manufacturer;
4 and

5 “(IV) proof of insurance for any
6 State in which the manufacturer in-
7 tends to test or evaluate highly auto-
8 mated vehicles; and

9 “(iv) if applicable, the manufacturer
10 has identified an agent for service of proc-
11 ess in accordance with part 551 of title 49,
12 Code of Federal Regulations (or successor
13 regulations).”.

14 (3) CONFORMING AMENDMENTS.—

15 (A) Section 11028(a)(1)(A) of the 21st
16 Century Department of Justice Appropriations
17 Authorization Act (15 U.S.C. 1226(a)(1)(A)) is
18 amended by striking “section 30102(6) of title
19 49 of the United States Code” and inserting
20 “section 30102(a) of title 49, United States
21 Code”.

22 (B) Section 3(a)(5)(C) of the Consumer
23 Product Safety Act (15 U.S.C. 2052(a)(5)(C))
24 is amended by striking “(as defined by sections
25 102 (3) and (4) of the National Traffic and

1 Motor Vehicle Safety Act of 1966)” and insert-
2 ing “(as those terms are defined in section
3 30102(a) of title 49, United States Code)”.

4 (C) Section 15(b) of the Consumer Prod-
5 uct Safety Act (15 U.S.C. 2064(b)) is amended,
6 in the matter preceding paragraph (1), by strik-
7 ing “section 30102(a)(7)” and inserting “sec-
8 tion 30102(a)”.

9 (D) Section 403(h)(5)(A) of title 23,
10 United States Code, is amended by striking
11 “section 30102(a)(6)” and inserting “section
12 30102(a)”.

13 (E) Section 2 of Public Law 107–319 (49
14 U.S.C. 30102 note; 116 Stat. 2777) is amended
15 by striking “section 30102(6)” and inserting
16 “section 30102(a)”.

17 (F) Section 101(8) of the Servicemembers
18 Civil Relief Act (50 U.S.C. 3911(8)) is amend-
19 ed by striking “section 30102(a)(6)” and in-
20 serting “section 30102(a)”.

21 (c) HIGHLY AUTOMATED VEHICLES EXEMPTIONS.—
22 Section 30113 of title 49, United States Code, is amend-
23 ed—

24 (1) in subsection (a)—

1 (A) by striking the subsection designation
2 and heading and all that follows through
3 “means a motor” and inserting the following:

4 “(a) DEFINITIONS.—In this section:

5 “(1) LOW-EMISSION MOTOR VEHICLE.—The
6 term ‘low-emission motor vehicle’ means a motor”;
7 and

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

9 “(2) NEW MOTOR VEHICLE SAFETY FEA-
10 TURE.—The term ‘new motor vehicle safety feature’
11 includes any feature that enables a highly automated
12 vehicle or an automated driving system, regardless
13 of whether an exemption has already been granted
14 for a similar feature with respect to any other motor
15 vehicle model.

16 “(3) SECRETARY.—The term ‘Secretary’ means
17 the Secretary of Transportation.”;

18 (2) in subsection (b)—

19 (A) by striking the subsection designation
20 and all that follows through “The Secretary of
21 Transportation” in paragraph (1) and inserting
22 the following:

23 “(b) AUTHORITY TO EXEMPT AND PROCEDURES.—

24 “(1) IN GENERAL.—The Secretary”;

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) PROCEDURES.—

4 “(A) COMMENCEMENT.—

5 “(i) IN GENERAL.—The Secretary
6 shall commence a proceeding under this
7 subsection when a manufacturer submits
8 to the Secretary an application for an ex-
9 emption or the renewal of an exemption in
10 accordance with clause (ii).

11 “(ii) APPLICATIONS.—An application
12 for an exemption or the renewal of an ex-
13 emption under this subparagraph shall be
14 filed at such time, in such manner, and
15 containing such information as the Sec-
16 retary may require.

17 “(B) PUBLICATION.—On commencing a
18 proceeding under subparagraph (A), the Sec-
19 retary shall—

20 “(i) publish in the Federal Register a
21 notice of the relevant application; and

22 “(ii) provide an opportunity for public
23 comment.

24 “(C) DETERMINATION.—The Secretary
25 shall grant or deny an exemption or the renewal

1 of an exemption for a highly automated vehicle
2 by the date that is 180 days after the date on
3 which the application for the exemption or re-
4 newal is received by the Secretary.

5 “(D) REVIEW OF PREVIOUSLY GRANTED
6 EXEMPTIONS.—For any exemption granted by
7 the Secretary under this section, the Secretary,
8 not less frequently than annually, and before
9 granting a renewal or otherwise increasing the
10 number of highly automated vehicles of a man-
11 ufacturer that may be sold or otherwise intro-
12 duced into interstate commerce under the ex-
13 emption, shall evaluate the impact of the ex-
14 emption on motor vehicle safety to ensure com-
15 pliance with any conditions established by the
16 Secretary.”; and

17 (C) in paragraph (3)(B)—

18 (i) in clause (iii), by striking “or” at
19 the end; and

20 (ii) by striking clause (iv) and insert-
21 ing the following:

22 “(iv) compliance with the standard would
23 prevent the manufacturer from selling, intro-
24 ducing, or delivering into interstate commerce a
25 motor vehicle with an overall safety level at

1 least equal to the safety level of nonexempt ve-
2 hicles; or

3 “(v) the exemption would provide—

4 “(I) transportation access for individ-
5 uals with disabilities (as defined in section
6 3 of the Americans with Disabilities Act of
7 1990 (42 U.S.C. 12102)), including non-
8 visual access for individuals who are blind
9 or visually impaired; and

10 “(II)(aa) a safety level at least equal
11 to the safety level of the standard from
12 which the exemption is sought; or

13 “(bb) an overall safety level at least
14 equal to the overall safety level of non-
15 exempt vehicles.”; and

16 (3) by striking subsection (d) and inserting the
17 following:

18 “(d) ELIGIBILITY.—

19 “(1) SUBSTANTIAL ECONOMIC HARDSHIP.—A
20 manufacturer is eligible for an exemption under sub-
21 section (b)(3)(B)(i) (including an exemption relating
22 to a bumper standard referred to in subsection
23 (b)(1)) only if the Secretary determines that the
24 total motor vehicle production of the manufacturer

1 in the most recent year of production is not more
2 than 10,000.

3 “(2) SAFETY EQUIVALENCE.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), a manufacturer is eligible
6 for an exemption under clause (ii), (iii), (iv), or
7 (v) of subsection (b)(3)(B) only if the Secretary
8 determines that the exemption is for not more
9 than 2,500 vehicles to be sold or otherwise in-
10 troduced into interstate commerce in the United
11 States during any 1-year period.

12 “(B) HIGHLY AUTOMATED VEHICLES.—

13 “(i) IN GENERAL.—With respect to
14 highly automated vehicles, a manufacturer
15 is eligible for an exemption under clause
16 (ii), (iii), (iv), or (v) of subsection
17 (b)(3)(B) only if the Secretary determines
18 that—

19 “(I) during the 1-year period be-
20 ginning on the date of enactment of
21 the Endless Frontier Act the number
22 of new exemptions granted for that
23 manufacturer is for not more than a
24 total of 15,000 highly automated vehi-
25 cles to be sold or otherwise introduced

1 into interstate commerce in the
2 United States;

3 “(II) during the 1-year period
4 immediately following the period de-
5 scribed in subclause (I), the number
6 of new exemptions granted for that
7 manufacturer is for not more than a
8 total of 40,000 highly automated vehi-
9 cles to be sold or otherwise introduced
10 into interstate commerce in the
11 United States; and

12 “(III) subject to clause (ii), dur-
13 ing any 1-year period following the
14 period described in subclause (II), the
15 number of new exemptions granted
16 for that manufacturer is for not more
17 than a total of 80,000 highly auto-
18 mated vehicles to be sold or otherwise
19 introduced into interstate commerce
20 in the United States.

21 “(ii) EXPANSION.—A manufacturer of
22 a highly automated vehicle may submit to
23 the Secretary a petition to expand the limit
24 on new exemptions under clause (i)(III) to
25 allow exemptions for more than 80,000

1 highly automated vehicles during any 1-
2 year period if a similar exemption has been
3 in effect for that manufacturer for a period
4 of not less than 4 years.”;

5 (4) in subsection (e)—

6 (A) by striking the second sentence and in-
7 serting the following:

8 “(2) SAFETY EQUIVALENCE.—An exemption or
9 renewal under clause (ii), (iii), (iv), or (v) of sub-
10 section (b)(3)(B) may be granted—

11 “(A) for not more than 2 years; or

12 “(B) if the motor vehicle is a highly auto-
13 mated vehicle, for not more than 5 years.”; and

14 (B) by striking the subsection designation
15 and all that follows through “An exemption” in
16 the first sentence and inserting the following:

17 “(e) MAXIMUM PERIOD.—

18 “(1) SUBSTANTIAL ECONOMIC HARDSHIP.—An
19 exemption”; and

20 (5) by adding at the end the following:

21 “(i) PROCESS AND ANALYSIS.—

22 “(1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of the Endless Frontier
24 Act, the Secretary shall publish a notice in the Fed-
25 eral Register that describes the process and analysis

1 used for the consideration of an application for an
2 exemption or the renewal of an exemption under this
3 section for a highly automated vehicle.

4 “(2) PERIODIC REVIEW AND UPDATING.—The
5 Secretary shall—

6 “(A) review the notice under paragraph (1)
7 by the date that is 5 years after the initial date
8 of publication, and not less frequently than once
9 every 5 years thereafter; and

10 “(B) update the notice if the Secretary de-
11 termines that an update is necessary.”.

12 (d) DUAL USE VEHICLE SAFETY.—

13 (1) IN GENERAL.—Section 30122(b) of title 49,
14 United States Code, is amended—

15 (A) by striking “A manufacturer” and in-
16 serting the following:

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), a manufacturer”; and

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

20 “(2) EXCEPTION.—Paragraph (1) shall not
21 apply in any case in which a manufacturer inten-
22 tionally causes a steering wheel, brake pedal, accel-
23 erator pedal, gear shift, or any other device or ele-
24 ment of design relating to the performance of the
25 dynamic driving task by a human driver to be tem-

1 porarily disabled during the time that an automated
2 driving system is performing the entire dynamic
3 driving task if the applicable motor vehicle is other-
4 wise in compliance with applicable motor vehicle
5 safety standards—

6 “(A) when a Level 4 or Level 5 automated
7 driving system is engaged; and

8 “(B) when that system is not engaged.”.

9 (2) RULEMAKING.—If the Secretary prescribes
10 a regulation in accordance with section 30122(e) of
11 title 49, United States Code, to exempt a manufac-
12 turer (as defined in section 30102(a) of that title)
13 from the prohibition under paragraph (1) of section
14 30122(b) of that title with respect to highly auto-
15 mated vehicles (as defined in section 30102(a) of
16 that title), on the effective date of that regulation—

17 (A) the amendments to section 30122(b) of
18 that title made by paragraph (1) shall termi-
19 nate; and

20 (B) section 30122(b) of that title shall be
21 in effect as if those amendments had not been
22 enacted.

23 (3) LICENSING.—A State may not issue a
24 motor vehicle operator’s license for the operation or
25 use of a highly automated vehicle (as defined in sec-

1 tion 30102(a) of title 49, United States Code) in a
2 manner that discriminates on the basis of disability
3 (as defined in section 3 of the Americans with Dis-
4 abilities Act of 1990 (42 U.S.C. 12102)).

