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

SEC. 10109. VEHICLE TECHNOLOGY COMPETITIVENESS.

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

(1) DEFINITIONS.—In this subsection:

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

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

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

(2) ESTABLISHMENT.—The Secretary shall establish a Highly Automated Systems Safety Center of Excellence within the Department for the purpose of maintaining a workforce at the Department that is capable of reviewing, assessing, and validating the safety of automated technologies.

(3) DUTIES.—
(A) IN GENERAL.—The Center shall—

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

(I) automation and human factors;

(II) computer science;

(III) data analytics;

(IV) machine learning; and

(V) sensors and other technologies relating to automated systems; and

(ii) collaborate with, and provide support to, all operating administrations of the Department with respect to highly automated systems.

(B) REVIEW, ASSESSMENT, AND VALIDATION.—The workforce of the Center, in coordination with relevant operating administrations of the Department, shall review, assess, and validate highly automated systems to ensure the safety of those systems.

(C) AUTHORITY.—The activities of the Center under this subsection shall not supersede any certification authority granted to an
operating administration of the Department under other law (including regulations).

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

(A) employees of the Department, including—

(i) direct hires; or

(ii) detailees from operating administrations of the Department; or

(B) detailees of other Federal agencies.

(5) SAVINGS CLAUSE.—Nothing in this subsection supersedes any law (including regulations)—

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

(B) establishing certification responsibilities for manufacturers (as defined in section 30102(a) of title 49, United States Code); or

(C) granting authority to an operating administration of the Department to determine safety defects in regulated products.

(6) CONFORMING AMENDMENT.—Section 105 of division H of the Further Consolidated Appropriations Act, 2020 (49 U.S.C. 102 note; Public Law 116–94) is repealed.
(7) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing—

(A) the staffing needs of the Center; and

(B) the staffing plan for the Center.

(b) MOTOR VEHICLE TESTING OR EVALUATION.—

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

(A) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

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

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

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

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

(D) by inserting before paragraph (2) (as so redesignated) the following:
'(1) AUTOMATED DRIVING SYSTEM.—The term ‘automated driving system’ means a Level 3, Level 4, or Level 5 automated driving system (as defined in the SAE International Recommended Practice numbered J3016 and dated June 15, 2018 (or a subsequent standard adopted by the Secretary)).’’;

and

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

“(6) HIGHLY AUTOMATED VEHICLE.—The term ‘highly automated vehicle’ means a motor vehicle that is equipped with an automated driving system.”.

(2) APPLICATION OF CERTAIN PROHIBITIONS.—

Section 30112(b) of title 49, United States Code, is amended by striking paragraph (10) and inserting the following:

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

“(A) by a manufacturer that—

“(i) agrees not to sell or lease, or offer for sale or lease, the motor vehicle at the conclusion of the testing, evaluation, or demonstration;
“(ii) has manufactured and distributed into the United States motor vehicles that are certified, or motor vehicle equipment utilized in a motor vehicle that is certified, to comply with all applicable Federal motor vehicle safety standards;

“(iii) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations (or successor regulations); and

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

“(B) of a highly automated vehicle, automated driving system, or component of an automated driving system if—

“(i) the testing, evaluation, or demonstration of the vehicle is conducted only by employees, agents, or fleet management contractors of the manufacturer of the highly automated vehicle, the automated driving system, or any component of such vehicle or system;
“(ii) the manufacturer agrees not to sell or lease, or offer for sale or lease, the highly automated vehicle, automated driving system, or component of an automated driving system at the conclusion of the testing, evaluation, or demonstration;

“(iii) the manufacturer has submitted appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations (or successor regulations), if applicable, or similar manufacturer identification information, including—

“(I) the name of the manufacturer (including a manufacturer that is an individual, partnership, corporation, or institution of higher education) and a point of contact;

“(II) the physical address of the manufacturer and the State of incorporation of the manufacturer, if applicable;

“(III) a description of each type of motor vehicle used during development of the highly automated vehicle,
automated driving system, or component of the automated driving system manufactured by the manufacturer; and

“(IV) proof of insurance for any State in which the manufacturer intends to test or evaluate highly automated vehicles; and

“(iv) if applicable, the manufacturer has identified an agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations (or successor regulations).”.

(3) CONFORMING AMENDMENTS.—


(B) Section 3(a)(5)(C) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)(C)) is amended by striking “(as defined by sections 102 (3) and (4) of the National Traffic and
Motor Vehicle Safety Act of 1966)’’ and inserting “(as those terms are defined in section 30102(a) of title 49, United States Code)”.

(C) Section 15(b) of the Consumer Product Safety Act (15 U.S.C. 2064(b)) is amended, in the matter preceding paragraph (1), by striking “section 30102(a)(7)” and inserting “section 30102(a)”.

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

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

(F) Section 101(8) of the Servicemembers Civil Relief Act (50 U.S.C. 3911(8)) is amended by striking “section 30102(a)(6)” and inserting “section 30102(a)”.

(c) HIGHLY AUTOMATED VEHICLES EXEMPTIONS.—

Section 30113 of title 49, United States Code, is amended—

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

“(a) DEFINITIONS.—In this section:

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

and

(B) by adding at the end the following:

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

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

(2) in subsection (b)—

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

“(b) AUTHORITY TO EXEMPT AND PROCEDURES.—

“(1) IN GENERAL.—The Secretary’’;
(B) by striking paragraph (2) and inserting the following:

“(2) PROCEDURES.—

“(A) COMMENCEMENT.—

“(i) IN GENERAL.—The Secretary shall commence a proceeding under this subsection when a manufacturer submits to the Secretary an application for an exemption or the renewal of an exemption in accordance with clause (ii).

“(ii) APPLICATIONS.—An application for an exemption or the renewal of an exemption under this subparagraph shall be filed at such time, in such manner, and containing such information as the Secretary may require.

“(B) PUBLICATION.—On commencing a proceeding under subparagraph (A), the Secretary shall—

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

“(ii) provide an opportunity for public comment.

“(C) DETERMINATION.—The Secretary shall grant or deny an exemption or the renewal
of an exemption for a highly automated vehicle
by the date that is 180 days after the date on
which the application for the exemption or re-
newal is received by the Secretary.

“(D) Review of Previously Granted
Exemptions.—For any exemption granted by
the Secretary under this section, the Secretary,
not less frequently than annually, and before
granting a renewal or otherwise increasing the
number of highly automated vehicles of a man-
ufacturer that may be sold or otherwise intro-
duced into interstate commerce under the ex-
emption, shall evaluate the impact of the ex-
emption on motor vehicle safety to ensure com-
pliance with any conditions established by the
Secretary.”; and

(C) in paragraph (3)(B)—

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

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

“(iv) compliance with the standard would
prevent the manufacturer from selling, intro-
ducing, or delivering into interstate commerce a
motor vehicle with an overall safety level at
least equal to the safety level of nonexempt vehicles; or

“(v) the exemption would provide—

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

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

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

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

“(d) Eligibility.—

“(1) Substantial economic hardship.—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(i) (including an exemption relating to a bumper standard referred to in subsection (b)(1)) only if the Secretary determines that the total motor vehicle production of the manufacturer
in the most recent year of production is not more than 10,000.

“(2) SAFETY EQUIVALENCE.—

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

“(B) HIGHLY AUTOMATED VEHICLES.—

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

“(I) during the 1-year period beginning on the date of enactment of the Endless Frontier Act the number of new exemptions granted for that manufacturer is for not more than a total of 15,000 highly automated vehicles to be sold or otherwise introduced.
into interstate commerce in the United States;

“(II) during the 1-year period immediately following the period described in subclause (I), the number of new exemptions granted for that manufacturer is for not more than a total of 40,000 highly automated vehicles to be sold or otherwise introduced into interstate commerce in the United States; and

“(III) subject to clause (ii), during any 1-year period following the period described in subclause (II), the number of new exemptions granted for that manufacturer is for not more than a total of 80,000 highly automated vehicles to be sold or otherwise introduced into interstate commerce in the United States.

“(ii) EXPANSION.—A manufacturer of a highly automated vehicle may submit to the Secretary a petition to expand the limit on new exemptions under clause (i)(III) to allow exemptions for more than 80,000
highly automated vehicles during any 1-
year period if a similar exemption has been
in effect for that manufacturer for a period
of not less than 4 years.”;

(4) in subsection (e)—

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

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

“(A) for not more than 2 years; or

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

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

“(e) MAXIMUM PERIOD.—

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

(5) by adding at the end the following:

“(i) PROCESS AND ANALYSIS.—

“(1) IN GENERAL.—Not later than 180 days
after the date of enactment of the Endless Frontier
Act, the Secretary shall publish a notice in the Fed-
eral Register that describes the process and analysis
used for the consideration of an application for an
exemption or the renewal of an exemption under this
section for a highly automated vehicle.

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

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

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

(d) DUAL USE VEHICLE SAFETY.—

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

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

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

(B) by adding at the end the following:

“(2) EXCEPTION.—Paragraph (1) shall not
apply in any case in which a manufacturer inten-
tionally causes a steering wheel, brake pedal, accel-
erator pedal, gear shift, or any other device or ele-
ment of design relating to the performance of the
dynamic driving task by a human driver to be tem-
porarily disabled during the time that an automated
driving system is performing the entire dynamic
driving task if the applicable motor vehicle is other-
wise in compliance with applicable motor vehicle
safety standards—

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

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

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

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

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

(3) LICENSING.—A State may not issue a
motor vehicle operator’s license for the operation or
use of a highly automated vehicle (as defined in sec-
tion 30102(a) of title 49, United States Code) in a manner that discriminates on the basis of disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).