

Inhofe - 2 (mod)

MDM17C25

S.L.C.


AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish the HAV Data Access Advisory Committee to provide recommendations to Congress with respect to cybersecurity issues relating to highly automated vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 1885

To support the development of highly automated vehicle safety technologies, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. INHOFE (for himself, Mr. BLUNT, Mr. MORAN, Mr. HELLER, and Ms. BALDWIN)

Viz:

1 On page 28, lines 8 and 9, strike “and data access
2 and sharing”.

3 On page 41, strike line 6 and insert the following:

4 **SEC. 15. HAV DATA ACCESS ADVISORY COMMITTEE.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “HAV Data Access Advisory Committee Act”.

7 (b) **DEFINITIONS.**—In this section:

1 (1) COMMITTEE.—The term “Committee”
2 means the HAV Data Access Advisory Committee
3 established pursuant to subsection (d)(1).

4 (2) HAV.—The term “HAV” means highly
5 automated vehicle.

6 (c) FEDERAL REGULATION OF HAV DATA AC-
7 CESS.—

8 (1) TEMPORARY RULEMAKING RESTRICTION.—
9 No department or administrative agency of the Fed-
10 eral Government may promulgate any regulation
11 with respect to the ownership of, control of, or ac-
12 cess to, information or data stored by, or generated
13 by, a highly automated vehicle or automated driving
14 system before the report required under section
15 (d)(4) is submitted to Congress.

16 (2) SAVINGS PROVISIONS.—Nothing in this sub-
17 section may be construed to prevent the Federal
18 Government from carrying out its responsibilities
19 under the Driver Privacy Act of 2015 (49 U.S.C.
20 30101 note).

21 (d) HAV DATA ACCESS ADVISORY COMMITTEE.—

22 (1) ESTABLISHMENT.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary shall establish the HAV Data Access Advisory
25 Committee to provide a forum for stakeholders to

1 discuss and make policy recommendations to Con-
2 gress with respect to the ownership of, control of, or
3 access to, information or data that vehicles collect,
4 generate, record, or store in an electronic form that
5 is retrieved from a highly automated vehicle or auto-
6 mated driving system.

7 (2) MEMBERSHIP.—

8 (A) VOTING MEMBERS.—The Committee
9 shall be composed of the following voting mem-
10 bers:

11 (i) The Secretary or the Secretary's
12 designee.

13 (ii) The Chairman of the Federal
14 Trade Commission or the Chairman's des-
15 ignee.

16 (iii) A representative of State govern-
17 ments.

18 (iv) A representative of local govern-
19 ments.

20 (v) A representative of metropolitan
21 planning organizations.

22 (vi) A representative of transit agen-
23 cies.

24 (vii) A representative of law enforce-
25 ment.

1 (viii) A representative of HAV manu-
2 facturers.

3 (ix) A representative of HAV equip-
4 ment manufacturers.

5 (x) A representative of HAV dealers.

6 (xi) A representative of aftermarket
7 parts manufacturers, distributors, and re-
8 tailers.

9 (xii) A representative of independent
10 vehicle repairers.

11 (xiii) A representative of consumer
12 safety advocates with privacy expertise.

13 (xiv) A representative of consumer
14 safety advocates with safety expertise.

15 (xv) A representative of property and
16 casualty insurers.

17 (xvi) A representative of long-term
18 motor vehicle fleet leasing and manage-
19 ment companies or professionals.

20 (xvii) A representative of short-term
21 motor vehicle fleet management or rental
22 companies.

23 (xviii) A representative of mobility on
24 demand companies.

1 (xix) A representative of motor coach
2 and tour bus owners.

3 (B) NON-VOTING MEMBERS.—The Sec-
4 retary may allow additional interested stake-
5 holders to attend and participate in the activi-
6 ties of the Committee as non-voting members.

7 (3) MEETINGS.—The Committee shall meet not
8 less frequently than 4 times per year.

9 (4) REPORT.—

10 (A) IN GENERAL.—Not later than 2 years
11 after the Committee is established pursuant to
12 paragraph (1), the Committee shall submit a
13 report to the Committee on Commerce, Science,
14 and Transportation of the Senate and the Com-
15 mittee on Energy and Commerce of the House
16 of Representatives that contains recommenda-
17 tions, supported by at least 2/3 of all voting
18 members. Such report shall include rec-
19 ommendations regarding the ownership of, con-
20 trol of, or access to, information or data that
21 vehicles collect, generate, record, or store in an
22 electronic form that is retrieved from a highly
23 automated vehicle or automated driving system,
24 and may include minority views, if applicable.

1 (B) CONSIDERATIONS.—When making any
2 policy recommendations, the Committee shall
3 give appropriate consideration to motor vehicle
4 safety, intellectual property protections, compli-
5 ance with requirements under the Motor Vehicle
6 Safety Act, customer privacy, cybersecurity,
7 confidential business information related to the
8 mechanical or computer systems of such vehi-
9 cles, public safety, and transportation planning.

10 Recommendations should address—

11 (i) an owner's or registered user's per-
12 sonally identifiable information;

13 (ii) vehicle-generated data; and

14 (iii) vehicle interface capability.

15 (5) COMPENSATION.—Members of the Com-
16 mittee shall serve without compensation.

17 (6) SUPPORT.—The Office of Rulemaking of
18 the National Highway Traffic Safety Administration
19 and the Bureau of Consumer Protection of the Fed-
20 eral Trade Commission shall provide support serv-
21 ices to the Committee.

22 (7) TERMINATION.—The Committee shall ter-
23 minate upon the submission of the report required
24 under paragraph (4).

1 (e) GAO STUDY ON REMOVAL OF PERSONAL DATA
2 FROM VEHICLE INFORMATION SYSTEMS.—

3 (1) STUDY.—

4 (A) IN GENERAL.—The Comptroller Gen-
5 eral of the United States shall conduct a study
6 of the technologies currently available to remove
7 data that may be personally identifiable or at-
8 tributable to an individual from used motor ve-
9 hicles upon their sale to a new owner or from
10 leased or rented vehicles at the completion of
11 the lease or rental contract.

12 (B) UNIFORM DATA REMOVAL AP-
13 PROACH.—The study conducted under subpara-
14 graph (A) shall assess the feasibility of adopt-
15 ing a uniform and simple approach across vehi-
16 cle brands for the removal of data described in
17 subparagraph (A) when a vehicle is sold or a
18 lease or rental ends.

19 (C) CONSULTATION.—In conducting the
20 study under subparagraph (A), the Comptroller
21 General shall consult with—

22 (i) vehicle manufacturers;

23 (ii) consumer groups;

1 (iii) vehicle dealers, including rep-
2 resentatives of the vehicle leasing and vehi-
3 cle rental industry; and

4 (iv) other stakeholders.

5 (2) REPORT.—Not later than 1 year after the
6 date of the enactment of this Act, the Comptroller
7 General of the United States shall submit a report
8 to the Committee on Commerce, Science, and Trans-
9 portation of the Senate and the Committee on En-
10 ergy and Commerce of the House of Representatives
11 that contains the result of the study conducted
12 under subsection (a), including recommendations re-
13 garding—

14 (A) the feasibility of adopting a uniform
15 data removal approach; and

16 (B) legislative action that the Comptroller
17 General may consider prudent and practicable
18 for facilitating the consistent removal of data
19 described in subparagraph (A).

20 **SEC. 16. SAVINGS PROVISION.**