

Blumenthal-1

ARM17136

S.L.C.

*Richard Blumenthal Ref*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To direct the Secretary of Transportation to issue a rule requiring all new passenger motor vehicles to be equipped with a child safety alert system.

**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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL (for himself and Mr. WICKER)

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . CHILD SAFETY.**

3 (a) **AMENDMENT.—**

4 (1) **IN GENERAL.—**Chapter 323 of title 49,

5 United States Code, is amended by adding after sec-

6 tion 32304A the following:

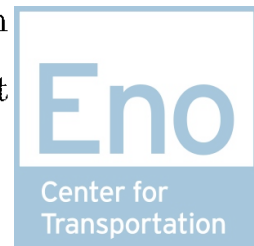
7 **“§ 32304B. Child safety**

8 **“(a) DEFINITIONS.—**In this section:

9 **“(1) PASSENGER MOTOR VEHICLE.—**The term

10 ‘passenger motor vehicle’ has the meaning given that

11 term in section 32101.



1           “(2) REAR DESIGNATED SEATING POSITION.—

2           The term ‘rear designated seating position’ means  
3           designated seating positions that are rearward of the  
4           front seat.

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

7           “(b) RULEMAKING.—Not later than 2 years after the  
8           date of the enactment of the American Vision for Safer  
9           Transportation through Advancement of Revolutionary  
10          Technologies Act, the Secretary shall issue a final rule re-  
11          quiring all new passenger motor vehicles weighing less  
12          than 10,000 pounds gross vehicle weight to be equipped  
13          with a system to alert the operator to check rear des-  
14          ignated seating positions after the vehicle engine or motor  
15          is deactivated by the operator.

16          “(c) MEANS.—The alert required under subsection  
17          (b)—

18                 “(1) shall include a distinct auditory and visual  
19                 alert, which may be combined with a haptic alert;  
20                 and

21                 “(2) shall be activated when the vehicle motor  
22                 is deactivated by the operator.

23          “(d) PHASE-IN.—The rule issued pursuant to sub-  
24          section (b) shall require full compliance with the rule be-  
25          ginning on September 1st of the first calendar year that

1 begins more than 30 months after the date on which the  
2 final rule is issued.”.

3 (2) CLERICAL AMENDMENT.—The analysis for  
4 chapter 323 of title 49, United States Code, is  
5 amended by striking the item relating to section  
6 32304A and inserting the following:

“32304A. Consumer tire information and standards.

“32304B. Child safety.”.

7 (b) AWARENESS OF CHILDREN IN MOTOR VEHI-  
8 CLES.—Section 402 of title 23, United States Code, is  
9 amended by inserting after subsection (k) the following:

10 “(1) UNATTENDED PASSENGERS.—

11 “(1) IN GENERAL.—Each State may use a por-  
12 tion of the amounts it receives under this section to  
13 carry out a program to educate the public on the  
14 risks of leaving a child or unattended passenger in  
15 a vehicle after the vehicle motor is deactivated by  
16 the operator.

17 “(2) PROGRAM PLACEMENT.—A State does not  
18 need to carry out the program described in para-  
19 graph (1) through the State transportation or high-  
20 way safety office.”.

21 (c) STUDY AND REPORT.—

22 (1) INDEPENDENT STUDY.—

23 (A) AGREEMENT.—



1 (i) IN GENERAL.—The Secretary of  
2 Transportation shall enter into an agree-  
3 ment or a contract with an independent  
4 third-party that does not have any finan-  
5 cial or contractual ties with passenger  
6 motor vehicle manufacturers or technology  
7 companies producing child reminder alert  
8 systems to perform the services under this  
9 paragraph.

10 (ii) TIMING.—The Secretary shall  
11 enter into the agreement or contract de-  
12 scribed in clause (i) not later than the date  
13 that the Secretary determines is the latest  
14 date by which completion of the services  
15 under this paragraph will allow the Sec-  
16 retary enough time to prepare and submit  
17 the study required under paragraph (2) in  
18 accordance with such paragraph.

19 (B) INDEPENDENT STUDY.—

20 (i) IN GENERAL.—Under an agree-  
21 ment between the Secretary and an inde-  
22 pendent third-party under this paragraph,  
23 the independent third-party shall carry out  
24 a study on retrofitting existing passenger  
25 motor vehicles with technology to address



1 the problem of children left in rear des-  
2 ignated seating positions of motor vehicles  
3 after the motor vehicles have been deacti-  
4 vated by the operator of the vehicle.

5 (ii) ELEMENTS.—In carrying out the  
6 study required under clause (i), the inde-  
7 pendent third-party shall—

8 (I) survey and evaluate a variety  
9 of methods used by current and  
10 emerging aftermarket technology or  
11 products to solve the problem of chil-  
12 dren being left in a rear designated  
13 seating position after the vehicle  
14 motor is deactivated by the operator;

15 (II) make recommendations for  
16 manufacturers of such technology or  
17 products to undergo a functional safe-  
18 ty performance to ensure that the  
19 products perform as designed by the  
20 manufacturer under a variety of real  
21 world conditions; and

22 (III) provide recommendations  
23 for consumers on how to select such  
24 technology or products in order to ret-  
25 rofit existing vehicles.

1           (2) REPORT.—During the 180-day period be-  
2           ginning on the date on which the Secretary of  
3           Transportation issues the final rule required under  
4           section 32304B(b) of title 49, United States Code,  
5           as added by subsection (a)(1), the Secretary shall  
6           submit the results of the study carried out under  
7           paragraph (1) to the Committee on Commerce,  
8           Science, and Transportation of the Senate and the  
9           Committee on Energy and Commerce of the House  
10          of Representatives.

*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require auto dealers to fix outstanding safety recalls before selling or leasing a used passenger motor vehicle.

**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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL  
**AND MR. MARKEY**

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . USED PASSENGER MOTOR VEHICLE CONSUMER**  
3 **PROTECTION.**

4 (a) IN GENERAL.—Section 30120 of title 49, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 “(k) LIMITATION ON SALE OR LEASE OF USED PAS-  
8 Senger Motor Vehicles.—(1) Except as provided  
9 under paragraphs (2) and (4), a dealer may not sell or  
10 lease a used passenger motor vehicle until after any defect



1 or noncompliance determined under section 30118 with re-  
2 spect to the vehicle has been remedied.

3 “(2) Paragraph (1) shall not apply if—

4 “(A) the recall information regarding the used  
5 passenger motor vehicle—

6 “(i) was not available at the time of sale  
7 or lease using the means established by the Sec-  
8 retary under section 31301 of the Moving  
9 Ahead for Progress in the 21st Century Act (49  
10 U.S.C. 30166 note); and

11 “(ii) was not available on the manufactur-  
12 er’s website; or

13 “(B) notification of the defect or noncompliance  
14 is required under section 30118(b), but enforcement  
15 of the order is set aside in a civil action to which  
16 section 30121(d) applies.

17 “(3) Notwithstanding section 30102(a)(1), in this  
18 subsection—

19 “(A) the term ‘dealer’ means a person that has  
20 sold at least 10 motor vehicles to one or more con-  
21 sumers during the most recent 12-month period; and

22 “(B) the term ‘used passenger motor vehicle’  
23 means a motor vehicle that has previously been pur-  
24 chased other than for resale.



1       “(4) By rule, the Secretary may exempt the auc-  
2 tioning of a used passenger motor vehicle to dealers from  
3 the requirements under paragraph (1) if such exemption  
4 does not harm public safety.”.

5       (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a) shall take effect on that date that is 18  
7 months after the date of the enactment of this Act.

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*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

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. BLUMENTHAL

*and MR. MARKEY*

Viz:

1 On page 5, beginning on line 22, insert "or testing"  
2 after "traffic".

3 On page 13, strike line 7 and insert the following:

4 mencement of such testing or evaluation; and

5 "(D) such manufacturer agrees that a  
6 human operator will be—

7 "(i) sitting in the highly automated  
8 vehicle;

9 "(ii) monitoring the operation of the  
10 highly automated vehicle;



1                   “(iii) capable of taking immediate  
2                   manual control of the highly automated ve-  
3                   hicle; and

4                   “(iv) provided information concerning  
5                   the capabilities and limitation of the highly  
6                   automated vehicle.”.

7           On page 14, line 11, insert before the period the fol-  
8           lowing: “The Secretary shall not grant an exemption  
9           under this section for any motor vehicle that does not  
10          allow for an operator to take immediate manual control  
11          until completion of the rulemaking process set forth in sec-  
12          tion 11 of the AV START Act.”.

13          On page 28, between lines 14 and 15, insert the fol-  
14          lowing:

15                   “(G) the impact of removing operator  
16                   intervention capability from highly automated  
17                   vehicles; and

18          On page 32, line 14, insert before the period the fol-  
19          lowing: “, which rulemaking shall require that a capable  
20          operator is able to take immediate manual control of a  
21          highly automated vehicle until the NHTSA establishes a  
22          process to evaluate and certify that highly automated vehi-

1 cles are suitable for driverless operation and that an in-  
2 vehicle manual override for such vehicles is no longer nec-  
3 essary’.





AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide that highly automated vehicles are introduced and deployed gradually as such vehicles meets performance-based safety benchmarks.

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

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AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

1 On page 15, strike line 3 and all that follows through  
2 page 16, line 2 and insert the following:

3 “(B) the vehicle is a highly automated ve-  
4 hicle; and—

5 “(i) during the 12-month period be-  
6 ginning on the date of the enactment of  
7 the AV START Act, ~~the exemption is for~~  
8 not more than 5,000 vehicles <sup>per manufacturer</sup> to be sold or  
9 introduced into interstate commerce in the

10 United States;



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“(ii) during the 12-month period immediately following the period described in clause (i), ~~the exemption is for~~ not more than 20,000 vehicles <sup>per manufacturer</sup> to be sold or introduced into interstate commerce in the United States, but only if the vehicles sold or introduced into interstate commerce pursuant to clause (i) have demonstrated that they are—

*including vehicles exempted under clause (i)*

“(I) at least 10 percent safer than human drivers in terms of crashes; and

“(II) at least 15 percent safer than human drivers in terms of injuries; and

“(iii) during any 12-month period following the period described in clause (ii), ~~the exemption is for~~ not more than 50,000 vehicles <sup>per manufacturer</sup> to be sold or introduced into interstate commerce in the United States, but only if the vehicles sold or introduced into interstate commerce pursuant to clause (ii) have demonstrated that they are—

*including vehicles exempted under clause (ii)*



1                   “(I) at least 10 percent safer  
2                   than human drivers in terms of crash-  
3                   es;

4                   “(II) at least 15 percent safer  
5                   than human drivers in terms of inju-  
6                   ries; and

7                   “(III) measurably safer than  
8                   human drivers in terms of fatalities.

9                   “(C) A manufacturer of a highly auto-  
10                  mated vehicle may petition the Secretary to ex-  
11                  pand the exemption under subparagraph (B) to  
12                  more than 50,000 vehicles in any 12-month pe-  
13                  riod after the exemption has been in place for  
14                  3 years.”; and

*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**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.

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AMENDMENTS intended to be proposed by Mr. BLUMENTHAL

Viz:

1 On page 14, line 5, strike "to comment" and insert  
2 "for public comment".

3 On page 16, strike line 2, and insert the following:

4 5 years;

5 "(D) Any citizen may petition the Sec-  
6 retary to limit an exemption under subpara-  
7 graph (B)."; and

8 On page 27, line 3, insert after "safety organiza-  
9 tions," the following: "*auto safety organizations,* environ-  
10 mental organizations, health organizations,".





AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

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AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

- 1 On page 16, line 10, insert after “shall end on” the
- 2 following: “the earlier of the date that is 10 years after
- 3 the date of the enactment of this Act or”.





AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require reports on crashes and other incidents involving highly automated vehicles.

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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . MANUFACTURER REPORTS ON CRASHES AND**  
3 **OTHER INCIDENTS INVOLVING HIGHLY**  
4 **AUTOMATED VEHICLES.**

5 (a) **REPORTS REQUIRED.**—Until the effective date of  
6 the rule required pursuant to section 11(b), each manufac-  
7 turer of highly automated vehicles shall submit to the  
8 NHTSA, in accordance with the schedule specified in sub-  
9 section (c), reports on the incidents specified in subsection  
10 (b) involving highly automated vehicles manufactured by  
11 such manufacturer.



1 (b) INCIDENTS.—The incidents specified in this sub-  
2 section are the following, whether or not such incidents  
3 occur during the testing or deployment phase of manufac-  
4 ture:

5 (1) Crashes involving fatalities.

6 (2) Crashes involving injuries.

7 (3) Crashes involving property damage.

8 (4) Non-crash safety incidents.

9 (5) Disengagements of the autonomous driving  
10 system from autonomous vehicle mode.

11 (c) SCHEDULE.—The schedule specified in this sub-  
12 section is the following:

13 (1) With respect to crashes involving fatalities,  
14 not later than 10 days after each incident.

15 (2) With respect to any other incident specified  
16 in subsection (b), on a monthly basis.

17 (d) ELEMENTS.—The report on an incident pursuant  
18 to this section shall include such information as the  
19 NHTSA shall require in order to achieve a full under-  
20 standing of the incident, including such circumstances as  
21 weather and other environmental conditions, traffic, and  
22 terrain.

23 (e) PUBLIC AVAILABILITY.—The NHTSA shall, not  
24 less often the quarterly, make available to the public on  
25 an Internet website of the NHTSA available to the public,

1 the information in reports submitted to the NHTSA pur-  
2 suant to this section, with all confidential business infor-  
3 mation redacted.





AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: Relating to imminent hazard authority.

**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

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AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_\_. IMMINENT HAZARD AUTHORITY.**

3 (a) **IN GENERAL.**—Section 30118(b) of title 49,  
4 United States Code, is amended by adding at the end the  
5 following:

6 “(3)(A) Notwithstanding the procedures set forth in  
7 paragraphs (1) and (2), if the Secretary decides that a  
8 motor vehicle or an item of motor vehicle replacement  
9 equipment is not compliant with a motor vehicle safety  
10 standard or contains a defect related to motor vehicle safe-  
11 ty and presents an imminent hazard to public safety that  
12 may result in death or serious bodily harm, the Sec-  
13 retary—

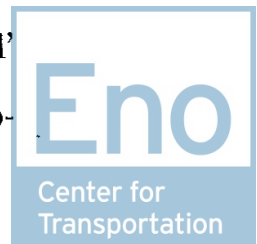


1           “(i) shall notify the manufacturer of the motor  
2 vehicle or replacement equipment of the decision  
3 that the vehicle or equipment poses an imminent  
4 safety hazard to the public and the basis for that de-  
5 cision;

6           “(ii) may order the manufacturer and any per-  
7 son having a legal relationship with the manufac-  
8 turer, including dealers and distributors, to stop any  
9 further production, sale, offer for sale, lease, offer  
10 for lease, distribution, the introduction or delivery  
11 for introduction in interstate commerce, or importa-  
12 tion into the United States of that motor vehicle or  
13 item of replacement equipment; and

14           “(iii) may order the manufacturer and any per-  
15 son having a legal relationship with the manufac-  
16 turer, including dealers and distributors, to notify  
17 purchasers of the vehicle or item of replacement  
18 equipment of the Secretary’s decision that the vehi-  
19 cle or the item of replacement equipment poses an  
20 imminent safety hazard and provide the purchaser of  
21 such vehicle or item of replacement equipment with  
22 information explaining the safety risk and actions  
23 the purchasers can take to reduce that risk.

24           “(B) In this paragraph, the term ‘imminent hazard’  
25 means the existence of a condition that presents a sub-



1   stantial likelihood that death, serious illness, severe per-  
2   sonal injury, or a substantial endangerment to health,  
3   property, or the environment may occur before a notice  
4   of investigation proceeding, or other administrative hear-  
5   ing or formal proceeding, to abate the risk of harm can  
6   be completed.”.

7           (b) JUDICIAL REVIEW OF RECALL ORDERS.—Section  
8   30161 of title 49, United States Code, is amended—

9           (1) in subsection (a)—

10                   (A) by striking “A person” and inserting

11                   “(1) A person”;

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

13           “(2) A person adversely affected by an order issued  
14   under section 30118 may apply for review of the order  
15   by filing a petition for review in court of appeals of the  
16   United States for the circuit in which the person resides  
17   or has its principal place of business or the United States  
18   Court of Appeals for the District of Columbia Circuit. The  
19   petition must be filed not later than 59 days after the  
20   order is issued.”; and

21           (2) by adding at the end the following:

22           “(f) AVAILABILITY OF REVIEW.—An action of the  
23   Secretary with respect to which review could have been  
24   obtained under subsection (a)(2) shall not be subject to  
25   judicial review in a civil action for enforcement.”.

*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To include information comparing highly automated vehicles with non-highly automated vehicles in potential consumer education on advanced driver assistance and automated driving systems.

**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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

- 1 On page 33, between lines 10 and 11, insert the fol-
- 2 lowing:
- 3 (2) identify recommended education and re-
- 4 sponsible marketing strategies that may be volun-
- 5 tarily employed by industry to inform consumers on
- 6 the comparative safety of highly automated vehicle
- 7 and non-highly automated vehicles driven by human
- 8 with respect to crashes, fatalities, and other injuries
- 9 (if known); and



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*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require information comparing highly automated vehicles with non-highly automated vehicles in highly automated vehicle safety evaluation reports.

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

**S. 1885**

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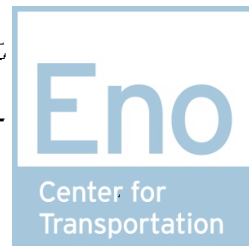
Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

1 On page 23, between lines 22 and 23, insert the fol-  
2 lowing:

3 “(10) COMPARISON WITH NON-HIGHLY AUTO-  
4 MATED VEHICLES.—A comparison of the safety of  
5 the highly automated vehicle with similar non-highly  
6 automated vehicles driven by humans with respect to  
7 crashes, fatalities, and other injuries (if known). Any  
8 confidential business information contained in or in-  
9 cluded with a report for purposes of this paragraph  
10 shall not be made available to the public pursuant  
11 to subsection (d). Any statistics on vehicle safety ac-



1 cumulated through reports pursuant to this para-  
2 graph shall not be considered confidential business  
3 information.

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*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To modify the timing of public availability of highly automated vehicles safety evaluation reports.

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

**S. 1885**

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Referred to the Committee on \_\_\_\_\_ and ordered to be printed

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AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

- 1 On page 24, line 5, strike “as soon as practicable”
- 2 and insert “not later than 60 days after receipt”.



Blumenthal-12

*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve coordinated cybersecurity vulnerability disclosures regarding highly automated vehicles.

**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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

- 1 On page 40, strike lines 3 through 11 and insert the
- 2 following:
- 3 “(c) COORDINATED CYBERSECURITY VULNER-
- 4 ABILITY DISCLOSURE.—The Secretary shall work coop-
- 5 eratively with manufacturers of highly automated vehicles
- 6 and automated driving systems to incentivize manufactur-
- 7 ers to voluntarily adopt a coordinated vulnerability disclo-
- 8 sure policy and practice in which a manufacturer receives
- 9 or learns of information related to a discovered vulner-
- 10 ability and confirms ~~and remediates~~ the vulnerability—





Blumenthal-13

*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To modify the provisions on preemption.

**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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

1 On page 4, strike line 15 and all that follows through  
2 page 7, line 14, and insert the following:

3 (a) IN GENERAL.—Section 30103(b) of title 49,  
4 United States Code, is amended by adding at the end the  
5 following:

6 “(3) A State, territory, or political subdivision of a  
7 State may not enact or enforce a law or regulation regu-  
8 lating any of the safety evaluation report subject areas in  
9 section 9(b) of the AV START Act with respect only to  
10 a highly automated vehicle or automated driving system  
11 that is the subject of a report that complies with section  
12 9(a) of such Act.



1       “(4) Nothing in section 3 of AV START Act shall  
2 be construed to preempt, alter, or amend any right, obliga-  
3 tion or liability under common law or any State statute  
4 creating a remedy for civil relief.

5       “(5) Compliance with a motor vehicle safety standard  
6 prescribed under this chapter does not exempt a person  
7 from liability under statutory or common law.”.

Blumenthal 14

Richard Blumenthal

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide for the discoverability of information  
in highly automated vehicle safety evaluation reports.

**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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

- 1 On page 25, strike lines 19 and 20 and insert the
- 2 following:
- 3 cluded in the report under this chapter.
- 4 “(3) DISCOVERABILITY.—Information described
- 5 in this section shall be disclosable as required pursu-
- 6 ant to discovery, subpoena, other court order, or any
- 7 other judicial process otherwise allowed under appli-
- 8 cable Federal or State law.”.



Blumenthal-15

Richard Blumenthal Ref

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide that compliance with a voluntary cybersecurity vulnerability disclosure policy or practice shall not preempt otherwise applicable rights, obligations, or liabilities.

**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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

- 1 On page 49, strike line 23 and insert the following:
- 2 retary on their findings.
- 3 “(e) SAVINGS.—Compliance with a voluntary cyberse-
- 4 curity vulnerability disclosure policy or practice under sub-
- 5 section (c) shall not be construed to preempt, alter, or
- 6 amend any right, obligation or liability under common law
- 7 or any Federal or State statute creating a remedy for civil
- 8 relief.”.



Blumenthal-16

Richard Blumenthal

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: Relating to arbitration as a mechanism for resolution of disputes in the manufacture, sale, lease, or use of highly automated vehicles.

**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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. \_\_\_\_\_. DISPUTE RESOLUTION.**
- 3 If a contract involving the manufacture, sale, lease,
- 4 or use of a highly automated vehicle provides for the use
- 5 of arbitration to resolve a dispute, arbitration may be used
- 6 to resolve a dispute only if, after the controversy arises,
- 7 both parties consent in writing to use arbitration to resolve
- 8 the dispute.



Blumenthal-17

*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: Relating to motor vehicle pedestrian protection.

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

AMENDMENT intended to be proposed by Mr. BLUMENTHAL

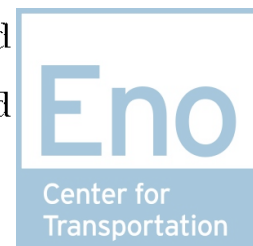
Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . MOTOR VEHICLE PEDESTRIAN PROTECTION.**

3 Not later than 2 years after the date of the enact-  
4 ment of this Act, the Secretary shall issue a final rule  
5 that—

6 (1) prescribes standards for the hood and  
7 bumper areas of motor vehicles, including passenger  
8 cars, multipurpose passenger vehicles, trucks, and  
9 buses with a gross vehicle weight rating of 4,536  
10 kilograms (10,000 pounds) or less, in order to re-  
11 duce the number of injuries and fatalities suffered  
12 by pedestrians who are struck by such vehicles; and



- 1 (2) considers protection of vulnerable pedestrian
- 2 populations, including children and older adults.

*Blumenthal -18*

*Richard Blumenthal*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend section 7 of the bill.

**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

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 Beginning on page 16, line 23, strike “a device” and
- 2 all that follows through “safety standard” on page 17, line
- 3 1 and insert “a steering wheel, brake and accelerator ped-
- 4 als, and gear shift”.





Blumenthal-19



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To amend section 7 of the bill.

**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

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

- 1 On page 16, line 22, strike “The” and insert “Only
- 2 to the extent necessary to allow the operation of a motor
- 3 vehicle by an automated driving system, the”.



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require manufacturers to include SAE International Level 2 automated driving systems in their highly automated vehicles safety evaluation report.

**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

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

- 1 On page 18, line 20, insert “, including a Level 2
- 2 automated driving system (as defined by SAE Inter-
- 3 national standard J3016),” after “system”.





AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To clarify that any exemption to a motor vehicle safety standard prescribed under chapter 301 of 325 of title 49, United States Code, does not diminish the level of occupant protection required by such standard.

**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

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

- 1 On page 14, line 22, insert “the exemption will not
- 2 diminish the level of occupant protection required by the
- 3 motor vehicle safety standard from which the exemption
- 4 is being sought and” after “determines that”.



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation (through the National Highway Traffic Safety Administration) to verify the SAE International level of automation designated by the manufacturer in the safety evaluation report for highly automated vehicles and automated driving systems.

**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

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

1 On page 20, line 2, strike “and” and all that follows  
2 through “(B)” on line 3, and insert the following:

3 “(B) shall verify the manufacturer’s SAE  
4 International level designation for the automa-  
5 tion of the highly automated vehicle or auto-  
6 mated driving system; and

7 “(C)



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require each manufacturer to document in the safety evaluation report how certain safety requirements are being addressed.

**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

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

- 1 On page 20, line 13, insert “and document” after
- 2 “describe”.



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to conduct a study on the technological feasibility of removing personally identifiable or attributable data from used motor vehicles.

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

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

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

2 **SEC. 15. STUDY ON REMOVAL OF PERSONAL DATA FROM**

3 **VEHICLE INFORMATION SYSTEMS.**

4 (a) STUDY.—The Secretary shall conduct a study

5 on—

6 (1) the technologies currently available to re-

7 move personally identifiable or attributable data

8 from used motor vehicles before such vehicles are

9 sold to a new owner or from leased or rented vehi-

10 cles at the completion of the lease or rental contract;

11 and





1           (2) the feasibility of adopting a uniform system  
2           across motor vehicle brands for the swift and easy  
3           removal of such data when a vehicle is sold upon the  
4           termination of a lease or rental.

5           (b) CONSULTATION.—In conducting the study under  
6           subsection (a), the Secretary shall consult with vehicle  
7           manufacturers, consumer groups, vehicle dealers, rep-  
8           resentatives of the vehicle leasing and vehicle rental indus-  
9           tries, and other stakeholders with an interest in the sub-  
10          ject of the study.

11          (c) REPORT.—Not later than 9 months after the date  
12          of the enactment of this Act, the Secretary shall submit  
13          a report containing the results of the study conducted  
14          under subsection (a), including such recommendations for  
15          legislative action as the Secretary considers prudent and  
16          practicable, to the Committee on Commerce, Science, and  
17          Transportation of the Senate and the Committee on En-  
18          ergy and Commerce of the House of Representatives.

19          **SEC. 16. SAVINGS PROVISION.**



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To clarify that the Secretary of Transportation does not have the sole authority to regulate the use of, or access to, vehicle generated data related to highly automated vehicles.

**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

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

1 On page 41, line 7, strike lines 6 and 7, and insert  
2 the following:

3 **SEC. 15. SAVINGS PROVISIONS.**

4 Nothing in this Act may be construed—

5 (1) to grant the Secretary sole authority to reg-  
6 ulate the use of, or access to, vehicle generated data  
7 related to highly automated vehicles; or

8 (2) to alter any





AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To direct the Secretary of Transportation to establish the Strengthening Mobility and Revolutionizing Transportation (SMART) Challenge Grant Program to promote technological innovation in our Nation's cities.

**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

AMENDMENT intended to be proposed by Ms. CORTEZ MASTO

Viz:

1 At the appropriate place, insert the following:

2 **TITLE II—MOVING FIRST ACT**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Moving and Fostering  
5 Innovation to Revolutionize Smarter Transportation Act”  
6 or the “Moving FIRST Act”.

7 **SEC. 202. FINDINGS.**

8 Congress makes the following findings:

9 (1) Beyond Traffic 2045, a comprehensive as-  
10 sessment of the national transportation system re-  
11 cently published by the Department of Transpor-



1 tation, identified transportation trends that need to  
2 be proactively addressed, including—

3 (A) the population of the United States  
4 will increase by 70,000,000 during the 30-year  
5 period ending in 2045;

6 (B) emerging megaregions could absorb 75  
7 percent of the United States population by  
8 2050;

9 (C) freight volume will increase by more  
10 than 40 percent by 2045;

11 (D) Americans are currently stuck in traf-  
12 fic for more than 42 hours each year, on aver-  
13 age;

14 (E) the current annual cost of congestion  
15 in delays and lost fuel amounts to  
16 \$160,000,000,000;

17 (F) 96 people die in motor vehicle crashes  
18 in the United States every day, on average, and  
19 nearly 6,700 are injured per day; and

20 (G) connected vehicles and new crash  
21 avoidance technology could potentially address  
22 81 percent of crashes involving unimpaired  
23 drivers.

24 (2) According to the Department of Transpor-  
25 tation, in 2015—

1 (A) traffic crash-related deaths increased  
2 by more than 7 percent compared to 2014;

3 (B) pedestrian fatalities increased by more  
4 than 9 percent compared to 2014; and

5 (C) pedalcyclist fatalities increased by  
6 more than 12 percent compared to 2014.

7 (3) In 2015, the Secretary of Transportation  
8 created the Smart City Challenge to assist cities in  
9 addressing the challenges facing our Nation's trans-  
10 portation system through innovative and creative  
11 means, utilizing both the public and the private sec-  
12 tors.

13 (4) By asking American cities to use emerging  
14 transportation technologies to address their most  
15 pressing problems, the Smart City Challenge aimed  
16 to spark and spread innovation through a mixture of  
17 collaboration, competition, and experimentation.

18 (5) The following outcomes were expected from  
19 the original Smart City Challenge and are expected  
20 to result from the SMART grants awarded under  
21 this Act:

22 (A) Improved safety from the use of ad-  
23 vanced technologies, including connected vehicle  
24 technologies, to reduce the number of collisions,

1 fatalities, and injuries for vehicle occupants and  
2 nonvehicle occupants.

3 (B) Enhanced mobility by providing  
4 realtime traveler information and emerging mo-  
5 bility services to improve personal mobility for  
6 all citizens including people with lower incomes,  
7 people with disabilities, and older adults.

8 (C) Enhanced ladders of opportunity by—

9 (i) providing access to advanced tech-  
10 nology and its benefits for underserved  
11 areas and residents;

12 (ii) increasing connectivity to employ-  
13 ment, education, and other services; and

14 (iii) contributing to revitalization by  
15 incentivized reinvestment in underserved  
16 communities.

17 (D) Reduction in pollution by imple-  
18 menting advanced technologies and policies that  
19 support a more sustainable and cost-effective  
20 relationship between transportation and the en-  
21 vironment through more efficient fuel use and  
22 emissions reductions.

23 **SEC. 203. DEFINITIONS.**

24 In this title:



1           (1) **ELIGIBLE APPLICANT.**—The term “eligible  
2 applicant” means a large city, a mid-sized city, a  
3 rural community, or a regional partnership.

4           (2) **LARGE CITY.**—The term “large city” means  
5 a beneficiary city with a population between 400,000  
6 and 1,000,000, according to the Census Bureau’s  
7 most recent annual estimates of resident population.

8           (3) **MID-SIZED CITY.**—The term “mid-sized  
9 city” means a beneficiary city with a population be-  
10 tween 75,000 and 400,000, according to the Census  
11 Bureau’s most recent annual estimates of resident  
12 population.

13           (4) **MULTI-JURISDICTIONAL GROUP.**—The term  
14 “multi-jurisdictional group” means a beneficiary  
15 composed of two or more combination of States,  
16 tribal governments, local governments, public transit  
17 agencies, public toll authorities, or metropolitan  
18 planning agencies, each of which is eligible to apply  
19 for a SMART grant under section 4.

20           (5) **REGIONAL PARTNERSHIP.**—The term “re-  
21 gional partnership” means a group of two or more  
22 jurisdictions with a combined population between  
23 10,000 and 75,000, according to the Census Bu-  
24 reau’s most recent annual estimates of resident pop-

1       ulation, which have entered into a partnership to  
2       apply for a SMART grant under section 4.

3           (6) RURAL COMMUNITY.—The term “rural  
4       community” means a beneficiary jurisdiction with a  
5       population between 10,000 and 75,000 people, not  
6       located within an urbanized area or cluster, accord-  
7       ing to the Census Bureau’s most recent annual esti-  
8       mates of resident population.

9           (7) SECRETARY.—The term “Secretary” means  
10       the Secretary of Transportation.

11           (8) STRENGTHENING MOBILITY AND REVOLU-  
12       TIONIZING TRANSPORTATION GRANT; SMART  
13       GRANT.—The terms “Strengthening Mobility and  
14       Revolutionizing Transportation grant” and  
15       “SMART grant” means a grant awarded to an eligi-  
16       ble applicant under section 4.

17 **SEC. 204. SMART GRANT PROGRAM.**

18       (a) GRANTS AUTHORIZED.—During each of the fiscal  
19       years 2019 through 2023, the Secretary is authorized to  
20       award—

21           (1) one SMART grant of not less than  
22       \$30,000,000 or more than \$50,000,000 to an appli-  
23       cant on behalf of a large city to carry out an eligible  
24       project;

1           (2) one SMART grant of not less than  
2           \$30,000,000 or more than \$50,000,000 to an appli-  
3           cant on behalf of a mid-sized city to carry out an  
4           eligible project; and

5           (3) two SMART grants, totaling not more than  
6           the greater of \$20,000,000 or 20 percent of the  
7           amount appropriated pursuant to section 206(a) for  
8           the fiscal year, to applicants on behalf of rural com-  
9           munities or regional partnerships to carry out eligi-  
10          ble projects.

11          (b) APPLICATION PROCESS.—

12           (1) IN GENERAL.—An eligible applicant may  
13           apply for a grant under this section by submitting  
14           an application to the Secretary at such time, in such  
15           manner, and containing such information as the Sec-  
16           retary may reasonably require to evaluate the merits  
17           of the proposed project in accordance with the selec-  
18           tion criteria set forth in subsection (c).

19           (2) TECHNICAL ASSISTANCE.—

20           (A) STATE DEPARTMENTS OF TRANSPOR-  
21           TATION.—Eligible rural and regional partner-  
22           ship applicants are strongly encouraged to seek  
23           technical assistance from the department of  
24           transportation in their respective States during  
25           the application process and during the imple-

1           mentation of a project that is awarded a  
2           SMART grant, as applicable.

3                   (B) FEDERAL DEPARTMENT OF TRANS-  
4           PORTATION.—The Secretary, after reviewing all  
5           of the applications for SMART grants sub-  
6           mitted in a fiscal year under paragraphs (1),  
7           (2), and (3) of subsection (a), shall—

8                           (i) provide not fewer than 2 applicants  
9                           from each of the 3 groups of applicants  
10                          that submitted applications deemed supe-  
11                          rior by the Secretary with limited technical  
12                          assistance to improve their respective ap-  
13                          plications; and

14                           (ii) allow such applicants to resubmit  
15                          their improved applications before deter-  
16                          mining which applicants will receive a  
17                          SMART grant in such fiscal year.

18                   (3) MULTIPLE GRANTS.—An eligible applicant  
19           may not be awarded more than one SMART grant  
20           during the duration of the SMART Grant Program.

21           (c) SELECTION CRITERIA.—

22                   (1) IN GENERAL.—A panel of experts from the  
23           Department of Transportation, including representa-  
24           tives from the applicable subagencies within the De-  
25           partment, shall evaluate applications for SMART



1 grants based on the applicable criteria described in  
2 paragraphs (2) through (4).

3 (2) APPLICANT READINESS.—The panel re-  
4 ferred to in paragraph (1) shall determine the extent  
5 to which the applicant or beneficiary city—

6 (A) has a dense urban population typical  
7 for a large or mid-sized American city;

8 (B) represents more than 15 percent of the  
9 population of the census-designated place in  
10 which it is located, according to the Census Bu-  
11 reau's most recent annual estimates of resident  
12 population;

13 (C) has a public transportation system or  
14 other transit options committed to integrating  
15 with the sharing economy, and is considering  
16 options to reduce the frequency of single occu-  
17 pancy vehicles;

18 (D) has an environment that is conducive  
19 to demonstrating proposed strategies;

20 (E) has continuity of committed leadership  
21 and capacity to carry out the proposed project;

22 (F) is committed to making open, ma-  
23 chine-readable data accessible, discoverable, and  
24 usable by the public, in a secure fashion, to fuel  
25 entrepreneurship and innovation; and

1 (G) is likely to successfully implement the  
2 project, including technical and financial com-  
3 mitments from public and private sectors, and  
4 its functional capability to perform.

5 (3) EFFECTIVE USE OF TECHNOLOGY AND  
6 PROJECT BENEFITS.—The panel shall determine the  
7 extent to which the proposed project will use ad-  
8 vanced data and intelligent transportation systems  
9 technologies and applications to provide significant  
10 benefits to a local area, a State, a region, or the  
11 United States, including the extent to which the  
12 project will—

13 (A) reduce congestion and delays for com-  
14 merce and the traveling public;

15 (B) improve the safety of transportation  
16 facilities and systems for pedestrians and the  
17 traveling public;

18 (C) provide access to jobs, education, and  
19 essential services, including health care;

20 (D) connect underserved populations and  
21 reduce their transportation costs;

22 (E) contribute to medium- and long-term  
23 economic competitiveness;

24 (F) improve the condition of existing  
25 transportation facilities and systems;

1 (G) promote connectivity between the pub-  
2 lic and transportation systems;

3 (H) use innovative strategies or tech-  
4 nologies to pursue any of the primary selection  
5 criteria;

6 (I) demonstrate strong collaboration  
7 among a broad range of participants, including  
8 the private sector, or the integration of trans-  
9 portation with other public service efforts;

10 (J) improve the environment, improve en-  
11 ergy efficiency, reduce dependence on oil, or re-  
12 duce pollution; and

13 (K) address issues identified by the De-  
14 partment of Transportation in the Beyond  
15 Traffic 2045 report.

16 (d) USE OF GRANT FUNDS.—

17 (1) VISION ELEMENTS.—A SMART grant may  
18 be used for a project that demonstrates a sound, in-  
19 novative, integrated, and holistic approach and in-  
20 corporates many aspects of the applicable vision ele-  
21 ments set forth in this paragraph.

22 (A) COORDINATED AUTOMATION.—The use  
23 of automated transportation and autonomous  
24 vehicles, which offer tremendous possibilities for

1 enhancing safety, mobility, accessibility, equity,  
2 and the environment.

3 (B) CONNECTED VEHICLES.—Connected  
4 vehicles, which send and receive information  
5 about their movements in the network, use vehi-  
6 cle-to-vehicle and vehicle-to-infrastructure com-  
7 munications to provide connectivity that will en-  
8 able countless safety, mobility, and environ-  
9 mental applications.

10 (C) INTELLIGENT, SENSOR BASED INFRA-  
11 STRUCTURE.—The use of a collective intelligent  
12 infrastructure allows sensors to collect and re-  
13 port real-time data to inform every day trans-  
14 portation-related operations and performance  
15 and trends of a city, ensuring that data collec-  
16 tion and dissemination is conducted in a safe,  
17 secure manner.

18 (D) ARCHITECTURE AND STANDARDS.—  
19 The explicit use of architectures, which—

20 (i) are governed by rules, documenta-  
21 tion, and standards;

22 (ii) may be extended to a nationwide  
23 or broader deployment;

24 (iii) are defined and demonstrate inte-  
25 gration of intelligent transportation sys-

1           tems with other systems which comprise a  
2           smart city; and

3           (iv) include a description of the re-  
4           quired interfaces to other systems that uti-  
5           lize existing networking or other standards,  
6           if available, and any new standards that  
7           may be needed.

8           (E) LOW COST, EFFICIENT, SECURE, AND  
9           RESILIENT INFORMATION AND COMMUNICA-  
10          TIONS TECHNOLOGY.—Strategies and practices  
11          that advance information and communications  
12          technology that is affordable, adaptable, effi-  
13          cient, secure and resilient, including integrated  
14          telecommunications platforms, enterprise soft-  
15          ware, storage, and visualization systems.

16          (F) SMART LAND USE.—Strategies and  
17          practices that ensure land use is efficiently opti-  
18          mized through a combination of planning and  
19          innovation deployments, altogether designed to  
20          lead to a better connected community that ex-  
21          pands the range of transportation choices and  
22          access to employment, housing, education and  
23          health services.

24          (G) COMPREHENSIVE ANALYTICS.—The  
25          development of platforms for understanding and

1 analyzing data to address complex challenges,  
2 including personal safety and mobility, network  
3 efficiency, and environmental sustainability, and  
4 measuring the performance of a transportation  
5 network.

6 (H) USER-FOCUSED MOBILITY SERVICES  
7 AND CHOICES.—Strategies, initiatives, and serv-  
8 ices that increase transportation choices and  
9 options by supporting and improving mobility  
10 for all travelers, including aging Americans and  
11 persons with disabilities and advanced traveler  
12 information systems that provide real-time traf-  
13 fic, transit, parking, and other transportation-  
14 related information to travelers.

15 (I) COMMERCE DELIVERY AND LOGIS-  
16 TICS.—Innovative solutions supporting efficient  
17 goods movement in ways that use data or de-  
18 ploy technology to create opportunities for a  
19 more efficient supply chain approach that deliv-  
20 ers safer logistics management, improved on-  
21 time pickups and delivery, improved travel time  
22 reliability, reduced fuel consumption, and re-  
23 duced labor and vehicle maintenance costs.

24 (J) STRATEGIC BUSINESS MODELS AND  
25 PARTNERING OPPORTUNITIES.—Creative stra-



1           tegie partnerships that draw in stakeholders, in-  
2           cluding private sector, nonprofit, foundation,  
3           philanthropic, academia, and other public agen-  
4           cies, to advance SMART grant solutions.

5           (K) SMART GRID, ROADWAY ELEC-  
6           TRIFICATION, AND ELECTRIC VEHICLES.—  
7           Strategies and initiatives that leverage the  
8           smart grid (a programmable and efficient en-  
9           ergy transmission and distribution system) in  
10          an effort to support the adoption or expansion  
11          of roadway electrification, and electric vehicle  
12          deployment. Interactions between electric vehi-  
13          cles and intelligent transportation systems with  
14          the smart grid should be explored and utilized.

15          (L) SYNCHRONIZATION OF TECH-  
16          NOLOGY.—Strategies and initiatives that utilize  
17          technology to enhance public interaction with  
18          transportation systems and increase intermodal  
19          efficiency, such as broadband or Wi-Fi access.

20          (M) CONNECTED, INVOLVED CITIZENS.—  
21          Strategies, local campaigns, and processes to  
22          proactively engage and inform citizens at the  
23          individual level by deploying hardware, soft-  
24          ware, and open data platforms in an effort to  
25          increase personal mobility.

1           (2) ELIGIBLE PROJECT COSTS.—A SMART  
2 grant may be used for—

3           (A) development phase activities, including  
4 a reasonable amount of funding, as determined  
5 by the Secretary, for—

6                   (i) planning;

7                   (ii) feasibility analysis;

8                   (iii) revenue forecasting;

9                   (iv) environmental review;

10                  (v) permitting;

11                  (vi) preliminary engineering and de-  
12 sign work;

13                  (vii) systems development or informa-  
14 tion technology work; and

15                  (viii) other preconstruction activities;

16                  and

17           (B) construction phase activities, includ-  
18 ing—

19                   (i) construction;

20                   (ii) reconstruction;

21                   (iii) rehabilitation;

22                   (iv) replacement;

23                   (v) acquisition of real property (in-  
24 cluding land related to the eligible project  
25 and improvements to land);



- 1 (vi) environmental mitigation;  
2 (vii) construction contingencies; and  
3 (viii) acquisition of equipment, includ-  
4 ing vehicles.

5 (3) PROHIBITED USE OF GRANT FUNDS.—  
6 SMART grants may not be used—

7 (A) to reimburse any pre-award costs or  
8 application preparation costs under the pro-  
9 posed project application; or

10 (B) for traffic or parking enforcement ac-  
11 tivities.

12 (e) TRANSPARENCY.—

13 (1) IN GENERAL.—The Secretary shall include,  
14 in any notice of funding availability, a full descrip-  
15 tion of how applications will be evaluated against the  
16 criteria set forth in subsection (c).

17 (2) CONSULTATIONS ON DECISIONS.—After all  
18 SMART grants have been awarded for a fiscal year,  
19 the Secretary (or the Secretary's designee) shall be  
20 available to meet with any unsuccessful applicant, at  
21 a time and place that is mutually acceptable to the  
22 Secretary and the applicant, to review the applica-  
23 tion of the applicant.

24 (f) SUBMISSION OF APPLICATION FOR OTHER FED-  
25 ERAL TRANSPORTATION FUNDING PROGRAMS TO CARRY

1 OUT PROPOSED SMART GRANT PROJECTS.—Notwith-  
2 standing any other provision of law, an eligible applicant  
3 for a SMART grant under this section may submit an ap-  
4 plication for projects outlined in the applicant’s SMART  
5 grant application to seek Federal financial assistance for  
6 the proposed transportation project through—

7 (1) the Transportation Investment Generating  
8 Economic Recovery grant program (commonly  
9 known as “TIGER”);

10 (2) the Infrastructure for Rebuilding America  
11 grant program (commonly known as “INFRA”);

12 (3) the Transportation Infrastructure Finance  
13 and Innovation program established under chapter 6  
14 of title 23, United States Code (commonly known as  
15 “TIFIA”); or

16 (4) the Advanced Transportation and Conges-  
17 tion Management Technologies Deployment Program  
18 established under section 503(c)(4) of title 23,  
19 United States Code (commonly known as  
20 “ATCMTD”).

21 **SEC. 205. REPORTING REQUIREMENTS.**

22 (a) REPORT TO SECRETARY.—Not later than 2 years  
23 after the date on which a SMART grant recipient receives  
24 a grant under section 204, and annually thereafter until

1 such grant is expended, the recipient shall submit an im-  
2 plementation report to the Secretary that describes—

3 (1) the deployment and operational costs com-  
4 pared to the benefits and savings from the project;  
5 and

6 (2) how the project has met the original expec-  
7 tation as projected in the deployment plan submitted  
8 with the application, including—

9 (A) data on how the program—

10 (i) has helped reduce traffic crashes,  
11 congestion, and costs;

12 (ii) has improved access to jobs, edu-  
13 cation, or essential services; and

14 (iii) has provided other benefits  
15 through deployed systems;

16 (B) data on the effect of measuring and  
17 improving transportation system performance  
18 through the deployment of advanced tech-  
19 nologies;

20 (C) the effectiveness of providing real-time  
21 integrated traffic, transit, and multimodal  
22 transportation information to the public to  
23 make informed travel decisions; and

24 (D) lessons learned and recommendations  
25 for future deployment strategies to optimize

1            transportation efficiency and multimodal system  
2            performance.

3            (b) GAO BIENNIAL REVIEWS.—Not later than 2  
4 years after the date of the enactment of this Act, and bien-  
5 nially thereafter, the Comptroller General of the United  
6 States shall conduct a review of the SMART grant selec-  
7 tion process and submit a report containing the results  
8 of such review to the Committee on Commerce, Science,  
9 and Transportation of the Senate, the Committee on En-  
10 ergy and Commerce of the House of Representatives, and  
11 the Committee on Transportation and Infrastructure of  
12 the House of Representatives.

13            (c) REPORT TO CONGRESS.—Not later than 1 year  
14 after the annual awarding of grants under section 204,  
15 the Secretary shall submit a report to the Committee on  
16 Commerce, Science, and Transportation of the Senate, the  
17 Committee on Energy and Commerce of the House of  
18 Representatives, and the Committee on Transportation  
19 and Infrastructure of the House of Representatives that  
20 describes the effectiveness of SMART grant recipients in  
21 meeting their projected deployment plan, including data  
22 on how the projects funded by such grants or by other  
23 Department of Transportation financial assistance de-  
24 scribed in section 204(f) have—

- 1 (1) reduced traffic-related fatalities and inju-
- 2 ries;
- 3 (2) reduced traffic congestion and improved
- 4 travel time reliability;
- 5 (3) reduced transportation-related emissions;
- 6 (4) optimized multimodal system performance;
- 7 (5) improved access to transportation alter-
- 8 natives;
- 9 (6) implemented technological innovation to in-
- 10 crease efficiency with regards to intermodal commu-
- 11 nication, energy consumption, information and com-
- 12 munications technology, and personal mobility;
- 13 (7) provided the public with access to real-time
- 14 integrated traffic, transit, and multimodal transpor-
- 15 tation information to make informed travel deci-
- 16 sions;
- 17 (8) provided cost savings to transportation
- 18 agencies, businesses, and the traveling public;
- 19 (9) provided other benefits to transportation
- 20 users and the general public;
- 21 (10) reduced barriers to various essential serv-
- 22 ices; and
- 23 (11) utilized partnerships with the private sec-
- 24 tor.

1 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) **IN GENERAL.**—There are authorized to be appro-  
3 priated to the Department of Transportation  
4 \$100,000,000 for each of the fiscal years 2019 through  
5 2023 to carry out this Act, of which—

6 (1) 80 percent shall be used for SMART grants  
7 to large cities and mid-sized cities under paragraphs  
8 (1) and (2) of section 204(a); and

9 (2) 20 percent shall be used for SMART grants  
10 to rural communities or regional partnerships under  
11 section 204(a)(3).

12 (b) **AVAILABILITY.**—Amounts appropriated for a fis-  
13 cal year pursuant to this section shall be available for obli-  
14 gation during the 2-year period beginning on the first day  
15 of the fiscal year for which they were appropriated.

Duckworth-1

BAG17C95

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require establishment of an automated vehicle database.

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

AMENDMENT intended to be proposed by Ms. DUCKWORTH

(for herself and Mr. Markey)  
Viz:

- 1 On page 35, between lines 20 and 21, insert the fol-
- 2 lowing:
- 3 (f) AUTOMATED VEHICLE DATABASE.—
- 4 (1) IN GENERAL.—Not later than 1 year after
- 5 the date of the enactment of this Act, the Secretary
- 6 shall establish a publicly available electronic data-
- 7 base of all motor vehicles with partial, conditional,
- 8 high, or full automated driving systems, sold or im-
- 9 ported for sale into the United States, that is
- 10 searchable by full vehicle identification number as
- 11 well as manufacturer, model, model year, and trim.



1           (2) CONTENTS.—The database shall include the  
2           level of automation of each vehicle’s automated driv-  
3           ing system as defined by the Society of Automotive  
4           Engineers International Surface Vehicle Rec-  
5           ommended Practice J3016 with which the vehicle is  
6           equipped, the operational design domain of each ve-  
7           hicle’s automated driving system, and the Federal  
8           motor vehicle safety standard or standards, if any,  
9           from which the vehicle has been exempted.

10           (3) SUBMITTAL OF DATA.—The Secretary shall  
11           ensure that automobile manufacturers submit to the  
12           Secretary such data as may be necessary to carry  
13           out this subsection when manufacturing vehicles.



Duckworth - 2

ROS17B67

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide for the representation of State governments on the Highly Automated Vehicles Technical Committee and to require that Committee to establish a working group to develop best practices with respect to improving safety and transportation planning.

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 Ms. DUCKWORTH

Viz:

1 On page 27, between lines 8 and 9, insert the following:

2  
3 (2) REPRESENTATION OF STATE GOVERNMENTS.—Not fewer than 3 of the members appointed to the Committee under paragraph (1) shall  
4 represent the government of a State or political sub-  
5 division of a State.  
6  
7

8 On page 30, between lines 10 and 11, insert the following:  
9



1 (C) BEST PRACTICES.—

2 (i) IN GENERAL.—The Committee  
3 shall establish a working group to develop  
4 best practices and make recommendations  
5 to the Secretary with respect to the data  
6 that should be collected to improve safety  
7 and transportation planning with respect  
8 to highly automated vehicles and auto-  
9 mated driving systems.

10 (ii) MEMBERSHIP.—The working  
11 group established under clause (i) shall in-  
12 clude representatives from the governments  
13 of States and political subdivisions of  
14 States, academia, the automobile insurance  
15 industry, and law enforcement.

Duckworth-3

BAG17C96

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To strike reference to performance from the pre-emption provisions.

**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 Ms. DUCKWORTH

Viz:

- 1 On page 4, lines 22 and 23, strike “design, construc-
- 2 tion, or performance” and insert “design or construction”.
  
- 3 On page 5, lines 23 and 24, strike “design, construc-
- 4 tion, or performance” and insert “design or construction”.



*Tammy Duckworth*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to conduct a study on the transportation, mobility, environmental, energy security, and fuel economy impacts of self-driving vehicles on public roads.

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

AMENDMENT intended to be proposed by Ms. DUCKWORTH  
*(for herself and Mr. Schetz)*

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . SELF-DRIVING VEHICLE STUDY.**

3 (a) IN GENERAL.—Not later than 60 days after the  
4 date of enactment of this Act, the Secretary shall initiate  
5 a study on the existing and future impacts of self-driving  
6 vehicles to transportation infrastructure, mobility, the en-  
7 vironment, and fuel consumption, including impacts on—

8 (1) the Interstate System (as defined in section  
9 101(a) of title 23, United States Code);

10 (2) urban areas;

11 (3) rural areas;



- 1 (4) transit systems;
- 2 (5) corridors with heavy traffic congestion;
- 3 (6) energy consumption and dependence;
- 4 (7) the connection between automated driving
- 5 systems and fuel consumption and emissions;
- 6 (8) transportation systems optimization;
- 7 (9) the role of vehicle-to-vehicle and vehicle-to-
- 8 infrastructure communications in transportation en-
- 9 ergy use;
- 10 (10) vehicle drivetrain selection and perform-
- 11 ance;
- 12 (11) congestion, crash avoidance, and emissions
- 13 implications for States and localities; and
- 14 (12) any other areas or issues that the Sec-
- 15 retary determines to be appropriate.
- 16 (b) CONTENTS OF STUDY.—The study under sub-
- 17 section (a) shall include specific recommendations regard-
- 18 ing the impacts of self-driving vehicles on—
- 19 (1) existing transportation system capacity;
- 20 (2) vehicle miles traveled;
- 21 (3) vehicle emissions;
- 22 (4) public transit and multimodal use;
- 23 (5) energy consumption and dependence; and
- 24 (6) land use.

1 (c) CONSIDERATIONS.—In carrying out the study, the  
2 Secretary shall—

3 (1) determine the need for any policy changes  
4 required by Federal agencies and legislative changes  
5 to be considered by Congress; and

6 (2) include a discussion of—

7 (A) the impacts that self-driving vehicles  
8 will place on existing transportation infrastruc-  
9 ture, including signage and markings, traffic  
10 lights, and highway capacity and design;

11 (B) the implications of shared fleet and al-  
12 ternative vehicle ownership models;

13 (C) the impact on commercial and private  
14 traffic flows;

15 (D) infrastructure improvement needs that  
16 may be necessary to accommodate self-driving  
17 vehicles, including potential energy needs;

18 (E) the impact of self-driving vehicles on  
19 the environment, energy needs, congestion, and  
20 vehicle miles traveled; and

21 (F) the impact of self-driving vehicles on  
22 mobility and public transit use in urban, subur-  
23 ban, and rural areas, including pedestrian and  
24 bicycle transportation modes.

1 (d) COORDINATION.—In carrying out the study, the  
2 Secretary shall consider and incorporate relevant current  
3 and ongoing research of the Department of Transpor-  
4 tation.

5 (e) CONSULTATION.—In carrying out the study, the  
6 Secretary shall convene and consult with a panel of na-  
7 tional experts, including—

8 (1) operators and users of the Interstate Sys-  
9 tem (as defined in section 101(a) of title 23, United  
10 States Code), including private sector stakeholders;

11 (2) States;

12 (3) metropolitan planning organizations;

13 (4) the motor carrier industry;

14 (5) representatives of public transportation  
15 agencies or organizations;

16 (6) highway safety and academic groups;

17 (7) nonprofit entities with experience in energy  
18 security and transportation policy;

19 (8) National Laboratories (as defined in section  
20 2 of the Energy Policy Act of 2005 (42 U.S.C.  
21 15801));

22 (9) environmental stakeholders; and

23 (10) self-driving vehicle producers, manufactur-  
24 ers, and technology developers.



1 (f) REPORT.—Not later than 1 year after the date  
2 on which the study under subsection (a) is initiated, the  
3 Secretary shall submit a report on the results of the study  
4 to—

5 (1) the Committee on Commerce, Science, and  
6 Transportation of the Senate;

7 (2) the Committee on Environment and Public  
8 Works of the Senate;

9 (3) the Committee on Banking, Housing, and  
10 Urban Affairs of the Senate; and

11 (4) the Committee on Transportation and In-  
12 frastructure of the House of Representatives.



Duckworth-5

MDM17B81

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To clarify the duties of the consumer education working group.

**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

AMENDMENT intended to be proposed by Ms. DUCKWORTH

Viz:

- 1 On page 33, line 3 insert "programs" after "edu-
- 2 cation".



Duckworth - 6

MDM17B82

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To expand the membership of the consumer education working group to include safety organizations and organizations with experience in delivering drivers' education or consumer education programs.

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

AMENDMENT intended to be proposed by Ms. DUCKWORTH

Viz:

- 1 On page 35, line 7, strike "and" and all that follows
- 2 through "(x)" on line 8, and insert the following:
- 3 (x) safety organizations;
- 4 (xi) organizations with experience in
- 5 delivering drivers' education or consumer
- 6 education programs; and
- 7 (xii)



Duckworth 7

MDM17B83

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the motor vehicle industry to employ education and marketing strategies to inform stakeholders about new driver assistance systems and automated driving systems.

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

AMENDMENT intended to be proposed by Ms. DUCKWORTH

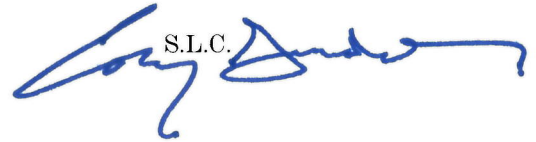
Viz:

- 1 On page 33, line 4, strike “may be voluntarily” and
- 2 insert “shall be”.



GARDNER - 1

HEY17764

S.L.C.  


AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To include in the safety evaluation report matters relating to avoidance of risk caused by a malfunction of a component of the automated driving system.

**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

AMENDMENT intended to be proposed by Mr. GARDNER

Viz:

- 1 On page 20, line 24, insert before the semicolon the
- 2 following: “, including any component therein”.



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To include employee training among the requirements to be included in manufacturers' cybersecurity plans.

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

AMENDMENT intended to be proposed by Mr. GARDNER

Viz:

- 1 On page 39, line 6, strike "and" and all that follows
- 2 through "(G)" on line 7, and insert the following:
- 3 (G) employee training on the implementa-
- 4 tion of and compliance with the requirements
- 5 under this paragraph; and
- 6 (H)



# Hassan\_1



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to establish a multi-stakeholder working group on infrastructure needs of highly automated vehicles and automated driving systems.

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

AMENDMENT intended to be proposed by Ms. HASSAN

Viz:

1 At the appropriate place, insert the following:  
2 **SEC. \_\_\_\_ . WORKING GROUP ON INFRASTRUCTURE RE-**  
3 **QUIREMENTS OF HIGHLY AUTOMATED VEHI-**  
4 **CLES AND AUTOMATED DRIVING SYSTEMS.**

5 (a) **ESTABLISHMENT.**—The Secretary of Transpor-  
6 tation shall establish a multi-stakeholder working group  
7 to study and develop recommendations regarding the in-  
8 frastructure needs of highly automated vehicles and auto-  
9 mated driving systems.

10 (b) **COMPOSITION.**—The working group established  
11 under subsection (a) shall be composed of such members



1 as the Secretary considers appropriate. In selecting mem-  
2 bers for the working group, the Secretary shall consider  
3 selecting—

4 (1) officials from the Department of Transpor-  
5 tation, the Federal Highway Administration, the De-  
6 partment of Commerce, the National Institute of  
7 Standards and Technology, and State and local gov-  
8 ernments;

9 (2) representatives of automobile manufactur-  
10 ers; and

11 (3) individuals with expertise and road and  
12 highway infrastructure.

13 (c) REPORT.—Not later than 1 year after the date  
14 of the enactment of this Act, the working group estab-  
15 lished under subsection (a) shall submit to Congress a re-  
16 port on the findings and recommendations of the working  
17 group.

Hassan\_2



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the establishment in the National Highway Traffic Safety Administration of an office on matters relating to automated driving systems and highly automated vehicles.

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

AMENDMENT intended to be proposed by Ms. HASSAN

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. \_\_\_\_ . OFFICE OF AUTOMATED VEHICLE TECHNOLOGY.**
- 3 The Secretary of Transportation, acting through the
- 4 Administrator of the National Highway Traffic Safety Ad-
- 5 ministration, shall establish within the National Highway
- 6 Traffic Safety Administration an office with a focus on
- 7 matters relating to automated driving systems and highly
- 8 automated vehicles, especially with respect to the safe inte-
- 9 gration of highly automated vehicles onto United States
- 10 roads and highways.





Hassan\_3



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to report annually to States on the status of highly automated vehicles.

**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

AMENDMENT intended to be proposed by Ms. HASSAN

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. \_\_\_\_ . ANNUAL REPORT TO STATES ON STATUS OF**
- 3 **HIGHLY AUTOMATED VEHICLES.**

- 4 Not less frequently than once each year, the Sec-
- 5 retary of Transportation shall transmit to the head of each
- 6 department of transportation of each State, or other State
- 7 agency with a comparable role in regulating transpor-
- 8 tation, on the status of highly automated vehicles and
- 9 crash data concerning highly automated vehicles that is
- 10 relevant to the State.



**Hassan\_4***Maggie Hassan*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve supply chain cybersecurity.

**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

AMENDMENT intended to be proposed by Ms. HASSAN

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. \_\_\_\_ . SUPPLY CHAIN CYBERSECURITY.**
- 3 Whenever a manufacturer of an automobile makes a
- 4 significant change in suppliers of components of an auto-
- 5 mobile manufactured by the manufacturer that relate to
- 6 a critical software system of the automobile, such as a
- 7 component that can affect the driver's control of the auto-
- 8 mobile, the manufacturer shall certify whether the manu-
- 9 facturer has reviewed the plan of the supplier to address
- 10 potential cybersecurity vulnerabilities that may be discov-
- 11 ered with respect to the component.

Inhofe - 1

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To remove the heavy truck exemption from the definition of highly automated vehicle.

**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. CRUZ, and Mr. YOUNG)

Viz:

1 On page 4, strike line 9.

2 Strike section 15



Inhofe - 2

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 + Mr. Blunt

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:

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



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

3 (c) FEDERAL REGULATION OF HAV DATA AC-  
4 CESS.—

5 (1) TEMPORARY RULEMAKING RESTRICTION.—  
6 No department, administrative agency, or inde-  
7 pendent agency of the Federal Government may pro-  
8 mulgate any regulation with respect to the owner-  
9 ship of, control of, or access to, information or data  
10 stored by, or generated by, a highly automated vehi-  
11 cle or automated driving system before—

12 (A) the report required under section  
13 (d)(4) is submitted to Congress; and

14 (B) a data access standard is established  
15 by an Act of Congress.

16 (2) SAVINGS PROVISION.—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 retailers  
6 or dealers.

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

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

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

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

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

18 (xvi) A representative of motor vehicle  
19 leasing or rental car companies.

20 (xvii) A representative of mobility on  
21 demand companies.

22 (xviii) A representative of motor coach  
23 and tour bus owners.

24 (B) NON-VOTING MEMBERS.—The Sec-  
25 retary may allow additional interested stake-



1 holders to attend and participate in the activi-  
2 ties of the Committee as non-voting members.

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

5 (4) REPORT.—

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

21 (B) CONSIDERATIONS.—When making any  
22 policy recommendations, the Committee shall  
23 give appropriate consideration to motor vehicle  
24 safety, intellectual property protections, compli-  
25 ance with requirements under the Motor Vehicle



1 Safety Act, customer privacy, cybersecurity,  
2 confidential business information related to the  
3 mechanical or computer systems of such vehi-  
4 cles, public safety, and transportation planning.

5 Recommendations should address—

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

8 (ii) vehicle-generated data; and

9 (iii) vehicle interface capability.

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

12 (6) SUPPORT.—The Office of Rulemaking of  
13 the National Highway Traffic Safety Commission  
14 and the Bureau of Consumer Protection of the Fed-  
15 eral Trade Commission shall provide support serv-  
16 ices to the Committee.

17 (7) TERMINATION.—The Committee shall ter-  
18 minate upon the submission of the report required  
19 under paragraph (4).

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

22 (1) STUDY.—

23 (A) IN GENERAL.—The Comptroller Gen-  
24 eral of the United States shall conduct a study  
25 of the technologies currently available to remove

1 data that may be personally identifiable or at-  
2 tributable to an individual from used vehicles  
3 upon their sale to a new owner or from leased  
4 or rented vehicles at the completion of the lease  
5 or rental contract.

6 (B) UNIFORM DATA REMOVAL SYSTEM.—  
7 The study conducted under subparagraph (A)  
8 shall assess the feasibility of adopting a uni-  
9 form and simple system across vehicle brands  
10 for the removal of data described in subpara-  
11 graph (A) when a vehicle is sold or a lease or  
12 rental ends.

13 (C) CONSULTATION.—In conducting the  
14 study under subparagraph (A), the Comptroller  
15 General shall consult with—

- 16 (i) vehicle manufacturers;  
17 (ii) consumer groups;  
18 (iii) vehicle dealers, including rep-  
19 resentatives of the vehicle leasing and vehi-  
20 cle rental industry; and  
21 (iv) any other stakeholders that ex-  
22 press an interest in the study.

23 (2) REPORT.—Not later than 1 year after the  
24 date of the enactment of this Act, the Comptroller  
25 General of the United States shall submit a report

1 to the Committee on Commerce, Science, and Trans-  
2 portation of the Senate and the Committee on En-  
3 ergy and Commerce of the House of Representatives  
4 that contains the result of the study conducted  
5 under subsection (a), including recommendations re-  
6 garding—

7 (A) the feasibility of adopting a uniform  
8 data removal system; and

9 (B) legislative action that the Comptroller  
10 General considers prudent and practicable for  
11 facilitating the consistent removal of data de-  
12 scribed in subparagraph (A).

13 **SEC. 16. SAVINGS PROVISION.**

Klobuchar - 1

Amy Klobuchar

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To specify an additional issue to be studied by  
the Highly Automated Vehicles Technical Committee.

**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

AMENDMENT intended to be proposed by Ms. KLOBUCHAR

Viz:

- 1 On page 28, between lines 9 and 10, insert the fol-
- 2 lowing:
- 3 (E) vehicle communication with roadway
- 4 and infrastructure assets, including pavement
- 5 markings, signage, and traffic signals;



Klobuchar — 2

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To specify additional information on cybersecurity to be included in highly automated vehicles safety evaluation reports.

**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

AMENDMENT intended to be proposed by Ms. KLOBUCHAR

Viz:

- 1 On page 21, line 23, insert before the period the fol-
- 2 lowing: “, and mechanisms for informing the human driver
- 3 or operator about cyber vulnerabilities”.



Nelson

Bill Nelson

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To amend section 3 of the bill.

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 \_\_\_\_\_

Viz:

- 1 Beginning on page 5, strike line 11 and all that fol-
- 2 lows through page 7, line 5 and insert the following:
- 3 “(3) RULE OF CONSTRUCTION.—A State, terri-
- 4 tory, or political subdivision of a State may not
- 5 enact or enforce a law or regulation regulating sys-
- 6 tem safety, data recording, cybersecurity, human
- 7 machine interface, crashworthiness, capabilities,
- 8 post-crash behavior, account for applicable laws and
- 9 automation function, as listed in any of the safety
- 10 evaluation report subject areas described in section
- 11 9(b)(1)-(9) of the American Vision for Safer Trans-
- 12 portation through Advancement of Revolutionary



1 Technologies Act with respect only to a highly auto-  
2 mated vehicle or automated driving system.”; and

3 On page 7, between lines 21 and 22, insert the fol-  
4 lowing:

5 (c) NO PREEMPTION OF COMMON LAW OR STATU-  
6 TORY CAUSES OF ACTION.—Nothing in section 3 of this  
7 Act, or an amendment made by that section, shall be con-  
8 strued to preempt, alter, or amend any right, obligation  
9 or liability under common law or any State statute cre-  
10 ating a remedy for civil relief.



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To amend section 503(c)(4) of title 23, United States Code, to improve the deployment of advanced transportation technologies and the development of non-proprietary data standards and data partnerships structures.

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

AMENDMENT intended to be proposed by Mr. SCHATZ

Viz:

1 At the end, add the following:

2 **SEC. \_\_\_\_ . CAPACITY BUILDING FOR NEW TRANSPOR-**  
3 **TATION DATA.**

4 Section 503(c)(4) of title 23, United States Code, is  
5 amended—

6 (1) in subparagraph (A), by inserting “that uti-  
7 lize, to the extent possible, reusable, nonproprietary  
8 data standards and data partnership structures”  
9 after “transportation technologies”;

10 (2) in subparagraph (B)—





1 (A) in clause (v), by inserting “utilizing re-  
2 usable, nonproprietary data standards and data  
3 partnerships structures” before the semicolon  
4 at the end;

5 (B) in clause (vii), by striking “or” at the  
6 end;

7 (C) in clause (viii), by striking the period  
8 at the end and inserting “; or”; and

9 (D) by adding at the end the following:

10 “(ix) improve eligible entities’ access  
11 to critical transportation data through the  
12 collaborative development and implementa-  
13 tion of reusable, nonproprietary data  
14 standards and data partnerships struc-  
15 tures.”;

16 (3) in subparagraph (C)(ii)(I), by inserting  
17 “that utilize, to the extent possible, reusable, non-  
18 proprietary data standards and data partnership  
19 structures” after “congestion management tech-  
20 nologies”;

21 (4) in subparagraph (D), by adding at the end  
22 the following:

23 “(iv) TECHNOLOGY STANDARDIZATION  
24 AND REUSABILITY.—In awarding a grant  
25 under this paragraph, the Secretary shall



1 ensure, to the extent practicable, that  
2 grant recipients demonstrate an oppor-  
3 tunity for replication and are built on reus-  
4 able, nonproprietary data standards and  
5 data partnerships structures.”;

6 (5) in subparagraph (E)—

7 (A) by redesignating clauses (i) through  
8 (ix) as clauses (iii) through (xi), respectively;  
9 and

10 (B) by inserting before clause (iii), as re-  
11 designated, the following:

12 “(i) the development of nonpropri-  
13 etary data standards and data partner-  
14 ships structures to increase the availability  
15 and quality of data critical to managing  
16 emerging transportation technologies;

17 “(ii) data collection and management  
18 tools and processes to improve availability  
19 and quality of streets, and transit systems,  
20 including real-time traffic, transit, parking,  
21 and other transportation-related informa-  
22 tion;”;

23 (6) in subparagraph (F)(ii)—

24 (A) in subclause (III), by striking “and” at  
25 the end;

1 (B) in subclause (IV), by striking the pe-  
2 riod at the end and inserting “; and”;

3 (C) by adding at the end the following:

4 “(V) lessons learned and rec-  
5 ommendations regarding public-pri-  
6 vate data standards and data partner-  
7 ships structures.”; and

8 (7) in subparagraph (G)—

9 (A) in the subparagraph heading, by strik-  
10 ing “REPORT” and inserting “ANNUAL RE-  
11 PORT; GUIDANCE”;

12 (B) by redesignating clauses (i) through  
13 (vii) as subclauses (I) through (VII), and mov-  
14 ing them 2 ems to the right;

15 (C) in the matter preceding subclause (I),  
16 as redesignated, by striking “Not later than”  
17 and inserting the following:

18 “(i) REPORT.—Not later than”; and

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

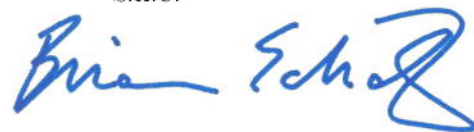
20 “(ii) GUIDANCE.—The Secretary shall  
21 publish, in the Federal Register, guidance  
22 for States, local governments, transit agen-  
23 cies, and metropolitan planning organiza-  
24 tions regarding the development of bilat-  
25 eral data exchanges that optimize the

1 availability and quality of data critical to  
2 managing emerging transportation tech-  
3 nologies.”.

Schatz-2

BAG17C82

S.L.C.



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require manufacturers of highly automated vehicles or automated driving systems to publish summaries of their plans to identify and reduce cybersecurity risks to the motor vehicle safety of such vehicles and systems.

**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

AMENDMENT intended to be proposed by Mr. SCHATZ

Viz:

- 1 Beginning on page 39, strike line 22 and all that fol-
- 2 lows through page 40, line 2, and insert the following:
- 3 “(4) PROTECTIONS FOR DISCLOSURE.—Each
- 4 manufacturer required to develop, maintain, and
- 5 execute a plan under paragraph (1) shall develop a
- 6 summary of the plan that is suitable for public dis-
- 7 closure and disclose such summary to the public.



Schatz\_3



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To require the working group on responsible education efforts for advanced driver assist systems and automated driving systems to consider topics pertaining to consumer data collection, privacy, and data ownership.

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

AMENDMENT intended to be proposed by Mr. SCHATZ

Viz:

- 1 On page 34, strike lines 4 through 6 and insert the
- 2 following:
- 3 function behavior in service;
- 4 (8) consistent nomenclature and taxonomy for
- 5 safety features and systems; and
- 6 (9) disclosure of automated driving system
- 7 practices pertaining to consumer data collection, pri-
- 8 vacy, and data ownership.





Schatz 4



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To diversify the Highly Automated Vehicles Technical Committee.

**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. SCHATZ

Viz:

1 On page 26, line 23, strike “include representatives  
2 of” and insert “include at least 1 representative from”.

3 On page 27, line 3, insert “national organizations  
4 that represent individuals with disabilities and senior citi-  
5 zens,” after “organizations,”.



Udall #1

ROS17B65

S.L.C.

Tom Udall

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to prioritize domestic manufacturing in awarding transportation research grants.

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

AMENDMENT intended to be proposed by Mr. UDALL

Viz:

1 At the end, add the following:

2 **SEC. 16. PRIORITIZATION OF DOMESTIC MANUFACTURING**  
3 **IN AWARDING TRANSPORTATION RESEARCH**  
4 **GRANTS.**

5 The Secretary shall prioritize applications for trans-  
6 portation research grants (including grants relating to  
7 highway research and development, technology and inno-  
8 vation deployment, intelligent transportation systems, and  
9 university transportation centers) provided through the  
10 Fixing America's Surface Transportation Act (Public Law  
11 114-94; 129 Stat. 1312) that include commitments to





1 source automated driving equipment, intelligent transpor-  
2 tation solutions, and other equipment, including hardware  
3 and processors, from manufacturers in the United States.

Udall #2

Tom Udall

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To limit the use of exemptions from motor vehicle safety standards for highly automated vehicles.

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. UDALL

Viz:

1 On page 15, line 3, strike “12-month period” and in-  
2 sert “24-month period”.

3 On page 15, line 6, strike “50,000” and insert  
4 “2,500”.

5 On page 15, line 9, strike “12-month period” and in-  
6 sert “24-month period”.

7 On page 15, line 12, strike “75,000” and insert  
8 “10,000”.



1 On page 15, line 15, strike “12-month period” and  
2 insert “24-month period”.

3 On page 15, line 18, strike “100,000” and insert  
4 “25,000”.

5 Beginning on page 15, strike line 21 and all that fol-  
6 lows through line 2 on page 16, and insert the following:

7 “(C) At the end of each 24-month period  
8 described in subparagraph (B), the Secretary  
9 shall—

10 “(i) evaluate the safety performance  
11 of vehicles granted an exemption under  
12 this subsection; and

13 “(ii) determine if such vehicles provide  
14 an equivalent level of safety as that re-  
15 quired by the motor vehicle safety standard  
16 from which the vehicles were exempted be-  
17 fore a manufacturer of the vehicles may re-  
18 apply for another exemption.

19 “(D) A manufacturer shall report all  
20 crashes involving a vehicle granted an exemp-  
21 tion under this subsection to the Secretary.”;  
22 and

Udall #3

S.L.C.  
Tom Udall

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To limit the use of exemptions from motor vehicle safety standards for highly automated vehicles.

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. UDALL

Viz:

1 On page 15, line 6, strike “50,000” and insert  
2 “2,500”.

3 On page 15, line 12, strike “75,000” and insert  
4 “10,000”.

5 On page 15, line 18, strike “100,000” and insert  
6 “25,000”.

7 Beginning on page 15, strike line 21 and all that fol-  
8 lows through line 2 on page 16, and insert the following:

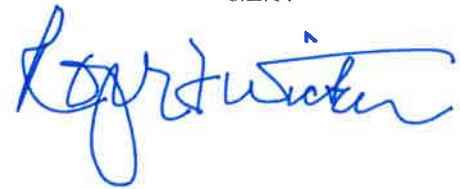


1           “(C) At the end of each 12-month period  
2 described in subparagraph (B), the Secretary  
3 shall—

4                   “(i) evaluate the safety performance  
5 of vehicles granted an exemption under  
6 this subsection; and

7                   “(ii) determine if such vehicles provide  
8 an equivalent level of safety as that re-  
9 quired by the motor vehicle safety standard  
10 from which the vehicles were exempted be-  
11 fore a manufacturer of the vehicles may re-  
12 apply for another exemption.

13           “(D) A manufacturer shall report all  
14 crashes involving a vehicle granted an exemp-  
15 tion under this subsection to the Secretary.”;  
16 and



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to develop educational cybersecurity resources to assist consumers in minimizing motor vehicle cybersecurity risks and to require manufacturers to include information directing consumers to the such resources on new car window labels.

**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

AMENDMENT intended to be proposed by Mr. WICKER

Viz:

1 On page 41, between lines 5 and 6, insert the following:  
2

3 **SEC. 15. CYBERSECURITY CONSUMER EDUCATION INFORMATION.**  
4

5 (a) IN GENERAL.—Not later than 1 year after the  
6 date of the enactment of this Act, the Secretary of Transportation shall—  
7

8 (1) develop educational cybersecurity resources  
9 to assist consumers in maintaining awareness of and



1 minimizing potential motor vehicle cybersecurity  
2 risks; and

3 (2) ensure that the resources developed under  
4 paragraph (1) are available to and readily accessible  
5 by the public on the website of the National High-  
6 way Traffic Safety Administration.

7 (b) PERIODIC UPDATES.—The Secretary shall peri-  
8 odically update the resources developed under subsection  
9 (a).

10 (c) CONSULTATION.—In developing the resources  
11 under subsection (a), the Secretary shall consult with  
12 motor vehicle industry representatives, safety organiza-  
13 tions, security researchers, the National Institute of  
14 Standards and Technology, and State and local govern-  
15 ment agencies that are directly or indirectly affected by  
16 this Act.

17 **SEC. 16. INCLUSION OF CYBERSECURITY RESOURCE IN-**  
18 **FORMATION ON NEW AUTOMOBILE LABELS.**

19 (a) REQUIREMENT.—Section 3 of the Automobile In-  
20 formation Disclosure Act (15 U.S.C. 1232) is amended—

21 (1) in subsection (g)(4)(B), by striking “and”  
22 at the end;

23 (2) in subsection (h), by striking the period at  
24 the end and inserting “; and”; and

25 (3) by adding at the end the following:



1       “(i) information directing consumers to the cyberse-  
2       curity resources developed by the Secretary of Transpor-  
3       tation under section 15 of the AV START Act.”.

4       (b) **EFFECTIVE DATE.**—The amendments made by  
5       subsection (a) shall take effect on the date that is 2 years  
6       after the date of the enactment of this Act.



*Handwritten signature* S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require automobile manufacturers to remedy cybersecurity vulnerabilities.

**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

AMENDMENT intended to be proposed by Mr. WICKER

Viz:

1 On page 41, between lines 5 and 6, insert the following:  
2

3 **SEC. 15. REMEDIES FOR CYBERSECURITY**  
4 **VULNERABILITIES.**

5 Section 30120 of title 49, United States Code, is  
6 amended by adding at the end the following:

7 “(k) CYBERSECURITY VULNERABILITIES.—(1) A  
8 manufacturer of a motor vehicle manufactured for sale in  
9 the United States shall update, secure, patch, repair, re-  
10 place, fix, or otherwise provide a remedy for a cybersecu-  
11 rity vulnerability in original equipment that presents an  
12 unreasonable risk to motor vehicle safety.



1       “(2) A manufacturer of a motor vehicle equipment  
2 manufactured for sale in the United States shall provide  
3 a remedy for a cybersecurity vulnerability in such replace-  
4 ment equipment that is a defect related to motor vehicle  
5 safety.”.

Duckworth - 8

MDM17B84

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To expand the scope of the highly automated vehicle safety study to be conducted by the Highly Automated Vehicles Technical Committee to include safeguards against the misuse of such vehicles.

**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

AMENDMENT intended to be proposed by Ms. DUCKWORTH

Viz:

- 1 On page 28, line 3, insert “and safeguards against
- 2 misuse” after “system safety”.



Duckworth - 9

MDM17B85

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To expand the scope of the highly automated vehicle safety study to be conducted by the Highly Automated Vehicles Technical Committee to include an evaluation of widespread sharing of data regarding safety errors.

**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

AMENDMENT intended to be proposed by Ms. DUCKWORTH

Viz:

- 1 On page 28, line 9, insert “, including the sharing
- 2 and compilation of de-identified data to identify system
- 3 safety errors and improvements, and evaluating sharing
- 4 such data with academic institutions, research organiza-
- 5 tions, Federal and State stakeholders, and others” before
- 6 the semicolon.



Duckworth-10

MDM17B86

S.L.C.

Tammy Duckworth

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to make de-identified automated driving system performance information and incident crash data publicly available.

**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

AMENDMENT intended to be proposed by Ms. DUCKWORTH

Viz:

- 1 On page 24, line 10, insert “To the extent prac-
- 2 ticable, the Secretary shall make available de-identified
- 3 data collected and recorded pursuant to subsection
- 4 (b)(2).” after “report.”.



Markey - 1

BAG17D05

Edward J. Markey  
S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the establishment of a motor vehicle  
privacy database.

**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

AMENDMENT intended to be proposed by Mr. MARKEY

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . PRIVACY PROTECTIONS FOR USERS OF MOTOR**  
3 **VEHICLES.**

4 (a) **PERSONALLY IDENTIFIABLE INFORMATION DE-**  
5 **FINED.**—In this section, the term “personally identifiable  
6 information” means any information about an individual,  
7 or any information that is linked or reasonably linkable  
8 to an individual, including the following:

9 (1) The name of a user of a motor vehicle.

10 (2) The address of a user of a motor vehicle.

11 (3) The geographical location of the motor vehi-

12 cle.



1           (4) A photograph, video, or audio recording  
2           that contains the image or voice of a user of a motor  
3           vehicle.

4           (5) Indirect identifiers, including a motor vehi-  
5           cle user's date of birth, place of birth, Social Secu-  
6           rity number, biometric record, telephone number,  
7           credit card account number, insurance information,  
8           persistent identifier, email address, social media ad-  
9           dress, or other electronic address.

10          (6) Any aggregate or de-identified data of a  
11          user of a motor vehicle that, through reasonable ef-  
12          fort, is capable of being disaggregated or recon-  
13          structed to the point that an individual a user of a  
14          motor vehicle can be identified.

15          (7) Any data of a user of a motor vehicle or  
16          other information that, alone or in combination, is  
17          linked or linkable to a specific user of a motor vehi-  
18          cle that would allow a reasonable person, who does  
19          not have personal knowledge of the relevant cir-  
20          cumstances, to identify a user of a motor vehicle  
21          with reasonable certainty.

22          (b) MOTOR VEHICLE PRIVACY DATABASE.—Begin-  
23          ning not later than 1 year after the date of the enactment  
24          of this Act, the Administrator of the National Highway  
25          Traffic Safety Administration shall—



1 (1) create a publicly accessible and easily  
2 searchable online database that contains the infor-  
3 mation described in subsection (c); and

4 (2) place a clear and conspicuous link to the  
5 database described in paragraph (1) on the home  
6 page of the National Highway Traffic Safety Admin-  
7 istration's website.

8 (c) CONTENTS.—The database described in sub-  
9 section (b)(1) shall contain—

10 (1) a description of the information, including  
11 personally identifiable information, that will be col-  
12 lected about individuals during the operation of  
13 motor vehicles;

14 (2) an explanation of how the information re-  
15 ferred to in paragraph (1), and the conclusions  
16 drawn from such information, will be used, disclosed,  
17 and otherwise handled, including—

18 (A) how the collection or retention of such  
19 information that is unrelated to the operation  
20 of the motor vehicle use will be minimized;

21 (B) the period during which such informa-  
22 tion will be retained; and

23 (C) when and how such information, in-  
24 cluding information no longer relevant to the  
25 specified use, will be destroyed;



1           (3) steps that will be used to protect against  
2           the unauthorized disclosure of any personally identi-  
3           fiable information, such as the use of encryption  
4           methods and other security features; and

5           (4) the privacy policies of manufacturers of  
6           motor vehicles, including whether consumers will  
7           have the right to stop the collection, use, distribu-  
8           tion, or sale of their personally identifiable informa-  
9           tion.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Transportation to promulgate a rule on information to be provided consumers at the point of sale on the capabilities and limitations of highly automated vehicles and automated driving systems.

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

AMENDMENT intended to be proposed by Mr. MARKEY (for himself, Ms. DUCKWORTH, and Ms. KLOBUCHAR) *Mr. Blumenthal*

Viz:

- 1 On page 35, between lines 20 and 21, insert the fol-
- 2 lowing:
- 3 (f) RULEMAKING ON POINT OF SALE INFORMA-
- 4 TION.—Not later than 90 days after the date of the enact-
- 5 ment of this Act, the Secretary shall promulgate an in-
- 6 terim final rule to require clear and concise information
- 7 about the capabilities and limitations of a highly auto-
- 8 mated vehicle or an automated driving system to be pro-
- 9 vided to a consumer at the point of sale and in the vehicle
- 10 owner's manual.



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require automobile manufacturers to publish privacy policies.

**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

AMENDMENT intended to be proposed by Mr. MARKEY

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . PRIVACY PROTECTIONS FOR USERS OF MOTOR**  
3 **VEHICLES.**

4 (a) **PERSONALLY IDENTIFIABLE INFORMATION DE-**  
5 **FINED.**—In this section, the term “personally identifiable  
6 information” means any information about an individual,  
7 or any information that is linked or reasonably linkable  
8 to an individual, including the following:

9 (1) The name of a user of a motor vehicle.

10 (2) The address of a user of a motor vehicle.

11 (3) The geographical location of the motor vehi-  
12 cles.



1           (4) A photograph, video, or audio recording  
2 that contains the image or voice of a user of a motor  
3 vehicle.

4           (5) Indirect identifiers, including a motor vehi-  
5 cle user's date of birth, place of birth, Social Secu-  
6 rity number, biometric record, telephone number,  
7 credit card account number, insurance information,  
8 persistent identifier, email address, social media ad-  
9 dress, or other electronic address.

10          (6) Any aggregate or de-identified data of a  
11 user of a motor vehicle that, through reasonable ef-  
12 fort, is capable of being disaggregated or recon-  
13 structed to the point that an individual a user of a  
14 motor vehicle can be identified.

15          (7) Any data of a user of a motor vehicle or  
16 other information that, alone or in combination, is  
17 linked or linkable to a specific user of a motor vehi-  
18 cle that would allow a reasonable person, who does  
19 not have personal knowledge of the relevant cir-  
20 cumstances, to identify a user of a motor vehicle  
21 with reasonable certainty.

22          (b) **PRIVACY POLICIES.**—Beginning on the date that  
23 is 180 days after the date of the enactment of this Act,  
24 a manufacturer may not sell, offer for sale, introduce or  
25 deliver for introduction into interstate commerce, or im-

1 port into the United States any motor vehicle unless the  
2 manufacturer has established—

3 (1) a clear and conspicuous written privacy pol-  
4 icy, in plain language, that—

5 (A) is appropriate to the nature and scope  
6 of the activities regarding the collection, use, re-  
7 tention, dissemination, protection, and deletion  
8 of any data collected during the operation of  
9 the motor vehicle;

10 (B) details how personally identifiable in-  
11 formation that does or does not pertain to the  
12 operation of the motor vehicle can be used,  
13 shared, or sold;

14 (C) describes the inferences that can be  
15 drawn from personally identifiable information  
16 collected about individuals during the operation  
17 of motor vehicles;

18 (D) indicates whether a user of a motor  
19 vehicle can opt out of the collection, retention,  
20 sharing, or selling of personally identifiable in-  
21 formation, and the mechanism for exercising  
22 that option, if available;

23 (E) details the practices of the manufac-  
24 turer with respect to the data minimization, de-

1 identification, and retention of information  
2 about vehicle owners and occupants;

3 (E) details the practices of the manufac-  
4 turer for extending its privacy plan to the enti-  
5 ties with which it shares such information;

6 (G) is written in an easily understandable  
7 manner; and

8 (H) is publicly displayed; and

9 (2) a method for providing notice to vehicle  
10 owners or occupants about the privacy policy de-  
11 scribed in paragraph (1).

12 (c) REVIEW AND UPDATE.—Not less frequently than  
13 biennially, each motor vehicle manufacturer subject to  
14 subsection (b) shall review and, if necessary, update the  
15 written privacy policies for the motor vehicles manufac-  
16 tured by such manufacturer that are sold, leased, or  
17 rented in the United States.

18 (d) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
19 SION.—

20 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
21 TICES.—A violation of this section or a regulation  
22 promulgated under this section by a person with re-  
23 spect to whom the Federal Trade Commission is em-  
24 powered under section 5(a)(2) of the Federal Trade  
25 Commission Act (15 U.S.C. 45(a)(2)) shall be treat-

1 ed as a violation of a rule defining an unfair or de-  
2 ceptive act or practice prescribed under section  
3 18(a)(1)(B) of the Federal Trade Commission Act  
4 (15 U.S.C. 57a(a)(1)(B)).

5 (2) POWERS OF FEDERAL TRADE COMMIS-  
6 SION.—

7 (A) IN GENERAL.—The Commission shall  
8 enforce this section in the same manner, by the  
9 same means, and with the same jurisdiction,  
10 powers, and duties as though all applicable  
11 terms and provisions of the Federal Trade  
12 Commission Act (15 U.S.C. 41 et seq.) were in-  
13 corporated into and made a part of this Act.

14 (B) PRIVILEGES AND IMMUNITIES.—Any  
15 person who violates this section or a regulation  
16 promulgated under this section shall be subject  
17 to the penalties and entitled to the privileges  
18 and immunities provided in the Federal Trade  
19 Commission Act (15 U.S.C. 41 et seq.).

20 (e) ENFORCEMENT BY STATES.—

21 (1) AUTHORIZATION.—Subject to paragraph  
22 (2), in any case in which the attorney general of a  
23 State has reason to believe that an interest of the  
24 residents of the State has been or is threatened or  
25 adversely affected by the engagement of any person

1 in a practice that violates this section or any regula-  
2 tion promulgated under this section, the attorney  
3 general of the State may, as parens patriae, bring  
4 a civil action on behalf of the residents of the State  
5 in an appropriate district court of the United  
6 States—

7 (A) to enjoin such practice;

8 (B) to enforce compliance with this section  
9 or regulation;

10 (C) to obtain damages, restitution, or other  
11 compensation on behalf of residents of the  
12 State; or

13 (D) to obtain such other relief as the court  
14 may consider to be appropriate.

15 (2) RIGHTS OF FEDERAL TRADE COMMIS-  
16 SION.—

17 (A) NOTICE TO FEDERAL TRADE COMMIS-  
18 SION.—

19 (i) IN GENERAL.—Except as provided  
20 in clause (iii), the attorney general of a  
21 State shall notify the Commission in writ-  
22 ing that the attorney general intends to  
23 bring a civil action under paragraph (1)  
24 before initiating the civil action against a  
25 person described in subsection (d)(1).



1 (ii) CONTENTS.—The notification re-  
2 quired by clause (i) with respect to a civil  
3 action shall include a copy of the complaint  
4 to be filed to initiate the civil action.

5 (iii) EXCEPTION.—If it is not feasible  
6 for the attorney general of a State to pro-  
7 vide the notification required by clause (i)  
8 before initiating a civil action under para-  
9 graph (1), the attorney general shall notify  
10 the Commission immediately upon insti-  
11 tuting the civil action.

12 (B) INTERVENTION BY FEDERAL TRADE  
13 COMMISSION.—The Commission may—

14 (i) intervene in any civil action  
15 brought by the attorney general of a State  
16 under paragraph (1) against a person de-  
17 scribed in subsection (d)(1); and

18 (ii) upon intervening—

19 (I) be heard on all matters aris-  
20 ing in the civil action; and

21 (II) file petitions for appeal of a  
22 decision in the civil action.

23 (3) INVESTIGATORY POWERS.—Nothing in this  
24 subsection may be construed to prevent the attorney  
25 general of a State from exercising the powers con-

1       ferred on the attorney general by the laws of the  
2       State to conduct investigations, to administer oaths  
3       or affirmations, or to compel the attendance of wit-  
4       nesses or the production of documentary or other  
5       evidence.

6           (4) **PREEMPTIVE ACTION BY FEDERAL TRADE**  
7       **COMMISSION.**—If the Federal Trade Commission in-  
8       stitutes a civil action or an administrative action  
9       with respect to a violation of this section or a regu-  
10      lation promulgated under this section, the attorney  
11      general of a State may not, during the pendency of  
12      such action, bring a civil action under paragraph (1)  
13      against any defendant named in the complaint of the  
14      Commission for the violation with respect to which  
15      the Commission instituted such action.

16           (5) **VENUE; SERVICE OF PROCESS.**—

17           (A) **VENUE.**—Any action brought under  
18      paragraph (1) may be brought in—

19           (i) the district court of the United  
20      States that meets applicable requirements  
21      relating to venue under section 1391 of  
22      title 28, United States Code; or

23           (ii) another court of competent juris-  
24      diction.

1 (B) SERVICE OF PROCESS.—In an action  
2 brought under paragraph (1), process may be  
3 served in any district in which the defendant—

4 (i) is an inhabitant; or

5 (ii) may be found.

6 (6) ACTIONS BY OTHER STATE OFFICIALS.—

7 (A) IN GENERAL.—In addition to civil ac-  
8 tions brought by attorneys general under para-  
9 graph (1), any other consumer protection offi-  
10 cer of a State who is authorized by the State  
11 to do so may bring a civil action under para-  
12 graph (1), subject to the same requirements  
13 and limitations that apply under this subsection  
14 to civil actions brought by attorneys general.

15 (B) SAVINGS PROVISION.—Nothing in this  
16 subsection may be construed to prohibit an au-  
17 thorized official of a State from initiating or  
18 continuing any proceeding in a court of the  
19 State for a violation of any civil or criminal law  
20 of the State.

Markey - 4

BAG17C91

Edward J. Markey  
S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To establish cybersecurity standards for motor vehicles.

**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

AMENDMENT intended to be proposed by Mr. MARKEY (for himself, Mr. BLUMENTHAL, and Ms. HASSAN)

Viz:

- 1 At the end, add the following:
- 2 **SEC. 16. CYBERSECURITY STANDARDS FOR MOTOR VEHICLES.**
- 3 **CLES.**
- 4 (a) IN GENERAL.—Chapter 301 of title 49, United
- 5 States Code, is amended—
- 6 (1) in section 30102(a)—
- 7 (A) by redesignating paragraphs (5)
- 8 through (13) as paragraphs (11) through (19),
- 9 respectively;



1 (B) by redesignating paragraphs (2)  
2 through (4) as paragraph (5) through (7), re-  
3 spectively;

4 (C) by redesignating paragraph (1) as  
5 paragraph (3);

6 (D) by inserting before paragraph (3), as  
7 redesignated, the following:

8 “(1) ‘Administrator’ means the Administrator  
9 of the National Highway Traffic Safety Administra-  
10 tion;

11 “(2) ‘Commission’ means the Federal Trade  
12 Commission;”;

13 (E) by inserting after paragraph (3), as re-  
14 designated, the following:

15 “(4) ‘critical software systems’ means software  
16 systems that can affect the driver’s control of the ve-  
17 hicle movement;” and

18 (F) by inserting after paragraph (7), as re-  
19 designated, the following:

20 “(8) ‘driving data’ includes any electronic infor-  
21 mation collected about—

22 “(A) a vehicle’s status, including, but not  
23 limited to, its location or speed; and

24 “(B) any owner, lessee, driver, or pas-  
25 senger of a vehicle;

1 “(9) ‘entry points’ includes means by which—

2 “(A) driving data may be accessed, directly  
3 or indirectly; or

4 “(B) control signals may be sent or re-  
5 ceived either wirelessly or through wired con-  
6 nections;

7 “(10) ‘hacking’ means the unauthorized access  
8 to electronic controls or driving data, either wire-  
9 lessly or through wired connections;” and

10 (2) by inserting after section 30128 the fol-  
11 lowing:

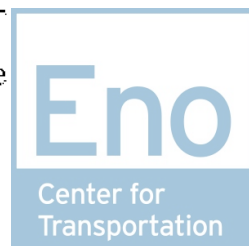
12 **“§ 30129. Cybersecurity standards**

13 “(a) CYBERSECURITY STANDARDS.—

14 “(1) REQUIREMENT.—All motor vehicles manu-  
15 factured for sale in the United States on or after the  
16 date that is two years after the date on which final  
17 regulations are prescribed pursuant to section  
18 2(b)(2) of the American Vision for Safer Transpor-  
19 tation through Advancement of Revolutionary Tech-  
20 nologies Act shall comply with the cybersecurity  
21 standards set forth in paragraphs (2) through (4).

22 “(2) PROTECTION AGAINST HACKING.—

23 “(A) IN GENERAL.—All entry points to the  
24 electronic systems of each motor vehicle manu-  
25 factured for sale in the United States shall be



1 equipped with reasonable measures to protect  
2 against hacking attacks.

3 “(B) ISOLATION MEASURES.—The meas-  
4 ures referred to in subparagraph (A) shall in-  
5 corporate isolation measures to separate critical  
6 software systems from noncritical software sys-  
7 tems.

8 “(C) EVALUATION.—The measures re-  
9 ferred to in subparagraphs (A) and (B) shall be  
10 evaluated for security vulnerabilities following  
11 best security practices, including appropriate  
12 applications of techniques such as penetration  
13 testing.

14 “(D) ADJUSTMENT.—The measures re-  
15 ferred to in subparagraphs (A) and (B) shall be  
16 adjusted and updated based on the results of  
17 the evaluation described in subparagraph (C).

18 “(3) SECURITY OF COLLECTED INFORMA-  
19 TION.—All driving data collected by the electronic  
20 systems that are built into motor vehicles shall be  
21 reasonably secured to prevent unauthorized access—

22 “(A) while such data are stored onboard  
23 the vehicle;

24 “(B) while such data are in transit from  
25 the vehicle to another location; and

1                   “(C) in any subsequent offboard storage or  
2                   use.

3                   “(4) DETECTION, REPORTING, AND RESPOND-  
4                   ING TO HACKING.—Any motor vehicle that presents  
5                   an entry point shall be equipped with capabilities to  
6                   immediately detect, report, and stop attempts to  
7                   intercept driving data or control the vehicle.

8                   “(b) PENALTIES.—A person that violates this section  
9                   is liable to the United States Government for a civil pen-  
10                  alty of not more than \$5,000 for each violation in accord-  
11                  ance with section 30165.”.

12                  (b) RULEMAKING.—

13                   (1) IN GENERAL.—Not later than 18 months  
14                   after the date of the enactment of this Act, the Ad-  
15                   ministrator of the National Highway Traffic Safety  
16                   Administration, after consultation with the Federal  
17                   Trade Commission, shall issue a Notice of Proposed  
18                   Rulemaking to carry out section 30129 of title 49,  
19                   United States Code, as added by subsection (a).

20                   (2) FINAL REGULATIONS.—Not later than three  
21                   years after the date of the enactment of this Act, the  
22                   Administrator, after consultation with the Commis-  
23                   sion, shall issue final regulations to carry out section  
24                   30129 of title 49, United States Code, as added by  
25                   subsection (a).



1           (3) **UPDATES.**—Not later than three years after  
2 final regulations are issued pursuant to paragraph  
3 (2) and not less frequently than once every three  
4 years thereafter, the Administrator, after consulta-  
5 tion with the Commission, shall—

6                   (A) review the regulations issued pursuant  
7 to paragraph (2); and

8                   (B) update such regulations, as necessary.

9           (c) **CLERICAL AMENDMENT.**—The table of sections  
10 for chapter 301 of title 49, United States Code, is amend-  
11 ed by striking the item relating to section 30128 and in-  
12 serting the following:

“30128. Vehicle rollover prevention and crash mitigation.  
“30129. Cybersecurity standards.”

13           (d) **CONFORMING AMENDMENT.**—Section  
14 30165(a)(1) of title 49, United States Code, is amended  
15 by inserting “30129,” after “30127.”

16 **SEC. 17. CYBER DASHBOARD.**

17           (a) **IN GENERAL.**—Section 32302 of title 49, United  
18 States Code, is amended by adding at the end the fol-  
19 lowing:

20                   “(e) **CYBER DASHBOARD.**—

21                           “(1) **IN GENERAL.**—All motor vehicles manu-  
22 factured for sale in the United States on or after the  
23 date that is 2 years after the date on which final  
24 regulations are prescribed pursuant to section

1 3(b)(2) of the American Vision for Safer Transpor-  
2 tation through Advancement of Revolutionary Tech-  
3 nologies Act shall display a 'cyber dashboard', as a  
4 component of the label required to be affixed to each  
5 motor vehicle under section 32908(b).

6 “(2) FEATURES.—The cyber dashboard re-  
7 quired under paragraph (1) shall inform consumers,  
8 through an easy-to-understand, standardized graph-  
9 ic, about the extent to which the motor vehicle pro-  
10 tects the cybersecurity of motor vehicle owners, les-  
11 sees, drivers, and passengers beyond the minimum  
12 requirements set forth in section 30129.”.

13 (b) RULEMAKING.—

14 (1) IN GENERAL.—Not later than 18 months  
15 after the date of the enactment of this Act, the Ad-  
16 ministrator, after consultation with the Commission,  
17 shall prescribe regulations for the cybersecurity and  
18 privacy information required to be displayed under  
19 section 32302(e) of title 49, United States Code, as  
20 added by subsection (a).

21 (2) FINAL REGULATIONS.—Not later than 3  
22 years after the date of the enactment of this Act, the  
23 Administrator, after consultation with the Commis-  
24 sion, shall issue final regulations to carry out section

1       32302 of title 49, United States Code, as added by  
2       subsection (a).

3           (3) UPDATES.—Not less frequently than once  
4       every 3 years, the Administrator, after consultation  
5       with the Commission, shall—

6           (A) review the regulations issued pursuant  
7       to paragraph (2); and

8           (B) update such regulations, as necessary.

Markey - 5

ROS17B54

Edward J. Markey

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To establish privacy standards for motor vehicles.

**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

AMENDMENT intended to be proposed by Mr. MARKEY (for himself, Mr. BLUMENTHAL, and Ms. HASSAN)

Viz:

1 At the end, add the following:

2 **SEC. 16. PRIVACY STANDARDS FOR MOTOR VEHICLES.**

3 (a) IN GENERAL.—The Federal Trade Commission  
4 Act (15 U.S.C. 41 et seq.) is amended by inserting after  
5 section 26 (15 U.S.C. 57c-2) the following:

6 **“SEC. 27. PRIVACY STANDARDS FOR MOTOR VEHICLES.**

7 “(a) IN GENERAL.—All motor vehicles manufactured  
8 for sale in the United States on or after the date that  
9 is two years after the date on which final regulations are  
10 prescribed pursuant to subsection (e) shall comply with  
11 the requirements under subsections (b) through (d).



1       “(b) TRANSPARENCY.—Each motor vehicle shall pro-  
2 vide clear and conspicuous notice, in clear and plain lan-  
3 guage, to the owners or lessees of such vehicle of the col-  
4 lection, transmission, retention, and use of driving data  
5 collected from such motor vehicle.

6       “(c) CONSUMER CONTROL.—

7           “(1) IN GENERAL.—Subject to paragraphs (2)  
8 and (3), owners or lessees of motor vehicles shall be  
9 given the option of terminating the collection and re-  
10 tention of driving data.

11           “(2) ACCESS TO NAVIGATION TOOLS.—If a  
12 motor vehicle owner or lessee decides to terminate  
13 the collection and retention of driving data under  
14 paragraph (1), the owner or lessee shall not lose ac-  
15 cess to navigation tools or other features or capabili-  
16 ties, to the extent technically possible.

17           “(3) EXCEPTION.—Paragraph (1) shall not  
18 apply to driving data stored as part of the electronic  
19 data recorder system or other safety systems on-  
20 board the motor vehicle that are required for post-  
21 incident investigations, emissions history checks,  
22 crash avoidance or mitigation, or other regulatory  
23 compliance programs.

24       “(d) LIMITATION ON USE OF PERSONAL DRIVING IN-  
25 FORMATION.—



1           “(1) IN GENERAL.—A manufacturer (including  
2           an original equipment manufacturer) may not use  
3           any information collected by a motor vehicle for ad-  
4           vertising or marketing purposes without affirmative  
5           express consent by the owner or lessee.

6           “(2) REQUESTS.—Consent requests under para-  
7           graph (1)—

8                   “(A) shall be clear and conspicuous;

9                   “(B) shall be made in clear and plain lan-  
10                  guage; and

11                  “(C) may not be a condition for the use of  
12                  any nonmarketing feature, capability, or  
13                  functionality of the motor vehicle.

14           “(e) ENFORCEMENT.—A violation of this section  
15           shall be treated as an unfair or deceptive act or practice  
16           in violation of a rule prescribed under section  
17           18(a)(1)(B).”.

18           (b) RULEMAKING.—

19                  (1) IN GENERAL.—Not later than 18 months  
20                  after the date of the enactment of this Act, the Fed-  
21                  eral Trade Commission, after consultation with the  
22                  Administrator of the National Highway Traffic Safe-  
23                  ty Administration, shall prescribe regulations, in ac-  
24                  cordance with section 553 of title 5, United States

1 Code, to carry out section 27 of the Federal Trade  
2 Commission Act, as added by subsection (a).

3 (2) FINAL REGULATIONS.—Not later than three  
4 years after the date of the enactment of this Act, the  
5 Commission, after consultation with the Adminis-  
6 trator, shall issue final regulations, in accordance  
7 with section 553 of title 5, United States Code, to  
8 carry out section 27 of the Federal Trade Commis-  
9 sion Act, as added by subsection (a).

10 (3) UPDATES.—Not less frequently than once  
11 every three years, the Commission, after consulta-  
12 tion with the Administrator, shall—

13 (A) review the regulations prescribed pur-  
14 suant to paragraph (2); and

15 (B) update such regulations, as necessary.

Markey-6

BAG17C79

Edward J. Markey  
S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To limit the disclosure of personally identifiable information collected by a motor vehicle.

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

AMENDMENT intended to be proposed by Mr. MARKEY

Viz:

1 At the appropriate place, insert the following:

2 **TITLE II—LIMITATION ON DIS-**  
3 **CLOSURE OF PERSONALLY**  
4 **IDENTIFIABLE INFORMATION**  
5 **COLLECTED BY MOTOR VEHI-**  
6 **CLES**

7 **SEC. 201. DEFINITIONS.**

8 In this title:

9 (1) AGGRIEVED PERSON.—The term “aggrieved  
10 person” means—





1 (A) a person who claims to have been in-  
2 jured by a disclosure of personally identifiable  
3 information by a motor vehicle; or

4 (B) a person who believes that he or she  
5 will be injured by a disclosure of personally  
6 identifiable information.

7 (2) PERSONALLY IDENTIFIABLE INFORMA-  
8 TION.—The term “personally identifiable informa-  
9 tion” means any information about an individual, or  
10 any information that is linked or reasonably linkable  
11 to an individual, including—

12 (A) the name of a user of a motor vehicle;

13 (B) the address of a user of a motor vehi-  
14 cle;

15 (C) the geolocation of the motor vehicle;

16 (D) a photograph, video, or audio record-  
17 ing that contains the image or voice of a user  
18 of a motor vehicle;

19 (E) indirect identifiers, including a user of  
20 a motor vehicle’s date of birth, place of birth,  
21 Social Security number, biometric record, tele-  
22 phone number, credit card account number, in-  
23 surance information, persistent identifier, email  
24 address, social media address, or other elec-  
25 tronic address;

1 (F) any aggregate or de-identified data of  
2 a user of a motor vehicle that, through reason-  
3 able effort, is capable of being disaggregated or  
4 reconstructed to the point that an individual a  
5 user of a motor vehicle can be identified; and

6 (G) any data of a user of a motor vehicle  
7 or other information that, alone or in combina-  
8 tion, is linked or linkable to a specific user of  
9 a motor vehicle that would allow a reasonable  
10 person, who does not have personal knowledge  
11 of the relevant circumstances, to identify a user  
12 of a motor vehicle with reasonable certainty.

13 (3) **THIRD PARTY.**—The term “third party”  
14 means any entity in which a vehicle manufacturer  
15 has shared, sold, or otherwise provided the person-  
16 ally identifiable information of motor vehicle users.

17 **SEC. 202. WARRANT FOR PERSONALLY IDENTIFIABLE IN-**  
18 **FORMATION.**

19 (a) **PROTECTING THE CONTENTS OF PERSONALLY**  
20 **IDENTIFIABLE INFORMATION FROM MOTOR VEHICLES.**—  
21 Except as provided in subsection (b) and section 204, a  
22 governmental entity may not require that personally iden-  
23 tifiable information collected by a motor vehicle that is in  
24 electronic storage with, or otherwise stored, held, or main-

1 tained by, a third party be disclosed unless such govern-  
2 mental entity obtains a warrant that—

3 (1) is issued by a court of competent jurisdic-  
4 tion, using the procedures described in the Federal  
5 Rules of Criminal Procedure or, in the case of a  
6 State court, issued using applicable State warrant  
7 procedures; and

8 (2) may indicate the date by which the motor  
9 vehicle or third-party shall make the disclosure to  
10 the governmental entity.

11 (b) PERMITTED ACQUISITIONS WITHOUT COURT  
12 ORDER.—A governmental entity may only access or use  
13 personally identifiable information without a court order—

14 (1) in response to a call from the user of a  
15 motor vehicle requesting emergency services, to pro-  
16 vide geolocation information to—

17 (A) a public safety answering point or an  
18 emergency dispatch provider;

19 (B) an emergency medical service provider,  
20 a hospital emergency room, or a trauma care  
21 facility; or

22 (C) a public safety, fire service, or law en-  
23 forcement official;

24 (2) to inform such user's legal guardian or  
25 members of the user's immediate family of the user's

1 location in an emergency situation that involves the  
2 risk of death or serious physical harm;

3 (3) to providers of information or database  
4 management services solely for purposes of assisting  
5 in the delivery of emergency services in response to  
6 an emergency; or

7 (4) with the lawful, express, written consent of  
8 the user of the motor vehicle from which the infor-  
9 mation is being accessed.

10 (c) **EX POST FACTO WARRANT.**—A governmental en-  
11 tity that accesses personally identifiable information with-  
12 out a warrant pursuant to subsection (b) shall submit an  
13 affidavit to a court of competent jurisdiction that identi-  
14 fies the specific exception to the generally applicable war-  
15 rant requirement under such subsection. Such court shall  
16 issue an ex post facto warrant if the court finds that the  
17 exception identified by the governmental entity authorized  
18 such access.

19 **SEC. 203. NOTICE OF LAWFULLY OBTAINED INFORMATION.**

20 (a) **IN GENERAL.**—Except as otherwise provided in  
21 this title, not later than 14 days after a governmental enti-  
22 ty receives personally identifiable information from a  
23 motor vehicle or a third party, the governmental entity  
24 shall serve upon, or deliver to by registered or first-class  
25 mail, electronic mail, or other means reasonably calculated

1 to be effective as may be specified by the court issuing  
2 the warrant, the user of the motor vehicle—

3 (1) a copy of the warrant, emergency request,  
4 or ex post facto warrant issued pursuant to section  
5 202; and

6 (2) a notice that includes the date on which the  
7 personally identifiable information was accessed by  
8 the governmental entity.

9 (b) GRACE PERIOD.—

10 (1) IN GENERAL.—A governmental entity that  
11 is seeking a warrant under section 202(a) may in-  
12 clude in the application for the warrant a request for  
13 an order delaying the notification required under  
14 subsection (a) for a period of not more than 90  
15 days.

16 (2) DETERMINATION.—A court shall grant a  
17 request under subsection (b) if the court determines  
18 that there is reason to believe, based on specific and  
19 articulable facts, that notification of the existence of  
20 the warrant will result in—

21 (A) endangerment of the life or physical  
22 safety of an individual;

23 (B) flight from prosecution;

24 (C) destruction of, or tampering with, evi-  
25 dence;

1 (D) intimidation of potential witnesses; or

2 (E) serious jeopardization of an investiga-  
3 tion or undue delay of a trial.

4 (3) EXTENSION.—Upon request by a govern-  
5 mental entity, a court may grant 1 or more exten-  
6 sions (not to exceed 90 days each) of the delay of  
7 notification granted under paragraph (2).

8 (4) NOTIFICATION OF CHANGED CIR-  
9 CUMSTANCES.—Upon the conclusion of the inves-  
10 tigation for which a warrant, order, subpoena, or  
11 other directive under section 202 was sought, or if  
12 the need for the nondisclosure order under para-  
13 graph (1) ceases to exist, the governmental entity  
14 that requested the nondisclosure order shall, within  
15 a reasonable period of time, notify the court of the  
16 changed circumstances so that the nondisclosure  
17 order can be reassessed or vacated.

18 (5) EXCEPTION.—The user of a motor vehicle  
19 or a third party to which a nondisclosure order  
20 under paragraph (1) applies, or an officer, employee,  
21 or agent of such user or third party, may disclose  
22 information otherwise subject to any applicable non-  
23 disclosure requirement to—

24 (A) persons to whom disclosure is nec-  
25 essary in order to comply with the request;

1 (B) an attorney in order to obtain legal ad-  
2 vice or assistance regarding the request; and

3 (C) upon an application by a provider, any  
4 person the court determines can be notified of  
5 the request without causing one of the adverse  
6 results described in paragraph (2) that serves  
7 as the basis for the issuance of the nondisclo-  
8 sure order.

9 (6) SCOPE OF NONDISCLOSURE ORDER.—Any  
10 person to whom disclosure is made under paragraph  
11 (5) shall be subject to the nondisclosure require-  
12 ments applicable to the person to whom the order is  
13 issued under paragraph (2) in the same manner as  
14 the person to whom the request is issued. Any re-  
15 cipient that discloses to a person information other-  
16 wise subject to a nondisclosure requirement shall no-  
17 tify the person of the applicable nondisclosure re-  
18 quirement.

19 (c) PRECLUSION OF NOTICE TO SUBJECT OF GOV-  
20 ERNMENTAL ACCESS.—

21 (1) IN GENERAL.—A governmental entity that  
22 is obtaining personally identifiable information under  
23 section 202 may apply to a court for an order direct-  
24 ing the user of a motor vehicle or a third party to  
25 which a warrant, order, subpoena, or other directive

1 under such section is directed not to notify any  
2 other person of the existence of the warrant, order,  
3 subpoena, or other directive for a period of not more  
4 than 90 days.

5 (2) DETERMINATION.—A court shall grant a  
6 request for an order made under paragraph (1) if  
7 the court determines that there is reason to believe,  
8 based on specific and articulable facts, that notifica-  
9 tion of the existence of the warrant, order, subpoena,  
10 or other directive will result in—

11 (A) endangerment of the life or physical  
12 safety of an individual;

13 (B) flight from prosecution;

14 (C) destruction of, or tampering with, evi-  
15 dence;

16 (D) intimidation of potential witnesses; or

17 (E) serious jeopardization of an investiga-  
18 tion or undue delay of a trial.

19 (3) EXTENSION.—Upon a request from a gov-  
20 ernmental entity, a court may grant 1 or more ex-  
21 tensions (not to exceed 90 days each) of an order  
22 granted under paragraph (2).

23 (4) NOTIFICATION OF CHANGED CIR-  
24 CUMSTANCES.—Upon the conclusion of the inves-  
25 tigation for which a warrant, order, subpoena, or



1 other directive under section 202 was sought, or if  
2 the need for the nondisclosure order granted under  
3 paragraph (2) ceases to exist, the governmental enti-  
4 ty that requested the nondisclosure order shall, with-  
5 in a reasonable period of time, notify the court of  
6 the changed circumstances so that the nondisclosure  
7 order can be reassessed or vacated.

8 (5) EXCEPTION.—The user of a motor vehicle  
9 or a third party to which an order granted under  
10 paragraph (2) applies, or an officer, employee, or  
11 agent of such user or third party, may disclose infor-  
12 mation otherwise subject to any applicable nondisclo-  
13 sure requirement to—

14 (A) those persons to whom disclosure is  
15 necessary in order to comply with the request;

16 (B) an attorney in order to obtain legal ad-  
17 vice or assistance regarding the request; and

18 (C) upon an application by a provider, any  
19 person who the court determines can be notified  
20 of the request without causing 1 of the adverse  
21 results described in paragraph (2) that serves  
22 as the basis for the issuance of the nondisclo-  
23 sure order.

24 (6) SCOPE OF NONDISCLOSURE ORDER.—Any  
25 person to whom disclosure is made under paragraph

1 (5) shall be subject to the nondisclosure require-  
2 ments applicable to the person to whom the order is  
3 issued under paragraph (2) in the same manner as  
4 the person to whom the request is issued. Any re-  
5 cipient that discloses to a person information other-  
6 wise subject to a nondisclosure requirement shall no-  
7 tify the person of the applicable nondisclosure re-  
8 quirement.

9 **SEC. 204. VIOLATION AND SUPPRESSION OF EVIDENCE.**

10 (a) **IN GENERAL.**—In a circumstance described in  
11 subsection (b)—

12 (1) no information obtained, or evidence de-  
13 rived, from personally identifiable information ac-  
14 quired as part of the access or use of a motor vehicle  
15 may be received into evidence or otherwise disclosed  
16 in any trial, hearing, or other proceeding in or be-  
17 fore any court, grand jury, department, office, agen-  
18 cy, regulatory body, legislative committee, or other  
19 authority of the United States, a State, or political  
20 subdivision of a State;

21 (2) no information concerning any user of a  
22 motor vehicle acquired from such personally identifi-  
23 able information may be used, disseminated, or dis-  
24 closed in any other manner, without the consent of  
25 the person; and

1 (3) all personally identifiable information col-  
2 lected shall be promptly destroyed.

3 (b) CIRCUMSTANCES.—A circumstance described in  
4 this subsection is any instance in which—

5 (1) an investigative or law enforcement offi-  
6 cer—

7 (A) does not obtain a warrant or order de-  
8 scribed in section 202 within 48 hours after  
9 commencing the access or use of the personally  
10 identifiable information; or

11 (B) does not terminate the activity to ac-  
12 quire personally identifiable information; or

13 (2) a court denies the application for a warrant  
14 or order to access or use personally identifiable in-  
15 formation.

16 **SEC. 205. SUPPRESSION REMEDY.**

17 (a) IN GENERAL.—An aggrieved person in a trial,  
18 hearing, or proceeding in or before a court, department,  
19 officer, agency, regulatory body, or other authority of the  
20 United States, a State, or a political subdivision of a State  
21 may file a motion to suppress the contents of any person-  
22 ally identifiable information disclosed or acquired under  
23 this title, or evidence derived from such information, on  
24 the grounds that—

1 (1) the personally identifiable information was  
2 unlawfully disclosed;

3 (2) the warrant or ex post facto warrant under  
4 which it was disclosed is insufficient on its face; or

5 (3) the disclosure was not made in conformity  
6 with the warrant or ex post facto warrant, as appli-  
7 cable.

8 (b) PROCEDURE.—

9 (1) TIMING.—A motion filed under subsection  
10 (a) shall be made before the trial, hearing, or pro-  
11 ceeding commences, unless the aggrieved person—

12 (A) had no opportunity to make such mo-  
13 tion; or

14 (B) was not aware of the grounds of the  
15 motion.

16 (2) INSPECTION.—A judge or other official re-  
17 viewing a motion filed under subsection (a) may  
18 make available, to the aggrieved person or the attor-  
19 ney for the aggrieved person, such portions of the  
20 disclosed personally identifiable information or evi-  
21 dence derived therefrom as the judge or other offi-  
22 cial determines to be in the interests of justice.

23 (3) MOTION GRANTED.—If a motion filed under  
24 subsection (a) is granted, the contents of the dis-  
25 closed personally identifiable information or evidence

1 derived from such information, shall be treated as  
2 having been obtained in violation of this title.

3 (c) APPEAL.—

4 (1) IN GENERAL.—In addition to any other  
5 right to appeal, the United States Government shall  
6 have the right to appeal an order granting a motion  
7 to suppress under subsection (a) if the United  
8 States attorney certifies to the judge or other official  
9 granting such motion that the appeal is not taken  
10 for purposes of delay.

11 (2) TIMELY PROSECUTION.—An appeal under  
12 paragraph (1) shall be taken not later than 30 days  
13 after the date on which an order described in para-  
14 graph (1) was entered and shall be diligently pros-  
15 ecuted.

Markey-7

BAG17D26

Edward J. Markey  
S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To strike performance from the preemption provision.

**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. MARKEY

Viz:

1 On page 4, lines, lines 22 and 23, strike “design, construction, or performance” and insert “design or construction”.

4 On page 5, lines, lines 23 and 24, strike “design, construction, or performance” and insert “design or construction”.



Markey-8

DAV17G27

Edward J. Markey  
S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require minimum performance requirements to ensure driver engagement in highly autonomous vehicles that require a human driver to perform the dynamic driving task at any point during a trip.

**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. MARKEY

Viz:

- 1 On page 16, line 17, strike “Section” and insert “(a)
- 2 IN GENERAL.—Section”.

- 3 On page 17, between lines 3 and 4, insert the fol-
- 4 lowing:

- 5 (b) REGULATIONS.—Not later than 2 years after the
- 6 date of the enactment of this Act, the Secretary of Trans-
- 7 portation shall prescribe minimum performance require-
- 8 ments to ensure driver engagement in highly autonomous
- 9 vehicles that require a human driver to perform the dy-
- 10 namic driving task at any point during a trip.

