

AMENDMENT

OFFERED BY MR. BURLISON OF MISSOURI

At the end of title VI, add the following:

1 **SEC. ____ . AUTO DATA PRIVACY AND AUTONOMY.**

2 (a) USER DATA AND VEHICLE-GENERATED DATA
3 PRIVACY AND SECURITY.—

4 (1) PROHIBITION ON MANUFACTURERS.—With
5 respect to a covered vehicle, a manufacturer of such
6 vehicle may not—

7 (A) access covered data, unless—

8 (i) the owner of such covered vehicle
9 or, in the event of the death or incapacity
10 of such owner, the next of kin of such
11 owner affirmatively consents to such man-
12 ufacturer accessing such data and such
13 consent—

14 (I) is freely given;

15 (II) is informed, specific, and un-
16 ambiguous;

17 (III) is in writing; and

18 (IV) may be easily withdrawn; or

1 (ii) such data is accessed solely to im-
2 prove covered vehicle performance or safe-
3 ty;

4 (B) sell, lease, or otherwise share covered
5 data, unless—

6 (i) required to do so—

7 (I) pursuant to a lawfully exe-
8 cuted warrant;

9 (II) pursuant to a court order
10 that provides the covered vehicle
11 owner notice of the order and at least
12 48 hours to object and request a hear-
13 ing; or

14 (III) to facilitate an emergency
15 response; or

16 (ii) the owner of such covered vehicle,
17 or, in the event of the death or incapacity
18 of such owner, the next of kin of such
19 owner, affirmatively consents to such man-
20 ufacturer to do so and such consent—

21 (I) is freely given;

22 (II) is informed, specific, and un-
23 ambiguous;

24 (III) is in writing; and

25 (IV) may be easily withdrawn; or

1 (C) sell, license, rent, trade, transfer, re-
2 lease, disclose, provide access to, or otherwise
3 make available personally identifiable informa-
4 tion of a United States citizen or lawful perma-
5 nent resident to—

6 (i) the Democratic People’s Republic
7 of Korea;

8 (ii) the People’s Republic of China;

9 (iii) the Russian Federation;

10 (iv) the Islamic Republic of Iran; or

11 (v) the Bolivarian Republic of Ven-
12 ezuela.

13 (2) REPORT.—Not later than 180 days after
14 the date of the enactment of this Act, the Commis-
15 sion shall, in consultation with the Attorney General,
16 the Secretary of Homeland Security, the Secretary
17 of Transportation, and the Federal Communications
18 Commission, submit to Congress a report that de-
19 scribes with respect to covered data—

20 (A) the types of such data that a manufac-
21 turer of a covered vehicle accesses;

22 (B) the individuals and entities, other than
23 a manufacturer of a covered vehicle, that access
24 such data;

1 (C) the Federal or State Government enti-
2 ties that access such data and how such entities
3 use such data;

4 (D) the individuals and entities to whom
5 such data may be sold or otherwise shared;

6 (E) the foreign governments to whom such
7 data may be sold or otherwise shared and how
8 such data is used by such foreign governments;

9 (F) the cybersecurity capabilities and risks
10 associated with covered vehicles;

11 (G) occurrences of such data being com-
12 promised, including the prevalence of such oc-
13 currences and any entities with ties to foreign
14 governments associated with such occurrences;
15 and

16 (H) a description of the feasibility of a
17 technology-neutral, standards-based, secure
18 interface to allow an owner of a covered vehicle
19 access to such data designed without preference
20 or prejudice towards any technology or service
21 used to access and control such data by such
22 owner, and not contingent on ownership or li-
23 censing of proprietary technologies by such
24 owner or a manufacturer of a covered vehicle.

1 (b) VEHICLE OWNER'S DATA ACCESS AND CON-
2 TROL.—

3 (1) IN GENERAL.—The manufacturer of a cov-
4 ered vehicle shall provide to an owner of such vehicle
5 access to, and control of, all covered data generated
6 or processed onboard, or transferred to, such vehi-
7 cle—

8 (A) at no cost beyond the purchase price
9 of such vehicle;

10 (B) in real time;

11 (C) without any restriction or limitation on
12 use or authorizing access to third parties;

13 (D) without a requirement that the covered
14 vehicle owner pay a fee or purchase a license to
15 decrypt such data or use a device provided by
16 such manufacturer to access and use such data;

17 (E) through the vehicle's interface port
18 and through wireless transmission of such data
19 to the extent such vehicle is equipped with tech-
20 nology to wirelessly transmit such data; and

21 (F) in a manner that enables the operation
22 of an open application programming interface
23 that—

24 (i) facilitates deletion of all user data
25 stored in a covered vehicle; and

1 (ii) enables the setting of any user
2 preference by the covered vehicle owner or
3 another user of the covered vehicle.

4 (2) RELATION TO OTHER LAWS.—This sub-
5 section supersedes any statute, rule, requirement or
6 other legal obligation of a State of political subdivi-
7 sion thereof that relates to the requirements of this
8 subsection.

9 (c) ENFORCEMENT.—

10 (1) UNFAIR OR DECEPTIVE ACT OR PRAC-
11 TICE.—A violation of this section shall be treated as
12 a violation of a rule defining an unfair or deceptive
13 act or practice under section 18(a)(1)(B) of the Fed-
14 eral Trade Commission Act (15 U.S.C.
15 57a(a)(1)(B)).

16 (2) POWERS OF THE COMMISSION.—

17 (A) IN GENERAL.—The Commission shall
18 enforce this section in the same manner, by the
19 same means, and with the same jurisdiction,
20 powers, and duties as though all applicable
21 terms and provisions of the Federal Trade
22 Commission Act (15 U.S.C. 41 et seq.) were in-
23 corporated into and made a part of this section.

24 (B) PRIVILEGES AND IMMUNITIES.—Any
25 person who violates this section shall be subject

1 to the penalties and entitled to the privileges
2 and immunities provided in the Federal Trade
3 Commission Act (15 U.S.C. 41 et seq.).

4 (C) AUTHORITY PRESERVED.—Nothing in
5 this section shall be construed to limit the au-
6 thority of the Commission under any other pro-
7 vision of law.

8 (d) DISCLOSURE OF CONFIDENTIAL BUSINESS IN-
9 FORMATION.—Except as provided in subsection (b), noth-
10 ing in this section shall require a manufacturer of a cov-
11 ered vehicle to divulge confidential business information
12 (as that term is defined in section 512.3(c) of title 49,
13 Code of Federal Regulations).

14 (e) EFFECTIVE DATE.—This section shall take effect
15 on the date that is 3 months after the date of enactment
16 of this Act.

17 (f) NO NEW APPROPRIATIONS.—No additional funds
18 are authorized to be appropriated to carry out this section.
19 The Commission shall carry out this section using
20 amounts otherwise appropriated.

21 (g) DEFINITIONS.—In this section:

22 (1) COMMISSION.—The term “Commission”
23 means the Federal Trade Commission.

24 (2) COVERED DATA.—The term “covered data”
25 means user data and vehicle-generated data.

1 (3) COVERED VEHICLE.—The term “covered ve-
2 hicle” means a motor vehicle or a vehicle primarily
3 used for farming or construction.

4 (4) GEOLOCATION DATA.—The term
5 “geolocation data” means information that reveals
6 the past or present physical location of an indi-
7 vidual, a covered vehicle, or device.

8 (5) MOTOR VEHICLE.—The term “motor vehi-
9 cle” has the same meaning given such term in sec-
10 tion 30102(a) of title 49, United States Code, and
11 includes a motor vehicle trailer.

12 (6) PERSONALLY IDENTIFIABLE INFORMA-
13 TION.—The term “personally identifiable informa-
14 tion” means information that—

15 (A) directly identifies an individual such as
16 the name, address, social security number or
17 other identifying number or code, telephone
18 number, or email address of an individual;

19 (B) indirectly identifies an individual such
20 as the gender, race, or date of birth of an indi-
21 vidual; or

22 (C) reveals the geolocation data or internet
23 activity of an individual.

1 (7) USER DATA.—The term “user data” means
2 data transferred to a covered vehicle by the owner
3 or user of such vehicle.

4 (8) USER PREFERENCE.—The term “user pref-
5 erence” means any choice with respect to a
6 configurable setting of a covered vehicle made by or
7 for the benefit of the owner or user of such covered
8 vehicle.

9 (9) VEHICLE-GENERATED DATA.—The term
10 “vehicle-generated data” means all electronic data
11 generated or processed onboard a covered vehicle,
12 such as data generated by sensors, receivers, com-
13 puter processing units, or other vehicle components
14 and includes the geolocation data of such covered ve-
15 hicle.

