[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _______

To provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. ___________ introduced the following bill; which was referred to the Committee on ____________________

____________________

A BILL

To provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the [“ ___________ Act
5 of 2015”].

6 SEC. 2. TABLE OF CONTENTS.
7 The table of contents for this Act is the following:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—ADMINISTRATIVE

Sec. 101. Required reporting of NHTSA agenda.
Sec. 102. Corporate responsibility for NHTSA reports.
Sec. 103. NHTSA reporting on implementation of inspector general recommendations.
Sec. 105. Improvement of data collection on child occupants in vehicle crashes.
Sec. 106. Electronic odometer disclosures.

TITLE II—MOTOR VEHICLE SAFETY RECALLS

Sec. 201. Improvements in availability of motor vehicle safety recall information.
Sec. 202. NHTSA recall notification and coordination.
Sec. 203. Recall notification at State vehicle registration.
Sec. 204. Recall obligations under bankruptcy.
Sec. 205. Application of remedies for defects and noncompliance.

TITLE III—PRIVACY, HACKING PROHIBITION, AND CYBER SECURITY

Sec. 301. Vehicle data privacy.
Sec. 302. Motor vehicle data hacking.
Sec. 303. Automotive Cybersecurity Advisory Council.

TITLE IV—SAFETY STANDARDS, GUIDELINES, EVALUATIONS, AND NEW REQUIREMENTS

Sec. 401. NHTSA report on seat belts for school buses.
Sec. 402. Rulemaking on rear seat crashworthiness.
Sec. 403. Retention of safety records by manufacturers.
Sec. 404. Nonapplication of prohibitions relating to noncomplying motor vehicles to vehicles used for testing or evaluation.
Sec. 405. Treatment of low-volume manufacturers.
Sec. 406. No liability on the basis of NHTSA motor vehicle safety guidelines.

TITLE V—ADVANCED AUTOMOTIVE TECHNOLOGIES

Sec. 501. Metrics for advanced automotive technologies.
Sec. 502. Credits for advanced automotive technology.
Sec. 503. Fuel economy credits for advanced automotive technologies.
website of the Administration, and file with the Committee
on Energy and Commerce of the House of Representatives
and the Committee on Commerce, Science, and Transpor-
tation of the Senate an annual plan for the following cal-
endar year detailing the Administration’s projected activi-
ties, including—

(1) the Administrator’s policy priorities;
(2) any rulemakings projected to be com-
enced;
(3) any plans to develop guidelines;
(4) any plans to restructure the Administration
or to establish or alter working groups;
(5) any planned projects or initiatives of the
Administration, including the working groups and
advisory committees of the Administration; and
(6) any projected dates or timetables associated
with any of the items described in paragraphs (1)
through (5).

SEC. 102. CORPORATE RESPONSIBILITY FOR NHTSA RE-
PORTS.

Section 30166(o) of title 49, United States Code, is
amended—

(1) in paragraph (1), by striking “may” and in-
serting “shall”; and
(2) by adding at the end the following:
“(3) **DEadline.**—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall issue final rules under paragraph (1).”.

SEC. 103. **NHTSA reporting on implementation of inspector general recommendations.**

(a) **Inspector general report.**—Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the National Highway Traffic Safety Administration has implemented all of the recommendations of the Inspector General of the Department of Transportation, issued June 18, 2015, and contained in report number ST–2015–063, such Inspector General shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress that the Administration has made to implement the recommendations in such report.

(b) **Administrator report.**—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the National Highway Traffic Safety Administration has implemented all of the recommendations in the report described in subsection (a), the Administrator of the National Highway Traffic Safety Administration shall submit a report to the Committee on Energy and Commerce of the House of Representatives
and the Committee on Commerce, Science, and Transportation of the Senate on the progress that the Administration has made to implement the recommendations in the report described in subsection (a), including a plan and timetable for implementing any remaining recommendations.

SEC. 104. REPORT ON OPERATIONS OF THE COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under section 31401 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 105 note). The report shall include information about the accomplishments of the Council, the role of the Council in integrating and aggregating electronic and emerging technologies expertise across the National Highway Traffic Safety Administration, the role of the Council in coordinating with other Federal agencies, and the priorities of the Council over the next 5 years.
SEC. 105. IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall revise the crash investigation data collection system of the National Highway Traffic Safety Administration to include the collection of the following data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

(1) The type or types of child restraint systems in use during the crash in any vehicle involved in the crash, including whether a five-point harness or belt-positioning booster.

(2) If a five-point harness child restraint system was in use during the crash, whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

(b) Consultation.—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

(c) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation
of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

SEC. 106. ELECTRONIC ODOMETER DISCLOSURES.

Section 32705(g) of title 49, United States Code, is amended—

(1) by striking “Not” and inserting “(1) Not”; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if the disclosures or notices and related matters—

“(A) are provided in compliance with—

“(i) the requirements of title I of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.); or

“(ii) the requirements of a State law under section 102(a) of such Act (15 U.S.C. 7002(a)); and
“(B) otherwise meet the requirements under this section, including appropriate authentication and security measures.

“(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.”.

**TITLE II—MOTOR VEHICLE SAFETY RECALLS**

**SEC. 201. IMPROVEMENTS IN AVAILABILITY OF MOTOR VEHICLE SAFETY RECALL INFORMATION.**

(a) **IMPROVEMENTS TO FEDERAL WEBSITE.**—Beginning not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall implement and keep current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website established for making available such information is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

(b) **GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC AWARENESS REPORT.**—
(1) IN GENERAL.—The Comptroller General of the United States shall study the use by consumers, dealers, and manufacturers of motor vehicle safety recall information made available to the public, including the usability and content of the Federal website and manufacturers’ websites established for making available such information and the National Highway Traffic Safety Administration’s efforts to publicize and educate consumers about such information.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall issue a report on the findings of the study required by paragraph (1), including recommendations for any actions the Secretary of Transportation can take to improve public awareness and use of the websites described in such paragraph.

(c) PROMOTION OF PUBLIC AWARENESS.—Section 31301(c) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note) is amended to read as follows:

“(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of motor vehicle safety recall information made publicly available by periodically updating the method of conveying that informa-
tion to consumers, dealers, and manufacturers, such as through public service announcements.”.

(d) Consumer Guidance.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall make available to the public on the Internet detailed guidance for consumers submitting motor vehicle safety complaints, including—

(1) a detailed explanation of what information a consumer should include in a complaint; and

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint and respond to the consumer, including information on—

(A) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(B) the length of time a consumer should retain the records described in subparagraph (A).

SEC. 202. NHTSA RECALL NOTIFICATION AND COORDINATION.

(a) Notification by Email and Other Electronic Means.—

(1) To owners, purchasers, and lessees.—

Not later than 270 days after the date of enactment...
of this Act, the Secretary of Transportation shall prescribe a final rule revising the regulations under paragraphs (a) and (b) of section 577.7 of title 49, Code of Federal Regulations, relating to notification of motor vehicle defects and noncompliance to—

(A) require notification by email (if the email address of the person required to be notified is available to and has been authorized to be used by the manufacturer) in addition to notification by first class mail (or, if the postal address of such person is not reasonably ascertainable by the manufacturer, instead of notification by first class mail); and

(B) encourage notification by other electronic means, including through social media and targeted online campaigns.

(2) TO SECRETARY OF TRANSPORTATION.—Section 30118(c) of title 49, United States Code, is amended by inserting “or email” after “certified mail”.

(b) COORDINATION WITH MANUFACTURER REQUIRED.—Section 30118(a) of title 49, United States Code, is amended—
(1) by striking “The Secretary of Transportation” and inserting “(1) The Secretary of Transportation”; and

(2) by adding at the end the following:

“(2) Prior to publishing notice of any defect or non-compliance, the Secretary shall draft such notice in coordination with the affected manufacturer or manufacturers. Such notice may not be published unless all vehicle identification numbers for the affected vehicles have been made available to the Secretary in such a manner that, beginning immediately after the notice is published, consumers can determine, by a vehicle identification number search functionality made available on the Internet, whether particular vehicles are involved in the recall. The vehicle identification numbers shall be made available to the Secretary pursuant to the following process:

“(A) Upon the decision by the Administrator of the National Highway Traffic Safety Administration to publish a notice of defect or noncompliance, the Administrator shall first notify each affected manufacturer, including any suppliers responsible for the defect or noncompliance.

“(B) Any supplier of parts that the Administrator has determined to be defective or noncompliant under this section shall identify all parts that
are subject to the recall and provide the Administrator and each affected manufacturer all part numbers for each affected part within 3 business days after receiving notice under subparagraph (A).

“(C) Upon receipt of notice from the Administrator or a supplier as required under this paragraph, each affected manufacturer shall identify the vehicle identification number for each affected vehicle and provide, within 5 business days after receiving such notice, such vehicle identification numbers to the Administrator in a searchable format determined by the Administrator.

“(3) Any public notice of any defect or noncompliance shall also include, to the extent reasonable under the circumstances, whether remedies are available with respect to each defective or noncompliant part and each manufacturer involved in the recall.”.

(c) ESTIMATED TIME OF AVAILABILITY OF EACH REMEDY.—Section 30119(a) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following:
“(6) to the extent reasonable under the circumstances, for each remedy for the defect or non-compliance, an estimate, stated as a time range not longer than 2 months, of when consumers should expect to have access to such remedy;”.

(d) OPTION FOR PURCHASERS TO PROVIDE EMAIL TO MANUFACTURERS.—Section 30117 of title 49, United States Code, is amended by adding at the end the following:

“(d) OPTION FOR PURCHASERS TO PROVIDE EMAIL TO MANUFACTURERS.—At the time when a motor vehicle is purchased or leased from a manufacturer or from a dealer that has a franchise, operating, or other agreement with the manufacturer, the manufacturer shall give the purchaser or lessee of the motor vehicle the option to provide an email address or other information to enable notification by electronic means in the event of a safety recall or noncompliance as provided under section 577.5 of title 49, Code of Federal Regulations. Email addresses and other contact information collected under this subsection may not be used to contact the purchaser or lessee for any reason, including marketing, other than to provide a safety recall or noncompliance notice.”.

(e) RECALL COMPLETION RATES REPORT.—
(1) **ANALYSIS REQUIRED.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary of Transportation shall—

   (A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

   (B) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the analysis.

(2) **CONTENTS.**—Each report shall include—

   (A) the annual recall completion rate by manufacturer, model year, component (such as brakes, fuel systems, and air bags), and vehicle type (passenger car, sport utility vehicle, passenger van, and pick-up truck) for each of the 5 years before the year the report is submitted; and

   (B) the methods by which the Secretary has conducted analyses of these recall comple-
tion rates to determine trends and identify risk factors associated with lower recall rates.

(f) INSPECTOR GENERAL AUDIT OF MOTOR VEHICLE RECALLS.—

(1) AUDIT REQUIRED.—The Inspector General of the Department of Transportation shall conduct an audit of the National Highway Traffic Safety Administration’s management of motor vehicle safety recalls.

(2) CONTENTS.—The audit shall include a determination of whether the National Highway Traffic Safety Administration—

(A) appropriately monitors recalls to ensure the appropriateness of scope and adequacy of recall completion rates and remedies;

(B) ensures that manufacturers provide safe remedies, at no cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to combat the effects of the dilution of the effectiveness of recall notices due to the number or frequency of such notices.
SEC. 203. RECALL NOTIFICATION AT STATE VEHICLE REGISTRATION.

(a) RECALL PROGRAM PARTICIPATION REQUIRED.—

Section 30303 of title 49, United States Code, is amended by adding at the end the following:

“(d) RECALL NOTICE REQUIRED.—A participating State shall—

“(1) agree to notify, at the time of vehicle registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

“(2) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

“(3) provide such other information as the Secretary may require.

“(e) DEFINITIONS.—In this section:

“(1) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given the term under section 30102(a) of this title.

“(2) OPEN MOTOR VEHICLE RECALL.—The term ‘open motor vehicle recall’ means a recall for which a notification by a manufacturer has been provided under section 30119 of this title, and that has not been remedied under section 30120 of this title.
“(3) Registration.—The term ‘registration’ means the process for registering a motor vehicle in the State or renewing the registration for such motor vehicle.

“(4) State.—The term ‘State’ has the meaning given the term under section 101(a) of title 23.”.

(b) Conforming Amendment.—Section 30303(a) of title 49, United States Code, is amended by inserting “and subsection (d) of this section” before the period.

SEC. 204. RECALL OBLIGATIONS UNDER BANKRUPTCY.

Section 30120A of title 49, United States Code, is amended by striking “chapter 11 of title 11,” and inserting “chapter 7 or chapter 11 of title 11”.

SEC. 205. APPLICATION OF REMEDIES FOR DEFECTS AND NONCOMPLIANCE.

Section 30120(g)(1) of title 49, United States Code, is amended by striking “10 calendar years” and inserting “15 calendar years”.

TITLE III—PRIVACY, HACKING PROHIBITION, AND CYBER SECURITY

SEC. 301. VEHICLE DATA PRIVACY.

(a) In General.—Part C of subtitle VI of title 49, United States Code, is amended by inserting after chapter 323 the following new chapter:
“CHAPTER 324—VEHICLE DATA PRIVACY

 Sec. 32401. Definitions.

§ 32401. Definitions

In this chapter:

“(1) Administrator.—The term ‘Administrator’ means the Administrator of the National Highway Traffic Safety Administration.

“(2) Covered information.—The term ‘covered information’ means information that—

“(A) passenger motor vehicles collect, generate, record, or store in electronic form that may be retrieved by or on behalf of the manufacturer of the original motor vehicle equipment; or

“(B) is provided by the owner, lessee, or renter, if applicable, of a vehicle who subscribes to or registers for technologies and services provided by, made available through, or offered on behalf of the manufacturer that involves the collection, use, or sharing of information that is collected, generated, recorded, or stored by a vehicle.

“(3) Manufacturer; motor vehicle.—The terms ‘manufacturer’ and ‘motor vehicle’ have the meanings given those terms in section 30102.
“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

§ 32402. Vehicle data privacy

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this chapter, each manufacturer of motor vehicles sold or offered for sale in the United States shall develop and implement a privacy policy outlining the practices of such manufacturer regarding the collection, use, and sharing of covered information.

“(b) IDENTIFICATION OF PRIVACY POLICY REQUIREMENTS.—The privacy policy developed and implemented pursuant to subsection (a) shall identify whether the manufacturer will provide an owner, lessee, or renter, if applicable, with any of the following:

“(1) Notices about the manufacturer’s collection, use, and sharing of covered information.

“(2) The choices that are available to the owner, lessee, or renter regarding the collection, use, and sharing of covered information.

“(3) How and under what circumstances covered information is collected.

“(4) A commitment to retain the covered information no longer than is determined necessary by the manufacturer for legitimate business purposes.
“(5) A commitment to implement reasonable measures to protect covered information against loss and unauthorized access or use.

“(6) A commitment to implement reasonable measures to maintain the accuracy of covered information and to provide the owner, lessee, or renter with reasonable means to review and correct information provided by the owner, lessee, or renter, if applicable.

“(7) A commitment to take reasonable steps to ensure that the manufacturer and other entities that receive the covered information by or on behalf of the manufacturer adhere to the privacy policy.

“(c) FILING AND PUBLICATION.—

“(1) Privacy policy.—Not later than 60 days after the implementation of a privacy policy by a manufacturer described in subsection (a), the manufacturer shall file such policy with the Secretary.

“(2) Website publication.—Not later than 30 days after the submission of a privacy policy pursuant to paragraph (1) or (3), the Secretary shall make such policy publicly accessible on a website operated by the Secretary.

“(3) Update of privacy policy.—Not later than 30 days after updating the terms of a privacy
policy submitted pursuant to paragraph (1), the manufacturer shall file the updated policy with the Secretary.

“(d) ENFORCEMENT.—

“(1) CIVIL PENALTY.—A manufacturer that does not meet the requirements of subsection (a) or (b) or that violates any of the terms of the privacy policy submitted pursuant to paragraph (1) or (3) of subsection (e) is liable to the United States Government for a civil penalty of not more than $5,000 per day. The maximum penalty under this section for a series of violations by a single manufacturer is $1,000,000.

“(2) LIABILITY PROTECTION.—A manufacturer that submits a privacy policy that meets all of the requirements described under subsection (b) is not subject to civil penalties described in paragraph (1).

“(e) SAFE HARBOR.—A manufacturer whose privacy policy identifies that such manufacturer will provide an owner, lessee, or renter, if applicable, with all of the items described under subsection (b) shall not be subject to the provisions of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) with respect to any unfair or deceptive act or practice relating to privacy.”.

(b) VEHICLE EVENT DATA RECORDER STUDY.—
(1) **Study by Administrator.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to the Secretary of Transportation a study—

(A) to determine the appropriate amount of time for an event data recorder installed in a passenger motor vehicle to capture and record for retrieval vehicle-related data related to an event to provide sufficient information to investigate the cause of a motor vehicle crash; and

(B) to identify data that may be appropriate to transfer to a first responder for the treatment of a crash victim.

(2) **Report by Secretary.**—Not later than 10 days after the submission of the study required under paragraph (1), the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains the results of the study conducted by the Administrator pursuant to paragraph (1).
(c) **CLERICAL AMENDMENT.**—The analysis of subtitle VI of title 49, United States Code, is amended by inserting after the item relating to chapter 323 the following:

“324. Vehicle Data Privacy ................................................................. 32401”.

**SEC. 302. MOTOR VEHICLE DATA HACKING.**

(a) **AMENDMENT.**—Section 30122 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(d) **MOTOR VEHICLE DATA HACKING PROHIBITED.**—

“(1) **PROHIBITION.**—It shall be unlawful for any person to access, without authorization, an electronic control unit or critical system of a motor vehicle, or other system containing driving data for such motor vehicle, either wirelessly or through a wired connection.

“(2) **DEFINITIONS.**—In this subsection:

“(A) **CRITICAL SYSTEM.**—The term ‘critical system’ means software, firmware, or hardware located within or on a motor vehicle that, if accessed without authorization, can affect the movement of the vehicle.

“(B) **DRIVING DATA.**—The term ‘driving data’ means information that a motor vehicle collects, generates, records, or stores in electronic form and information that is provided by
the owner, lessee, or renter, if applicable, of a
motor vehicle who subscribes to or registers for
technologies and services provided by, made
available through, or offered on behalf of the
manufacturer that involves the collection, use,
or sharing of information that is collected, gen-
erated, recorded, or stored by the motor vehicle.

“(C) ELECTRONIC CONTROL UNIT.—The
term ‘electronic control unit’ means an elec-
trical system interface or software that can im-
pact the movement, functioning, or operation of
any component of a vehicle.”.

(b) CIVIL PENALTIES.—Section 30165(a) of title 49,
United States Code, is amended by inserting at the end
the following new paragraph:

“(5) MOTOR VEHICLE DATA HACKING.—Not-
withstanding paragraph (1), a person who violates
section 30122(d) is liable to the United States Gov-
ernment for a civil penalty of not more than
$100,000 for each violation. A separate violation oc-
curs for each motor vehicle or item of motor vehi-
cle.”.
SEC. 303. AUTOMOTIVE CYBERSECURITY ADVISORY COUNCIL.

(a) IN GENERAL.—Part A of subtitle VI of title 49, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 307—CYBERSECURITY

Sec. 30701. Automotive Cybersecurity Advisory Council

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this chapter, the Administrator of the National Highway Traffic Safety Administration shall establish an Automotive Cybersecurity Advisory Council (in this chapter referred to as the ‘Council’) to develop cybersecurity best practices for manufacturers of automobiles offered for sale in the United States.

“(2) NOTICE OF INTENT.—Not later than 30 days after the date of enactment of this chapter, the Administrator shall issue a notice of intent to open a proceeding establishing the Council. This notice shall be made public in the Federal Register and on a website maintained by the Administrator.

“(3) PROCEEDING AND APPOINTMENT OF MEMBERS.—Not later than 60 days after the notice of
intent is published pursuant to paragraph (2), the Administrator shall formally open a proceeding to establish the Council, and shall consult with the agencies listed under paragraph (4) and appoint members of the Council as set forth in such paragraph.

“(4) Membership.—

“(A) Federal government members.—

The Council shall be comprised of the Administrator of the National Highway Traffic Safety Administration and at least one representative from each of the following agencies:

“(i) The Department of Defense.

“(ii) The National Institute of Standards and Technology.

“(iii) The National Highway Traffic Safety Administration, other than the Administrator.

“(B) Members from manufacturers.—

Not later than 180 days after the date of enactment of this chapter, the Administrator shall require each manufacturer of automobiles that manufactures more than 20,000 automobiles sold in the previous calendar year in the United States, in such manner as the Administrator
determines necessary, to appoint one representative of the manufacturer to serve as a member on the Council.

“(C) Other Members.—The Administrator shall invite one representative from a company, organization, or association representing authorized franchised car dealerships, independent repair shops, consumer advocates, parts suppliers (for tiers one, two, three and four), standards-setting bodies, academics, and security researchers to serve as a member on the Council.

“(D) Limitation.—Not fewer than 50 percent of the members on the Council shall be representatives of manufacturers of automobiles.

“(b) Meetings.—The Council shall meet not less than quarterly to develop best practices for cybersecurity for manufacturers of automobiles offered for sale in the United States. Not later than 10 business days before the day on which a meeting is held, the Administrator shall publish the meeting time and agenda of each meeting in the Federal Register and on a publicly accessible website. Any meeting held by the Council shall be closed to the public.
“(c) Development of Best Practices.—Not later than 1 year after Council is established pursuant to subsection (a)(1), the Council shall develop cybersecurity best practices for manufacturers of automobiles offered for sale in the United States. Such best practices shall be approved by a simple majority of members of the Council and may include the following:

“(1) The quality of security controls implemented within software, firmware, and hardware used within automobiles.

“(2) The design of the automobile’s internal architecture with respect to connections between vehicle systems and critical safety systems.

“(3) The security specifications required by manufacturers of automobiles for suppliers of automobile equipment, network service providers, and other relevant suppliers in the supply chain for vehicle development.

“(4) The security controls designed around ports, connection points, or other openings into the vehicle’s internal network and operating system.

“(5) The implementation of security controls to protect critical safety systems in the vehicle from exploitation from any after-market or third-party de-
vice and wireless connection brought into, plugged into, or established within the vehicle.

“(6) The remediation of cybersecurity vulnerabilities.

“(7) The use and quality of data forensics to investigate and identify cyber security vulnerabilities in vehicle systems and critical safety systems.

“(8) The coordination of cyber security vulnerability disclosures among vehicle manufacturers and security researchers.

“(d) Annual Evaluation.—The Council shall review, and, if necessary, update cybersecurity best practices as the Council considers necessary on an annual basis. If no updates are necessary or approved following such an evaluation, the Administrator shall report such determination in the Federal Register. If the Council determines by a simple majority of all representatives that updates are necessary, the Council shall publish any updates in the Federal Register and on the website maintained by the Administrator that is publicly accessible not later than 90 days after such determination.

“(e) Submission of Plan and Review.—

“(1) Submission of plan.—

“(A) Vehicle security and integrity plan.—Not later than 90 days after the date
on which the best practices approved by the Council pursuant to subsection (e) or (d) are published in the Federal Register, each manufacturer of automobiles may file a vehicle security and integrity plan with the Administrator describing the policies and procedures the manufacturer uses to implement and maintain such best practices. Such plan, including any modification of such plan, may not be disclosed to the public and is specifically exempted from disclosure as described under section 552(b)(3) of title 5.

“(B) Modification of Plan.—Not later than 90 days after a manufacturer modifies the plan described in subparagraph (A), the manufacturer may file an updated plan with the Administrator.

“(2) Review.—

“(A) Review of Submission.—Not later than 30 days after the submission of a plan pursuant to paragraph (1), the Administrator shall determine whether the plan complies with the best practices approved pursuant to subsection (c) or (d) and, if necessary, order necessary modification to the plan to comply with
such best practices. The Administrator shall de-
termine that the plan complies with the best
practices unless the Administrator demonstrates
by clear and convincing evidence in the order
issued under subparagraph (B) that the plan of
the manufacturer is not consistent with the best
practices.

“(B) ORDER FOR MODIFICATION.—If upon
review, the Administrator determines that the
plan of a manufacturer is not consistent with
the best practices approved pursuant to sub-
section (c) or (d), the Administrator shall issue
an order to the manufacturer and the manufac-
turer shall modify the plan in accordance with
the order. A manufacturer shall have 30 days
to submit a modified plan in accordance with
such order. The Administrator may not pre-
scribe specific action that a manufacturer must
take to comply with such best practices.

“(f) ENFORCEMENT.—

“(1) VIOLATION OF PLAN.—A manufacturer
that violates the vehicle security and integrity plan
described in subsection (e)(1) of such manufacturer
is subject to the civil penalties described in section
30165(a)(1).
“(2) LIABILITY PROTECTION.—A manufacturer is not subject to civil penalties described in section 30165(a)(1) with regard to a violation of the vehicle security and integrity plan of such manufacturer if the manufacturer—

“(A) submits such a vehicle security and integrity plan described in subsection (e)(1) that is approved by the Administrator; and

“(B) implements and maintains the best practices identified in the plan.

“(3) NO LIABILITY ON THE BASIS OF CYBERSECURITY BEST PRACTICES ISSUED BY THE COUNCIL.—The best practices issued by the Council under this section may not provide a basis for or evidence of liability in an action against a manufacturer of automobiles whose cyber security practices are alleged to be inconsistent with the best practices issued by the Council if—

“(A) the manufacturer has not filed a vehicle security and integrity plan under subsection (e)(1); or

“(B) the plan of the manufacturer does not include the cyber security practice at issue.

“(g) SAFE HARBOR.—A manufacturer that submits a vehicle security and integrity plan in accordance with
subsection (e)(1) shall not be subject to the provisions of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) with respect to any unfair or deceptive act or practice relating to the best practices the manufacturer implements and maintains under such plan.

“(h) DEFINITIONS.—The terms ‘automobile’ and ‘manufacturer’ have the meanings given those terms in section 32901(a).”.

(b) CLERICAL AMENDMENT.—The analysis for subtitle VI of title 49, United States Code, is amended by inserting after the item relating to chapter 305 the following:

“307. Cybersecurity ................................................................. 30701”.

(c) TECHNICAL AND CONFORMING CIVIL PENALTY AMENDMENT.—Section 30165(a)(1) of title 49, United States Code, is amended by inserting “30701,” after “30147,”.

TITLE IV—SAFETY STANDARDS, GUIDELINES, EVALUATIONS, AND NEW REQUIREMENTS

SEC. 401. NHTSA REPORT ON SEAT BELTS FOR SCHOOL BUSES.

(a) STUDY.—The Administrator of the National Highway Traffic Safety Administration shall identify and publish a report evaluating seat belts, advanced automotive technologies, and connected vehicle technologies for
school buses (with a gross vehicle weight rating of more
than 10,000 pounds that meet all required motor vehicle
safety standards) to—

(1) determine the advanced automotive tech-
ologies and connected vehicle technologies for
motor vehicles that have the largest potential to im-
pact school bus safety;

(2) evaluate the potential costs and potential
safety benefits of installing various seat belt systems
in school buses; and

(3) identify the system that is least expensive to
install and would not impede the capacity of such
school buses that are less than 10 years old.

(b) REPORT.—Not later than 1 year after the date
of enactment of this Act, the Administrator shall submit
to Congress a report on the findings of the study required
by subsection (a), including any recommendations to im-
prove public awareness of safety measures relating to
school buses.

SEC. 402. RULEMAKING ON REAR SEAT CRASH-
WORTHINESS.

(a) SAFETY RESEARCH INITIATIVE.—Not later than
2 years after the date of enactment of this Act, the Sec-
retary of Transportation shall complete research into the
development of safety standards or performance require-
ments for the crashworthiness and survivability for passengers in the rear seats of motor vehicles.

(b) SPECIFICATIONS.—In carrying out subsection (a), the Secretary shall consider side- and rear-impact collision testing, additional airbags, head restraints, seatbelt fit, seatbelt airbags, belt anchor location, and any other factors the Secretary considers appropriate.

(c) RULEMAKING OR REPORT.—

(1) RULEMAKING.—Not later than 1 year after the completion of each research and testing initiative required under subsection (a), the Secretary shall initiate a rulemaking proceeding to issue a Federal motor vehicle safety standard if the Secretary determines that such a standard meets the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) REPORT.—If the Secretary determines that the standard described in paragraph (1) does not meet the requirements and considerations set forth in such subsections, the Secretary shall submit a report describing the reasons for not prescribing such a standard to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.
SEC. 403. RETENTION OF SAFETY RECORDS BY MANUFACTURERS.

(a) RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule pursuant to section 30117 of title 49, United States Code, requiring each manufacturer of motor vehicles or motor vehicle equipment to retain all motor vehicle safety records, including documents, reports, correspondence, or other materials that contain information concerning malfunctions that may be related to motor vehicle safety (including any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications, that could in any reasonably foreseeable manner be a causative factor in, or aggravate, an accident or an injury to a person), for a period of not less than 10 calendar years from the date on which they were generated or acquired by the manufacturer. Such requirement shall also apply to all underlying records on which information reported to the Secretary under part 579 of title 49, Code of Federal Regulations, is based.

(b) APPLICATION.—The rule required by subsection (a) shall apply with respect to any record described in such subsection that is in the possession of a manufacturer on the effective date of such rule.
SEC. 404. NONAPPLICATION OF PROHIBITIONS RELATING TO NONCOMPLYING MOTOR VEHICLES TO VEHICLES USED FOR TESTING OR EVALUATION.

Section 30112(b) of title 49, United States Code, is amended—

(1) in paragraph (8), by striking “; or” and inserting a semicolon;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(10) the introduction of a motor vehicle in interstate commerce solely for purposes of testing or evaluation by a manufacturer that prior to the date of enactment of this paragraph—

“(A) has manufactured and distributed motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

“(B) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations;

“(C) if applicable, has identified an agent for service of process in accordance with part 551 of such title; and
“(D) agrees not to sell or offer for sale the
motor vehicle at the conclusion of the testing or
evaluation.”.

SEC. 405. TREATMENT OF LOW-VOLUME MANUFACTURERS.

(a) Exemption From Vehicle Safety Standards
for Low-volume Manufacturers.—Section 30114 of
title 49, United States Code, is amended—

(1) by striking “The” and inserting “(a) Vehi-
cles Used for Particular Purposes.—The”;

and

(2) by adding at the end the following new sub-
section:

“(b) Exemption for Low-volume Manufac-
turers.—

“(1) In general.—The Secretary shall—

“(A) exempt from section 30112(a) of this
title not more than 500 replica motor vehicles
per year that are manufactured or imported by
a low-volume manufacturer; and

“(B) except as provided in paragraph (4)
of this subsection, limit any such exemption to
the Federal Motor Vehicle Safety Standards ap-
licable to motor vehicles and not motor vehicle
equipment.
“(2) Registration requirement.—To qualify for an exemption under paragraph (1), a low-volume manufacturer shall register with the Secretary at such time, in such manner, and under such terms that the Secretary determines appropriate. The Secretary shall establish terms that ensure that no person may register as a low-volume manufacturer if the person is registered as an importer under section 30141 of this title.

“(3) Permanent label requirement.—

“(A) In general.—The Secretary shall require a low-volume manufacturer to affix a permanent label to a motor vehicle exempted under paragraph (1) that identifies the specified standards and regulations for which such vehicle is exempt from section 30112(a) and designates the model year such vehicle replicates.

“(B) Written notice.—The Secretary may require a low-volume manufacturer of a motor vehicle exempted under paragraph (1) to deliver written notice of the exemption to—

“(i) the dealer; and

“(ii) the first purchaser of the motor vehicle, if the first purchaser is not an in-
individual that purchases the motor vehicle for resale.

“(C) REPORTING REQUIREMENT.—A low-volume manufacturer shall annually submit a report to the Secretary including the number and description of the motor vehicles exempted under paragraph (1) and a list of the exemptions described on the label affixed under subparagraph (A).

“(4) EFFECT ON OTHER PROVISIONS.—Any motor vehicle exempted under this subsection shall also be exempted from sections 32304, 32502, and 32902 of this title and from section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

“(5) LIMITATION AND PUBLIC NOTICE.—The Secretary shall have 60 days to review and approve a registration submitted under paragraph (2). Any registration not approved or denied within 60 days after submission shall be deemed approved. The Secretary shall have the authority to revoke an existing registration based on a failure to comply with requirements set forth in this subsection. The registrant shall be provided a reasonable opportunity to correct all deficiencies, if such are correctable based
on the sole discretion of the Secretary. An exemption granted by the Secretary to a low-volume manufac-
turer under this subsection may not be transferred to any other person, and shall expire at the end of the calendar year for which it was granted with re-
spect to any volume authorized by the exemption that was not applied by the low-volume manufac-
turer to vehicles built during that calendar year. The Secretary shall maintain an up-to-date list of reg-
istrants on an annual basis and publish such list in the Federal Register or on a website operated by the Secretary.

“(6) LIMITATION OF LIABILITY FOR ORIGINAL MANUFACTURERS, LICENSORS OR OWNERS OF PROD-
UCT CONFIGURATION, TRADE DRESS, OR DESIGN PATENTS.—The original manufacturer, its successor or assignee, or current owner, who grants a license or otherwise transfers rights to a low-volume manu-
ufacturer shall incur no liability to any person or enti-
ty under Federal or State statute, regulation, local ordinance, or under any Federal or State common law for such license or assignment to a low-volume manufacturer.

“(7) DEFINITIONS.—In this subsection:
“(A) **Low-volume manufacturer.**—The term ‘low-volume manufacturer’ means a motor vehicle manufacturer, other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production is not more than 5,000 motor vehicles.

“(B) **Replica motor vehicle.**—The term ‘replica motor vehicle’ means a motor vehicle produced by a low-volume manufacturer and that—

“(i) is intended to resemble the body of another motor vehicle that was manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

“(ii) is manufactured under a license for the product configuration, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.”.
(b) **Vehicle Emission Compliance Standards**

for Low-volume Motor Vehicle Manufacturers.—

Part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) is amended—

(1) in section 206(a) by adding at the end the following new paragraph:

“(5)(A) A motor vehicle engine (including all engine emission controls) from a motor vehicle that has been granted a certificate of conformity by the Administrator for the model year in which the motor vehicle is assembled, or a motor vehicle engine that has been granted an Executive order subject to regulations promulgated by the California Air Resources Board for the model year in which the motor vehicle is assembled, may be installed in an exempted specially produced motor vehicle, if—

“(i) the manufacturer of the engine supplies written instructions explaining how to install the engine and maintain functionality of the engine’s emission control system and the on-board diagnostic system (commonly known as ‘OBD II’), except with respect to evaporative emissions diagnostics;

“(ii) the manufacturer of the exempted specially produced motor vehicle installs the engine in accordance with such instructions; and
“(iii) the installation instructions include emission control warranty information from the engine manufacturer in compliance with section 207, including where warranty repairs can be made, emission control labels to be affixed to the vehicle, and the certificate of conformity number for the applicable vehicle in which the engine was originally intended or the applicable Executive order number for the engine.

“(B) A motor vehicle containing an engine compliant with the requirements of subparagraph (A) shall be treated as meeting the requirements of section 202 applicable to new vehicles manufactured or imported in the model year in which the exempted specially produced motor vehicle is assembled.

“(C) Engine installations that are not performed in accordance with installation instructions provided by the manufacturer and alterations to the engine not in accordance with the installation instructions shall—

“(i) be treated as prohibited acts by the installer under section 203; and

“(ii) subject to civil penalties under the first and third sentences of section 205(a), civil actions under section 205(b), and administrative assessment of penalties under section 205(c).
“(D) The manufacturer of an exempted specially produced motor vehicle that has an engine compliant with the requirements of subparagraph (A) shall provide to the purchaser of such vehicle all information received by the manufacturer from the engine manufacturer, including information regarding emissions warranties from the engine manufacturer and all emissions-related recalls by the engine manufacturer.

“(E) To qualify to install an engine under this paragraph, a manufacturer of exempted specially produced motor vehicles shall register with the Administrator at such time and in such manner as the Administrator determines appropriate. The manufacturer shall submit an annual report to the Administrator that includes—

“(i) a description of the exempted specially produced motor vehicles and engines installed in such vehicles; and

“(ii) the certificate of conformity number issued to the motor vehicle in which the engine was originally intended or the applicable Executive order number for the engine.

“(F) Exempted specially produced motor vehicles compliant with this paragraph shall be exempted from—

“(i) motor vehicle certification testing under this section; and
“(ii) vehicle emission control inspection and maintenance programs required under section 110.

“(G) A person engaged in the manufacturing or assembling of exempted specially produced motor vehicles shall not be treated as a manufacturer for purposes of this Act by virtue of such manufacturing or assembling, so long as such person complies with subparagraphs (A) through (E).”;

(2) in section 216 by adding at the end the following new paragraph:

“(12) EXEMPTED SPECIALLY PRODUCED MOTOR VEHICLE.—The term ‘exempted specially produced motor vehicle’ means a replica motor vehicle that is exempt from specified standards pursuant to section 30114(b) of title 49, United States Code.”.

(c) IMPLEMENTATION.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation and the Administrator of the Environmental Protection Agency shall issue such regulations as may be necessary to implement the amendments made by subsections (a) and (b), respectively.
SEC. 406. NO LIABILITY ON THE BASIS OF NHTSA MOTOR VEHICLE SAFETY GUIDELINES.

Section 30111 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(f) NO LIABILITY ON THE BASIS OF MOTOR VEHICLE SAFETY GUIDELINES ISSUED BY THE SECRETARY.—

(1) No guidelines issued by the Secretary with respect to motor vehicle safety shall provide a basis for or evidence of liability in any action against a defendant whose practices are alleged to be inconsistent with such guidelines. A person who is subject to any such guidelines may use an alternative approach to that set forth in such guidelines that complies with any requirement in a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation.

“(2) No such guidelines shall confer any rights on any person nor shall operate to bind the Secretary or any person who is subject to such guidelines to the approach recommended in such guidelines. In any enforcement action with respect to motor vehicle safety, the Secretary must prove a violation of a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation. The Secretary may not build a case against or negotiate a consent order with any person based in whole or in part on practices...
of the person that are alleged to be inconsistent with any such guidelines.

“(3) A defendant may use compliance with any such guidelines as evidence of compliance with the provision of this subtitle, motor vehicle safety standard issued under this subtitle, or other statute or regulation under which such guidelines were developed.”.

TITLE V—ADVANCED AUTOMOTIVE TECHNOLOGIES

SEC. 501. METRICS FOR ADVANCED AUTOMOTIVE TECHNOLOGIES.

(a) In general.—Part C of subtitle VI of title 49, United States Code, is amended by inserting after chapter 327 the following new chapter:

“CHAPTER 328—ADVANCED AUTOMOTIVE TECHNOLOGIES

§32801. Definitions

“In this chapter:

“(1) ADVANCED AUTOMOTIVE TECHNOLOGY;

CONNECTED VEHICLE TECHNOLOGY.—The terms ‘advanced automotive technology’ and ‘connected vehicle technology’ have the meanings given those terms in section 32920.
“(2) MANUFACTURER; MOTOR VEHICLE.—The terms ‘manufacturer’ and ‘motor vehicle’ have the meanings given those terms in section 30102.

§ 32802. Metrics for advanced automotive technologies

“(a) ADVANCED AUTOMOTIVE TECHNOLOGY ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this chapter, the Secretary of Transportation shall establish an Advanced Automotive Technology Advisory Committee (in this chapter referred to as the ‘Committee’) to develop safety performance metrics for advanced automotive technologies and connected vehicle technologies originally installed in motor vehicles.

“(2) NOTICE OF INTENT.—Not later than 30 days after the date of enactment of this chapter, the Secretary shall issue a notice of intent to open a proceeding establishing the Committee. This notice shall be published in the Federal Register and on a website maintained by the Secretary.

“(3) PROCEEDING AND APPOINTMENT OF MEMBERS.—Not later than 60 days after the notice of intent is published pursuant to paragraph (2), the Secretary shall formally open a proceeding to estab-
lish the Committee and appoint members of the Committee as set forth in paragraph (4).

“(4) Membership.—The Committee shall be comprised of the National Highway Traffic Safety Administration and representatives from manufacturers of motor vehicles for sale in the United States, standards setting bodies including the International Organization of Standards and SAE International, and any others as determined by the Secretary.

“(b) Development of Safety Performance Metrics.—

“(1) In General.—The Committee shall develop safety performance metrics for any advanced automotive technology or connected vehicle technology that is original equipment in at least 15 percent of the motor vehicle fleet for sale in the United States by any manufacturer of motor vehicles. The Secretary shall publish any safety performance metrics developed by the Committee in the Federal Register and otherwise provide public notice of such metrics in such manner as determined by the Secretary.

“(2) Test Procedures Required.—Each safety performance metric developed pursuant to
paragraph (1) for an advanced automotive technology or connected vehicle technology shall include a corresponding test procedure developed by the Committee to be utilized to determine if the technology meets the established safety performance metric. Each test procedure shall be made publicly available on a website maintained by the Secretary.

“(3) SAFETY RATING.—The Secretary shall assign a safety rating under the New Car Assessment Program for each advanced automotive technology or connected vehicle technology that has an established safety performance metric and corresponding test procedure.

“(c) LABEL REQUIREMENTS.—

“(1) IN GENERAL.—The safety rating for any advanced automotive technology or connected vehicle technology that has been installed as original equipment in a new motor vehicle shall be added to the label according to label requirements set forth in the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.) if the Secretary determines that at least 35 percent of new motor vehicles marketed and sold in the United States are equipped with the technology as original equipment.
“(2) Motor vehicles that do not contain an advanced automotive technology.—If a new motor vehicle does not have an advanced automotive technology or connected vehicle technology following the determination made by the Secretary in paragraph (1), the manufacturer shall identify on the label described in such paragraph that the vehicle is not equipped with the technology in such manner as determined by the Secretary.

“(3) Advanced automotive technologies that do not have published or released performance metrics, test procedures, or safety ratings.—If an advanced automotive technology or connected vehicle technology that is installed as part of the motor vehicle’s original equipment does not have a formally published or released performance metric, test procedure, or safety rating, the Secretary shall require that the technology be listed on the label described in paragraph (1) as a special feature of the motor vehicle until a performance metric, test procedure, and safety rating is developed for the technology and at least 35 percent of all new motor vehicles marketed or sold in the United States are equipped with the technology as original equipment.
“(4) **Removal from Label.**—If the Secretary determines that more than 85 percent of new motor vehicles contain a particular advanced automotive technology or connected vehicle technology installed as original equipment, the Secretary may require that the technology safety rating be eliminated from the label described in paragraph (1).”

(b) **Clerical Amendment.**—The analysis of subtitle VI of title 49, United States Code, is amended by inserting after the item relating to chapter 327 the following:

“328. Advanced Automotive Technologies ............................................... 32801”.

**SEC. 502. CREDITS FOR ADVANCED AUTOMOTIVE TECHNOLOGY.**

(a) **In General.**—

(1) **Credits.**—Section 202(a) of the Clean Air Act (42 U.S.C. 7521(a)) is amended by adding at the end the following:

“(7) **Credits for Advanced Automotive Technology.**—

“(A) **Applicability.**—This paragraph applies with respect to any light-duty vehicle, light-duty truck, or medium-duty passenger vehicle that is—

“(i) manufactured after model year 2018; and
“(ii) equipped with (as original equipment)—

“(I) at least three advanced automotive technologies; or

“(II) one connected vehicle technology.

“(B) CREDITS.—Any greenhouse gas emissions standards promulgated under paragraph (1) for a light-duty vehicle, light-duty truck, or medium-duty passenger vehicle shall provide a credit of—

“(i) 3 or more grams per mile (as determined by the Administrator) of greenhouse gas emissions for any vehicle described in subparagraph (A) with at least three advanced automotive technologies installed as original equipment; and

“(ii) 6 or more grams per mile (as determined by the Administrator) of greenhouse gas emissions for any vehicle described in subparagraph (A) with a connected vehicle technology installed as original equipment.

“(C) LIMITATION.—The Administrator may not take the installation or noninstallation
of any advanced automotive technology or connected vehicle technology into account for any purpose other than providing credits pursuant to subparagraph (B).

"(D) Periodic review of number of grams per mile.—Not later than the end of calendar year 2026, and biennially thereafter, the Administrator shall—

"(i) review the number of grams per mile of greenhouse gas emissions being given as credits under clauses (i) and (ii) of subparagraph (B) to determine whether (and if so to what extent) the Administrator will exercise the authority vested by such clauses to change such number; and

"(ii) submit a report to the Congress on the results of such review and determination.

"(E) Definitions.—In this paragraph:

"(i) The term ‘advanced automotive technology’ has the meaning given to such term in section 32920(a)(1) of title 49, United States Code.

"(ii) The term ‘connected vehicle technology’ has the meaning given to such
term in section 32920(a)(2) of title 49, United States Code.

“(iii) The term ‘medium-duty passenger vehicle’ means a medium-duty passenger vehicle as such term is used in the final rules entitled ‘Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles’ published in the Federal Register by the Environmental Protection Agency and National Highway Traffic Safety Administration on September 15, 2011 (76 Fed. Reg. 57106) (including any successor regulations).”.

(2) CONFORMING AMENDMENTS.—Section 202(a)(6) of the Clean Air Act (42 U.S.C. 7521(a)(6)) is amended—

(A) by striking “Within 1 year” and inserting the following:

“(A) Within 1 year”; and

(B) by striking “The standards shall re-

quire” and inserting the following:

“(B) The standards shall require”.

(b) STATE STANDARDS.—Section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)) is amended—
(1) in paragraph (1)—
   (A) in subparagraph (B), by striking “or” at the end;
   (B) in subparagraph (C), by striking the period at the end and inserting “, or”; and
   (C) by adding at the end the following:
   “(D) such State is not applying credits to the full extent set forth in section 202(a)(7).”; and

(2) by adding at the end the following:
   “(4) If the National Highway Traffic Safety Administration publishes in the Federal Register a safety performance metric for an advanced automotive technology or connected vehicle technology (as such terms are defined in section 202(a)(7)(D)) pursuant to section 32802(b)(1) of title 49, United States Code, while a waiver is in effect with respect to a State under this subsection, and such State does not revise its standard under section 202(a)(1) as described in section 202(a)(7) within 30 days after the safety performance metric is formally published, the waiver for such State under this subsection shall cease to apply.”.
SEC. 503. FUEL ECONOMY CREDITS FOR ADVANCED AUTO-
MOTIVE TECHNOLOGIES.

(a) In General.—Chapter 329 of title 49, United States Code, is amended by adding at the end the fol-
lowing new section:

“(a) DEFINITIONS.—In this section:

“(1) ADVANCED AUTOMOTIVE TECHNOLOGY.—
The term ‘advanced automotive technology’ means any vehicle information system, unit, device, or tech-
nology that meets any applicable performance metric and demonstrates crash avoidance or congestion mitigation benefits such as any of the following tech-
nologies:

“(A) Forward collision warning.
“(B) Adaptive brake assist.
“(C) Autonomous emergency braking.
“(D) Adaptive cruise control.
“(E) Lane departure warnings.
“(F) Lane keeping assistance.
“(G) Driver attention monitor.
“(H) Left turn assist.
“(I) Intersection movement assist.

“(2) CONNECTED VEHICLE TECHNOLOGY.—The term ‘connected vehicle technology’ means a dedi-
cated short-range communications device that meets applicable performance metrics as defined by the Advanced Automotive Technology Advisory Committee established under section 32802 and operates at 5.9 GHz for the purpose of sending safety messages between motor vehicles.

“(b) CREDITS FOR ADVANCED AUTOMOTIVE TECHNOLOGY.—For any model or models of automobiles manufactured by a manufacturer after model year 2018 and equipped with three or more advanced automotive technologies or one connected vehicle technology as original equipment, the calculation of the average fuel economy for all categories of automobiles encompassing such model or models shall be adjusted in accordance with the methodology set forth in section 600.510–12 of title 40, Code of Federal Regulations, so as to provide fuel economy credits for advanced automotive technology and connected vehicle technology with a formally published safety metric that are equivalent to the carbon-related exhaust emission credits set forth in section 202(a)(7) of the Clean Air Act (42 U.S.C. 7521(a)(7)).

“(c) AUTHORITY TO ADD ADDITIONAL ADVANCED AUTOMOTIVE TECHNOLOGIES AND TO DETERMINE THE APPROPRIATE LEVEL OF CREDITS FOR SUCH TECHNOLOGIES.—Any interested person may petition the Sec-
Secretary of Transportation to promulgate a rule adding an advanced automotive technology to the definition set forth in subsection (a)(1). If the Secretary promulgates such a rule, the Secretary shall, in consultation with the Administrator of the Environmental Protection Agency, determine the appropriate level of greenhouse gas credits and fuel economy credits necessary to incentivize the implementation of the additional advanced automotive technology. The Secretary shall ensure that the calculations referenced in subsection (b) shall provide an equivalent amount of fuel economy credit for the added advanced automotive technology. The Secretary shall determine the appropriate fuel economy credit for any such additional advanced automotive technology based on the relative contribution of any such additional advanced automotive technology to crash avoidance or congestion mitigation.

“(d) Periodic Review.—Not later than the end of calendar year 2026, and biennially thereafter, the Secretary shall—

“(1) in coordination with the Administrator of the Environmental Protection Agency, review the methodology for providing fuel economy credits for advanced automotive technology and connected vehicle technology under subsection (b) that are equivalent to the carbon-related exhaust emission credits
set forth in section 202(a)(7) of the Clean Air Act and make determinations on and adjustments to such credits accordingly; and

“(2) submit to Congress a report on the results of such review, determinations, and adjustments.”.

(b) **Conforming Amendment.**—Section 32902(h)(3) of title 49, United States Code, is amended by inserting before the period at the end the following:

“or credits under section 32920”.

(c) **Clerical Amendment.**—The table of sections for chapter 329 of title 49, United States Code, is amended by adding at the end the following:

“32920. Fuel economy credits for advanced automotive technologies.”.