To amend title 49, United States Code, regarding the authority of the National Highway Traffic Safety Administration over highly automated vehicles, to provide safety measures for such vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend title 49, United States Code, regarding the authority of the National Highway Traffic Safety Administration over highly automated vehicles, to provide safety measures for such vehicles, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution Act” or the “SELF DRIVE Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. NHTSA authority and relationship to other laws.
Sec. 4. Updated or new motor vehicle safety standards for highly automated vehicles.
Sec. 5. Cybersecurity of automated driving systems.
Sec. 6. Exemptions; certification of compliance.
Sec. 7. Motor vehicle testing or evaluation.
Sec. 8. Information on highly automated driving systems made available to prospective buyers.
Sec. 9. Highly Automated Vehicle Advisory Council.
Sec. 10. Definitions.
Sec. 11. Make inoperative.

SEC. 2. PURPOSE.

The purpose of this Act is to ensure continued United States leadership in the global automotive and autonomous driving sector by creating rules and regulations as it relates to design, construction, and performance of highly automated vehicles and by encouraging the testing and deployment of such vehicles.

SEC. 3. NHTSA AUTHORITY AND RELATIONSHIP TO OTHER LAWS.

Section 30103 of title 49, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

“(b) RELATIONSHIP TO OTHER LAWS.—

“(1) HIGHLY AUTOMATED VEHICLES.—Except as provided in paragraph (4), no State or political subdivision of a State may maintain, enforce, prescribe, or continue in effect any law or regulation regarding the design, construction, or performance of
highly automated vehicles, automated driving systems, or components of automated driving systems unless such law or regulation is identical to a standard prescribed under this chapter.

“(2) MOTOR VEHICLE STANDARD.—Except as provided in paragraph (4), when a motor vehicle safety standard is in effect under this chapter, a State or political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter.

“(3) RULES OF CONSTRUCTION.—

“(A) IN GENERAL.—Nothing in this subsection may be construed to prohibit a State or a political subdivision of a State from maintaining, enforcing, prescribing, or continuing in effect any law or regulation regarding registration, licensing, driving education and training, insurance, law enforcement, crash investigations, safety and emissions inspections, congestion management of vehicles on the street within a State or political subdivision of a State, or traffic unless the law or regulation is an unreas-
sonable restriction on the design, construction, or performance of highly automated vehicles, automated driving systems, or components of automated driving systems.

“(B) MOTOR VEHICLE DEALERS.—Nothing in this subsection may be construed to prohibit a State or political subdivision of a State from maintaining, enforcing, prescribing, or continuing in effect any law or regulation regarding the sale, distribution, repair, or service of highly automated vehicles, automated driving systems, or components of automated driving systems by a dealer, manufacturer, or distributor.

“(C) CONFORMITY WITH FEDERAL LAW.—Nothing in this subsection shall be construed to preempt, restrict, or limit a State or political subdivision of a State from acting in accordance with any other Federal law.

“(4) GOVERNMENT-OWNED FLEET REQUIREMENTS.—Notwithstanding paragraphs (1) and (2), the United States Government, a State, or a political subdivision of a State may prescribe a standard for a motor vehicle, motor vehicle equipment, highly automated vehicle, or automated driving system ob-
tained for its own use that imposes a higher per-
formance requirement than that required by the oth-
ewise applicable standard under this chapter.

“(5) STATE ENFORCEMENT.—A State may en-
force a standard that is identical to a standard pre-
scribed under this chapter.”;

(2) by amending subsection (e) to read as fol-
lows:

“(e) COMMON LAW LIABILITY.—

“(1) IN GENERAL.—Compliance with a motor
vehicle safety standard prescribed under this chapter
does not exempt a person from liability at common
law.

“(2) RULE OF CONSTRUCTION.—Nothing in
this section shall be construed to preempt common
law claims.”; and

(A) by adding at the end the following:

“(f) LICENSING.—A State may not issue a motor ve-
hicle operator’s license for the operation or use of a dedi-
cated highly automated vehicle in a manner that discrimi-
nates on the basis of disability (as defined in section 3
of the Americans with Disabilities Act of 1990 (42 U.S.C.
12102)).”.
SEC. 4. UPDATED OR NEW MOTOR VEHICLE SAFETY STANDARDS FOR HIGHLY AUTOMATED VEHICLES.

(a) In general.—Chapter 301 of subtitle VI of title 49, United States Code, is amended by inserting after section 30129 the following new section:

“§ 30130. Updated or new motor vehicle safety standards for highly automated vehicles

“(a) SAFETY ASSESSMENTS.—

“(1) FINAL RULE.—Not later than 24 months after the date of the enactment of this section, the Secretary of Transportation shall issue a final rule requiring the submission of a safety assessment regarding how safety is being addressed by each entity developing a highly automated vehicle or an automated driving system. Such rule shall include—

“(A) a specification of which entities are required to submit;

“(B) a clear description of the relevant contents required to be submitted by such entity, in order to demonstrate that such entity’s vehicles are designed to maintain safety, and function as intended and contain fail safe features, to be included in such assessments, which shall include the following subject areas as identified in Automated Driving Systems (ADS): A vision for Safety 2.0 guidance—
“(i) system safety;
“(ii) operational design domain;
“(iii) object and event detection and response;
“(iv) minimal risk condition or failure mitigation strategy, as appropriate;
“(v) validation methods;
“(vi) human-machine interface;
“(vii) vehicle cybersecurity;
“(viii) crashworthiness;
“(ix) post-crash behavior;
“(x) data recording;
“(xi) consumer education and training;
“(xii) Federal, State, and local laws;
“(xiii) accessibility, including non-visual accessibility; and
“(xiv) any other relevant laws;
“(C) a clear description of how test results were achieved, including virtual methods using modeling simulation tools;
“(D) a specification of the circumstances under which such assessments are required to be updated or resubmitted; and
“(E) a General Class Determination that certain required contents are entitled to confidential treatment under section 552(b) of title 5.

“(2) INTERIM REQUIREMENT.—Until the final rule issued under paragraph (1) takes effect, safety assessments shall be submitted to the National Highway Traffic Safety Administration as contemplated by the agency’s Automated Driving Systems 2.0: A Vision for Safety issued in September. Submissions shall address the safety elements contained in the Voluntary Guidance—Federal Automated Vehicles Policy issued in September 2016, or any successor guidance issued on highly automated vehicles requiring a safety assessment letter.

“(3) PERIODIC REVIEW AND UPDATING.—Not later than 5 years after the date on which the final rule is issued under paragraph (1), and not less frequently than every 5 years thereafter, the Secretary shall—

“(A) review such rule;

“(B) update such rule if the Secretary considers it necessary; and

“(C) submit a report on the Secretary’s findings to the Committee on Energy and Com-
merce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than one calendar month after each review is completed.

“(4) RULES OF CONSTRUCTION.—

“(A) NO CONDITIONS ON DEPLOYMENT.— Nothing in this subsection may be construed to limit or affect the Secretary’s authority under any other provision of law. The Secretary may not condition deployment or testing of highly automated vehicles on review of safety assessments.

“(B) NO NEW AUTHORITIES.—No new authorities are granted to the Secretary under this section other than the promulgation of the rule pursuant to paragraph (1).

“(5) REVIEW AND RESEARCH.—To accommodate the development and deployment of highly automated vehicles and to ensure the safety and security of highly automated vehicles and motor vehicles and others that will share the roads with highly automated vehicles, not later than 180 days after the date of the enactment of this section, the Secretary shall—
“(A) initiate or continue a review of the Federal motor vehicle safety standards in effect on such date of enactment; and

“(B) initiate or continue research regarding new Federal motor vehicle safety standards, including research to identify or develop vehicle level objective performance tests to evaluate the safety performance of vehicles equipped with an automated driving system.

“(b) RULEMAKING AND SAFETY PRIORITY PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary shall make available to the public and 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 rulemaking and safety priority plan, as necessary to accommodate the development and deployment of highly automated vehicles, across a variety of use cases, and to ensure the safety and security of highly automated vehicles and motor vehicles and others that will share the roads with highly automated vehicles, to—

“(A) update the motor vehicle safety standards in effect on such date of enactment;
“(B) issue new motor vehicle safety standards; and

“(C) consider how objective ranges in performance standards could be used to test motor vehicle safety standards, which safety standards would be appropriate for such testing, and whether additional authority would facilitate such testing.

“(2) INCLUSION OF PRIORITIES.—

“(A) PRIORITIES.—The plan required by paragraph (1) shall detail the overall priorities of the National Highway Traffic Safety Administration for the 5 years following the issuance of the plan, including both priorities with respect to highly automated vehicles and priorities with respect to other safety initiatives of the Administration, in order to meet the Nation’s motor vehicle safety challenges.

“(B) IDENTIFICATION OF ELEMENTS THAT MAY REQUIRE STANDARDS.—For highly automated vehicles, the National Highway Traffic Safety Administration should identify require performance standards including human machine interface, sensors, and actuators, and
consider process and procedure standards for software and cybersecurity as necessary.

“(3) Periodic Updating.—

“(A) In General.—The plan required by paragraph (1) shall be updated every 2 years, or more frequently if the Secretary considers it necessary.

“(B) Reporting.—The Secretary shall submit the updated plan to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after each update is completed.

“(4) Rulemaking Proceedings on Updated or New Motor Vehicle Safety Standards.—

“(A) In General.—Not later than 18 months after the date of the enactment of this section, the Secretary shall initiate the first rulemaking proceeding in accordance with the rulemaking and safety priority plan required by paragraph (1).

“(B) Prioritization of Subsequent Proceedings.—The Secretary shall continue initiating rulemaking proceedings in accordance
with such plan. The Secretary may change at any time those priorities to address matters the Secretary considers of greater priority. If the Secretary makes such a change, the Secretary shall complete an interim update of the priority plan, make such update available to the public, and submit such update to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(C) DEADLINES.—Not later than 3 years after the date of the enactment of this section, the Secretary shall finalize regulations to update, as necessary, existing Federal motor vehicle safety standards, testing procedures, and methods for determining compliance with safety standards for dedicated highly automated vehicles.

“(c) INAPPLICABILITY.—

“(1) DEDICATED HIGHLY AUTOMATED VEHICLE.—A dedicated highly automated vehicle is not subject to those Federal motor vehicle safety standards, or elements of such standards, that pertain solely to motor vehicle operation by a human driver
seated in the vehicle and are not relevant to the operation of a vehicle by an automated driving system.

“(2) REMEDIES.—The Secretary may employ remedies available for noncompliance with a Federal motor vehicle safety standard for a dedicated highly automated vehicle if the Secretary determines that a standard, or element of a standard, does not pertain solely to a motor vehicle operation by a human driver seated in the vehicle.

“(3) RULE OF CONSTRUCTION.—This subsection does not alter, amend, or affect the Secretary’s authority to address defects related to motor vehicle safety that may be presented by the automated driving system or dedicated highly automated vehicle.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 301 of subtitle VI of title 49, United States Code, is amended by inserting after the item relating to section 30129 the following new item:

“30130. Updated or new motor vehicle safety standards for highly automated vehicles”.

SEC. 5. CYBERSECURITY OF AUTOMATED DRIVING SYSTEMS.

(a) IN GENERAL.—Chapter 301 of subtitle VI of title 49, United States Code, is amended by inserting after sec-
tion 30130 (as added by section 4) the following new section:

§ 30131. Cybersecurity of automated driving systems

“(a) CYBERSECURITY PLAN.—A manufacturer may not sell, offer for sale, introduce or deliver for introduction into commerce, or import into the United States, any highly automated vehicle or automated driving system unless such manufacturer has developed a cybersecurity plan that includes the following:

“(1) A written cybersecurity policy with respect to the practices of the manufacturer for detecting and responding to cyber attacks, unauthorized intrusions, and false vehicle control commands. This policy shall include—

“(A) a process for identifying, assessing, and mitigating reasonably foreseeable cyber risks from cyber attacks or unauthorized intrusions, including false and malicious vehicle control commands; and

“(B) a process for taking preventive and corrective action to mitigate against cyber risks in a highly automated vehicle, including incident response plans, intrusion detection and prevention systems that safeguard key controls, systems, and procedures through testing or
monitoring, and updates to such process based on changed circumstances.

“(2) The identification of an officer or other individual of the manufacturer as the point of contact with responsibility for the management of cybersecurity of any highly automated vehicle or automated driving system.

“(3) A process for limiting unauthorized access to automated driving systems.

“(4) A process for employee training and supervision for implementation and maintenance of the policies and procedures required by this section, including controls on employee access to automated driving systems.

“(b) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this section.”.

(b) ENFORCEMENT AUTHORITY.—Section 30165(a)(1) of title 49, United States Code, is amended by inserting “30131,” after “30127,”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 301 of subtitle VI of title 49, United States Code, is amended by inserting after the item relating to section 30130 (as added by section 4) the following new item:

“30131. Cybersecurity of automated driving systems”.
SEC. 6. EXEMPTIONS; CERTIFICATION OF COMPLIANCE.

(a) General Exemptions.—Section 30113 of title 49, United States Code, is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting before subparagraph (C) (as so redesignated) the following:

“(B) an exemption applied for by a manufacturer who is domiciled in the People’s Republic of China or who is under the control of the Chinese Communist Party or the Government of the People’s Republic of China would not pose a risk to United States security; and”;

and

(D) in subparagraph (C), as so redesignated—

(i) in clause (iii), by striking “; or” and inserting a semicolon;

(ii) in clause (iv), by striking the period at the end and inserting a semicolon;

and

(iii) by adding at the end the following:
“(v) the exemption would make easier the deployment, development, or field evaluation of—

“(I) a feature of a highly automated vehicle providing a safety level at least equal to the safety level of the standard for which exemption is sought; or

“(II) a highly automated vehicle providing an overall safety level at least equal to the overall safety level of nonexempt vehicles;

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

“(vii) the exemption would provide—

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

“(II) either—

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

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

(2) in subsection (e), by adding at the end the following:

“(5) if the application is made under subsection (b)(3)(B)(v) or (vi) of this section—

“(A) any development, testing, and other data necessary to demonstrate that the motor vehicle is a highly automated vehicle; and

“(B) a detailed analysis, such as on-road, closed course, or other testing data, as appropriate, showing (as applicable) that—

“(i) the safety level of the feature at least equals the safety level of the standard for which exemption is sought; or
“(ii) the vehicle provides an overall safety level at least equal to the overall safety level of nonexempt vehicles.”;

(3) in subsection (d), by striking “A manufacturer is eligible” and all that follows and inserting the following:

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

“(2) Eligibility under subsection (b)(3)(B)(iii).—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(iii) of this section only if the Secretary determines the exemption is for not more than 2,500 vehicles to be sold in the United States in any 12-month period.

“(3) Eligibility under subsection (b)(3)(B)(ii), (iv), (v), (vi).—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(ii), (iv), (v), or (vi) of this section only if the Secretary
determines the exemption is for not more than 100,000 vehicles per manufacturer to be sold, leased, or otherwise introduced into commerce in the United States in any 12-month period.

“(4) LIMITATION ON NUMBER OF VEHICLES EXEMPTED.—Any exemptions granted to a manufacturer under subsections (b)(3)(B)(i) through (v) shall not exceed a total of—

“(A) 25,000 vehicles introduced into the stream of commerce within the first 12-month period after the date of the enactment of this paragraph;

“(B) 50,000 vehicles introduced into the stream of commerce within the second 12-month period after such date of enactment;

“(C) 100,000 vehicles introduced into the stream of commerce within the third 12-month period after such date of enactment; and

“(D) 100,000 vehicles introduced into the stream of commerce within the fourth 12-month period after such date of enactment.

“(5) LIMITATION ON NUMBER OF RENEWALS.—Any renewals granted to a manufacturer under subsections (b)(3)(B)(i) through (v) shall not exceed a
total of 100,000 vehicles manufactured within a 12-month period.”;

(4) in subsection (e), by striking “An exemption or renewal” and all that follows and inserting the following:

“(1) Exemption under subsection (b)(3)(B)(i).—An exemption or renewal under subsection (b)(3)(B)(i) of this section may be granted for not more than 3 years.

“(2) Exemption under subsection (b)(3)(B)(iii).—An exemption or renewal under subsection (b)(3)(B)(iii) of this section may be granted for not more than 2 years.

“(3) Exemption under subsection (b)(3)(B)(ii), (iv), (v), (vi).—An exemption or renewal under subsection (b)(3)(B)(ii), (iv), (v), or (vi) of this section may be granted for not more than 5 years.”; and

(5) by adding at the end the following:

“(i) Crashworthiness Findings for Highly Automated Vehicles.—In making a finding relating to the safety level required for an exemption under subsection (b)(3)(B)(v) for a highly automated vehicle that does not meet 1 or more of the crashworthiness standards set forth in section 571.201 through 571.226 of title 49,
23

1 Code of Federal Regulations (relating to Federal Motor
2 Vehicle Safety Standard Number 201 through Federal
3 Motor Vehicle Safety Standard Number 226), the Sec-
4 retary may not consider the crash avoidance capabilities
5 of the highly automated vehicle.

6 “(j) PROCEDURES FOR HIGHLY AUTOMATED VEH-
7 ILES EXEMPTIONS.—

8 “(1) COMMENCEMENT.—The Secretary shall
9 commence a proceeding for exemption under sub-
10 section (b)(3)(B)(v) upon receipt of an application in
11 accordance with subsection (c)(5).

12 “(2) DETERMINATION.—Except as provided in
13 subsection (k)(1)(B), the Secretary shall determine
14 whether to approve or deny an application for an ex-
15 emption under subsection (b)(3)(B)(v) not later than
16 180 days after the date on which the application is
17 received by the Secretary.

18 “(k) PROCESS AND ANALYSIS.—

19 “(1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this subsection,
21 the Secretary of Transportation shall publish in the
22 Federal Register a notice that details the process
23 and analysis used for the consideration of exemption
24 or renewal applications under subsection
(b)(3)(B)(v). The notice shall, to the extent possible, provide details on—

“(A) the information the Secretary needs from applicants to fully consider the exemption or renewal of applicants; and

“(B) the process by which the Secretary may request any additional information from applicants necessary to complete consideration of such applicants.

“(2) PERIODIC REVIEW AND UPDATING.—The notice required by paragraph (1) shall be reviewed every 5 years and updated as the Secretary considers necessary.

“(l) EXEMPTION DATABASE.—

“(1) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of each motor vehicle for which an exemption has been granted from motor vehicle safety standards prescribed under this chapter and from bumper standards prescribed under chapter 325.

“(2) VEHICLE IDENTIFICATION NUMBER.—The database established under paragraph (1) shall be searchable by Vehicle Identification Number and shall not include information that identifies the vehicle owner.
“(m) **EXEMPTION OR RENEWAL PROCEDURE.**—

“(1) **IN GENERAL.**—The Secretary shall commence a proceeding under this section when a manufacturer submits to the Secretary an application for an exemption or a renewal of an exemption.

“(2) **PUBLICATION.**—The Secretary shall—

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

“(B) provide an opportunity for public comment; and

“(C) not later than 90 days after the commencement of a proceeding pursuant to subparagraph (A), and every 90 days thereafter until the Secretary makes a decision under this section, publish in the Federal Register a notice describing the status of the application and an estimated date of a decision described in subsection (g).

“(3) **DETERMINATION.**—The Secretary shall determine whether to approve or deny an application for an exemption by not later than 180 days after the date on which the application is received by the Secretary.

“(n) **PROHIBITION ON HARMFUL MOTOR VEHICLES TESTING IN THE UNITED STATES.**—A motor vehicle may
not be granted an exemption under this section if the manufacturer of such vehicle—

“(1) is under the control of the Chinese Communist Party or the Government of the People’s Republic of China; or

“(2) shares information with the Chinese Communist Party or the Government of the People’s Republic of China.

“(o) DETERMINATION REGARDING SECURITY.—For purposes of this section, the Secretary, in coordination with the Secretary of Commerce, shall determine whether any motor vehicle or motor vehicle equipment poses a risk to United States security.”.

(b) SPECIAL EXEMPTIONS.—Section 30114 of title 49, United States Code, is amended—

(1) in subsection (b)(5), by striking “significant safety risk.” and inserting “significant safety risk or that such registration has been filed by a manufacturer that is domiciled in a country that is a foreign adversary, owned wholly or partially by a foreign adversary, or located in a country that is a foreign adversary, and such manufacturer poses a risk to United States security. For purposes of this paragraph, the Secretary shall coordinate with the Secretary of Commerce to determine whether such a
manufacturer poses a risk to United States security.”; and

(2) by adding at the end the following:

“(c) Prohibition on Harmful Motor Vehicles Testing in the United States.—A motor vehicle may not be granted an exemption under this section if the manufacturer of such vehicle—

“(1) is under the control of the Chinese Communist Party or the Government of the People’s Republic of China; or

“(2) shares information with the Chinese Communist Party or the Government of the People’s Republic of China.”.

(e) Certification of Compliance.—Section 30115(b) of title 49, United States Code, is amended to read as follows:

“(b) Certification Label.—In the case of the certification label affixed by an intermediate or final stage manufacturer of a motor vehicle built in more than 1 stage, each intermediate or final stage manufacturer shall certify with respect to each applicable Federal motor vehicle safety standard—

“(1) that it—

“(A) has complied with the specifications set forth in the compliance documentation pro-
vided by the incomplete motor vehicle manufac-
turer in accordance with regulations prescribed
by the Secretary; or

“(B) has elected to assume responsibility
for compliance with that standard;

“(2) that the Secretary has determined it is not
a threat to security;

“(3) that it is not under the control of the Chi-
nese Communist Party or the Government of the
People’s Republic of China; and

“(4) that it does not share information with the
Chinese Communist Party or the Government of the
People’s Republic of China.”.

SEC. 7. MOTOR VEHICLE TESTING OR EVALUATION.

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

(1) in subsection (a), by adding at the end the
following:

“(4) A person who is domiciled in the People’s
Republic of China, or a manufacturer who is under
the control of the Chinese Communist Party or the
Government of the People’s Republic of China, may
not manufacture for sale, sell, offer for sale, intro-
duce or deliver for introduction in interstate com-
merce, or import into the United States any motor
vehicle or motor vehicle equipment if the Secretary, in coordination with the Secretary of Commerce, determines that such vehicle or equipment poses a risk to United States security.’’;

(2) in subsection (b)(10)—

(A) by striking ‘‘that prior to the date of enactment of this paragraph’’;

(B) in subparagraph (A), by striking ‘‘motor vehicles into the United States that are certified’’ and inserting ‘‘into the United States motor vehicles that are certified, or motor vehicle equipment utilized in a motor vehicle that is certified,’’;

(C) in subparagraph (C), by striking the period at the end and inserting ‘‘; or’’;

(D) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and moving their margins 2 ems to the right;

(E) by striking ‘‘evaluation by a manufacturer that agrees not to sell or offer for sale’’ and inserting the following: ‘‘evaluation by—

‘‘(A) a manufacturer that agrees not to sell or lease or offer for sale or lease’’; and

(F) by adding at the end the following:
“(B) a manufacturer of highly automated vehicles, automated driving systems, or components of automated driving systems that agrees not to sell or lease or offer for sale or lease the highly automated vehicles, automated driving systems, or components of automated driving systems at the conclusion of the testing or evaluation and—

“(i) has submitted to the Secretary—

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

“(II) the residence address of the individual, partnership, corporation, or institution of higher education and State of incorporation if applicable;

“(III) a description of each type of motor vehicle used during the testing and evaluation; and

“(IV) proof of insurance for any State in which the individual, partnership, corporation, or institution of higher education intends to test or
evaluate highly automated vehicles;

and

“(ii) if applicable, has identified an
agent for service of process in accordance
with part 551 of title 49, Code of Federal
Regulations.”; and

(3) by adding at the end the following:

“(c) Determination Regarding Security.—For
purposes of this section, the Secretary, in coordination
with the Secretary of Commerce, shall determine whether
any motor vehicle or motor vehicle equipment poses a risk
to United States security.”.

SEC. 8. INFORMATION ON HIGHLY AUTOMATED DRIVING
SYSTEMS MADE AVAILABLE TO PROSPECTIVE
BUYERS.

(a) Research.—Not later than 3 years after the
date of the enactment of this Act, the Secretary of Trans-
portation shall complete research to determine the most
effective method and terminology for informing consumers
about, with respect to each highly automated vehicle, the
capabilities and limitations of such vehicle. As part of such
research, the Secretary shall determine whether such ter-
minology should be based upon or include the terminology
as defined in the document titled “SAE J3016” (as re-
vised in April 2021) or whether such terminology should include alternative terminology.

(b) RULEMAKING.—After the completion of the research required under subsection (a), the Secretary shall initiate a rulemaking to require each manufacturer of a highly automated vehicle to provide information to consumers that clearly describes the functions and limitations of the driving automation system or feature of such vehicle.

SEC. 9. HIGHLY AUTOMATED VEHICLE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish in the National Highway Traffic Safety Administration a Highly Automated Vehicle Advisory Council (in this section referred to as the “Council”).

(b) MEMBERSHIP.—Members of the Council shall be appointed by the Secretary and shall include a diverse group representative of business (including motor vehicle manufacturers, independent automated driving systems manufactures, automated driving systems and component suppliers, mobility service providers, and motor vehicle dealers), academia and independent researchers, State and local authorities, safety and consumer advocates, disability organizations, engineers, cybersecurity providers, labor or-
ganizations, environmental experts, the National Highway Traffic Safety Administration, and others determined to be appropriate by the Secretary. The Council shall be composed of not less than 15 and not more than 30 members.

(c) TERMS.—Members of the Council shall serve for a term of three years.

(d) VACANCIES.—A vacancy in the membership of the Council shall be filled in the same manner as the original appointment was made for the position being vacated. A vacancy in the membership of the Council shall not affect the power of the remaining members to execute the duties of the Council.

(e) DUTIES AND SUBCOMMITTEES.—The Council, including by forming subcommittees as needed, shall undertake information gathering activities, develop technical advice, and present best practices and recommendations to the Secretary regarding—

(1) advancing mobility access for the disabled community through the deployment of automated driving systems, including by identifying impediments to the use of such systems by the disabled community and ensuring an awareness of the needs of the disabled community as such systems are being designed for distribution in commerce;
(2) advancing mobility access for senior citizens and populations underserved by traditional public transportation services through the deployment of automated driving systems, including through educational outreach efforts with respect to the testing and distribution of highly automated vehicles in commerce;

(3) cybersecurity for the testing, deployment, and secure updating of automated driving systems, including the issues of supply chain risk management, interactions with Information Sharing and Analysis Centers and Information Sharing and Analysis Organizations, and establishing a framework for identifying and implementing recalls of motor vehicles or motor vehicle equipment;

(4) the development of a framework that allows manufacturers of highly automated vehicles to share with each other and the National Highway Traffic Safety Administration relevant information related to any testing or deployment event on public streets that resulted or reasonably could have resulted in damage to the vehicle or any occupant thereof and validation of such vehicles in a manner that does not risk public disclosure of such information or disclosure of confidential business information;
(5) labor and employment issues that may be affected by the deployment of highly automated vehicles;

(6) the environmental impacts of the deployment of highly automated vehicles, and the development and deployment of alternative fuel infrastructure alongside the development and deployment of highly automated vehicles;

(7) cabin safety for highly automated vehicle passengers, including how automated driving systems may impact collision vectors, overall crashworthiness, and the use and placement of airbags, seatbelts, anchor belts, head restraints, and other protective features in the cabin;

(8) the testing and deployment of highly automated vehicles and automated driving systems in areas that are rural, remote, mountainous, insular, or unmapped to evaluate operational limitations caused by natural geographical features, man-made features, and adverse weather conditions and to enhance the safety and reliability of highly automated vehicles and automated driving systems used in such areas with such features or conditions; and
(9) verification and validation procedures for highly automated vehicles that may be useful to safeguard motor vehicle safety.

(f) REPORT TO CONGRESS.—Any recommendations of the Council that are presented to the Secretary under subsection (e) shall be submitted as 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.

(g) FEDERAL ADVISORY COMMITTEE ACT.—The establishment and operation of the Council and any subcommittees of the Council shall conform to the requirements of chapter 10 of title 5, United States Code.

(h) TECHNICAL ASSISTANCE.—At the request of the Council, the Secretary shall provide such technical assistance to the Council as the Secretary determines to be necessary to assist the Council to carry out the duties of the Council.

(i) DETAIL OF FEDERAL EMPLOYEES.—At the request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Transportation to the Council to assist the Council in carrying out the duties of the Council. A detail under this subsection shall not interrupt or otherwise af-
fect the civil service status or privileges of the Federal em-
ployee detailed.

(j) PAYMENT AND EXPENSES.—Members of the
Council shall serve without pay, except that travel and per
diem shall be available to each member of the Council for
meetings called by the Secretary.

(k) TERMINATION.—The Council and any sub-
committees of the Council shall terminate on the date that
is 6 years after the date of the enactment of this Act.

SEC. 10. DEFINITIONS.

(a) AMENDMENTS TO TITLE 49, UNITED STATES
CODE.—Section 30102 of title 49, United States Code,
is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1)
through (13) as paragraphs (3), (4), (6), (7),
(11), (12), (13), (14), (15), (16), (18), (19),
and (20), respectively;

(B) by inserting before paragraph (2) (as
so redesignated) the following:

“(1) ‘automated driving system’ means the
hardware and software that are collectively capable
of performing the entire dynamic driving task on a
sustained basis, regardless of whether such system is
limited to a specific operational design domain.
“(2) ‘control’ means the power, direct or indirect, whether exercised or not exercised, to determine, direct, or decide important matters affecting a manufacturer.”;

(C) by inserting after paragraph (3) (as so redesignated) the following:

“(5) ‘dedicated highly automated vehicle’ means a highly automated vehicle designed to be operated exclusively by a Level 4 or 5 automated driving system (as defined by the SAE International standard J3016, published on April 30, 2021, or subsequently adopted by the Secretary) for all trips.”;

(D) by inserting after paragraph (6) (as so redesignated) the following:

“(8) ‘foreign adversary’ has the meaning given that term in part 7.4 of title 15, Code of Federal Regulations.

“(9) ‘dynamic driving task’ means all of the real time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, and including—

“(A) lateral vehicle motion control via steering;
“(B) longitudinal vehicle motion control via acceleration and deceleration;

“(C) monitoring the driving environment via object and event detection, recognition, classification, and response preparation;

“(D) object and event response execution;

“(E) maneuver planning; and

“(F) enhancing conspicuity via lighting, signaling, gesturing, and sounding the horn.

“(10) ‘highly automated vehicle’—

“(A) means a motor vehicle equipped with an automated driving system; and

“(B) does not include a commercial motor vehicle (as defined in section 31101).”; and

(E) by inserting after paragraph (14) (as so redesignated) the following:

“(17) ‘operational design domain’ means the specific conditions under which a given driving automation system or feature thereof is designed to function.”; and

(2) by adding at the end the following:

“(c) Revisions to Certain Definitions.—

“(1) Revision of a Definition by SAE International.—If SAE International (or its successor organization) revises the definition of any of
the terms defined in paragraph (1), (6), or (14) of subsection (a) in Recommended Practice Report J3016, SAE International shall notify the Secretary of the revision. The Secretary shall publish a notice in the Federal Register to inform the public of the new definition unless, within 90 days after receiving notice of the new definition and after opening a period for public comment on the new definition, the Secretary notifies SAE International (or its successor organization) that the Secretary has determined that the new definition does not meet the need for motor vehicle safety, or is otherwise inconsistent with the purposes of this chapter. If the Secretary so notifies SAE International (or its successor organization), the existing definition in subsection (a) shall remain in effect.

“(2) ADOPTION OF REVISION.—If the Secretary does not reject a definition revised by SAE International (or its successor organization) as described in paragraph (1), the Secretary shall promptly make any conforming amendments to the regulations and standards of the Secretary that are necessary. The revised definition shall apply for purposes of this chapter. The requirements of section 553 of title 5
shall not apply to the making of any such conforming amendments.

“(3) Update of definitions by Secretary.—Pursuant to section 553 of title 5, the Secretary may update any of the definitions in paragraph (1), (6), or (14) of subsection (a) if the Secretary determines that materially changed circumstances regarding highly automated vehicles have impacted motor vehicle safety such that the definitions need to be updated to reflect such circumstances.”.

(b) Definitions.—In this Act:

(1) Automated driving system.—The term “automated driving system” has the meaning given such term in subsection (a) of section 30102 of title 49, United States Code, subject to any revisions made to the definition of such term pursuant to subsection (c) of such section;

(2) Highly automated vehicle.—The term “highly automated vehicle” has the meaning given such term in subsection (a) of section 30102 of title 49, United States Code, not subject to any revision under subsection (c) of such section.
SEC. 11. MAKE INOPERATIVE.

Section 30122(b) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “A manufacturer”; and

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

“(2) Paragraph (1) shall not apply in any case in which a manufacture intentionally causes a device or element of a design relating to the performance of the dynamic driving task by a human driver to be temporarily disabled during the time that an automated driving system is performing the entire dynamic driving task if the applicable motor vehicle is—

“(A) in compliance with all other applicable motor vehicle safety standards when the automated driving system is engaged; and

“(B) in compliance with all applicable motor vehicle safety standards when the automated driving system is not engaged.”.