

115TH CONGRESS  
1ST SESSION

# H. R. 3411

To establish in the National Highway Traffic Safety Administration an Automated Driving System Cybersecurity Advisory Council to make recommendations regarding cybersecurity for the testing, deployment, and updating of automated driving systems.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2017

Mr. COSTELLO of Pennsylvania (for himself and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish in the National Highway Traffic Safety Administration an Automated Driving System Cybersecurity Advisory Council to make recommendations regarding cybersecurity for the testing, deployment, and updating of automated driving systems.

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. AUTOMATED DRIVING SYSTEM CYBERSECU-**  
4 **RITY ADVISORY COUNCIL.**

5       (a) ESTABLISHMENT.—Subject to the availability of  
6 appropriations, not later than 6 months after the date of  
7 enactment of this Act, the Secretary of Transportation

1 shall establish in the National Highway Traffic Safety Ad-  
2 ministration an Automated Driving System Cybersecurity  
3 Advisory Council (hereinafter referred to as the “Coun-  
4 cil”).

5 (b) MEMBERSHIP.—Members of the Council shall in-  
6 clude a diverse group representative of business, academia  
7 and independent researchers, State and local authorities,  
8 safety and consumer advocates, engineers, labor organiza-  
9 tions, environmental experts, a representative of the Na-  
10 tional Highway Traffic Safety Administration, and other  
11 members determined to be appropriate by the Secretary.  
12 The Council shall be composed of not less than 15 and  
13 not more than 30 members appointed by the Secretary.

14 (c) TERMS.—Members of the Council shall be ap-  
15 pointed by the Secretary of Transportation and shall serve  
16 for a term of three years.

17 (d) VACANCIES.—Any vacancy occurring in the mem-  
18 bership of the Council shall be filled in the same manner  
19 as the original appointment for the position being vacated.  
20 The vacancy shall not affect the power of the remaining  
21 members to execute the duties of the Council.

22 (e) DUTIES.—The Council shall undertake informa-  
23 tion gathering activities, develop technical advice, and  
24 present best practices or recommendations to the Sec-  
25 retary regarding cybersecurity for the testing, deployment,

1 and updating of automated driving systems with respect  
2 to supply chain risk management, interactions with Infor-  
3 mation Sharing and Analysis Centers and Information  
4 Sharing and Analysis Organizations, and a framework for  
5 identifying and implementing recalls of motor vehicles or  
6 motor vehicle equipment.

7 (f) REPORT TO CONGRESS.—The recommendations  
8 of the Council shall also be reported to the Committee on  
9 Energy and Commerce of the House of Representatives  
10 and the Committee on Commerce, Science, and Transpor-  
11 tation of the Senate.

12 (g) FEDERAL ADVISORY COMMITTEE ACT.—The es-  
13 tablishment and operation of the Council shall conform to  
14 the requirements of the Federal Advisory Committee Act  
15 (5 U.S.C. App.).

16 (h) TECHNICAL ASSISTANCE.—On request of the  
17 Council, the Secretary shall provide such technical assist-  
18 ance to the Council as the Secretary determines to be nec-  
19 essary to carry out the Council's duties.

20 (i) DETAIL OF FEDERAL EMPLOYEES.—On the re-  
21 quest of the Council, the Secretary may detail, with or  
22 without reimbursement, any of the personnel of the De-  
23 partment of Transportation to the Council to assist the  
24 Council in carrying out its duties. Any detail shall not in-

1 interrupt or otherwise affect the civil service status or privi-  
2 leges of the Federal employee.

3 (j) PAYMENT AND EXPENSES.—Members of the  
4 Council shall serve without pay, except travel and per diem  
5 will be paid each member for meetings called by the Sec-  
6 retary.

7 (k) TERMINATION.—The Council shall terminate 6  
8 years after the date of enactment of this Act.

9 (l) DEFINITIONS.—

10 (1) IN GENERAL.—In this section—

11 (A) the term “automated driving system”  
12 means the hardware and software that are col-  
13 lectively capable of performing the entire dy-  
14 namic driving task on a sustained basis, regard-  
15 less of whether such system is limited to a spe-  
16 cific operational design domain;

17 (B) the term “dynamic driving task”  
18 means all of the real time operational and tac-  
19 tical functions required to operate a vehicle in  
20 on-road traffic, excluding the strategic func-  
21 tions such as trip scheduling and selection of  
22 destinations and waypoints, and including—

23 (i) lateral vehicle motion control via  
24 steering;

1 (ii) longitudinal vehicle motion control  
2 via acceleration and deceleration;

3 (iii) monitoring the driving environ-  
4 ment via object and event detection, rec-  
5 ognition, classification, and response prep-  
6 aration;

7 (iv) object and event response execu-  
8 tion;

9 (v) maneuver planning; and

10 (vi) enhancing conspicuity via light-  
11 ing, signaling, and gesturing;

12 (C) the term “highly automated vehicle”—

13 (i) means a motor vehicle equipped  
14 with an automated driving system; and

15 (ii) does not include a commercial  
16 motor vehicle (as defined in section 31101  
17 of title 49, United States Code); and

18 (D) the term “operational design domain”  
19 means the specific conditions under which a  
20 given driving automation system or feature  
21 thereof is designed to function.

22 (2) REVISIONS TO CERTAIN DEFINITIONS.—

23 (A) If SAE International (or its successor  
24 organization) revises the definition of any of the  
25 terms defined in subparagraph (A), (B), or (D)

1 of paragraph (1) in Recommended Practice Re-  
2 port J3016, it shall notify the Secretary of the  
3 revision. The Secretary shall publish a notice in  
4 the Federal Register to inform the public of the  
5 new definition unless, within 90 days after re-  
6 ceiving notice of the new definition and after  
7 opening a period for public comment on the  
8 new definition, the Secretary notifies SAE  
9 International (or its successor organization)  
10 that the Secretary has determined that the new  
11 definition does not meet the need for motor ve-  
12 hicle safety, or is otherwise inconsistent with  
13 the purposes of chapter 301 of title 49, United  
14 States Code. If the Secretary so notifies SAE  
15 International (or its successor organization),  
16 the existing definition in paragraph (1) shall re-  
17 main in effect.

18 (B) If the Secretary does not reject a defi-  
19 nition revised by SAE International (or its suc-  
20 cessor organization) as described in subpara-  
21 graph (A), the Secretary shall promptly make  
22 any conforming amendments to the regulations  
23 and standards of the Secretary that are nec-  
24 essary. The revised definition shall apply for  
25 purposes of this section. The requirements of

1 section 553 of title 5, United States Code, shall  
2 not apply to the making of any such conforming  
3 amendments.

4 (C) Pursuant to section 553 of title 5,  
5 United States Code, the Secretary may update  
6 any of the definitions in subparagraph (A), (B),  
7 or (D) of paragraph (1) if the Secretary deter-  
8 mines that materially changed circumstances  
9 regarding highly automated vehicles have im-  
10 pacted motor vehicle safety such that the defini-  
11 tions need to be updated to reflect such cir-  
12 cumstances.

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