U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE

June 23, 2017

TO: Members, Subcommittee on Digital Commerce and Consumer Protection

FROM: Committee Majority Staff

RE: Hearing entitled "Self-Driving Vehicle Legislation"

I. INTRODUCTION

The Subcommittee on Digital Commerce and Consumer Protection will hold a hearing on Tuesday, June 27, 2017, at 10:00 a.m. in 2123 Rayburn House Office Building. The hearing is entitled "Self-Driving Vehicle Legislation."

II. WITNESSES

- Mitch Bainwol, President and CEO, Alliance of Automobile Manufacturers;
- John Bozzella, President and CEO, Global Automakers;
- Tim Day, Senior Vice President, Chamber Technology Engagement Center, U.S. Chamber of Commerce;
- The Honorable David L. Strickland, Counsel, Self-Driving Coalition for Safer Streets and Partner, Venable LLP;
- Alan Morrison, Lerner Family Associate Dean for Public Interest and Public Service Law, The George Washington University Law School; and,
- Will Wallace, Policy Analyst, Consumers Union.

III. BACKGROUND

There were 35,092 traffic fatalities and 2.44 million injured people on U.S. roadways in 2015.[1] According to early estimates, traffic fatalities in 2016 increased by 6 percent to 40,200.[2] If estimates are confirmed, it will be the first time in almost a decade that more than 40,000 people have died in traffic accidents in a single year.[3] There was a 10.4 percent increase in fatalities in

[1] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812318

[2] Neil Boudette, "U.S. Traffic Deaths Rise for a Second Straight Year" New York Times, Feb. 15, 2017, https://www.nytimes.com/2017/02/15/business/highway-traffic-safety.html?_r=0

[3] *Id*; David Schaper, "Human Errors Driver Growing Death Toll in Auto Crashes" NPR, Oct. 20, 2016, http://www.npr.org/2016/10/20/498406570/tech-human-errors-drive-growing-death-toll-in-auto-crashes.

the first half of 2016 compared to the first half of 2015.[4] Ninety-four percent of these highway fatalities are attributable to human error.[5]

Self-driving vehicles leverage technology that has the potential to reduce significantly traffic fatalities, improve transportation mobility and accessibility, and decrease the environmental impact of vehicles.[6] While automakers, suppliers, and new market entrants have been testing automated driving system technologies for years and investing heavily in the future of the technology, the earliest estimates of commercial deployments of self-driving vehicles remains a few years away, coming no sooner than 2020.[7]

The hearing will examine 14 draft bills and provide stakeholders the opportunity to offer input on how the proposals support testing and deployment of self-driving vehicles within the existing safety framework implemented by the National Highway Traffic Safety Administration (NHTSA) keeping traditional federal and state roles in place. Given the complexity of the automotive ecosystem, the committee will continue to engage and take comments from many other stakeholders as well.

A. Federal and State Roles

NHTSA's mission is to "save lives, prevent injuries and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity."[8] NHTSA has a number of regulatory tools and authorities at its disposal to oversee and ensure the safety of new automotive technologies introduced into the market under current law.

Manufacturers certify to an automotive dealer or distributor that the vehicle meets all applicable Federal Motor Vehicle Safety Standards (FMVSS).[9] Prior to certifying compliance with the appropriate FMVSSs, manufacturers undergo comprehensive testing processes and procedures to ensure the safety of the vehicle and its equipment for consumer use. The testing of vehicle systems occurs in laboratories, on private or public automotive proving grounds or test tracks, and on public roads.[10] At these facilities, cars undergo a variety of crash tests and

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[4] "U.S. Traffic Deaths Jump by 10.4 Percent in First Half of 2016." The Associated Press, Oct. 5, 2016, http://www.nbcnews.com/news/us-news/u-s-traffic-deaths-jump-10-4-percent-first-half-n660241.

[5] *Id*.

[6] *See* https://www.theguardian.com/technology/2015/dec/17/self-driving-cars-safety-future-interactive; See also http://www.autoblog.com/2016/03/24/study-autonomous-vehicles-improve-mpg-epa-tests/; See also http://www.thetransportpolitic.com/2015/06/23/will-autonomous-cars-change-the-role-and-value-of-public-transportation/

[7] *See* http://www.businessinsider.com/google-apple-tesla-race-to-develop-self-driving-cars-by-2020-2016-4/#nissan-is-committed-to-have-a-commercially-viable-autonomous-car-on-the-roads-by-2020-7. *See also* http://www.driverless-future.com/?page_id=384

[8] https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/fy2018-nhtsa_cj-05162017-final.pdf

[9] *See* https://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/pdf/USCODE-2011-title49-subtitleVI-partA-chap301-subchapII-sec30115.pdf

[10] http://www.trcpg.com/what-we-do/; *See also* http://www.mtc.umich.edu/test-facility and https://users.ece.cmu.edu/~koopman/pubs/koopman16_sae_autonomous_validation.pdf

simulated roadway and weather condition testing to ensure the vehicle is ready for real-world driving.[11] Manufacturers are permitted to test vehicles on public roads that do not meet all applicable FMVSS as long as the vehicles are not sold or offered for sale at the conclusion of the testing because NHTSA does not issue type approval certifications before a vehicle is manufactured or sold to consumers.[12]

NHTSA has the authority to recall any vehicle, equipment, car seat, or tire that creates an unreasonable safety risk or fails to meet a safety standard (even where an exemption has been granted).[13] NHTSA also asserts broad enforcement authority used to address both existing and emerging automotive technologies.[14] In an Enforcement Guidance Bulletin released in September 2016, NHTSA claimed this authority covers motor vehicles and motor vehicle equipment in all of its forms, including software, and applies "notwithstanding the presence or absence of an FMVSS for any particular type of advanced technology."[15] If safety concerns arise with respect to highly automated vehicles (HAVs), NHTSA has pledged to evaluate those issues through its investigative authority and "exercise its enforcement authority to the fullest extent."[16] One example of NHTSA exercising this authority occurred in July 2015, when Fiat Chrysler Automobiles recalled 1.4 million vehicles with Uconnect radios with software security vulnerabilities.[17] Reports indicate the recall completion rate for this event has reached 99 percent.[18]

Additionally, through letters of interpretation, NHTSA can describe how it views the meaning and application of existing statutes or regulations as they relate to emerging automotive technologies, including automated driving systems.[19] NHTSA also has exemption authority, which is discussed below.[20]

Last year, the Obama Administration issued a report through NHTSA and the Department of Transportation's (DOT) Volpe Center finding that while existing FMVSS do not

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[11] http://www.trcpg.com/what-we-do/

[12] *See* https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/manufacturer_information_march2014.pdf; See https://www.transportation.gov/sites/dot.gov/files/docs/AV%20policy%20guidance%20PDF.pdf; https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf.

[13] 49 U.S.C. Sec. 30118.

[14] *Id*.

[15] *See* https://www.federalregister.gov/documents/2016/09/23/2016-23010/nhtsa-enforcement-guidance-bulletin-2016-02-safety-related-defects-and-automated-safety-technologies

[16] *See* https://www.transportation.gov/sites/dot.gov/files/docs/AV%20policy%20guidance%20PDF.pdf

[17] "Safety Recall R40/NHTSA 15V-461 Radio Security Vulnerability" https://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM483350/RCRIT-15V461-7681.pdf

[18] Staff interviews with FCA. *See* Opening Remarks: NHTSA Retooling Recalls Workshop, Tuesday, April 28, 2015, https://one.nhtsa.gov/nhtsa/symposiums/april2015/index.html# (Former NHTSA Administrator Rosekind cited typical recall completion rates between 20 percent to 80 percent.)

[19] *Id*.

[20] *Id*.

explicitly address automated vehicle technology, there are few regulatory barriers facing the deployment of automated vehicles that comply with applicable FMVSS.[21]

In September 2016, the Obama Administration issued guidance, the Federal Automated Vehicles Policy (FAVP), outlining a framework for the introduction and deployment of (HAVs).[22] While the FAVP is instructive on several topics, stakeholders raised several concerns with areas of the guidance, and Secretary Chao has indicated the FAVP is currently under review.[23]

The Obama Administration's FAVP outlines the division of regulatory responsibilities for federal and state oversight of vehicle operations that has been the practice for decades. The federal responsibilities include setting FMVSS; enforcing compliance with FMVSS; investigating and managing recalls for vehicle safety defects; public education about vehicle safety issues; and the issuance of guidance to vehicle and equipment manufacturers regarding safety issues.[24] State responsibilities include licensing; enacting and enforcing traffic laws and regulations; conducting safety inspections where applicable; and regulating vehicle insurance and liability.[25]

The Obama Administration's FAVP makes clear that these areas of responsibility should "remain largely unchanged for HAVs."[26] Moreover, it strongly encourages states not to codify the FAVP as "legal requirements for the development, design, manufacture, testing, and operation of automated vehicles" and "to allow the DOT alone to regulate the performance of HAV technology and vehicles."[27] The FAVP cautions that the development of state regulations pertaining to the performance of HAV technology and vehicles, whether in testing or deployment, could lead to a "patchwork of inconsistent laws and regulations among the 50 States…which could delay the widespread deployment of these potentially lifesaving technologies."[28]

In 1966, the National Traffic and Motor Vehicle Safety Act established NHTSA as the sole regulatory authority responsible for setting FMVSS and enforcing compliance with those standards.[29] For the last half- century, this division of responsibilities has served the American driving public well, allowing for the testing and deployment of many safety technologies. However, with the advent of increased testing of self-driving vehicles, some states have moved

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[21] *See* https://ntl.bts.gov/lib/57000/57000/57076/Review_FMVSS_AV_Scan.pdf

[22] *See* https://www.transportation.gov/sites/dot.gov/files/docs/AV%20policy%20guidance%20PDF.pdf

[23] David Shepardson, "Trump Administration re-evaluating self-driving car guidance." Reuters, Feb. 26. 2017, http://www.reuters.com/article/us-usa-trump-selfdriving-idUSKBN1650WA.

[24] https://www.transportation.gov/sites/dot.gov/files/docs/AV%20policy%20guidance%20PDF.pdf

[25] *Id.*

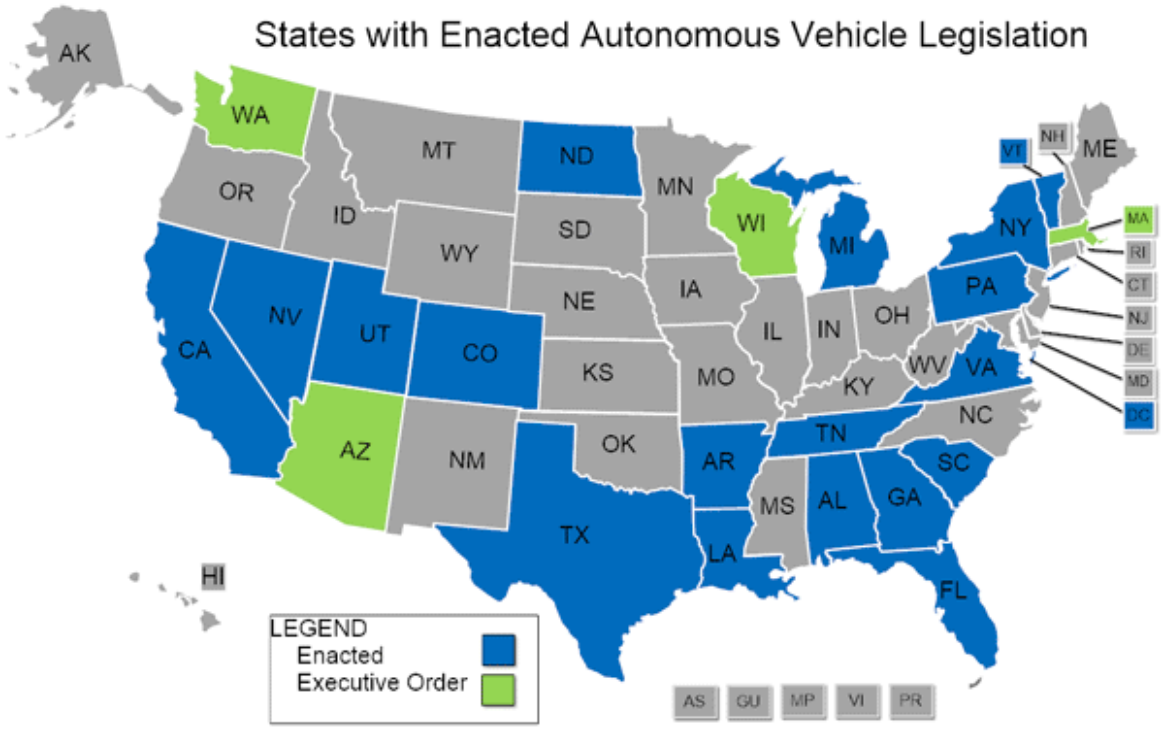
[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] Pub. L. 89-563; *see* https://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/pdf/USCODE-2011-title49-subtitleVI-partA-chap301.pdf

to restrict or ban testing or deployment of self-driving cars.[30] The intent of the discussion drafts is to codify the historical roles of the federal and state governments to ensure that life-saving technologies continue to have a path to uniform deployment across the country.



Source: National Conference of State Legislatures

Earlier this year, the DOT announced the designation of 10 automated vehicle proving grounds: the City of Pittsburgh and the Thomas D. Larson Pennsylvania Institute; Texas AV Proving Grounds Partnership; U.S. Army Aberdeen Test Center; American Center for Mobility at Willow Run; Contra Costa Transportation Authority and GoMentum Station; San Diego Association of Governments; Iowa City Area Development Group; University of Wisconsin-Madison; Central Florida Automated Vehicle Partners; and North Carolina Turnpike Authority.[31] These testing facilities continue to support and encourage the testing and information sharing around HAVs.[32]

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[30] Nathan Bomey, "Automakers seek relief on states' self-driving car laws" USA Today, Feb. 14, 2017, https://www.usatoday.com/story/money/cars/2017/02/14/self-driving-car-regulations/97892402/; National Conference of State Legislatures, "Autonomous Vehicles – Self-Driving Vehicles Enacted Legislation" June 19, 2017, http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx; https://www.law360.com/articles/819698/a-state-by-state-guide-to-driverless-car-regulations; https://www.cnet.com/roadshow/news/chicago-city-council-might-ban-autonomous-cars/; http://www.ncsl.org/research/transportation/autonomous-vehicles-legislation.aspx.

[31] *See* https://www.transportation.gov/briefing-room/dot1717

[32] https://www.transportation.gov/briefing-room/dot1717

As testing of self-driving cars increases, states and localities may continue to compete to attracting testing and other automotive facilities. This could be accomplished through a variety of mechanisms, including financial and other incentives. Competition among states and localities will benefit the public by encouraging testing in the broad variety of terrains and climates across the country.

B. Exemptions

NHTSA exercises regulatory authority over traditional motor vehicles that applies equally to oversight of HAVs. Such regulatory oversight includes interpretations, exemptions, notice-and-comment rulemakings, and defects and enforcement authority.[33] Congress requires vehicle manufacturers to comply with NHTSA's vehicle safety standards in order to sell vehicles in the United States.[34] However, recognizing that doing so may be difficult in certain instances, Congress allows DOT, and by delegation NHTSA, to exempt motor vehicles from one or more FMVSS.[35] Exemptions from existing standards "are intended to provide some flexibility to the general requirement that manufacturers must comply with FMVSS."[36]

Under 49 U.S.C. §30113(b)(1), the Secretary has the discretion to "exempt, on a temporary basis, motor vehicles from a motor vehicle safety standard…on terms the Secretary considers appropriate."[37] Further, section 30113(b)(3) specifically identifies four categories for which a manufacturer may seek an exemption, including economic hardship; the development of a new motor vehicle safety feature; the development of low-emission motor vehicles; and compliance with a standard would prevent the sale of a motor vehicle that is as safe as a nonexempt vehicle.[38] To seek an exemption under one of the four categories, manufacturers must submit an application to NHTSA. The contents of the application are governed by section 30113(c), which requires a detailed showing of why the manufacturer should receive such exemption. For example, if a manufacturer seeks an exemption under subsection (b)(3)(B)(iv), the manufacturer must provide "a detailed analysis showing how the vehicle provides an overall safety level at least equal to the overall safety level of nonexempt vehicles."[39]

Upon receipt of an application for an exemption, NHTSA "publishes a notice in the Federal Register including the information in the application and allowing opportunity for public comment."[40] If NHTSA determines the application contains adequate justification, the Agency will "grant the request, notify the applicant in writing, and publish a Federal Register notice."[41] Currently, once a manufacturer receives an exemption, that exemption is valid for two or three

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[33] https://www.transportation.gov/sites/dot.gov/files/docs/AV%20policy%20guidance%20PDF.pdf
[34] *Id.* at 54; *see also* 49 U.S.C. § 30112.
[35] *Id.*
[36] *Id.* at 49.
[37] 49 U.S.C. § 30113(b)(1)
[38] 49 U.S.C. § 30113(b)(3)(B)(i)-(iv).
[39] 49 U.S.C. § 30113(c)(4)
[40] https://www.transportation.gov/sites/dot.gov/files/docs/AV%20policy%20guidance%20PDF.pdf
[41] *Id.* at 57.

years.[42] The exemption terminates after such time has expired unless a manufacturer requests a renewal of that exemption.[43] To request a renewal, an applicant must comply with 49 C.F.R. 555.5.

Under the current exemption framework, a manufacturer may receive a limited number of exemptions, which is only valid for a limited time. Currently, a manufacturer may receive an exemption for "not more than 2,500 vehicles to be sold"[44] for not longer than three years. Increasing both the number of exemptions and the length of the exemptions is imperative to the development and deployment of HAVs because they enable manufacturers to generate data and information that will inform the continued progress of this technology.

Additionally, under 49 U.S.C.§ 30112(b)(10), manufacturers that have "manufactured and distributed motor vehicles into the United States that are certified to comply with" applicable FMVSS prior to the enactment of the Fixing America's Surface Transportation Act (FAST Act, P.L. 114-94, enacted on December 4, 2015) may test vehicles that are not compliant with FMVSS if the manufacturer agrees not to sell or offer for sale the vehicle at the conclusion of the testing.[45] Expanding this testing opportunity to suppliers and new entrants is an important step towards the deployment HAVs, as it will enable more robust testing and information gathering from companies directly developing automated driving systems.

IV. SECTION-BY-SECTIONS

A. Legislation Outlining the Federal and State Roles

1. H.R. __, Let NHTSA Enforce Autonomous Vehicle Driving Regulations (LEAD'R) Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Let NHTSA Enforce Automated Vehicle Driving Regulations" or the "LEAD'R Act".

Section 2. Purpose.

This section states the purpose of this Act is to ensure the ability to test and deploy automated driving systems uniformly across the United States.

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[42] Three years if the exemption is granted under subsection (b)(3)(B)(i)).
[43] *Id*.
[44] 49 U.S.C. § 30113(d); 49 U.S.C. § 30113(e).
[45] 49 U.S.C. § 30112(b)(10)

Section 3. NHTSA Authority and State Preemption for Autonomous Motor Vehicles.

This section establishes federal and state roles regarding autonomous motor vehicles. The federal government is responsible for the oversight of design, construction, mechanical systems, software systems, and communications systems of HAVs and HAV equipment, and states or political subdivisions will continue to regulate registration, licensing, liability, driving education and training, insurance, or traffic laws.

States will continue to regulate registration, licensing, liability, driving education and training, insurance, and instate traffic laws unless the law or regulation infringes upon an area of federal oversight.

This section states that a state or political subdivision may prescribe safety standards for a HAV or automated driving system equipment obtained for use by the state or political subdivision.

This section defines automated driving system and highly automated vehicle.

B. Exemption Legislation

2. H.R. __, Practical Automated Vehicle Exemptions Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Reinforcing American-Made Products Act" or the "PAVE Act".

Section 2. Amendments.

This section expands the authority of the Secretary to grant federal motor vehicle safety standard exemptions for not more than 100,000 vehicles sold in the United States.

3. H.R. __, Renewing Opportunities for Automated Vehicle Development Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Renewing Opportunities for Automated Vehicle Development Act" or the "ROAD Act".

Section 2. Amendment.

The section establishes that renewals for FMVSS exemptions may be granted for not more than 5 years.

4. H.R. __, Expanding Exemptions to Enable More Public Trust Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Expanding Exemptions to Enable More Public Trust" or "EXEMPT Act".

Section 2. Amendment.

This section expands the Secretary's authority to exempt motor vehicles from FMVSS if: (1) the exemption would promote the public adoption and acceptance or facilitate the meaningful commercial deployment of a new motor vehicle safety feature or system and provide an overall safety level at least equal to the overall safety level of nonexempt vehicles; or (2) the exemption would promote transportation access to individuals with disabilities (as defined in the Americans with Disabilities Act of 1990) and would provide an overall safety level at least equal to the overall safety level of nonexempt vehicles.

5. H.R. __, Maximizing Opportunities for Research and the Enhancement of Automated Vehicles Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Maximizing Opportunities for Research and the Enhancement of Automated Vehicles Act" or the "MORE Act".

Section 2. Motor Vehicle Testing or Evaluation.

This section extends the authority in section Sec. 30112(b)(10) of Title 49 to test motor vehicles that are not in compliance with FMVSS to manufacturers and distributors of motor vehicle equipment in the United States that are certified to comply with all applicable FMVSS and to manufacturers of HAVs or automated driving system equipment.

This section requires manufacturers of HAVs or automated driving system equipment to submit to the Secretary: (i) the name of and a point of contact for the individual, partnership, corporation, or institution of higher education; (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 HAV or automated driving system equipment manufactured by the individual, partnership, corporation, or institution of higher education; and (iv) proof of insurance for any state in which the individual, partnership, corporation, or institution of higher education intends to test or evaluate HAVs.

This section defines highly automated vehicle and automated driving system.

6. H.R. __, Increasing Information and Notification to Foster Openness Regarding Automated Vehicle Matters to States Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Increasing Information and Notification to Foster Openness Regarding Highly Automated Vehicle Matters to States Act" or the "INFORM Act".

Section 2. Notification to States of Exemptions of Highly Automated Vehicles from Motor Vehicle Safety Standards.

This section directs NHTSA to notify the appropriate state authority when a HAV is exempted from FMVSS.

This section defines highly automated vehicle and automated driving system.

7. H.R. __, Disability Mobility Advisory Council Act

Section 1. Disability Mobility Advisory Council.

Section 1 directs the Secretary to establish a Disability Mobility Advisory Council that will undertake information gathering activities, develop technical advice, and present recommendations to the Secretary and Congress regarding advancing mobility access for the disabled community with respect to the deployment of automated driving systems to ensure an awareness of the needs of the disability community as HAVs are being designed for distribution in commerce.

This section requires that the members of the Council be generally representative of several stakeholder communities.

This section defines automated driving system.

8. H.R. __, Improving Mobility Access for Underserved Populations and Senior Citizens Advisory Council Act

Section 1. Advisory Council on Improving Mobility Access for Underserved Populations and Senior Citizens.

Section 1 directs the Secretary to establish an advisory council to advise the Secretary and make recommendations regarding advancing mobility access for populations underserved by traditional public transportation services and senior citizens with respect to the testing and deployment of HAVs. This section requires the recommendations also be reported to Congress.

This section requires that the members of the Council be generally representative of several stakeholder communities.

This section defines highly automated vehicle and automated driving system.

9. H.R. __, Automated Driving System Cybersecurity Advisory Council

Section 1. Automated Driving System Cybersecurity Advisory Council.

This section directs the Secretary to establish an advisory council to undertake information gathering activities, develop technical advice, and present recommendations to the Secretary regarding cybersecurity for the testing, deployment, and updating of automated driving systems, including supply chain risk management, interactions with Information Sharing and Analysis Centers (ISACs) and Information Sharing and Analysis Organizations (ISAOs), and a framework for identifying and implementing recalls of motor vehicles or motor vehicle parts. This section requires that the recommendations be reported to Congress.

This section requires that the members of the Council be generally representative of several stakeholder communities.

This section defines the term automated driving system.

10. H.R. __, Sharing Automated Vehicle Records with Everyone for Safety Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Sharing Automated Vehicle Records with Everyone for Safety Act" or the "SHARES Act".

Section 2. Advisory Committee on Highly Automated Vehicles.

This section establishes a committee within NHTSA for a two-year period to develop a framework that allows manufacturers of HAVs to share relevant, situational information related to any testing event on public streets that results in damage to the test 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.

This section directs the Committee to undertake information-gathering activities, develop technical advice, and present recommendations on the framework to the Secretary and Congress at the end of the two-year period.

This section requires that the members of the Council be generally representative of several stakeholder communities.

This section defines highly automated vehicle and automated driving system.

11. H.R. __, Highly Automated Vehicle Pre-Market Approval Reduces Opportunities for More People to Travel Safely Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Highly Automated Vehicle Pre-Market Approval Reduces Opportunities for More People to Travel Safely Act" or the "HAV PROMPT Act".

Section 2. Pre-Market Approval Process Prohibited For Highly Automated Vehicles.

This section clarifies that the Secretary shall not institute a pre-market approval or pre-certification process that prevents a vehicle manufacturer from manufacturing or selling a HAV before the Secretary has the assessed the safety of the vehicle.

This section defines highly automated vehicle and automated driving system.

12. H.R. __, Guarding Automakers Against Unfair Advantages Reported in Public Documents Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Guarding Automakers against Unfair Advantages Reported in Public Documents" or "GUARD Act".

Section 2. FOIA Exemption.

This section requires that information submitted to NHTSA by a manufacturer of a HAV or HAV equipment that pertains to the testing and validation of a test vehicle or test part or system related to an event, incident, and crash data; the design or validation processes of electrical, electronic, or mechanical functions; the testing and validation of cybersecurity; the assessment, testing, and validation of human machine interfaces; the testing and validation of the fall back condition; or the testing and validation of the object and event detection response capabilities of a highly autonomous vehicle or highly autonomous vehicle equipment shall be treated as confidential business information by NHTSA.

This section defines automated driving system, fallback, object and event detection and response, confidential business information, and HAV.

13. H.R. __, Managing Government Efforts to Minimize Autonomous Vehicle Obstruction Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Managing Government Efforts to Minimize Autonomous Vehicle Obstruction" or "MEMO Act".

Section 2. Memorandum of Understanding Between FTC and NHTSA.

This section directs the Federal Trade Commission (FTC) and NHTSA to develop a memorandum of understanding regarding the oversight of vehicles pertaining to privacy and cybersecurity considerations. The memorandum of understanding shall include a commitment from the FTC and NHTSA to limit overlap and duplication between the agencies' oversight responsibilities that pertain to the privacy and cybersecurity of vehicles.

This section defines automated driving system, HAV, and motor vehicle.

14. H.R. __, Designating Each Car's Automation Level Act

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Designating Each Car's Automation Level" or "DECAL Act".

Section 2. Information on Highly Automated Driving Systems Required on Stickers Made Available to Prospective Buyers.

This section directs manufacturers of HAVs to post on the Monroney label placed on a vehicle for sale, information regarding the vehicle's automation level.

This section defines HAV and automated driving system.

V. ISSUES

The following issues may be examined at the hearing:

- Federal and state roles relating to the testing and deployment of self-driving cars and automated driving systems.
- Opportunities and challenges with the exemptions process for self-driving cars at NHTSA.
- Cybersecurity considerations in the testing and deployment of self-driving cars.
- Consumer education in the testing and deployment of self-driving cars.

VI. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Paul Nagle, Melissa Froelich, or Bijan Koohmaraie of the Committee staff at (202) 225-2927.