

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. _____

To amend subchapter II of chapter 301 of part A of subtitle VI of title 49, United States Code, to require the treatment of information related to highly automated vehicles as confidential business information, 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 subchapter II of chapter 301 of part A of subtitle VI of title 49, United States Code, to require the treatment of information related to highly automated vehicles as confidential business information, 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 “Guarding Automakers
5 Against Unfair Advantages Reported in Public Documents
6 Act” or the “GUARD Act”.

1 **SEC. 2. FOIA EXEMPTION.**

2 (a) AMENDMENT.—Subchapter II of chapter 301 of
3 part A of subtitle VI of title 49, United States Code, is
4 amended by adding at the end the following new section:

5 **“§ 30129. Automated driving system information**

6 “(a) HIGHLY AUTOMATED VEHICLE EXEMPTIONS.—
7 The following information received by the Secretary from
8 a manufacturer or equipment manufacturer of highly
9 automated vehicles, with respect to the design or testing
10 of such vehicles, shall be treated as confidential business
11 information:

12 “(1) Any report or data relating to the testing
13 and validation of an event, incident, and crash data
14 of automated driving systems.

15 “(2) Any report or data relating to the design
16 and validation processes of electrical, electronic,
17 communication, or mechanical functions of auto-
18 mated driving systems.

19 “(3) Any report or data relating to the testing
20 and validation of cybersecurity in automated driving
21 systems.

22 “(4) Any report or data relating to the assess-
23 ment, testing, and validation of human machine
24 interfaces.

1 “(5) Any report or data relating to the testing
2 and validation of the fallback of an automated driv-
3 ing system.

4 “(6) Any report or data relating to the testing
5 and validation of the object and event detection re-
6 sponse capabilities of an automated vehicle.

7 “(b) DEFINITIONS.—In this section:

8 “(1) AUTOMATED DRIVING SYSTEM; FALLBACK;
9 OBJECT AND EVENT DETECTION AND RESPONSE.—
10 The terms ‘automated driving system’, ‘fallback’,
11 and ‘object and event detection and response’ have
12 the meaning given those terms in the September
13 2016 Surface Vehicle Recommended Practice Report
14 (J3016) by SAE International¹, or any successor re-
15 port thereto².

16 “(2) CONFIDENTIAL BUSINESS INFORMA-
17 TION.—The term ‘confidential business information’
18 means trade secrets or commercial or financial infor-
19 mation that is privileged or confidential, as described
20 in section 552(b)(4) of title 5.

21 “(3) HIGHLY AUTOMATED VEHICLE.—The term
22 ‘highly automated vehicle’—

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

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

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for subchapter II of chapter 301 of
5 part A of subtitle VI of title 49, United States Code, is
6 amended by adding at the end the following new item:

“30129. Automated driving system information.”.