

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

September 16, 2020

Mr. Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

We write to request that the Government Accountability Office (GAO) conduct a study of the National Highway Traffic Safety Administration's (NHTSA) research and rulemaking process to identify factors contributing to delays and recommendations to ensure NHTSA completes rulemakings, reports, and research initiatives mandated by Congress by their statutory deadlines.

In both the Fixing America's Surface Transportation Act (FAST Act) in 2015 and the Moving America Ahead for Progress in the 21st Century Act (MAP-21) in 2012, Congress directed NHTSA to implement dozens of safety mandates to help reduce the unacceptably high number of traffic fatalities and injuries on our nation's roads. These safety mandates cannot save lives if they are not carried out. Regrettably, NHTSA has failed to implement nearly 20 Congressionally mandated rulemakings, reports, and research initiatives by their statutory deadlines.

This blatant disregard for Congressional directives not only endangers the lives of all who travel on our roads, but also suggests that NHTSA may face institutional challenges that hinder its ability to fulfill its safety-critical mission. With approximately 39,000 motor vehicle deaths and 4.4 million serious injuries every year, it is imperative that NHTSA takes decisive actions to issue and improve its safety standards in a timely manner. This includes, but is not limited to, meeting Congressionally set deadlines.¹ NHTSA must have the capacity, expertise, and resources not only to promptly and effectively carry out Congressional directives, but also to ensure the safe deployment of sophisticated transportation technologies, such as autonomous vehicles.

¹ National Safety Council, *Motor Vehicle Deaths Estimated to Have Dropped 2% in 2019* (accessed July 19, 2019) (www.nsc.org/road-safety/safety-topics/fatality-estimates).

NHTSA has provided several explanations for delays in fulfilling these Congressional mandates. At a hearing before our Committee last year, former Deputy Administrator Heidi King stated that “vehicles are more complicated than they have ever been before,” suggesting that NHTSA has struggled to adapt to more technologically sophisticated vehicles.² In a letter to Congresswoman Blunt Rochester, NHTSA further explained that “NHTSA initiates a rulemaking when it has sufficient data to do so,” not necessarily by the statutory deadlines set by Congress.³ NHTSA claims that conflicting Agency priorities, resource constraints, and vacancies in its Rulemaking Office, Office of Vehicle Safety Research, and the National Center for Statistics and Analysis have not contributed to delays.⁴ We find this hard to believe and would like the GAO to confirm or reject such assertions.

Multi-year delays in implementing Congressionally directed rulemakings, reports, and research initiatives are inexcusable, and we request that the GAO initiate a review of NHTSA’s research and rulemaking process. Specifically, we request that your review examine the following questions:

1. What factors have caused NHTSA to miss statutory deadlines for rulemakings, reports, and research initiatives?
2. What steps, if any, has NHTSA taken toward fulfilling the mandates in Appendix A? At what step in the process has each rulemaking, report, and research initiative been delayed?
3. How have technological advances of motor vehicles affected NHTSA’s ability to meet statutory deadlines for rulemakings, reports, and research initiatives? Does the agency have the necessary expertise and personnel to complete rulemakings, reports, and research initiatives mandated by Congress? What obstacles has NHTSA faced when acquiring and maintaining the expertise and personnel needed to complete rulemakings, reports, and research initiatives mandated by Congress?
4. How does NHTSA prioritize rulemakings, reports, and research? How do statutory deadlines factor into NHTSA’s prioritization?

² House Committee on Energy and Commerce, Testimony of Heidi King, Deputy Administrator, National Highway Traffic Safety Administration, *Driving in Reverse: The Administration’s Rollback of Fuel Economy and Clean Car Standards*, 116th Cong. (June 20, 2019).

³ Letter from Adam J. Sullivan, Assistant Secretary for Government Affairs, Department of Transportation, to Rep. Lisa Blunt Rochester, House Committee on Energy and Commerce (Mar. 11, 2020).

⁴ Letter from Adam Sullivan, Assistant Secretary, Government Affairs, National Highway Traffic Administration, to Rep. Frank Pallone, Jr., Chairman, House Committee on Energy and Commerce (June 12, 2019).

5. As of June of 2019, there are 10 vacancies in the Rulemaking Office, eight vacancies in the Office of Vehicle Safety Research, and six vacancies in the National Center for Statistics and Analysis.⁵ Have staffing shortages impeded NHTSA's efforts to complete Congressionally mandated rulemakings, reports, and research? What specific actions have been taken to fill these vacancies? Please provide any recommendations for employee retention and hiring.
6. Have funding limitations affected NHTSA's ability to complete congressional mandates by their statutory deadline?
7. Please provide recommendations to improve NHTSA's ability to complete rulemakings, reports, and research initiatives by the statutory deadlines.

Thank you for assisting us with this request. We look forward to your reply and timeframe for completing this study. If you have any questions about this inquiry, please contact Daniel Greene with the Committee staff at 202-225-2927.

Sincerely,



Frank Pallone, Jr.
Chairman



Jan Schakowsky
Chair
Subcommittee on Consumer Protection
and Commerce



Lisa Blunt Rochester
Member of Congress

⁵ *Id.*

Appendix 1 - NHTSA Rulemakings ⁶				
Number	Mandate Description	Statute (Section)	Action	Deadline
1	Vehicle Defect Reporting Requirement	MAP-21 (31306)	Final Rule	10/1/2013
2	Child Restraints Side Impact Test	MAP-21 (31501(a))	Final Rule	10/1/2014
3	Motorcoach Rollover Structural Integrity	MAP-21 (32703(b)(1))	Final Rule	10/1/2014
4	<i>Motorcoach Glazing & Anti-Ejection</i>	<i>MAP-21 (32703(b)(2))</i>	<i>Final Rule</i>	<i>10/1/2014</i>
5	Upgrade LATCH for Child Seats	MAP-21 (31502)	Final Rule	10/1/2015
6	Rear Seat Belt Warning	MAP-21 (31503)	Final Rule	10/1/2015
7	<i>Motorcoach Tire Upgrade</i>	<i>MAP-21 (32703(d))</i>	<i>Final Rule or Report</i>	<i>10/1/2015</i>
8	<i>Motorcoach Fire Prevention/Mitigation</i>	<i>MAP-21 (32704)</i>	<i>Research and Optional Final Rule</i>	<i>10/1/2015</i>
9	Motorcoach Interior Impact, Compartmentalization, Collision Avoidance	MAP-21 (32705)	Research	10/1/2015
10	Motorcoach Interior Impact, Compartmentalization, Collision Avoidance	MAP-21 (32705)	Final Rule	10/1/2017
11	Upgrade Frontal Impact for Children	MAP-21 (31501(b))	Final Rule	10/1/2016
12	<i>In-Vehicle Alcohol Detection Device Research</i>	<i>MAP-21(31103)</i>	<i>Report</i>	<i>No Deadline</i>
15	Electronic Recall Notification	FAST (24104)	Final Rule	8/31/2016
16	Information Gathering	FAST (24112)	Final Rule	12/4/2016
17	Crash Avoidance on Monroney Label	FAST (24322)	Final Rule	12/4/2016
18	Replica Vehicles	FAST (24405)	Final Rule	12/4/2016
19	In-Vehicle Recall Alerts	FAST (24113)	Report	12/4/2016
20	Whistleblower Process	FAST (24352)	Final Rule	12/1/2016
21	Records Retention	FAST (24403, 24106, 24116)	Final Rule	6/4/2017
22	TPMS Standards	FAST (24115)	Final Rule	12/4/2017
23	Tire Fuel Efficiency	FAST (24332)	Final Rule	12/4/2017
24	Tire Wet Traction	FAST (24332)	Final Rule	12/4/2017
25	EDR Minimum Time	FAST (24303)	Final Rule	9/27/2020
26	Recall Completions	FAST (24104)	Report	12/4/2020
27	Rental Car Recalls	FAST (24109)	Request for Comments	No Deadline
28	Tire Registration Independent Dealers	FAST (24333)	Final Rule	No Deadline
29	Recall Vehicle Age	FAST (24402)	Final Rule	No Deadline
30	Tire Recall Database	FAST (24335)	Database	No Deadline

⁶ Italicized rows denote that Congress has given the DOT or NHTSA the option, not a requirement, to implement the safety mandate.