

ONE HUNDRED FIFTEENTH 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

MEMORANDUM

February 12, 2018

To: Subcommittee on Digital Commerce and Consumer Protection Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “Oversight of the National Highway Traffic Safety Administration”

On Wednesday, February 14, 2018, at 10:00 a.m. in room 2123 of the Rayburn House Office Building, the Subcommittee on Digital Commerce and Consumer Protection will hold a hearing titled “Oversight of the National Highway Traffic Safety Administration.”

I. BACKGROUND

The National Highway Traffic Safety Administration (NHTSA) was established in 1970 with the mission of reducing deaths, injuries, and economic losses resulting from motor vehicle crashes.¹ The agency is responsible for adopting and amending Federal Motor Vehicle Safety Standards, setting and enforcing the Corporate Average Fuel Economy (CAFE) standards, and investigating motor vehicle defects and supervising recalls, such as the Takata airbag recall.²

II. FEDERAL LEGISLATION

A. Moving Ahead for Progress in the 21st Century Act (MAP-21)³

¹ National Highway Traffic Safety Administration, *This Is NHTSA* (Jan. 2006).

² *Id.* Additional information regarding CAFE standards are available [here](#) and [here](#). The Takata recalls were the subject of hearings in this Subcommittee on December 3, 2014, and June 2, 2015. Additional information regarding Takata is available [here](#) and [here](#).

³ Pub. L. No. 112-141.

MAP-21, which was signed into law on July 6, 2012, included a number of auto-safety provisions. Several rulemakings required under MAP-21 are overdue by more than two years, including a rulemaking on rear seat belt reminders and one to improve protection of children seated in car seats during side impacts.⁴

B. Fixing America’s Surface Transportation Act (FAST Act)⁵

The FAST Act was signed into law on December 4, 2015. Among other things, the Act directed NHTSA to issue rules to require notification of recalls via email, to require company’s senior officials to certify the materials they submit in safety defect and compliance investigations, and to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers. Final rules on each of these directives are more than a year overdue.

C. Autonomous Vehicle Legislation

The SELF DRIVE Act, H.R. 3388, was passed unanimously out of the House on September 6, 2017. Among other things, the bill requires NHTSA to update and issue new Federal Motor Vehicle Safety Standards (FMVSS) to accommodate self-driving cars, expands exemptions from FMVSS to allow for deployment of self-driving cars, preempts state laws or regulations regarding the design and construction of self-driving cars while protecting States’ authority to regulate their own roads, and requires automakers to have privacy and cybersecurity plans.

The Senate Committee on Commerce, Science, and Transportation passed the AV START Act, S. 1885, on October 4, 2017. Among other things, the Senate bill, as reported out of Committee, vastly expands the number of cars that may receive exemptions from FMVSS, requires DOT to quickly update existing FMVSS to accommodate self-driving cars but does not require new rules that may be necessary to ensure the safety of self-driving cars, preempts state laws or regulations regarding the design and construction of self-driving cars while protecting States’ authority to regulate their roads, and includes provisions on privacy and cybersecurity.

III. WITNESSES

The Honorable Heidi King
Deputy Administrator
National Highway Traffic Safety Administration

⁴ Department of Transportation, *Report on DOT Significant Rulemakings* (Oct. 2017).

⁵ Pub. L. No. 114-94.