



Report to Congress

This report describes the status of certain mandated rulemakings as required under Section 24210 of the Infrastructure Investment and Jobs Act.

Rulemaking Status Report

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Section 24210, “RULEMAKING REPORT,” of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA)(P.L. 117-58), requires that the Secretary submit, not later than 180 days after enactment of the Act, and not less frequently than biannually thereafter, a report on all rulemakings belonging to the category “covered rulemaking” as defined at § 24210(a). The list of covered rulemakings identified in § 24210(a)(2) generally covers rulemakings mandated under the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141; MAP-21), the Fixing America’s Surface Transportation (Pub. L. 114-94; FAST) Act, and the IIJA, and specifically includes any regulation or rulemaking that has not been finalized by the date on which a report is submitted related to:

- (A) section 30120A of title 49, United States Code;
- (B) section 30166(o) of title 49, United States Code;
- (C) section 30172 of title 49, United States Code;
- (D) section 32302(c) of title 49, United States Code;
- (E) a defect reporting requirement under section 32302(d) of title 49, United States Code;
- (F) subsections (b) and (c) of section 32304A of title 49, United States Code;
- (G) the tire pressure monitoring standards required under section 24115 of the FAST Act (49 U.S.C. 30123 note; Public Law 114–94);
- (H) the amendment made by section 24402 of the FAST Act (129 Stat. 1720; Public Law 114–94) to section 30120(g)(1) of title 49, United States Code;
- (I) the records retention rule required under section 24403 of the FAST Act (49 U.S.C. 30117 note; Public Law 114–94);
- (J) the amendments made by section 24405 of the FAST Act (Public Law 114–94; 129 Stat. 1721) to section 30114 of title 49, United States Code;
- (K) a defect and noncompliance notification required under—
 - (i) section 24104 of the FAST Act (49 U.S.C. 30119 note; Public Law 114–94);
or
 - (ii) section 31301 of MAP–21 (49 U.S.C. 30166 note; Public Law 112–141);
- (L) a side impact or frontal impact test procedure for child restraint systems under section 31501 of MAP–21 (49 U.S.C. 30127 note; Public Law 112–141);

(M) an upgrade to child restraint anchorage system usability requirements required under section 31502 of MAP-21 (49 U.S.C. 30127 note; Public Law 112-141);

(N) the rear seat belt reminder system required under section 31503 of MAP-21 (49 U.S.C. 30127 note; Public Law 112-141);

(O) a motorcoach rulemaking required under section 32703 of MAP-21 (49 U.S.C. 31136 note; Public Law 112-141); or

(P) any rulemaking required under IIJA.

As of December 2023, NHTSA has completed 32 of the 57 statutory mandates to conduct rulemaking. Specifically, NHTSA has completed 16 of the 21 MAP-21 mandates, 13 of the 25 FAST Act mandates, and 3 of the 11 IIJA mandates. NHTSA's portion of the Fall 2023 Unified Agenda, available at <https://www.reginfo.gov/public/do/eAgendaMain>, shows that NHTSA is taking active steps to complete the remaining rulemakings mandated by Congress. For example, NHTSA plans to publish some form of proposed notice for every remaining mandate included in the IIJA within the next year. Additionally, NHTSA plans to continue to make progress on a number of mandated rulemakings from MAP-21 and the FAST Act, which are described below. The timing of NHTSA rulemakings may be affected in part by the need to conduct complex technical research before sufficient data exists to support the action. In the case of these MAP-21, FAST Act, and IIJA regulatory mandates, NHTSA is still engaged in conducting research or analysis or is in the process of drafting a notice for publication.

As directed by Section 24210 of IIJA, the National Highway Traffic Safety Administration (NHTSA) submits the following report to Congress regarding the status of its roster of active rulemakings that qualify under this section as "covered rulemakings."

IIJA § 24210(a)(2)(A) – Recall Obligations and Bankruptcy of a Manufacturer (49 U.S.C. 30120A)

NHTSA plans to publish a Notice of Proposed Rulemaking (NPRM) in 2024 under Regulatory Identification Number (RIN) 2127-AL80 and expects to complete the rulemaking associated with FAST Act § 24106 as soon as is practicable after considering comments received in response to the proposal.

IIJA 24210(a)(2)(B) – Corporate Responsibility for Reports in a Defect or Noncompliance Investigation (49 U.S.C. 30166(o))

NHTSA plans to publish an NPRM in early 2024 under RIN 2127-AL69, and then complete the rulemaking associated with FAST Act § 24109(e) and required by FAST Act § 24112 as soon as is practicable after considering comments received in response to the proposal. NHTSA did not

meet the deadline required by FAST Act § 24112 because of competing priorities and resource constraints.

IIJA 24210(a)(2)(C) – Whistle Blower Program (49 U.S.C. 30172)

NHTSA published an NPRM on April 14, 2023, under RIN 2127-AL85 and expects to complete the rulemaking as soon as is practicable after considering comments received in response to the proposal. The NPRM public comment period closed on June 13, 2023. NHTSA did not meet the deadline required by FAST Act § 24352 because of complexities involved in defining and implementing the regulations, related in part to NHTSA’s ongoing whistleblower protection enhancement efforts that led to the first ever whistleblower award in November 2021.

IIJA 24210(a)(2)(D) – NCAP Monroney Label (49 U.S.C. 32302(c))

NHTSA is considering next steps for this rulemaking in the context of the additional IIJA mandates and expects to complete the rulemaking as soon as is practicable after the new NCAP crash avoidance technology rating system is developed, published for comment, and implemented as appropriate. NHTSA did not meet the deadline required by FAST Act § 24322 because of complexities in coordinating this requirement with the ongoing programmatic NCAP upgrade efforts.

IIJA 24210(a)(2)(E) – Vehicle Defect Reporting Requirements (49 U.S.C. 32302(d))

NHTSA published an NPRM in 2016 under RIN 2127-AL33 and plans to publish an SNPRM in early 2024 and then complete the rulemaking as soon as is practicable after considering comments received in response to the SNPRM. NHTSA did not meet the deadline required by MAP-21 § 31306 because of competing priorities and resource constraints.

IIJA 24210(a)(2)(F) – Fuel Efficiency and Tire Wet Traction Minimum Performance (49 U.S.C. 32304A(b) and (c))

NHTSA is collecting and analyzing data related to the rolling resistance and wet traction performance of the U.S. Tire Fleet and plans to publish an NPRM under RIN 2127-AM08 in Summer 2024. NHTSA will then complete the rulemaking as soon as is practicable after considering comments received in response to the published proposal.

IIJA 24210(a)(2)(G) – Tire Pressure Monitoring Systems (TPMS) (FAST Act § 24115)

NHTSA has been conducting a research program on the field performance of available TPMS technologies and expects to complete this body of research in 2024. The agency will determine appropriate next steps based on the research results and will keep the relevant committees apprised of its progress. NHTSA did not meet the deadline required by FAST Act § 24115 because of regulatory complexities involved in defining regulations to implement the statutory requirements.

IIJA 24210(a)(2)(H) – Application of Remedies for Defects and Noncompliance (FAST Act § 24402)

NHTSA plans to publish an NPRM in 2024 under RIN 2127-AL80 and expects to complete the rulemaking associated with FAST Act § 24402 as soon as is practicable after considering comments received in response to the proposal.

IIJA 24210((a)(2)(I) – Retention of Safety Records by Manufacturers (FAST Act § 24403)

NHTSA published an NPRM in 2019 under RIN 2127-AL81 and plans to publish an SNPRM in Spring of 2024 to solicit comment on retention terms beyond the 10-year minimum defined in FAST Act § 24403(a). NHTSA expects to complete the rulemaking as soon as is practicable after considering comments received in response to a published SNPRM. NHTSA did not meet the deadline required by FAST Act § 24403 because of resource constraints.

IIJA 24210((a)(2)(J) – Replica Motor Vehicle Exemption (FAST Act § 24405)

NHTSA published a final rule on March 9, 2022, to complete this FAST Act mandate under RIN 2127-AL77. NHTSA will remove this section from future iterations of this report. NHTSA did not meet the deadline required by FAST Act § 24405 because of complexities involved in defining regulations to implement the statutory requirements.

IIJA 24210(a)(2)(K)(i) – Electronic Notification of Defects (FAST Act § 24104)

NHTSA published an NPRM in 2016 under RIN 2127-AL66. NHTSA expects to publish an SNPRM in early 2024 and then complete the rulemaking as soon as is practicable after considering comments received in response to the SNPRM. NHTSA did not meet the deadline required by FAST Act § 24104 because of competing priorities and resource constraints.

IIJA 24210(a)(2)(K)(ii) –Public Availability of Recall Information (MAP-21 § 31301)

NHTSA published a final rule on August 20, 2013, to complete this MAP-21 mandate under RIN 2127-AK72. NHTSA will remove this section from future iterations of this report. NHTSA did not meet the deadline required by MAP-21 § 31301 because of competing priorities and resource constraints.

IIJA 24210(a)(2)(L) – Side Impact or Frontal Impact Requirement for Child Restraint Systems (MAP-21 § 31501)

NHTSA published a final rule on June 30, 2022, to complete this MAP-21 mandate for side impacts under RIN 2127-AK95. NHTSA will remove this part of this section from future iterations of this report. NHTSA did not meet the deadline required by MAP-21 § 31501(a), Side Impact, because of complexities involved in defining and implementing the regulations, particularly with developing a new child side-impact crash test dummy and a corresponding repeatable test procedure.

NHTSA published an NPRM in 2020 under RIN 2127-AL34 for frontal impacts and performed additional research and evaluation in response to comments received on the proposal. NHTSA published a final rule on December 5, 2023, to complete this MAP-21 mandate. NHTSA will remove this section from future iterations of this report.

IIJA 24210(a)(2)(M) – Ease-of-Use of Child Restraint Anchorage Systems (MAP-21 § 31502)

NHTSA published an NPRM in 2015 under RIN 2127-AL20 and plans to publish the final rule in early 2024. NHTSA did not meet the deadline required by MAP-21 § 31502 because of complexities involved in defining and implementing the regulations, as well as delays introduced by the need to perform additional research in response to comments.

IIJA 24210(a)(2)(N) – Rear Seat Belt Reminder Systems (MAP-21 § 31503)

NHTSA published an advance notice (ANPRM) in 2019 under RIN 2127-AL37 and issued an NPRM in the Summer of 2023. NHTSA expects to complete the rulemaking as soon as is practicable after receiving and considering public comment to the NPRM. NHTSA did not meet the deadline required by MAP-21 § 31503 because of competing priorities and resource constraints.

IIJA 24210(a)(2)(O) – Motorcoach Rulemakings (MAP-21 § 32703)

NHTSA published an NPRM in 2016 under RIN 2127-AL36 and plans to publish the final rule in Summer of 2024. NHTSA did not meet the deadline required by MAP-21 § 32703(b)(2), Window Glazing & Anti-Ejection Countermeasures, because of competing priorities and

resources constraints. Primary among those competing priorities was the Motorcoach Structural Integrity Standard rulemaking required by MAP-21 § 32703(b)(2), finalized under RIN 2127-AK96 in December of 2021, which established standards NHTSA would need to consider in developing an ejection mitigation requirement.

NHTSA published an NPRM in 2010, launched additional research in response to comments from the 2010 NPRM, and published an SNPRM in 2013 under RIN 2127-AK17. NHTSA is considering next steps to best adopt more stringent endurance test requirements and a new high-speed test for several heavy load range tires and will keep the relevant committees apprised of its progress. NHTSA did not meet the deadline required by MAP-21 § 32703(d)(1), New Pneumatic Tires for Heavy Vehicles, because of competing priorities and resource constraints.

IIJA 24210(a)(2)(P) – Any Rulemakings Required Under IIJA

Sec. 23010. Automatic Emergency Braking

NHTSA published an NPRM on July 6, 2023, under RIN 2127-AM36 for heavy and medium duty vehicle automatic emergency braking and plans to publish a final rule in the spring of 2024.

Sec. 23011. Override Protection

NHTSA completed the action required by IIJA § 23011 ahead of the statutory deadline. NHTSA published a final rule on July 15, 2022, to complete this IIJA mandate under RIN 2127-AL58. NHTSA will remove this section from future iterations of this report.

Sec. 23023. Limousine Compliance with Federal Safety Standards

NHTSA is still completing research and working to publish an NPRM in 2024 under RIN 2127-AM48. NHTSA will then complete the rulemaking associated with IIJA § 23023 as soon as is practicable after receiving and considering public comment to the proposal.

Sec. 24102. Highway Safety Programs

NHTSA published an NPRM on September 15, 2022, and published a final rule on February 6, 2023, under RIN 2127-AM45 to complete the rulemaking associated with IIJA § 24102. NHTSA will remove this section from future iterations of this report.

Sec. 24204. Motor Vehicle Seatback Safety Standards

NHTSA is conducting research and expects to publish an ANPRM in Spring 2024 under RIN 2127-AM53, and then determine next steps on the rulemaking associated with IIJA § 24204, in compliance with the requirements of 49 U.S.C. § 30111(b) and after considering any public input provided in response to the planned ANPRM.

Sec. 24205. Automatic shutoff

NHTSA is currently researching to determine the maximum period of idle time allowable to prevent carbon monoxide poisoning. Upon completion of this research, the agency plans to publish an SNPRM in 2024 under RIN 2127-AK88 and expects to complete the rulemaking associated with IIJA § 24205 as soon as is practicable after receiving and considering public comment to the SNPRM.

Sec. 24208. Crash Avoidance Technology

NHTSA published an NPRM on June 13, 2023, under RIN 2127-AM37 for light vehicle automatic emergency braking and forward collision warning systems and plans to publish a final rule in the spring of 2024.

NHTSA is presently conducting research and analysis and plans to publish a notice in 2024 under RIN 2127-AM52 for lane departure warning and lane-keeping assist systems. NHTSA will then complete the rulemaking associated with this portion of IIJA § 24208 as soon as is practicable after receiving and considering public comment to the proposal.

Sec. 24212(b)(1). Performance-based Headlamp Standards

NHTSA is conducting research and analysis and expects to publish the NPRM in Fall of 2024 under RIN2127-AM51 and will complete the rulemaking associated with IIJA § 24212(b)(1) as soon as is practicable after receiving and considering public comment to the proposal.

Sec. 24212(b)(2). Adaptive Driving Beam Headlamps

NHTSA completed the action required by IIJA § 24212(b)(2) ahead of the statutory deadline. NHTSA published a final rule on February 22, 2022, to complete this IIJA mandate under RIN 2127-AL83. NHTSA will remove this section from future iterations of this report.

Sec. 24220. Advanced Impaired Driving Technology

NHTSA is presently conducting research and analysis and, in consideration of the timing provisions at IIJA § 24420(e), published an ANPRM on January 5, 2024, under RIN 2127-AM50. The agency will continue working to satisfy the mandate in IIJA § 24220.

Sec. 24222. Child Safety

NHTSA is conducting extensive research and analysis and working to publish an NPRM in 2024 under RIN 2127-AM49 (Rear Designated Seating Position Alert). NHTSA will work to complete the rulemaking associated with IIJA § 24222 as soon as is practicable after receiving and considering public comment to the proposal.