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B-337198

March 14, 2025

The Honorable Ted Cruz
Chairman
The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Sam Graves
Chairman
The Honorable Rick Larsen
Ranking Member
Committee on Transportation and Infrastructure
House of Representatives

Subject: *Department of Transportation, National Highway Traffic Safety Administration: Federal Motor Vehicle Safety Standards; Occupant Crash Protection, Seat Belt Reminder Systems, Controls and Displays*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Transportation, National Highway Traffic Safety Administration (NHTSA) titled “Federal Motor Vehicle Safety Standards; Occupant Crash Protection, Seat Belt Reminder Systems, Controls and Displays” (RIN: 2127-AL37). We received the rule on February 28, 2025. It was published in the *Federal Register* on January 3, 2025. 90 Fed. Reg. 390. The stated effective date of the rule is March 4, 2025.

According to NHTSA, this rule amends Federal Motor Vehicle Safety Standard (FMVSS) No. 208, “Occupant crash protection,” to require a seat belt use warning system for rear seats. See generally 49 C.F.R. § 571.208. NHTSA stated that the rule also updates and enhances the current seat belt warning requirements for the driver's seat belt and extends these requirements to the front outboard passenger seat. NHTSA also stated that the rule applies (with some exceptions) to passenger cars, trucks, most buses, and multipurpose passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less. NHTSA stated further that the rule also makes related amendments to FMVSS No. 101, “Controls and displays.” See generally 49 C.F.R. § 571.101.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The rule was published in the *Federal Register* on January 3, 2025. 90 Fed. Reg. 390. And NHTSA provided proof of delivery to both houses of Congress on February 28, 2025. Email from Director, Rulemaking Operations, NHTSA, to GAO, Subject: *NHTSA CRA Submission of Four Non-Major and One Major Final Rules: 2127-AL20, AM40, AM13, AM43, and AL37* (Feb. 28, 2025). The rule was initially scheduled to take

effect on March 4, 2025. However, NHTSA announced in a separate *Federal Register* notice that the effective date has been postponed to March 20, 2025. 90 Fed. Reg. 9610 (Feb. 14, 2025). NHTSA also stated that the rule institutes separate compliance dates for the front seat belt warning system requirements of September 1, 2026, and September 1, 2027, for the rear seat belt warning system requirements, with optional early compliance. Therefore, the stated effective date is still less than 60 days from the date of receipt by Congress.

Enclosed is our assessment of NHTSA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Charlie McKiver, Assistant General Counsel, at (202) 512-5992.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Milton E. Cooper
Director, Rulemaking Operations
National Highway Traffic Safety Administration

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF TRANSPORTATION,
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
TITLED
“FEDERAL MOTOR VEHICLE SAFETY STANDARDS; OCCUPANT CRASH PROTECTION,
SEAT BELT REMINDER SYSTEMS, CONTROLS AND DISPLAYS”
(RIN: 2127-AL37)

(i) Cost-benefit analysis

The Department of Transportation, National Highway Traffic Safety Administration (NHTSA) prepared an analysis of the cost and benefits of this rule. 90 Fed. Reg. 390, 392 (Jan. 3, 2025). According to NHTSA, there are, on average, 822 fatalities and 11,409 injuries to unrestrained rear seat occupants and 8,383 fatalities and 154,739 injuries to unrestrained front outboard seat occupants each year. The final rule requirements are aimed at reducing these deaths and injuries. 90 Fed. Reg. at 392. NHTSA estimates the net benefits of the rule to range from \$651.29 million to \$831.21 million at a 3 percent discount rate, and from \$496.28 million to \$642.39 million at a 7 percent discount rate. 90 Fed. Reg. at 395.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

The Secretary of Transportation certified that this rule would not have a significant economic impact on a substantial number of small entities. 90 Fed. Reg. at 455.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

NHTSA determined that this rule is not likely to result in expenditures by state, local, or tribal governments of more than \$177 million annually. 90 Fed. Reg. at 458. NHTSA estimates that the rule will result in the expenditure by automobile manufacturers and/or their suppliers of approximately \$168 million annually. *Id.* NHTSA stated that the requirements in the rule are the most cost-effective alternatives that achieve the objectives of the rule. *Id.*

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On September 27, 2019, NHTSA issued an advanced notice of proposed rulemaking. 84 Fed. Reg. 5107. Then, on September 7, 2023, NHTSA issued a notice of proposed rulemaking. 88 Fed. Reg. 61674. NHTSA stated that it received comments from various interested parties. 90 Fed. Reg. at 400. NHTSA responded to comments in the rule. *Id.*

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

NHTSA determined that this rule contains information collection requirements under the Act. 90 Fed. Reg. at 457.

Statutory authorization for the rule

NHTSA promulgated this rule pursuant to sections 322, 30111, 30115, 30117, and 30166 of title 42, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

NHTSA stated that this rule was determined to be significant under the Order and that it was reviewed by the Office of Management and Budget. 90 Fed. Reg. 392.

Executive Order No. 13132 (Federalism)

NHTSA determined that this rule does not have federalism implications. See 90 Fed. Reg. at 456.