

HIGHWAY SAFETY
TITLE 23, UNITED STATES CODE,
CHAPTER 4
AND
RELATED HIGHWAY SAFETY PROVISIONS
ADMINISTERED BY THE
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

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CHAPTER 4. -- HIGHWAY SAFETY

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§ 401. Authority of the Secretary

The Secretary is authorized and directed to assist and cooperate with other Federal departments and agencies, State and local governments, private industry, and other interested parties, to increase highway safety. For the purposes of this chapter, the term "State" means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

§ 402. Highway safety programs

(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform guidelines promulgated by the Secretary. Such uniform guidelines shall be expressed in terms of performance criteria. In addition, such uniform guidelines shall include programs (1) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits, (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, (4) to prevent accidents and reduce deaths and injuries resulting from accidents involving motor vehicles and motorcycles, (5) to reduce injuries and deaths resulting from accidents involving school buses, and (6) to reduce accidents resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles) (7) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures. The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report such data as the Secretary may require. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs. The program shall provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, aggressive driving, fatigued driving, distracted driving, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents. Such uniform guidelines shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance and bicycle safety. In addition such uniform guidelines shall include, but not be limited to, provisions for an effective record system of accidents (including injuries and

deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, enforcement of light transmission standards of window glazing for passenger motor vehicles and light trucks as necessary to improve highway safety, and emergency services. Such guidelines as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

(b) Administration of State programs.--

(1) Administrative requirements.--The Secretary may not approve a State highway safety program under this section which does not--

(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the minimum standards established by the Secretary under this section;

(C) except as provided in paragraph (3), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B);

(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian cross-walks throughout the State; and

(E) provide satisfactory assurances that the State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within a State as identified by the State highway safety planning process, including--

(i) national law enforcement mobilizations;

(ii) sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;

(iii) an annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative; and

(iv) development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.

(2) Waiver.--The Secretary may waive the requirement of paragraph (1)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

(3) Use of technology for traffic enforcement.--The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection

devices such as photo-radar) by law enforcement officers.

(c) Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment, except that the apportionment to the Secretary of the Interior shall not be less than 2 percent of the total apportionment and the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 per centum of the total apportionment. The Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section. For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a guideline promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

(d) All provisions of chapter 1 of this title that are applicable to National Highway System highway funds other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section, and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary. In applying such provisions of chapter 1 in carrying out this section the term "State transportation department" as used in such provisions shall mean the Governor of a State for the purposes of this section.

(e) Uniform guidelines promulgated by the Secretary to carry out this section shall be developed in

cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

(f) The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform guidelines for the highway safety programs contemplated by subsection (a) and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

(g) Nothing in this section authorizes the appropriation or expenditure of funds for (1) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines) or (2) any purpose for which funds are authorized by section 403 of this title.

(h) Repealed. Pub. L. 97-35, Title XI, § 1107(c), Aug. 13, 1981, 95 Stat. 626]

(i) Application in Indian country.--

(1) Use of terms.--For the purpose of application of this section in Indian country, the terms "State" and "Governor of a State" include the Secretary of the Interior and the term "political subdivision of a State" includes an Indian tribe.

(2) Expenditures for local highway programs.--Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

(3) Access for individuals with disabilities.--The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

(4) Indian country defined.--In this subsection, the term "Indian country" means--

(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent and including rights-of-way running through the reservation;

(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

(j) Rulemaking proceeding.--The Secretary may periodically conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.

(k)(1) Subject to the provisions of this subsection, the Secretary shall make a grant to any State which includes, as part of its highway safety program under section 402 of this title, the use of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways. Any such grant may only be used by such State to establish and maintain a comprehensive computerized traffic safety recordkeeping system or to obtain and operate components to support highway safety priority programs identified by the Secretary under this section. Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under this subsection, such report, list, schedule, or survey shall not be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list,

schedule, or survey.

(2) No State may receive a grant under this subsection in more than two fiscal years.

(3) The amount of the grant to any State under this subsection for the first fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1985 under this section. The amount of a grant to any State under this subsection for the second fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1986 under this section.

(4) A State is eligible for a grant under this subsection if--

(A) it certifies to the Secretary that it has in operation a computerized traffic safety recordkeeping system and identifies proposed means of upgrading the system acceptable to the Secretary; or

(B) it provides to the Secretary a plan acceptable to the Secretary for establishing and maintaining a computerized traffic safety recordkeeping system.

(5) The Secretary, after making the deduction authorized by the second sentence of subsection (c) of this section for fiscal years 1985 and 1986, shall set aside 10 per centum of the remaining funds authorized to be appropriated to carry out this section for the purpose of making grants under this subsection. Funds set aside under this subsection shall remain available for the fiscal year authorized and for the succeeding fiscal year and any amounts remaining unexpended at the end of such period shall be apportioned in accordance with the provisions of subsection (c) of this section.

(l) **Law enforcement vehicular pursuit training.**--A State shall actively encourage all relevant law enforcement agencies in such State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are in effect on the date of enactment of this subsection or as revised and in effect after such date as determined by the Secretary.

(m) **Consolidation of grant applications.**--The Secretary shall establish an approval process by which a State may apply for all grants under this chapter through a single application process with one annual deadline. The Bureau of Indian Affairs shall establish a similar simplified process for applications for grants from Indian tribes under this chapter.

§ 403. Highway safety research and development

(a) **Authority of the Secretary.**--The Secretary is authorized to use funds appropriated to carry out this section to--

(1) conduct research on all phases of highway safety and traffic conditions, including accident causation, highway or driver characteristics, communications, and emergency care;

(2) conduct ongoing research into driver behavior and its effect on traffic safety;

(3) conduct research on, launch initiatives to counter, and conduct demonstration projects on fatigued driving by drivers of motor vehicles and distracted driving in such vehicles, including the effect that the use of electronic devices and other factors deemed relevant by the Secretary have on driving;

(4) conduct training or education programs in cooperation with other Federal departments and agencies, States, private sector persons, highway safety personnel, and law enforcement personnel;

(5) conduct research on, and evaluate the effectiveness of, traffic safety countermeasures, including seat belts and impaired driving initiatives;

(6) conduct research on, evaluate, and develop best practices related to driver education programs

(including driver education curricula, instructor training and certification, program administration and delivery mechanisms) and make recommendations for harmonizing driver education and multistage graduated licensing systems;

(7) conduct research, training, and education programs related to older drivers;

(8) conduct demonstration projects; and

(9) conduct research, training, and programs relating to motorcycle safety, including impaired driving.

(b) Drugs and driver behavior.--In addition to the research authorized by subsection (a), the Secretary, in consultation with other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles.

(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver crash involvement to highway safety.

(3) Measures that may deter drugged driving.

(4) Programs to train law enforcement officers on motor vehicle pursuits conducted by the officers.

(5) Technology to detect drug use and enable States to efficiently process toxicology evidence.

(6) Research on the effects of illicit drugs and the compound effects of alcohol and illicit drugs on impairment.

(c) The research authorized by subsections (a) and (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.

(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section.

(e) In addition to the research authorized by subsection (a) of this section, the Secretary shall, either independently or in cooperation with other Federal departments or agencies, conduct research into, and make grants to or contracts with State or local agencies, institutions, and individuals for projects to demonstrate the administrative adjudication of traffic infractions. Such administrative adjudication demonstration projects shall be designed to improve highway safety by developing fair, efficient, and effective processes and procedures for traffic infraction adjudication, utilizing appropriate punishment, training, and rehabilitative measures for traffic offenders. The Secretary shall report to Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions.

(f) Collaborative research and development.--

(1) **In general.**--For the purpose of encouraging innovative solutions to highway safety problems, stimulating voluntary improvements in highway safety, and stimulating the marketing of new highway safety-related technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, colleges, and universities and corporations, partnerships, sole proprietorships, and trade

associations that are incorporated or established under the laws of any State or the United States. This collaborative research may include crash data collection and analysis; driver and pedestrian behavior; and demonstrations of technology.

(2) Cooperative agreements.--In carrying out this subsection, the Secretary may enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in entering into such agreements, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this subsection.

(3) Project selection.--In selecting projects to be conducted under this subsection, the Secretary shall establish a procedure to consider the views of experts and the public concerning the project areas.

(4) Applicability of Stevenson-Wydler Technology Innovation Act.--The research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980.

(g) International cooperation.--The Administrator of the National Highway Traffic Safety Administration may participate and cooperate in international activities to enhance highway safety.

§ 404. National Highway Safety Advisory Committee

(a)(1) There is established in the Department of Transportation a National Highway Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, the Federal Highway Administrator, the National Highway Traffic Safety Administrator, and thirty-five members appointed by the President, no more than four of whom shall be Federal officers or employees. The Secretary shall select the Chairman of the Committee from among the Committee members. The appointed members, having due regard for the purposes of this chapter, shall be selected from among representatives of various State and local governments, including State legislatures, of public and private interests contributing to, affected by, or concerned with highway safety, including the national organizations of passenger car, bus, and truck owners, and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of members first taking office after the date of enactment of this section shall expire as follows: Twelve at the end of one year after the date such committee members are appointed by the President, twelve at the end of two years after the date such committee members are appointed by the President, and eleven at the end of three years after the date such committee members are appointed, as designated by the President at the time of appointment, and (iii) the term of any member shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the President who has served a three-year term, other than Federal officers or employees, shall be eligible for reappointment within one year following the end of his preceding term.

(B) Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

(b) The National Highway Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. The Committee is authorized (1) to review research projects or programs submitted to or recommended by it in the field of highway safety and recommend to the Secretary, for prosecution under this title, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of highway accidents; and (2) to review, prior to issuance, standards proposed to be issued by order of the Secretary under the provisions of section 402(a) of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

(c) The National Highway Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

(d) The Secretary shall provide to the National Highway Safety Committee from among the personnel and facilities of the Department of Transportation such staff and facilities as are necessary to carry out the functions of such Committee.

§ 405. Occupant protection incentive grants

(a) General authority.--

(1) Authority to make grants.--Subject to the requirements of this section, the Secretary shall make grants under this section to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

(2) Maintenance of effort.--No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the SAFETEA-LU.

(3) Maximum period of eligibility.--No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 2003.

(4) Federal share.--The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed--

(A) in each of the first and second fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 75 percent;

(B) in each of the third and fourth fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 50 percent; and

(C) in each of the fifth and sixth fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 25 percent.

(b) Grant eligibility.--A State shall become eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary at least 4 of the following:

(1) Safety belt use law.--The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2001, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

(2) Primary safety belt use law.--The State provides for primary enforcement of the safety belt use law of the State.

(3) Minimum fine or penalty points.--The State imposes a minimum fine or provides for the imposition of penalty points against the driver's license of an individual--

(A) for a violation of the safety belt use law of the State; and

(B) for a violation of the child passenger protection law of the State.

(4) Special traffic enforcement program.--The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

(5) Child passenger protection education program.--The State has implemented a statewide comprehensive child passenger protection education program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.

(6) Child passenger protection law.--The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

(c) Grant amounts.--The amount of a grant for which a State qualifies under this section for a fiscal year shall equal up to 100 percent of the amount apportioned to the State for fiscal year 2003 under section 402.

[(d) Repealed. Pub.L. 109-59, Title II, § 2002(e), Aug. 10, 2005, 119 Stat. 1522]

(e) Applicability of chapter 1.--The provisions contained in section 402(d) shall apply to this section.

(f) Definitions.--In this section, the following definitions apply:

(1) Child safety seat.--The term "child safety seat" means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

(2) Motor vehicle.--The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(3) Multipurpose passenger vehicle.--The term "multipurpose passenger vehicle" means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(4) Passenger car.--The term "passenger car" means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(5) Passenger motor vehicle.--The term "passenger motor vehicle" means a passenger car or a multipurpose passenger motor vehicle.

(6) Safety belt.--The term "safety belt" means--

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

§ 406. Safety belt performance grants

(a) In general.--The Secretary shall make grants to States in accordance with the provisions of this section to encourage the enactment and enforcement of laws requiring the use of safety belts in passenger motor vehicles.

(b) Grants for enacting primary safety belt use laws.--

(1) In general.--The Secretary shall make a single grant to each State that either--

(A) enacts for the first time after December 31, 2002, and has in effect and is enforcing a conforming primary safety belt use law for all passenger motor vehicles; or

(B) in the case of a State that does not have such a primary safety belt use law, has after December 31, 2005, a State safety belt use rate of 85 percent or more for each of the 2 calendar years immediately preceding the fiscal year of a grant, as measured under criteria determined by the Secretary.

(2) Amount.--The amount of a grant available to a State in fiscal year 2006 or in a subsequent fiscal year under paragraph (1) shall equal 475 percent of the amount apportioned to the State under section 402(c) for fiscal year 2003.

(3) July 1 cut-off.--For the purpose of determining the eligibility of a State for a grant under paragraph (1)(A), a conforming primary safety belt use law enacted after June 30th of any year shall--

(A) not be considered to have been enacted in the Federal fiscal year in which that June 30th falls; but

(B) be considered as if it were enacted after October 1 of the next Federal fiscal year.

(4) Shortfall.--If the total amount of grants provided for by this subsection for a fiscal year exceeds the amount of funds available for such grants for that fiscal year, the Secretary shall make grants under this subsection to States in the order in which--

(A) the conforming primary safety belt use law came into effect; or

(B) the State's safety belt use rate was 85 percent or more for 2 consecutive calendar years (as measured under by criteria determined by the Secretary), whichever first occurs.

(5) Catch-up grants.--The Secretary shall make a grant to any State eligible for a grant under this subsection that did not receive a grant for a fiscal year because of the application of paragraph (4), in the next fiscal year if the State's conforming primary safety belt use law remains in effect or its safety belt use rate is 85 percent or more for the 2 consecutive calendar years preceding such next fiscal year (subject to the condition in paragraph (4)).

(c) Grants for pre-2003 laws.--

(1) In general.--To the extent that amounts made available for grants under this section for any of fiscal years 2006 through 2009 exceed the total amount of grants to be awarded under subsection (b) for the fiscal year, including amounts to be awarded for catch-up grants under subsection (b)(5), the Secretary shall make a single grant to each State that enacted, has in effect, and is enforcing a conforming primary safety belt use law for all passenger motor vehicles that was in effect before January 1, 2003.

(2) Amount; installments.--The amount of a grant available to a State under this subsection shall be equal to 200 percent of the amount of funds apportioned to the State under section 402(c) for fiscal year 2003. The Secretary may award the grant in annual installments.

(d) Allocation of unallocated funds.--

(1) Additional grants.--The Secretary shall make additional grants under this section of any amounts made available for grants under this section that, on July 1, 2009, have not been allocated to States under this section.

(2) Allocation.--The additional grants made under this subsection shall be allocated among all States that, as of that date, have enacted, have in effect, and are enforcing conforming primary safety belt laws for all passenger motor vehicles. The allocations shall be made in accordance with the formula for apportioning funds among the States under section 402(c).

(e) Use of grant funds.--

(1) In general.--Subject to paragraph (2), a State may use a grant under this section for any safety purpose under this title or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems, including--

- (A) intersection improvements;
- (B) pavement and shoulder widening;
- (C) installation of rumble strips and other warning devices;
- (D) improving skid resistance;
- (E) improvements for pedestrian or bicyclist safety;
- (F) railway-highway crossing safety;
- (G) traffic calming;
- (H) the elimination of roadside obstacles;
- (I) improving highway signage and pavement marking;
- (J) installing priority control systems for emergency vehicles at signalized intersections;
- (K) installing traffic control or warning devices at locations with high accident potential;
- (L) safety-conscious planning; and
- (M) improving crash data collection and analysis.

(2) Safety activity requirement.--Notwithstanding paragraph (1), the Secretary shall ensure that at least \$1,000,000 of amounts received by States under this section are obligated for safety activities under this chapter.

(3) Support activity.--The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to safety belt use laws.

(f) Carry-forward of excess funds.--If the amount available for grants under this section for any fiscal year exceeds the sum of the grants made under this section for that fiscal year, the excess amount and obligational authority shall be carried forward and made available for grants under this section in the succeeding fiscal year.

(g) Federal share.--The Federal share payable for grants under this section shall be 100 percent.

(h) Passenger motor vehicle defined.--In this section, the term "passenger motor vehicle" means--

- (1) a passenger car;
- (2) a pickup truck; and
- (3) a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than 10,000 pounds.

§ 407. Innovative project grants

(a) In addition to other grants authorized by this chapter, the Secretary may make grants in any fiscal year to those States, political subdivisions thereof, and nonprofit organizations which develop innovative approaches to highway safety problems in accordance with criteria to be established by the Secretary in cooperation with the States, political subdivisions thereof, and such nonprofit organizations as the Secretary deems appropriate.

(b) The Secretary shall establish a procedure for the selection of grant applications submitted under this section. In developing such procedure, the Secretary shall consult with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate.

(c) Any State, political subdivision thereof, and nonprofit organization may make an application under this section to carry out an innovative project described in subsection (a) of this section. Such application shall be in such form and contain such information as the Secretary, by regulation, prescribes.

(d) Not to exceed 2 per centum of the funds authorized to be appropriated to carry out this section shall be available to the Secretary for the necessary costs of administering the provisions of this section.

(e) The Secretary shall submit an annual report to the Congress which provides a description of each application received for a grant under this section and an evaluation of innovative projects carried out with grants made under this section.

§ 408. State traffic safety information system improvements

(a) **Grant authority.**--Subject to the requirements of this section, the Secretary shall make grants to eligible States to support the development and implementation of effective programs by such States to--

- (1) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;
- (2) evaluate the effectiveness of efforts to make such improvements;
- (3) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data; and
- (4) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States and enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(b) **First-year grants.**--To be eligible for a first-year grant under this section in a fiscal year, a State shall demonstrate to the satisfaction of the Secretary that the State has--

- (1) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems; and

(2) developed a multiyear highway safety data and traffic records system strategic plan--

(A) that addresses existing deficiencies in the State's highway safety data and traffic records system;

(B) that is approved by the highway safety data and traffic records coordinating committee;

(C) that specifies how existing deficiencies in the State's highway safety data and traffic records system were identified;

(D) that prioritizes, on the basis of the identified highway safety data and traffic records system deficiencies of the State, the highway safety data and traffic records system needs and goals of the State, including the activities under subsection (a);

(E) that identifies performance-based measures by which progress toward those goals will be determined; and

(F) that specifies how the grant funds and any other funds of the State are to be used to address needs and goals identified in the multiyear plan.

(c) **Successive year grants.**--A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State--

(1) certifies to the Secretary that an assessment or audit of the State's highway safety data and traffic records system has been conducted or updated within the preceding 5 years;

(2) certifies to the Secretary that its highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan;

(3) specifies how the grant funds and any other funds of the State are to be used to address needs and goals identified in the multiyear plan;

(4) demonstrates to the Secretary measurable progress toward achieving the goals and objectives identified in the multiyear plan; and

(5) submits to the Secretary a current report on the progress in implementing the multiyear plan.

(d) **Grant amount.**--Subject to subsection (e)(3), the amount of a year grant made to a State for a fiscal year under this section shall equal the higher of--

(1) the amount determined by multiplying--

(A) the amount appropriated to carry out this section for such fiscal year, by

(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 2003 bears to the funds apportioned to all States under such section for fiscal year 2003; or

(2)(A) \$300,000 in the case of the first fiscal year a grant is made to a State under this section after the date of enactment of this subparagraph; or

(B) \$500,000 in the case of a succeeding fiscal year a grant is made to the State under this section after such date of enactment.

(e) **Additional requirements and limitations.**--

(1) **Model data elements.**--The Secretary, in consultation with States and other appropriate parties, shall

determine the model data elements that are useful for the observation and analysis of State and national trends in occurrences, rates, outcomes, and circumstances of motor vehicle traffic accidents. In order to be eligible for a grant under this section, a State shall submit to the Secretary a certification that the State has adopted and uses such model data elements, or a certification that the State will use grant funds provided under this section toward adopting and using the maximum number of such model data elements as soon as practicable.

(2) Data on use of electronic devices.--The model data elements required under paragraph (1) shall include data elements, as determined appropriate by the Secretary, in consultation with the States and appropriate elements of the law enforcement community, on the impact on traffic safety of the use of electronic devices while driving.

(3) Maintenance of effort.--No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures maintained by such State in the 2 fiscal years preceding the date of enactment of the SAFETEA-LU.

(4) Federal share.--The Federal share of the cost of adopting and implementing in a fiscal year a State program described in subsection (a) may not exceed 80 percent.

(5) Limitation on use of grant proceeds.--A State may use the proceeds of a grant received under this section only to implement the program described in subsection (a) for which the grant is made.

(f) Applicability of chapter 1.--Section 402(d) of this title shall apply in the administration of this section.

§ 409. Discovery and admission as evidence of certain reports and surveys

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 148 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

§ 410. Alcohol-impaired driving countermeasures

(a) General authority.--

(1) Authority to make grants.--Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

(2) Maintenance of effort.--No grant may be made to a State under this subsection in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the SAFETEA-LU.

(3) Federal share.--The Federal share of the cost of implementing and enforcing in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed--

(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75

percent;

(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

(C) in each of the fifth, sixth, seventh, and eighth fiscal years in which the State receives a grant under this section, 25 percent.

(b) Eligibility requirements--To be eligible for a grant under subsection (a), a State shall--

(1) have an alcohol related fatality rate of 0.5 or less per 100,000,000 vehicle miles traveled as of the date of the grant, as determined by the Secretary using the most recent Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; or

(2)(A) for fiscal year 2006 by carrying out 3 of the programs and activities under subsection (c);

(B) for fiscal year 2007 by carrying out 4 of the programs and activities under subsection (c); or

(C) for fiscal years 2008 and 2009 by carrying out 5 of the programs and activities under subsection (c).

(c) State programs and activities--The programs and activities referred to in subsection (b) are the following:

(1) Check point, saturation patrol program--A State program to conduct a series of high visibility, statewide law enforcement campaigns in which law enforcement personnel monitor for impaired driving, either through the use of sobriety check points or saturation patrols, on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of the motor vehicles are driving while under the influence of alcohol--

(A) if the State organizes the campaigns in cooperation with related periodic national campaigns organized by the National Highway Traffic Safety Administration, except that this subparagraph does not preclude a State from initiating sustained high visibility, Statewide law enforcement campaigns independently of the cooperative efforts; and

(B) if, for each fiscal year, the State demonstrates to the Secretary that the State and the political subdivisions of the State that receive funds under this section have increased, in the aggregate, the total number of impaired driving law enforcement activities at high incident locations (or any other similar activity approved by the Secretary) initiated in such State during the preceding fiscal year by a factor that the Secretary determines meaningful for the State over the number of such activities initiated in such State during the preceding fiscal year.

(2) Prosecution and adjudication outreach program--A State prosecution and adjudication program under which--

(A) the State works to reduce the use of diversion programs by educating and informing prosecutors and judges through various outreach methods about the benefits and merits of prosecuting and adjudicating defendants who repeatedly commit impaired driving offenses;

(B) the courts in a majority of the judicial jurisdictions of the State are monitored on the courts' adjudication of cases of impaired driving offenses; or

(C) annual statewide outreach is provided for judges and prosecutors on innovative approaches to the prosecution and adjudication of cases of impaired driving offenses that have the potential for significantly improving the prosecution and adjudication of such cases.

(3) Testing of BAC--An effective system for increasing from the previous year the rate of blood alcohol

concentration testing of motor vehicle drivers involved in fatal accidents.

(4) High risk drivers.--A law that establishes stronger sanctions or additional penalties for individuals convicted of operating a motor vehicle while under the influence of alcohol whose blood alcohol concentration is 0.15 percent or more than for individuals convicted of the same offense but with a lower blood alcohol concentration. For purposes of this paragraph, "additional penalties" includes--

(A) a 1-year suspension of a driver's license, but with the individual whose license is suspended becoming eligible after 45 days of such suspension to obtain a provisional driver's license that would permit the individual to drive--

(i) only to and from the individual's place of employment or school; and

(ii) only in an automobile equipped with a certified alcohol ignition interlock device; and

(B) a mandatory assessment by a certified substance abuse official of whether the individual has an alcohol abuse problem with possible referral to counseling if the official determines that such a referral is appropriate.

(5) Programs for effective alcohol rehabilitation and DWI courts.--A program for effective inpatient and outpatient alcohol rehabilitation based on mandatory assessment and appropriate treatment for repeat offenders or a program to refer impaired driving cases to courts that specialize in driving while impaired cases that emphasize the close supervision of high-risk offenders.

(6) Underage drinking program.--An effective strategy, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such a strategy may include--

(A) the issuance of tamper-resistant drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 or older; and

(B) a program provided by a nonprofit organization for training point of sale personnel concerning, at a minimum--

(i) the clinical effects of alcohol;

(ii) methods of preventing second party sales of alcohol;

(iii) recognizing signs of intoxication;

(iv) methods to prevent underage drinking; and

(v) Federal, State, and local laws that are relevant to such personnel; and

(C) having a law in effect that creates a 0.02 percent blood alcohol content limit for drivers under 21 years old.

(7) Administrative license revocation.--An administrative driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol that requires that--

(A) in the case of an individual who, in any 5-year period beginning after the date of enactment of the Transportation Equity Act for the 21st Century, is determined on the basis of a chemical test to have been operating a motor vehicle while under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer--

(i) suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; except that under such suspension an individual may operate a motor vehicle, after the 15-day period beginning on the date of the suspension, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

(ii) suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; except that such individual to operate a motor vehicle, after the 45-day period beginning on the date of the suspension or revocation, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

(B) the suspension and revocation referred to under clause (i) take effect not later than 30 days after the date on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the procedures of the State.

(8) Self sustaining impaired driving prevention program.--A program under which a significant portion of the fines or surcharges collected from individuals who are fined for operating a motor vehicle while under the influence of alcohol are returned to communities for comprehensive programs for the prevention of impaired driving.

(d) Uses of grants.--Subject to subsection (g)(2), grants made under this section may be used for all programs and activities described in subsection (c), and to defray the following costs:

(1) Labor costs, management costs, and equipment procurement costs for the high visibility, Statewide law enforcement campaigns under subsection (c)(1).

(2) The costs of the training of law enforcement personnel and the procurement of technology and equipment, including video equipment and passive alcohol sensors, to counter directly impaired operation of motor vehicles.

(3) The costs of public awareness, advertising, and educational campaigns that publicize use of sobriety check points or increased law enforcement efforts to counter impaired operation of motor vehicles.

(4) The costs of public awareness, advertising, and educational campaigns that target impaired operation of motor vehicles by persons under 34 years of age.

(5) The costs of the development and implementation of a State impaired operator information system.

(6) The costs of operating programs that result in vehicle forfeiture or impoundment or license plate impoundment.

(e) Additional authorities for certain authorized uses.--

(1) **Combination of grant proceeds.**--Grant funds used for a campaign under subsection (d)(3) may be combined, or expended in coordination, with proceeds of grants under section 402.

(2) **Coordination of uses.**--Grant funds used for a campaign under paragraph (3) or (4) of subsection (d) may be expended--

(A) in coordination with employers, schools, entities in the hospitality industry, and nonprofit traffic safety groups; and

(B) in coordination with sporting events and concerts and other entertainment events.

(f) Allocation.--Subject to subsection (g), funds made available to carry out this section shall be allocated

among States that meet the eligibility criteria in subsection (b) on the basis of the apportionment formula under section 402(c).

(g) Grants to high fatality rate States.--

(1) In general.--The Secretary shall make a separate grant under this section to each State that--

(A) is among the 10 States with the highest impaired driving related fatalities as determined by the Secretary using the most recent Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; and

(B) prepares a plan for grant expenditures under this subsection that is approved by the Administrator of the National Highway Traffic Safety Administration.

(2) Required uses.--At least one-half of the amounts allocated to States under this subsection may only be used for the program described in subsection (c)(1).

(3) Allocation.--Funds made available under this subsection shall be allocated among States described in paragraph (1) on the basis of the apportionment formula under section 402(c), except that no State shall be allocated more than 30 percent of the funds made available to carry out this subsection for a fiscal year.

(4) Funding.--Not more than 15 percent per fiscal year of amounts made available to carry out this section for a fiscal year shall be made available by the Secretary for making grants under this subsection.

(h) Applicability of chapter 1.--The provisions contained in section 402(d) shall apply to this section.

(i) Definitions.--In this section, the following definitions apply:

(1) Alcoholic beverage.--The term "alcoholic beverage" has the meaning given such term in section 158(c).

(2) Controlled substances.--The term "controlled substances" has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(3) Motor vehicle.--The term "motor vehicle" has the meaning given such term in section 405.

(4) Impaired operator.--The term "impaired operator" means a person who, while operating a motor vehicle--

(A) has a blood alcohol content of 0.08 percent or higher; or

(B) is under the influence of a controlled substance.

(5) Impaired driving related fatality rate.--The term "impaired driving related fatality rate" means the rate of alcohol related fatalities, as calculated in accordance with regulations which the Administrator of the National Highway Traffic Safety Administration shall prescribe.

§ 411. State highway safety data improvements

(a) General authority.--

(1) Authority to make grants.--Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs--

(A) to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data of the

State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

(B) to evaluate the effectiveness of efforts to make such improvements;

(C) to link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical and economic data; and

(D) to improve the compatibility of the data system of the State with national data systems and data systems of other States and to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

Such grants may be used by recipient States only to implement such programs.

(2) Model data elements.--The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances. In order to become eligible for a grant under this section, a State shall demonstrate how the multiyear highway safety data and traffic records plan of the State described in subsection (b)(1) will be incorporated into data systems of the State.

(3) Maintenance of effort.--No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

(4) Maximum period of eligibility.--No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

(5) Federal share.--The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed--

(A) in the first and second fiscal years in which the State receives a grant under this section, 75 percent;

(B) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

(C) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

(b) First-year grants.--

(1) Eligibility.--A State shall become eligible for a first-year grant under this subsection in a fiscal year if the State either--

(A) demonstrates, to the satisfaction of the Secretary, that the State has--

(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

(ii) completed, within the preceding 5 years, a highway safety data and traffic records assessment or an audit of the highway safety data and traffic records system of the State; and

(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan that--

(I) identifies and prioritizes the highway safety data and traffic records needs and goals of the State;

(II) identifies performance-based measures by which progress toward those goals will be determined; and

(III) will be submitted to the highway safety data and traffic records coordinating committee of the State for approval; or

(B) provides, to the satisfaction of the Secretary--

(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

(ii) a multiyear highway safety data and traffic records strategic plan that--

(I) meets the requirements of subparagraph (A)(iii); and

(II) specifies how the incentive funds of the State for the fiscal year will be used to address needs and goals identified in the plan; and

(iii) a certification that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan described in clause (ii).

(2) **Grant amounts.**--The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal--

(A) if the State is eligible for the grant under paragraph (1)(A), \$125,000; and

(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying--

(i) the amount appropriated to carry out this section for such fiscal year; by

(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State eligible for a grant under paragraph (1)(B) shall receive less than \$250,000.

(3) **States not meeting criteria.**--The Secretary may award a grant of up to \$25,000 for 1 year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable the State to qualify for a first-year grant in the next fiscal year.

(c) **[Footnote 1] Succeeding year grants.**--

(1) **Eligibility.**--A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State, to the satisfaction of the Secretary--

(A) submits or updates a multiyear highway safety data and traffic records strategic plan that meets the requirements of subsection (b)(1);

(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

(C) reports annually on the progress of the State in implementing the multiyear plan.

(2) Grant amounts.--The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying--

(A) the amount appropriated to carry out this section for such fiscal year; by

(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State eligible for a grant under this paragraph shall receive less than \$225,000.

(c) [Footnote 1] Administrative expenses.--Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(d) Applicability of chapter 1.--The provisions contained in section 402(d) shall apply to this section.

[Footnote 1] So in original. Two subsections (c) were enacted.

§ 412. Agency accountability

(a) Triennial State management reviews.--At least once every 3 years the Secretary shall conduct a review of each State highway safety program. The review shall include a management evaluation of all grant programs funded under this chapter. The Secretary shall provide review-based recommendations on how each State could improve the management and oversight of its grant activities and may provide a management and oversight plan for such grant programs.

(b) Recommendations before submission.--In order to provide guidance to State highway safety agencies on matters that should be addressed in the goals and initiatives of the State highway safety program before the program is submitted for review, the Secretary shall provide data-based recommendations to each State at least 90 days before the date on which the program is to be submitted for approval.

(c) State program review.--The Secretary shall--

(1) conduct a program improvement review of a highway safety program under this chapter of a State that does not make substantial progress over a 3-year period in meeting its priority program goals; and

(2) provide technical assistance and safety program requirements to be incorporated in the State highway safety program for any goal not achieved.

(d) Regional harmonization.--The Secretary and the Inspector General of the Department of Transportation shall undertake an administrative review of the practices and procedures of the management reviews and program reviews of State highway safety programs under this chapter conducted by the regional offices of the National Highway Traffic Safety Administration and prepare a written report of best practices and procedures for use by the regional offices in conducting such reviews. The report shall be completed within 180 days after the date of enactment of this section.

(e) Best practices guidelines.--

(1) **Uniform guidelines.**--The Secretary shall issue uniform management review guidelines and program review guidelines based on the report under subsection (d). Each regional office shall use the guidelines in executing its State administrative review duties under this section.

(2) **Publication.**--The Secretary shall make publicly available on the Web site (or successor electronic facility) of the Administration the following documents upon their completion:

(A) The Secretary's management review guidelines and program review guidelines.

(B) All State highway safety programs submitted under this chapter.

(C) State annual accomplishment reports.

(D) The Administration's Summary Report of findings from Management Reviews and Improvement Plans.

(3) Reports to State highway safety agencies.--The Secretary may not make publicly available a program, report, or review under paragraph (2) that is directed to a State highway safety agency until after the date on which the program, report, or review is submitted to that agency under this chapter.

(f) GAO review.--

(1) Analysis.--The Comptroller General shall analyze the effectiveness of the Administration's oversight of traffic safety grants under this chapter by determining the usefulness of the Administration's advice to the States regarding administration and State activities under this chapter, the extent to which the States incorporate the Administration's recommendations into their highway safety programs, and the improvements that result in a State's highway safety program that may be attributable to the Administration's recommendations.

(2) Report.--Not later than September 30, 2008, the Comptroller General shall submit a report on the results of the analysis to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**PUBLIC LAW 109-59 (SAFE, ACCOUNTABLE, FLEXIBLE,
EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR
USERS) (SAFETEA-LU)**

UNCODIFIED AUTHORIZATION OF APPROPRIATIONS

§ 2001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.--The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.--For carrying out section 402 of title 23, United States Code, \$163,680,000 for fiscal year 2005, \$217,000,000 for fiscal year 2006, \$220,000,000 for fiscal year 2007, \$225,000,000 for fiscal year 2008, and \$235,000,000 for fiscal year 2009.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.--For carrying out section 403 of title 23, United States Code, \$71,424,000 for fiscal year 2005, \$110,000,000 for fiscal year 2006, \$107,750,000 for fiscal year 2007, \$107,750,000 for fiscal year 2008, and \$105,500,000 for fiscal year 2009.

(3) OCCUPANT PROTECTION INCENTIVE GRANTS.--For carrying out section 405 of title 23, United States Code, \$19,840,000 for fiscal year 2005, \$25,000,000 for fiscal year 2006, \$25,000,000 for fiscal year 2007, \$25,000,000 for fiscal year 2008, and \$25,000,000 for fiscal year 2009.

(4) SAFETY BELT PERFORMANCE GRANTS.--For carrying out section 406 of title 23, United States Code, \$124,500,000 for fiscal year 2006, \$124,500,000 for fiscal year 2007, \$124,500,000 for fiscal year 2008, and \$124,500,000 for fiscal year 2009.

(5) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.--For carrying out section 408 of title 23, United States Code, \$34,500,000 for fiscal year 2006, \$34,500,000 for fiscal year 2007, \$34,500,000 for fiscal year 2008, and \$34,500,000 for fiscal year 2009.

(6) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.--For carrying out section 410 of title 23, United States Code, \$39,680,000 for fiscal year 2005, \$120,000,000 for fiscal year 2006, \$125,000,000 for fiscal year 2007, \$131,000,000 for fiscal year 2008, and \$139,000,000 for fiscal year 2009.

(7) NATIONAL DRIVER REGISTER.--For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code, \$3,968,000 for fiscal year 2005, \$4,000,000 for fiscal year 2006, \$4,000,000 for fiscal year 2007, \$4,000,000 for fiscal year 2008, and \$4,000,000 for fiscal year 2009.

(8) HIGH VISIBILITY ENFORCEMENT PROGRAM.--For carrying out section 2009 of this title \$29,000,000 for fiscal year 2006, \$29,000,000 for fiscal year 2007, \$29,000,000 for fiscal year 2008, and \$29,000,000 for fiscal year 2009.

(9) MOTORCYCLIST SAFETY.--For carrying out section 2010 of this title \$6,000,000 for fiscal year 2006, \$6,000,000 for fiscal year 2007, \$6,000,000 for fiscal year 2008, and \$7,000,000 for fiscal year 2009.

(10) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.--For carrying out section 2011 of this title \$6,000,000 for fiscal year 2006, \$6,000,000 for fiscal year 2007, \$6,000,000 for fiscal year 2008, and \$7,000,000 for fiscal year 2009.

(11) ADMINISTRATIVE EXPENSES.--For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title \$17,500,000 for fiscal year 2006, \$17,750,000 for fiscal year 2007, \$18,250,000 for fiscal year 2008, and \$18,500,000 for fiscal year 2009.

(b) PROHIBITION ON OTHER USES.--Except as otherwise provided in chapter 4 of title 23, United States Code, and this title, (including the amendments made by this title), the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter shall only be used to carry out such program and may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.--Except as otherwise provided in chapter 4 of title 23, United States Code, and this title, amounts made available under subsection (a) for each of fiscal years 2005 through 2009 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) TRANSFERS.--In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (3), (5), or (6) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 408, and 410 of title 23, United States Code.

(e) CLARIFICATIONS.--The amounts made available by each of subsections (a)(1) through (a)(7) shall be less any amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by laws enacted before the date of enactment of this Act for the respective programs referred to in each of such subsections for fiscal year 2005. Amounts authorized by such subsections are post-rescission and shall not be subject to any rescission after the date of enactment of this Act.

SAFETEA-LU -- UNCODIFIED PROGRAMS AND PROVISIONS

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§ 1906. Grant Program to Prohibit Racial Profiling

(a) Grants.--Subject to the requirements of this section, the Secretary shall make grants to a State that--

(1)(A) has enacted and is enforcing a law that prohibits the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways; and

(B) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver and any passengers; or

(2) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of paragraph (1).

(b) Eligible activities.--A grant received by a State under subsection (a) shall be used by the State--

(1) In the case of a State eligible under subsection (a)(1), for costs of--

(A) collecting and maintaining of data on traffic stops;

(B) evaluating the results of the data; and

(C) developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers; and

(2) In the case of a State eligible under subsection (a)(2), for costs of--

(A) activities to comply with the requirements of subsection (a)(1); and

(B) any eligible activity under paragraph (1).

(c) Racial profiling.--

(1) In general.--To meet the requirement of subsection (a)(1), a State law shall prohibit, in the enforcement of State laws regulating the use of Federal-aid highways, a State or local law enforcement officer from using the race or ethnicity of the driver or passengers to any degree in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops on Federal-aid highways.

(2) Limitation.--Nothing in this subsection shall alter the manner in which a State or local law enforcement officer considers race or ethnicity whenever there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization.

(d) Limitations.--

(1) Maximum amount of grants.--The total amount of grants made to a State under this section in a fiscal year may not exceed 5 percent of the amount made available to carry out this section in the fiscal year.

(2) Eligibility.--A State may not receive a grant under subsection (a)(2) in more than 2 fiscal years.

(e) Authorization of appropriations.--

(1) In general.--There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$7,500,000 for each of fiscal years 2005 through 2009.

(2) Contract authority.--Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 80 percent, and such funds shall remain available until expended and shall not be transferable."

§ 2003. Highway safety research and outreach programs.

(c) On-scene motor vehicle collision causation.--

(1) Study.--The Secretary shall conduct under section 403 of title 23, United States Code, a nationally representative study to collect on-scene motor vehicle collision data and to determine crash causation. The Secretary shall enter into a contract with the National Academy of Sciences to conduct a review of the research, design, methodology, and implementation of the study.

(2) Consultation.--The study under this subsection may be conducted in consultation with other Federal departments and agencies with relevant expertise.

(3) Final report.--Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report on the results of the study conducted under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) Research on distracted, inattentive, and fatigued drivers.--In conducting research under section 403(a)(3) of title 23, United States Code, the Secretary shall carry out not less than 2 demonstration projects to evaluate new and innovative means of combating traffic system problems caused by distracted, inattentive, or fatigued drivers. The demonstration projects shall be in addition to any other research carried out under such section.

(e) Pedestrian safety.--

(1) In general.--The Secretary shall--

(A) produce a comprehensive report on pedestrian safety that builds on the current level of knowledge of pedestrian safety countermeasures by identifying the most effective advanced technology and intelligent transportation systems, such as automated pedestrian detection and warning systems (infrastructure-based and vehicle-based), road design, and vehicle structural design that could potentially mitigate the crash forces on pedestrians in the event of a crash; and

(B) include in the report recommendations on how new technological developments could be incorporated into educational and enforcement efforts and how they could be integrated into national design guidelines developed by the American Association of State Highway and Transportation Officials.

(2) Due date.--The Secretary shall complete the report under this subsection not less than 2 years after the date of enactment of this Act and submit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) Refusal of intoxication testing.--

(1) Study.--The Secretary shall carry out under section 403 of title 23, United States Code, a study of the frequency with which persons arrested for the offense of operating a motor vehicle while under the influence of alcohol and persons arrested for the offense of operating a motor vehicle while intoxicated refuse to take a test to determine blood alcohol concentration levels and the effect such refusals have on the ability of States to prosecute such persons for those offenses.

(2) Consultation.--In carrying out the study under this subsection, the Secretary shall consult with the

Governors of the States, the States' Attorneys General, and the United States Sentencing Commission.

(3) Report.--

(a) Requirement for report.--Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Content.--The report shall include any recommendation for legislation, including any recommended model State legislation, and any other recommendations that the Secretary considers appropriate for implementing a program designed to decrease the occurrence of refusals by arrested persons to submit to a test to determine blood alcohol concentration levels.

(g) Impaired motorcycle driving.--

(1) Study.--In conducting research under section 403(a)(9) of title 23, United States Code, the Secretary shall conduct a study on educational, public information and other activities targeted at reducing motorcycle accidents and resulting fatalities and injuries, where the operator of the motorcycle is impaired.

(2) Report.--Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, including the data collected and statistics compiled and recommendations to reduce the number of motorcycle accidents described in paragraph (1) and the resulting fatalities and injuries.

(h) Reducing impaired driving recidivism.--

(1) Study.--The Secretary shall conduct a study on reducing the incidence of alcohol-related motor vehicle crashes and fatalities through research of advanced vehicle-based alcohol detection systems, including an assessment of the practicability and cost effectiveness of such systems.

(2) Report.--Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

§ 2007. Alcohol-impaired driving countermeasures.

(c) NHTSA to issue regulations.--Not later than 12 months after the date of enactment of this Act, the National Highway Traffic Safety Administration shall issue guidelines to the States specifying the types and formats of data that States should collect relating to drivers who are arrested or convicted for violation of laws prohibiting the impaired operation of motor vehicles.

§ 2009. High visibility enforcement program.

(a) In general.--The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which at least 2 high-visibility traffic safety law enforcement campaigns will be carried out for the purposes specified in subsection (b) in each of years 2006 through 2009.

(b) Purpose.--The purpose of each law enforcement campaign under this section shall be to achieve either or both of the following objectives:

- (1)** Reduce alcohol-impaired or drug-impaired operation of motor vehicles.
- (2)** Increase use of seat belts by occupants of motor vehicles.

(c) Advertising.--The Administrator may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising in carrying out traffic safety law enforcement campaigns under this section. Consideration shall be given to advertising directed at non-English speaking populations, including those who listen, read, or watch nontraditional media.

(d) Coordination with States.--The Administrator shall coordinate with the States in carrying out the traffic safety law enforcement campaigns under this section, including advertising funded under subsection (c), with a view to--

(1) relying on States to provide the law enforcement resources for the campaigns out of funding available under this section and sections 402, 405, 406, and 410 of title 23, United States Code; and

(2) providing out of National Highway Traffic Safety Administration resources most of the means necessary for national advertising and education efforts associated with the law enforcement campaigns.

(e) Use of funds.--Funds made available to carry out this section may only be used for activities described in subsections (a), (c), and (f).

(f) Annual evaluation.--The Secretary shall conduct an annual evaluation of the effectiveness of campaigns referred to in subsection (a).

(g) State defined.--The term "State" has the meaning such term has under section 401 of title 23, United States Code.

§ 2010. Motorcyclist safety.

(a) Authority to make grants.--Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

(b) Maintenance of effort.--No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all the other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) Allocation.--The amount of a grant made to a State for a fiscal year under this section may not be less than \$100,000 and may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(d) Grant eligibility.--

(1) In general.--A State becomes eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary--

(A) for the first fiscal year for which the State will receive a grant under this section, at least 1 of the 6 criteria listed in paragraph (2); and

(B) for the second, third, and fourth fiscal years for which the State will receive a grant under this section, at least 2 of the 6 criteria listed in paragraph (2).

(2) Criteria.--The criteria for eligibility for a grant under this section are the following:

(A) Motorcycle rider training courses.--An effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-

oriented operational skills to motorcyclists and that may include innovative training opportunities to meet unique regional needs.

(B) Motorcyclists awareness program.--An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists.

(C) Reduction of fatalities and crashes involving motorcycles.--A reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 motorcycle registrations).

(D) Impaired driving program.--Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.

(E) Reduction of fatalities and accidents involving impaired motorcyclists.--A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations).

(F) Fees collected from motorcyclists.--All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs will be used for motorcycle training and safety programs.

(e) Eligible uses.--

(1) In general.--A State may use funds from a grant under this section only for motorcyclist safety training and motorcyclist awareness programs, including--

(A) improvements to motorcyclist safety training curricula;

(B) improvements in program delivery of motorcycle training to both urban and rural areas, including--

(i) procurement or repair of practice motorcycles;

(ii) instructional materials;

(iii) mobile training units; and

(iv) leasing or purchasing facilities for closed-course motorcycle skill training;

(C) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

(D) public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, such as the "share-the-road" safety messages developed under subsection (g).

(2) Suballocations of funds.--An agency of a State that receives a grant under this section may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out under this section.

(f) Definitions.--In this section, the following definitions apply:

(1) Motorcyclist safety training.--The term "motorcyclist safety training" means a formal program of instruction that is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

(2) Motorcyclist awareness.--The term "motorcyclist awareness" means individual or collective awareness of--

- (A) the presence of motorcycles on or near roadways; and
- (B) safe driving practices that avoid injury to motorcyclists.

(3) Motorcyclist awareness program.--The term "motorcyclist awareness program" means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

(4) State.--The term "State" has the same meaning such term has in section 101(a) of title 23, United States Code.

(g) Share-the-road model language.--Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the National Highway Traffic Safety Administration, shall develop and provide to the States model language for use in traffic safety education courses, driver's manuals, and other driver's training materials instructing the drivers of motor vehicles on the importance of sharing the roads safely with motorcyclists.

§ 2011. Child safety and child booster seat incentive grants.

(a) General authority.--Subject to the requirements of this section, the Secretary shall make grants to States that are enforcing a law requiring that any child riding in a passenger motor vehicle in the State who is too large to be secured in a child safety seat be secured in a child restraint that meets the requirements prescribed by the Secretary under section 3 of Anton's Law (49 U.S.C. 30127 note; 116 Stat. 2772).

(b) Maintenance of effort.--No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for child safety seat and child restraint programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) Federal share.--The Federal share of the costs of activities funded using amounts from grants under this section shall not exceed--

- (1) for the first 3 fiscal years for which a State receives a grant under this section, 75 percent; and
- (2) for the fourth fiscal year for which a State receives a grant under this section, 50 percent.

(d) Use of grant amounts.--

(1) Allocations.--Of the amounts received by a State in grants under this section for a fiscal year not more than 50 percent shall be used to fund programs for purchasing and distributing child safety seats and child restraints to low-income families.

(2) Remaining amounts.--Amounts received by a State in grants under this section, other than amounts subject to paragraph (1), shall be used to carry out child safety seat and child restraint programs, including the following:

(A) A program to support enforcement of child restraint laws.

(B) A program to train child passenger safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child safety seats and child restraints.

(C) A program to educate the public concerning the proper use and installation of child safety seats and child restraints.

(e) **Grant amount.**--The amount of a grant to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(f) **Applicability of chapter 1.**--The provisions contained in section 402(d) of such title shall apply to this section.

(g) **Report.**--A State that receives a grant under this section shall transmit to the Secretary a report documenting the manner in which the grant amounts were obligated and expended and identifying the specific programs carried out using the grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under of chapter 4 of title 23, United States Code.

(h) **Definitions.**--In this section, the following definitions apply:

(1) **Child restraint.**--The term "child restraint" means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) **Child safety seat.**--The term "child safety seat" has the meaning such term has in section 405(f) of title 23, United States Code.

(3) **Passenger motor vehicle.**--The term "passenger motor vehicle" has the meaning such term has in section 405(f) of such title.

(4) **State.**--The term "State" has the meaning such term has in section 101(a) of such title.

§ 2012. Safety data.

(a) **In general.**--Using funds made available to carry out section 403 of title 23, United States Code, for fiscal years 2005 through 2009, the Secretary shall collect data and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries and that occur on public and nonpublic roads and residential and commercial driveways and parking facilities.

(b) **Report.**--Not later than January 1, 2009, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on accidents described in subsection (a), including the data collected and statistics compiled under subsection (a) and any recommendations regarding measures to be taken to reduce the number of such accidents and the resulting fatalities and injuries.

§ 2013. Drug-impaired driving enforcement.

(a) **Illicit drug.**--In this section, the term "illicit drug" includes substances listed in schedules I through V of section 112(e) of the Controlled Substances Act (21 U.S.C. 812) not obtained by a legal and valid prescription.

(b) **Duties.**--The Secretary shall--

(1) advise and coordinate with other Federal agencies on how to address the problem of driving under the influence of an illegal drug; and

(2) conduct research on the prevention, detection, and prosecution of driving under the influence of an illegal drug.

(c) Report.--

(1) **In general.--**Not later than 18 months after the date of enactment of this Act, the Secretary, in cooperation with the National Institutes of Health, shall submit to Congress a report on the problem of drug-impaired driving.

(2) **Contents.--**The report shall include, at a minimum, the following:

(A) An assessment of methodologies and technologies for measuring driver impairment resulting from use of the most common illicit drugs (including the use of such drugs in combination with alcohol).

(B) Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a driver who is under the influence of an illicit drug by the use of technology or otherwise.

(C) A description of the role of drugs as causal factor in traffic crashes and the extent of the problem of drug-impaired driving.

(D) A description and assessment of current State and Federal laws relating to drug-impaired driving.

(E) Recommendations for addressing the problem of drug-impaired driving, including recommendations on levels of impairment.

(F) Recommendations for developing a model statute relating to drug-impaired driving.

(d) Model statute.--

(1) **In general.--**The Secretary shall develop a model statute for States relating to drug-impaired driving.

(2) **Contents.--**Based on recommendations and findings contained in the report submitted under subsection (c), the model statute may include--

(A) threshold levels of impairment for illicit drugs;

(B) practicable methods for detecting the presence of illicit drugs; and

(C) penalties for drug impaired driving.

(3) **Date.--**The model statute shall be provided to States not later than 1 year after date of submission of the report under subsection (c).

(e) **Research and development.--**Section 403(b) of title 23, United States Code, is amended by adding at the end the following:

"(5) Technology to detect drug use and enable States to efficiently process toxicology evidence.

"(6) Research on the effects of illicit drugs and the compound effects of alcohol and illicit drugs on impairment."

(f) **Funding.--**Out of amounts made available to carry out section 403 of title 23, United States Code, for each of fiscal years 2006 through 2009, the Secretary shall make available \$1,200,000 for such fiscal year to carry out this section.

§ 2014. First responder vehicle safety program.

(a) In general.--Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the National Highway Traffic Safety Administration, should--

(1) develop and implement a comprehensive program to promote compliance with State and local laws intended to increase the safe and efficient operation of first responder vehicles;

(2) compile a list of best practices by State and local governments to promote compliance with the laws described in paragraph (1);

(3) analyze State and local laws intended to increase the safe and efficient operation of first responder vehicles; and

(4) develop model legislation to increase the safe and efficient operation of first responder vehicles.

(b) Partnerships.--The Secretary may enter into partnerships with qualified organizations to carry out this section.

(c) Public outreach.--The Secretary shall use a variety of public outreach strategies to carry out this section, including public service announcements, publication of informational materials, and posting information on the Internet.

(d) Authorization of appropriations.--There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal year 2006.

§ 2015. Driver performance study.

(a) In general.--Using funds made available to carry out section 403 of title 23, United States Code, for fiscal year 2005, the Secretary shall make \$1,000,000 available to conduct a study on the risks associated with glare to oncoming drivers, including increased risks to drivers on 2-lane highways, increased risks to drivers over the age of 50, and the overall effects of glare on driver performance.

(b) Report.--Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and any recommendations regarding measures to reduce the risks associated with glare to oncoming drivers.

§ 2016. Rural State emergency medical services optimization pilot program.

(a) In general.--From funds made available to carry out section 403 of title 23, United States Code, for fiscal year 2006, the Secretary shall make \$1,000,000 available to conduct a pilot program for optimizing emergency medical services in a rural State.

(b) Collecting data.--The pilot program shall focus on collecting geo-coded data for highway accidents and resulting injuries, analyzing data to develop injury patterns and distributions, and improving placement and management of emergency medical services resources and personnel.

(c) Selection.--The Secretary shall enter into an agreement with the State of Alaska to conduct the pilot program.

(d) Report.--Not later than 12 months after the completion of the pilot program, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the pilot program and recommendations for application to other rural States.

§ 2017. Older driver safety; law enforcement training.

(a) Improving older driver safety.--

(1) In general.--Of the funds made available to carry out section 403 of title 23, United States Code, the Secretary shall allocate \$1,700,000 for each of fiscal years 2006 through 2009 to conduct a comprehensive research and demonstration program to improve traffic safety pertaining to older drivers.

(2) Elements of program.--The program shall--

(A) provide information and guidelines to assist older drivers, physicians, and other related medical personnel, families, licensing agencies, enforcement officers, and various public and transit agencies in enhancing the safety of older drivers;

(B) improve the scientific basis of medical standards and screenings strategies used in the licensing of all drivers in a non-discriminatory manner;

(C) conduct field tests to assess the safety benefits and mobility impacts of different driver licensing strategies and driver assessment and rehabilitation methods;

(D) assess the value and improve the safety potential of driver retraining courses of particular benefit to older drivers; and

(E) conduct other activities to accomplish the objectives of this section.

(3) Formulation of plan.--After consultation with affected parties, the Secretary shall formulate an older driver traffic safety plan to guide the design and implementation of the program.

(4) Submission of plan to Congress.--Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the plan to the Committee on Transportation and Infrastructure House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) Law enforcement training.--

(1) Requirement for program.--The Secretary shall carry out a program to provide guidance and support to law enforcement agencies in police chase techniques that are consistent with the police chase guidelines issued by the International Association of Chiefs of Police.

(2) Amount for program.--Of the funds made available to carry out section 403 of title 23, United States Code, the Secretary shall allocate \$500,000 in each of fiscal years 2006 through 2009 to carry out this subsection.

§ 2020. PRESIDENTIAL COMMISSION ON ALCOHOL-IMPAIRED DRIVING.

(a) Findings.--Congress finds that--

(1) there has been considerable progress over the past 25 years in reducing the number and rate of alcohol-related highway fatalities;

(2) the National Highway Traffic Safety Administration projects that fatalities in alcohol-related crashes declined in 2003 for the 2nd year in a row;

(3) in spite of this progress, an estimated 17,013 Americans died in 2003, in alcohol-related crashes;

(4) these fatalities comprise 40 percent of the annual total highway fatalities;

- (5) about 250,000 are injured each year in alcohol-related crashes;
- (6) the past 2 years of decreasing alcohol-related fatalities follows a 3- year increase;
- (7) alcohol-impaired driving is the Nation's most frequently committed violent crime;
- (8) the annual cost of alcohol-related crashes is over \$100,000,000,000, including \$9,000,000,000 in costs to employers;
- (9) a Presidential Commission on Alcohol Impaired Driving in 1982 and 1983 helped to lead to substantial progress on this issue; and
- (10) these facts point to the need to renew the national commitment to preventing these deaths and injuries.

(b) Sense of the Congress.--It is the sense of Congress that, in an effort to further change the culture of alcohol-impaired driving on our Nation's highways, the President should consider establishing a Presidential Commission on Alcohol-Impaired Driving--

(1) comprised of representatives of--

- (A) State and local governments, including State legislators;
- (B) law enforcement;
- (C) traffic safety experts, including researchers;
- (D) victims of alcohol-related crashes;
- (E) affected industries, including the alcohol, insurance, motorcycle, and auto industries;
- (F) the business community;
- (G) labor;
- (H) the medical community;
- (I) public health; and
- (J) Members of Congress; and

(2) that not later than September 30, 2006, would--

- (A) conduct a full examination of alcohol-impaired driving issues; and
- (B) make recommendations for a broad range of policy and program changes that would serve to further reduce the level of deaths and injuries caused by alcohol impaired driving.

§ 2021. Sense of the Congress in support of increased public awareness of blood alcohol concentration levels and dangers of alcohol-impaired driving.

(a) **FINDINGS.--**Congress finds that--

(1) in 2003--

- (A) 17,013 Americans died in alcohol-related traffic crashes;

(B) 40 percent of the persons killed in traffic crashes died in alcohol-related crashes; and

(C) drivers with blood alcohol concentration levels over 0.15 were involved in 58 percent of alcohol-related traffic fatalities;

(2) research shows that 77 percent of Americans think they have received enough information about alcohol-impaired driving and the way in which alcohol affects individual blood alcohol levels; and

(3) only 28 percent of the American public can correctly identify the legal limit of blood alcohol concentration of the State in which they reside.

(b) Sense of Congress.--It is the sense of Congress that the National Highway Traffic Safety Administration should work with State and local governments and independent organizations to increase public awareness of--

(1) State legal limits on blood alcohol concentration levels; and

(2) the dangers of alcohol-impaired driving.

§ 2022. EFFECTIVE DATE.

Sections 2002 through 2007 of this title (and the amendments and repeals made by such sections) shall take effect October 1, 2005.

§ 4127. OUTREACH AND EDUCATION.

(a) In general.--The Secretary shall conduct, through any combination of grants, contracts, or cooperative agreements, an outreach and education program to be administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration.

(b) Program elements.--The program shall include, at a minimum, the following:

(1) A program to promote a more comprehensive and national effort to educate commercial motor vehicle drivers and passenger vehicle drivers about how commercial motor vehicle drivers and passenger vehicle drivers can more safely share the road with each other.

(2) A program to promote enhanced traffic enforcement efforts aimed at reducing the incidence of the most common unsafe driving behaviors that cause or contribute to crashes involving commercial motor vehicles and passenger vehicles.

(3) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to sharing the road referred to in paragraphs (1) and (2) to each partner's constituents and to the general public through the use of brochures, videos, paid and public advertisements, the Internet, and other media.

(c) Federal share.--The Federal share of a program or activity for which a grant is made under this section shall be 100 percent of the cost of such program or activity.

(d) Annual report.--The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section. The final annual report shall be submitted not later

than September 30, 2009.

(e) Funding.--From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$1,000,000 to the Federal Motor Carrier Safety Administration, and \$3,000,000 to the National Highway Traffic Safety Administration, for each of fiscal years 2006, 2007, 2008, and 2009 to carry out this section (other than subsection (f)).

(f) Study.--The Comptroller General shall update the Government Accountability Office's evaluation of the "Share the Road Safely" program to determine if it has achieved reductions in the number and severity of commercial motor vehicle crashes, including reductions in the number of deaths and the severity of injuries sustained in these crashes and shall report its updated evaluation to Congress no later than June 30, 2006.

§ 5513. Research grants.

(e) Automobile accident injury research.--

(1) Grants.--The Secretary shall make a grant to the Forsyth Institute for research and technology development for preventing and minimizing head, craniofacial, and spinal cord injuries resulting from automobile accidents.

(2) Funding.--Of the amounts made available under section 5101(a)(1) of this Act, \$500,000 in each of fiscal years 2006 through 2009 shall be available to carry out this subsection.

(m) Federal share.--The Federal share of the cost of activities carried out in accordance with this section shall be 80 percent unless otherwise expressly provided by this section or otherwise determined by the Secretary.

§ 10202. Emergency medical services.

(a) Federal interagency committee on emergency medical services.--

(1) Establishment.--The Secretary of Transportation, the Secretary of Health and Human Services, and the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall establish a Federal Interagency Committee on Emergency Medical Services.

(2) Membership.--The Interagency Committee shall consist of the following officials, or their designees:

(A) The Administrator, National Highway Traffic Safety Administration.

(B) The Director, Preparedness Division, Directorate of Emergency Preparedness and Response of the Department of Homeland Security.

(C) The Administrator, Health Resources and Services Administration, Department of Health and Human Services.

(D) The Director, Centers for Disease Control and Prevention, Department of Health and Human Services.

(E) The Administrator, United States Fire Administration, Directorate of Emergency Preparedness and Response of the Department of Homeland Security.

(F) The Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services.

(G) The Under Secretary of Defense for Personnel and Readiness.

(H) The Director, Indian Health Service, Department of Health and Human Services.

(I) The Chief, Wireless Telecommunications Bureau, Federal Communications Commission.

(J) A representative of any other Federal agency appointed by the Secretary of Transportation or the Secretary of Homeland Security through the Under Secretary for Emergency Preparedness and Response, in consultation with the Secretary of Health and Human Services, as having a significant role in relation to the purposes of the Interagency Committee.

(K) A State emergency medical services director appointed by the Secretary.

(3) Purposes.--The purposes of the Interagency Committee are as follows:

(A) To ensure coordination among the Federal agencies involved with State, local, tribal, or regional emergency medical services and 9-1-1 systems.

(B) To identify State, local, tribal, or regional emergency medical services and 9-1-1 needs.

(C) To recommend new or expanded programs, including grant programs, for improving State, local, tribal, or regional emergency medical services and implementing improved emergency medical services communications technologies, including wireless 9-1-1.

(D) To identify ways to streamline the process through which Federal agencies support State, local, tribal or regional emergency medical services.

(E) To assist State, local, tribal or regional emergency medical services in setting priorities based on identified needs.

(F) To advise, consult, and make recommendations on matters relating to the implementation of the coordinated State emergency medical services programs.

(4) Administration.--The Administrator of the National Highway Traffic Safety Administration, in cooperation with the Administrator of the Health Resources and Services Administration of the Department of Health and Human Services and the Director of the Preparedness Division, Directorate of Emergency Preparedness and Response of the Department of Homeland Security, shall provide administrative support to the Interagency Committee, including scheduling meetings, setting agendas, keeping minutes and records, and producing reports.

(5) Leadership.--The members of the Interagency Committee shall select a chairperson of the Committee each year.

(6) Meetings.--The Interagency Committee shall meet as frequently as is determined necessary by the chairperson of the Committee.

(7) Annual reports.--The Interagency Committee shall prepare an annual report to Congress regarding the Committee's activities, actions, and recommendations.

RELATED HIGHWAY SAFETY PROVISIONS

CHAPTER 1. – FEDERAL-AID HIGHWAYS

Sec.

153. Use of Safety Belts and Motorcycle Helmets

154. Open Container Requirements

- 157. Safety Incentive Grants for Use of Seat Belts
- 158. National Minimum Drinking Age
- 161. Operation of Motor Vehicles by Intoxicated Minors
- 163. Safety Incentives to Prevent Operation of Motor Vehicles
by Intoxicated Persons
- 164. Minimum Penalties for Repeat Offenders for Driving While
Intoxicated or Driving Under the Influence

§ 153. Use of safety belts and motorcycle helmets

(a) Authority to make grants.--The Secretary may make grants to a State in a fiscal year in accordance with this section if the State has in effect in such fiscal year--

- (1) a law which makes unlawful throughout the State the operation of a motorcycle if any individual on the motorcycle is not wearing a motorcycle helmet; and
- (2) a law which makes unlawful throughout the State the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.

(b) Use of grants.--A grant made to a State under this section shall be used to adopt and implement a traffic safety program to carry out the following purposes:

- (1) **Education.**--To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.
- (2) **Training.**--To train law enforcement officers in the enforcement of State laws described in subsection (a).
- (3) **Monitoring.**--To monitor the rate of compliance with State laws described in subsection (a).
- (4) **Enforcement.**--To enforce State laws described in subsection (a).

(c) Maintenance of effort.--A grant may not be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for any traffic safety program described in subsection (b) at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

(d) Federal share.--A State may not receive a grant under this section in more than 3 fiscal years. The Federal share payable for a grant under this section shall not exceed--

- (1) in the first fiscal year the State receives a grant, 75 percent of the cost of implementing in such fiscal year a traffic safety program described in subsection (b);
- (2) in the second fiscal year the State receives a grant, 50 percent of the cost of implementing in such fiscal year such traffic safety program; and
- (3) in the third fiscal year the State receives a grant, 25 percent of the cost of implementing in such fiscal year such traffic safety program.

(e) Maximum aggregate amount of grants.--The aggregate amount of grants made to a State under this section shall not exceed 90 percent of the amount apportioned to such State for fiscal year 1990 under section 402.

(f) Eligibility for grants.--

(1) General rule.--A State is eligible in a fiscal year for a grant under this section only if the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State implements in such fiscal year a traffic safety program described in subsection (b).

(2) Second-year grants.--A State is eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year--

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 75 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 50 percent.

(3) Third-year grants.--A State is eligible for a grant under this section in a fiscal year succeeding the second fiscal year in which a State receives a grant under this section only if the State in the preceding fiscal year--

(A) had in effect at all times a State law described in subsection (a)(1) and achieved a rate of compliance with such law of not less than 85 percent; and

(B) had in effect at all times a State law described in subsection (a)(2) and achieved a rate of compliance with such law of not less than 70 percent.

(g) Measurements of rates of compliance.--For the purposes of subsections (f)(2) and (f)(3), a State shall measure compliance with State laws described in subsection (a) using methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

(h) Penalty.--

(1) Fiscal year 1994.--If, at any time in fiscal year 1994, a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer 1 1/2 percent of the funds apportioned to the State for fiscal year 1995 under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(2) Thereafter.--If, at any time in a fiscal year beginning after September 30, 1994, a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

(3) Federal share.--The Federal share of the cost of any project carried out under section 402 with funds transferred to the apportionment of section 402 shall be 100 percent.

(4) Transfer of obligation authority.--If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out only projects under section 402 which is determined by multiplying--

(A) the amount of funds transferred to the apportionment of section 402 of the State under section 402 for such fiscal year; by

(B) the ratio of the amount of obligation authority distributed for such fiscal year to the State for

Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

(5) Limitation on applicability of highway safety obligations.--Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs carried out by the Federal Highway Administration under section 402 shall apply to funds transferred under this subsection to the apportionment of section 402.

(i) Definitions.--For the purposes of this section, the following definitions apply:

(1) Motorcycle.--The term "motorcycle" means a motor vehicle which is designed to travel on not more than 3 wheels in contact with the surface.

(2) Motor vehicle.--The term "motor vehicle" has the meaning such term has under section 154 of this title.

(3) Passenger vehicle.--The term "passenger vehicle" means a motor vehicle which is designed for transporting 10 individuals or less, including the driver, except that such term does not include a vehicle which is constructed on a truck chassis, a motorcycle, a trailer, or any motor vehicle which is not required on the date of the enactment of this section under a Federal motor vehicle safety standard to be equipped with a belt system.

(4) Safety belt.--The term "safety belt" means--

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap shoulder belts.

(j) Authorization of appropriations.--There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$17,000,000 for fiscal year 1992. From sums made available to carry out section 402 of this title, the Secretary shall make available \$17,000,000 for fiscal year 1992 and \$24,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

(k) Applicability of chapter 1 provisions.--All provisions of this chapter that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this section shall remain available until expended.

§ 154. Open container requirements

(a) Definitions.--In this section, the following definitions apply:

(1) Alcoholic beverage.--The term "alcoholic beverage" has the meaning given the term in section 158(c).

(2) Motor vehicle.--The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

(3) Open alcoholic beverage container.--The term "open alcoholic beverage container" means any bottle, can, or other receptacle--

(A) that contains any amount of alcoholic beverage; and

(B)(i) that is open or has a broken seal; or

(ii) the contents of which are partially removed.

(4) **Passenger area.**--The term "passenger area" shall have the meaning given the term by the Secretary by regulation.

(b) Open container laws--

(1) **In general.**--For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

(2) **Motor vehicles designed to transport many passengers.**--For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)--

(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

(c) Transfer of funds.--

(1) **Fiscal years 2001 and 2002.**--On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1 1/2 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402--

(A) to be used for alcohol-impaired driving countermeasures; or

(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

(2) **Fiscal year 2003 and fiscal years thereafter.**--On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

(3) **Use for hazard elimination program.**--A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 148.

(4) **Federal share.**--The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

(5) Derivation of amount to be transferred.--The amount to be transferred under paragraph (1) or (2) may be derived from one or more of the following:

(A) The apportionment of the State under section 104(b)(1).

(B) The apportionment of the State under section 104(b)(3).

(C) The apportionment of the State under section 104(b)(4).

(6) Transfer of obligation authority.--

(A) In general.--If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

(B) Amount.--The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying--

(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year, by

(ii) the ratio that--

(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

(7) Limitation on applicability of obligation limitation.--Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

§ 157. Safety incentive grants for use of seat belts

(a) Definitions.--In this section, the following definitions apply:

(1) Motor vehicle.--The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line.

(2) Multipurpose passenger motor vehicle.--The term "multipurpose passenger motor vehicle" means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed on a truck chassis or is constructed with special features for occasional off-road operation.

(3) National average seat belt use rate.--The term "national average seat belt use rate" means, in the case of each of calendar years 1996 through 2003, the national average seat belt use rate for that year, as determined by the Secretary.

(4) Passenger car.--The term "passenger car" means a motor vehicle with motive power (except a multipurpose passenger motor vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(5) Passenger motor vehicle.--The term "passenger motor vehicle" means a passenger car or a

multipurpose passenger motor vehicle.

(6) Savings to the Federal Government.--The term "savings to the Federal Government" means the amount of Federal budget savings relating to Federal medical costs (including savings under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.)), as determined by the Secretary.

(7) Seat belt.--The term "seat belt" means--

(A) with respect to an open-body passenger motor vehicle, including a convertible, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to any other passenger motor vehicle, an occupant restraint system consisting of integrated lap and shoulder belts.

(8) State seat belt use rate.--The term "State seat belt use rate" means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary--

(A) for each of calendar years 1996 and 1997, by the State, as weighted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

(B) for each of calendar years 1998 through 2003, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

(b) Determinations by the Secretary.--Not later than September 1, 1998, and September 1 of each calendar year thereafter through September 1, 2005, the Secretary shall determine--

(1)(A) which States had, for each of the previous calendar years (in this subsection referred to as the "previous calendar year") and the year preceding the previous calendar year, a State seat belt use rate greater than the national average seat belt use rate for that year; and

(B) in the case of each State described in subparagraph (A), the amount that is equal to the savings to the Federal Government due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year; and

(2) in the case of each State that is not a State described in paragraph (1)(A)--

(A) the base seat belt use rate of the State, which shall be equal to the highest State seat belt use rate for the State for any calendar year during the period of 1996 through the calendar year preceding the previous calendar year; and

(B) the amount that is equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate determined under subparagraph (A).

(c) Allocations.--

(1) States with greater than the national average seat belt use rate.--Not later than October 1, 1998, and each October 1 thereafter through October 1, 2004, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

(2) Other States.--Not later than October 1, 1998, and each October 1 thereafter through October 1, 2004, the Secretary shall allocate to each State described in subsection (b)(2) an amount equal to the amount determined for the State under subsection (b)(2)(B).

(d) Use of amounts.--For each fiscal year, each State that is allocated an amount under this section shall use the amount for projects eligible for assistance under this title.

(e) Criteria.--Not later than 180 days after the date of enactment of this section, the Secretary shall establish criteria for the measurement of State seat belt use rates by States to ensure that the measurements are accurate and representative.

(f) Innovative seat belt project allocations.--

(1) In general.--The Secretary shall use amounts made available under subsection (g)(3) to make allocations to States to carry out innovative projects to promote increased seat belt use rates.

(2) Determination of eligibility.--To be eligible to receive an allocation under this subsection for a fiscal year, a State shall--

(A) develop a plan for innovative projects described in paragraph (1); and

(B) submit the plan to the Secretary not later than March 1 of the fiscal year.

(3) Plan selection.--

(A) Criteria.--Not later than December 1, 1998, the Secretary shall establish criteria for the selection of State plans for allocations under this subsection.

(B) Selection.--The Secretary shall select State plans for allocations under this subsection in accordance with the criteria established under subparagraph (A).

(C) States.--In carrying out this paragraph, the Secretary shall ensure, to the maximum extent practicable, demographic and geographic diversity and a diversity of seat belt use rates among the States selected for allocations.

(4) Allocation.--Not later than October 1, 1999, and each October 1 thereafter through October 1, 2004, the Secretary shall allocate funds to the States whose plans were selected under paragraph (3).

(5) Amount of allocations.--Subject to the availability of unallocated amounts under subsection (g)(3), the amount of each allocation to a State under this subsection shall be not less than \$100,000 for each fiscal year that is covered by a State plan.

(6) Use of allocations.--An allocation to a State under this subsection shall be used to carry out the innovative seat belt projects described in the State plan for which the allocation is awarded.

(7) Federal share.--The Federal share of the cost of an innovative seat belt project under this section shall be 100 percent.

(8) Period of availability.--Amounts allocated to a State under this subsection shall remain available for obligation in the State for a period of 3 years after the last day of the fiscal year for which the amounts are allocated.

(g) Funding.--

(1) In general.--There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$82, 000,000 for fiscal year 1999, \$92,000,000 for fiscal year 2000, \$102,000,000 for fiscal year 2001, \$112,000,000 for fiscal year 2002, \$112,000,000 for fiscal year 2003, \$112,000,000 for fiscal year 2004, and \$112,000,000 for fiscal year 2005.

(2) Proportionate adjustment.--If the total amounts to be allocated under subsection (c) for any fiscal

year would exceed the amounts authorized for the fiscal year under paragraph (1), the allocation to each State under subsection (c) shall be reduced proportionately.

(3) Use of unallocated funds.--

(A) Fiscal year 1999.--To the extent that the amounts made available for fiscal year 1999 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for fiscal year 1999, the excess amounts--

(i) shall be apportioned in accordance with section 104(b)(3);

(ii) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d); and

(iii) shall be available for any purpose eligible for funding under section 133.

(B) Fiscal years 2000 through 2005.--To the extent that the amounts made available for any of fiscal years 2000 through 2005 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts shall be used to make allocations under subsection (f).

§ 158. National minimum drinking age

(a) Withholding of funds for noncompliance.--

(1) In general.--The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(4) of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(2) State grandfather law as complying.--If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraph (1) in each fiscal year in which such law is in effect.

(b) Effect of withholding of funds.--No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.

(c) Alcoholic beverage defined.--As used in this section, the term "alcoholic beverage" means--

(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,

(2) wine of not less than one-half of 1 per centum of alcohol by volume, or

(3) distilled spirits as defined in section 5002(a)(8) of such Code.

§ 161. Operation of motor vehicles by intoxicated minors

(a) Withholding of apportionments for noncompliance.--

(1) Fiscal year 1999.--The Secretary shall withhold 5 percent of the amount required to be apportioned

to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on that date.

(2) Thereafter.--The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

(3) Requirement.--A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

(b) Period of availability; effect of compliance and non-compliance.--

(1) Period of availability of withheld funds.--

(A) Funds withheld on or before September 30, 2000.--Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(B) Funds withheld after September 30, 2000.--No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to the State.

(2) Apportionment of withheld funds after compliance.--If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

(3) Period of availability of subsequently apportioned funds.--Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

(4) Effect of noncompliance.--If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), the funds shall lapse.

§ 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons

(a) General authority.--The Secretary shall make a grant, in accordance with this section, to any State that has enacted and is enforcing a law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a per se offense of driving while intoxicated (or an equivalent per se offense).

(b) Grants.--For each fiscal year, funds authorized to carry out this section shall be apportioned to each State that has enacted and is enforcing a law meeting the requirements of subsection (a) in an amount determined by multiplying--

(1) the amount authorized to carry out this section for the fiscal year; by

(2) the ratio that the amount of funds apportioned to each such State under section 402 for such fiscal year bears to the total amount of funds apportioned to all such States under section 402 for such fiscal year.

(c) Use of grants.--A State may obligate funds apportioned under subsection (b) for any project eligible for assistance under this title.

(d) Federal share.--The Federal share of the cost of a project funded under this section shall be 100 percent.

(e) Penalty.--

(1) In general.--On October 1, 2003, and October 1 of each fiscal year thereafter, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold from amounts apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to the amount specified in paragraph (2).

(2) Amount to be withheld.--If a State is subject to a penalty under paragraph (1), the Secretary shall withhold for a fiscal year from the apportionments of the State described in paragraph (1) an amount equal to a percentage of the funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) for fiscal year 2003. The percentage shall be as follows:

(A) For fiscal year 2004, 2 percent.

(B) For fiscal year 2005, 4 percent.

(C) For fiscal year 2006, 6 percent.

(D) For fiscal year 2007, and each fiscal year thereafter, 8 percent.

(3) Failure to comply.--If, within 4 years from the date that an apportionment for a State is withheld in accordance with this subsection, the Secretary determines that the State has enacted and is enforcing a law described in subsection (a), the apportionment of the State shall be increased by an amount equal to the amount withheld. If, at the end of such 4-year period, any State has not enacted or is not enforcing a law described in subsection (a) any amounts so withheld from such State shall lapse.

(f) Authorization of appropriations.--

(1) In general.--There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$55,000,000 for fiscal year 1998, \$65,000,000 for fiscal year 1999, \$80,000,000 for fiscal year 2000, \$90,000,000 for fiscal year 2001, \$100,000,000 for fiscal year 2002, \$110,000,000 for fiscal year 2003, \$110,000,000 for fiscal year 2004, and \$110,000,000 for fiscal year 2005 [Footnote 1] \$91,315,068 for the period of October 1, 2004, through July 30, 2005.

(2) Availability of funds.--Notwithstanding section 118(b)(2), the funds authorized by this subsection shall remain available until expended.

[Footnote 1] So in original. Probably should read "2004, \$110,000,000 for fiscal year 2005, and".

§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

(a) Definitions.--In this section, the following definitions apply:

(1) Alcohol concentration.--The term "alcohol concentration" means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(2) Driving while intoxicated; driving under the influence.--The terms "driving while intoxicated" and "driving under the influence" mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

(3) License suspension.--The term "license suspension" means the suspension of all driving privileges.

(4) Motor vehicle.--The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

(5) Repeat intoxicated driver law.--The term "repeat intoxicated driver law" means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall--

(A) receive a driver's license suspension for not less than 1 year;

(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

(D) receive--

(i) in the case of the second offense--

(I) an assignment of not less than 30 days of community service; or

(II) not less than 5 days of imprisonment; and

(ii) in the case of the third or subsequent offense--

(I) an assignment of not less than 60 days of community service; or

(II) not less than 10 days of imprisonment.

(b) Transfer of funds.--

(1) Fiscal years 2001 and 2002.--On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1 1/2 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402--

(A) to be used for alcohol-impaired driving countermeasures; or

(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

(2) Fiscal year 2003 and fiscal years thereafter.--On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

(3) Use for hazard elimination program.--A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 148.

(4) Federal share.--The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

(5) Derivation of amount to be transferred.--The amount to be transferred under paragraph (1) or (2) may be derived from one or more of the following:

(A) The apportionment of the State under section 104(b)(1).

(B) The apportionment of the State under section 104(b)(3).

(C) The apportionment of the State under section 104(b)(4).

(6) Transfer of obligation authority.--

(A) In general.--If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

(B) Amount.--The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying--

(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year, by

(ii) the ratio that--

(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

(7) Limitation on applicability of obligation limitation.--Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

**SURFACE TRANSPORTATION EXTENSION ACTS
AFFECTING HIGHWAY SAFETY AUTHORIZATIONS**

1. SURFACE TRANSPORTATION EXTENSION ACT OF 2003

[Page 117 STAT. 1110]

**Public Law 108-88
September 30, 2003**

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Chapter 1 Highway Safety Programs.--

- (1) Seat belt safety incentive grants.--Section 157 of title 23, United States Code, is amended--
 - (A) in subsection (a)(3) by striking "2001" and inserting "2002";
 - (B) in subsection (a)(8)(B) by striking "2001" and inserting "2002";
 - (C) in subsection (b) by striking "2002" and inserting "2003";
 - (D) in subsection (c)(1) by striking "2002" and inserting "2003";
 - (E) in subsection (c)(2) by striking "2002" and inserting "2003";
 - (F) in subsection (f)(4) by striking "2002" and inserting "2003";
 - (G) in subsection (g)(1)--
 - (i) by striking "and"; and
 - (ii) by inserting before the period at the end the following:
", and \$46,666,667 for the period of October 1, 2003, through February 29, 2004";
 - (H) in the heading to subsection (g)(3)(B) by striking "2003" and inserting "2004"; and
 - (I) in subsection (g)(3)(B) by striking "2003" and inserting "2004".
- (2) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended--
 - (A) by striking "and"; and
 - (B) by inserting before the period at the end the following: ", and \$50,000,000 for the period of October 1, 2003, through February 29, 2004".

(b) Chapter 4 Highway Safety Programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337) is amended--

- (1) by striking "and"; and
- (2) by inserting before the period at the end the following:
", and \$68,750,000 for the period of October 1, 2003, through February 29, 2004".

(c) Highway Safety Research and Development.--Section 2009(a)(2) of such Act (112 Stat. 337) is amended by inserting after "2003" the following: ", and \$30,000,000 for the period of October 1, 2003, through February 29, 2004".

(d) Occupant Protection Incentive Grants.--Section 2009(a)(3) of such Act (112 Stat. 337) is amended--

- (1) by striking "and"; and
- (2) by inserting before the period at the end the following: ", and \$8,333,333 for the period of October 1, 2003, through February 29, 2004".

(e) Alcohol-Impaired Driving Countermeasures Incentive Grants.--

- (1) Extension of program.--Section 410 of title 23, United States Code, is amended--
 - (A) in subsection (a)(3) by striking "6" and inserting "7"; and
 - (B) in subsection (a)(4)(C) by striking "and sixth" and inserting ", sixth, and seventh"; and
- (2) Authorization of appropriations.--Section 2009(a)(4) of such Act (112 Stat. 337) is amended--
 - (A) by striking "and" the last place it appears; and
 - (B) by inserting before the period at the end the following: ", and \$16,666,667 for the period of October 1, 2003, through February 29, 2004".

(f) National Driver Register.--Section 2009(a)(6) of such Act (112 Stat. 338) is amended by inserting after "2003" the following: ", and \$833,333 for the period of October 1, 2003, through February 29, 2004".

(g) Allocations.--Section 2009(b) of such Act (112 Stat. 338) is amended--

- (1) in paragraph (1) by striking "2003" and inserting "2004"; and
- (2) in paragraph (2) by striking "2003" and inserting "2004".

(h) Applicability of Title 23.--Section 2009(c) of such Act (112 Stat. 338) is amended by striking "2003" and inserting "2004".

2. SURFACE TRANSPORTATION EXTENSION ACT OF 2004

**Public Law 108-202
February 29, 2004**

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$46,666,667 for the period of October 1, 2003, through February 29, 2004" and inserting "\$65,333,333 for the period of October 1, 2003, through April 30, 2004".

(b) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by striking "\$50,000,000 for the period of October 1, 2003, through February 29, 2004" and inserting "\$70,000,000 for the period of October 1, 2003, through April 30, 2004".

SEC. 8. TECHNICAL AMENDMENTS.

(a) Highway safety grants.--

(1) In general.--Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) is amended by inserting before the period at the end of the matter under the heading "NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, HIGHWAY TRAFFIC SAFETY GRANTS" the following: ": Provided further, That not to exceed \$2,600,000 of the funds subject to allocation under section 157 of title 23, United States Code, and not to exceed \$2,600,000 of the funds subject to apportionment under section 163 of that title, shall be available to the National Highway Traffic Safety Administration for administering highway safety grants under those sections".

(2) Effective date.--The amendment made by paragraph (1) shall take effect on January 24, 2004.

SEC. 10. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119) is amended by striking ", and \$68,750,000 for the period of October 1, 2003, through February 29, 2004" and inserting ", and \$96,250,000 for the period of October 1, 2003, through April 30, 2004".

(b) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking "\$30,000,000 for the period of October 1, 2003, through February 29, 2004" and inserting "\$42,000,000 for the period of October 1, 2003, through April 30, 2004".

(c) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking "\$8,333,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$11,666,700 for the period of October 1, 2003, through April 30, 2004".

(d) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking "\$16,666,667 for the period of October 1, 2003, through February 29, 2004" and inserting "\$23,333,300 for the period of October 1, 2003, through April 30, 2004".

(e) National driver register.--Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120) is amended by striking "\$833,333 for the period of October 1, 2003, through February 29, 2004" and inserting "\$2,100,000 for the period of October 1, 2003, through April 30, 2004".

3. SURFACE TRANSPORTATION EXTENSION ACT OF 2004, Part II

[Page 118 STAT. 627]

Public Law 108-224
April 30, 2004

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$65,333,333 for the period of October 1, 2003, through April 30, 2004" and inserting "\$84,000,000 for the period of October 1, 2003, through June 30, 2004".

(b) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by striking "\$70,000,000 for the period of October 1, 2003, through April 30, 2004" and inserting "\$90,000,000 for the period of October 1, 2003, through June 30, 2004".

SEC. 8. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489) is amended by striking ", and \$96,250,000 for the period of October 1, 2003, through April 30, 2004" and inserting ", and \$123,019,875 for the period of October 1, 2003, through June 30, 2004".

(b) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489) is amended by striking "\$42,000,000 for the period of October 1, 2003, through April 30, 2004" and inserting "\$53,681,400 for the period of October 1, 2003, through June 30, 2004".

(c) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489) is amended by striking "\$11,666,700 for the period of October 1, 2003, through April 30, 2004" and inserting "\$14,911,500 for the period of October 1, 2003, through June 30, 2004".

(d) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489) is amended by striking "\$23,333,300 for the period of October 1, 2003, through April 30, 2004" and inserting "\$29,823,000 for the period of October 1, 2003, through June 30, 2004".

(e) National driver register.--Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120; 118 Stat. 490) is amended by striking "\$2,100,000 for the period of October 1, 2003, through April 30, 2004" and inserting "\$2,684,070 for the period of October 1, 2003, through June 30, 2004".

4. SURFACE TRANSPORTATION EXTENSION ACT OF 2004, Part III

[Page 118 STAT. 698]

Public Law 108-263
June 30, 2004

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$84,000,000 for the period of October 1, 2003, through June 30, 2004" and inserting "\$93,333,333 for the period of October 1, 2003, through July 31, 2004".

(b) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by

striking "\$90,000,000 for the period of October 1, 2003, through June 30, 2004" and inserting "\$100,000,000 for the period of October 1, 2003, through July 31, 2004".

SEC. 8. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637) is amended by striking ", and \$123,019,875 for the period of October 1, 2003, through June 30, 2004" and inserting ", and \$136,688,750 for the period of October 1, 2003, through July 31, 2004".

(b) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637) is amended by striking "\$53,681,400 for the period of October 1, 2003, through June 30, 2004" and inserting "\$59,646,000 for the period of October 1, 2003, through July 31, 2004".

(c) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638) is amended by striking "\$14,911,500 for the period of October 1, 2003, through June 30, 2004" and inserting "\$16,568,333 for the period of October 1, 2003, through July 31, 2004".

(d) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638) is amended by striking "\$29,823,000 for the period of October 1, 2003, through June 30, 2004" and inserting "\$33,136,667 for the period of October 1, 2003, through July 31, 2004".

(e) National driver register.--Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120; 118 Stat. 638) is amended by striking "\$2,684,070 for the period of October 1, 2003, through June 30, 2004" and inserting "\$2,982,300 for the period of October 1, 2003, through July 31, 2004".

5. SURFACE TRANSPORTATION EXTENSION ACT OF 2004, Part IV

[Page 118 STAT. 876]

Public Law 108-280
July 30, 2004

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$93,333,333 for the period of October 1, 2003, through July 31, 2004" and inserting "\$112,000,000 for fiscal year 2004".

(b) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by striking "\$100,000,000 for the period of October 1, 2003, through July 31, 2004" and inserting "\$110,000,000 for fiscal year 2004".

SEC. 8. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119; 118 Stat. 489; 118 Stat. 637; 118 Stat. 709) is amended by striking "\$136,688,750 for the period of October 1, 2003, through July 31, 2004" and inserting "\$165,000,000 for fiscal year 2004".

(b) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat.

1119; 118 Stat. 489; 118 Stat. 637; 118 Stat. 709) is amended by striking "2003 and \$59,646,000 for the period of October 1, 2003, through July 31,".

(c) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638; 118 Stat. 709) is amended by striking "\$16,568,333 for the period of October 1, 2003, through July 31, 2004" and inserting "\$20,000,000 for fiscal year 2004".

(d) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120; 118 Stat. 489; 118 Stat. 638; 118 Stat. 709) is amended by striking "\$33,136,667 for the period of October 1, 2003, through July 31, 2004" and inserting "\$40,000,000 for fiscal year 2004".

(e) National driver register.--Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120; 118 Stat. 638; 118 Stat. 709) is amended by striking "\$2,982,300 for the period of October 1, 2003, through July 31, 2004" and inserting "\$3,600,000 for fiscal year 2004".

6. SURFACE TRANSPORTATION EXTENSION ACT OF 2004, Part V

[Page 118 STAT. 1144]

Public Law 108-310
September 30, 2004

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Chapter 1 highway safety programs.--

(1) Seat belt safety incentive grants.--Section 157 of title 23, United States Code, is amended--

(A) in subsection (a)(3) by striking "2002" and inserting "2003";

(B) in subsection (a)(8)(B) by striking "2002" and inserting "2003";

(C) in subsection (b) by striking "2003" and inserting "2005";

(D) in subsection (c)(1) by striking "2003" and inserting "2004";

(E) in subsection (c)(2) by striking "2003" and inserting "2004";

(F) in subsection (f)(4) by striking "2003" and inserting "2004";

(G) in subsection (g)(1)--

(i) by striking "and"; and

(ii) by inserting before the period at the end the following: ", and \$74,666,667 for the period of October 1, 2004, through May 31, 2005";

(H) in the heading to subsection (g)(3)(B) by striking "2004" and inserting "2005"; and

(I) in subsection (g)(3)(B) by striking "2004" and inserting "2005".

(2) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended--

(A) by striking "and"; and

(B) by inserting before the period at the end the following: ", and \$73,333,333 for the period of October 1, 2004, through May 31, 2005".

(b) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 886) is amended--

(1) by striking "and"; and

(2) by inserting before the period at the end the following:

", and \$110,000,000 for the period of October 1, 2004, through May 31, 2005".

(c) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 886) is amended by inserting after "2004" the following: ", and \$48,000,000 for the period of October 1, 2004, through May 31, 2005".

(d) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 886) is amended--

- (1) by striking "and" the last place it appears; and
- (2) by inserting before the period at the end the following:
", and \$13,333,333 for the period of October 1, 2004, through May 31, 2005".

(e) Alcohol-impaired driving countermeasures incentive grants.--

- (1) Extension of program.--Section 410 of title 23, United States Code, is amended--
 - (A) in subsection (a)(3) by striking "7" and inserting "8"; and
 - (B) in subsection (a)(4)(C) by striking "and seventh" and inserting ", seventh, and eighth".
- (2) Authorization of appropriations.--Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 886) is amended--
 - (A) by striking "and" the last place it appears; and
 - (B) by inserting before the period at the end the following: ", and \$26,666,667 for the period of October 1, 2004, through May 31, 2005".

(f) National driver register.--Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 886) is amended by inserting after "2004" the following: ", and \$2,400,000 for the period of October 1, 2004, through May 31, 2005".

(g) Allocations.--Section 2009(b) of such Act (112 Stat. 338) is amended--

- (1) in paragraph (1) by striking "2004" and inserting "2005"; and
- (2) in paragraph (2) by striking "2004" and inserting "2005".

(h) Applicability of Title 23.--Section 2009(c) of such Act (112 Stat. 338) is amended by striking "2004" and inserting "2005".

7. SURFACE TRANSPORTATION EXTENSION ACT OF 2005

[Page 119 STAT. 324]

Public Law 109-14
May 31, 2005

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Chapter 1 highway safety programs.--

(1) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$74,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "\$84,000,000 for the period of October 1, 2004, through June 30, 2005".

(2) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by striking "\$73,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "\$82,500,000 for the period of October 1, 2004, through June 30, 2005".

(b) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152) is amended by striking "\$110,000,000 for the period of October 1, 2004, through May 31, 2005" and inserting "\$123,750,000 for the period of October 1, 2004, through June 30, 2005".

(c) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking "1998 through" and all that follows through "May 31, 2005" and inserting "1998 through 2004 and \$54,000,000 for the period of October 1, 2004, through June 30, 2005".

(d) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152) is amended by striking "\$13,333,333 for the period of October 1, 2004, through May 31, 2005" and inserting "\$15,000,000 for the period of October 1, 2004, through June 30, 2005".

(e) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153) is amended by striking "\$26,666,667 for the period of October 1, 2004, through May 31, 2005" and inserting "\$30,000,000 for the period of October 1, 2004, through June 30, 2005".

(f) National driver register.--Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153) is amended by striking "\$2,400,000 for the period of October 1, 2004, through May 31, 2005" and inserting "\$2,700,000 for the period of October 1, 2004, through June 30, 2005".

8. SURFACE TRANSPORTATION EXTENSION ACT OF 2005, Part II

[Page 119 STAT. 346]

Public Law 109-20
July 1, 2005

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Chapter 1 highway safety programs.--

(1) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$84,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "\$89,600,000 for the period of October 1, 2004, through July 19, 2005".

(2) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by striking "\$82,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "\$88,000,000 for the period of October 1, 2004, through July 19, 2005".

(b) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "\$123,750,000 for the period of October 1, 2004, through June 30, 2005" and inserting "\$132,000,000 for the period of October 1, 2004, through July 19, 2005".

(c) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "\$54,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "\$57,600,000 for the period of October 1, 2004, through July 19, 2005".

(d) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "\$15,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "\$16,000,000 for the period of October 1, 2004, through July 19, 2005".

(e) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329) is amended by striking "\$30,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "\$32,000,000 for the period of October 1, 2004, through July 19, 2005".

(f) National driver register.--

(1) Funding.--Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330) is amended by striking "\$2,700,000 for the period of October 1, 2004, through June 30, 2005" and inserting

"\$2,880,000 for the period of October 1, 2004, through July 19, 2005".

(2) Contract authority.--Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

9. SURFACE TRANSPORTATION EXTENSION ACT OF 2005, Part III

[Page 119 STAT. 379]

**Public Law 109-35
July 20, 2005**

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Chapter 1 highway safety programs.--

(1) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$89,600,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$90,720,000 for the period of October 1, 2004, through July 21, 2005".

(2) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by striking "\$88,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$89,100,000 for the period of October 1, 2004, through July 21, 2005".

(b) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking "\$132,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$133,650,000 for the period of October 1, 2004, through July 21, 2005".

(c) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking "\$57,600,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$58,320,000 for the period of October 1, 2004, through July 21, 2005".

(d) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346) is amended by striking "\$16,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$16,200,000 for the period of October 1, 2004, through July 21, 2005".

(e) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346) is amended by striking "\$32,000,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$32,400,000 for the period of October 1, 2004, through July 21, 2005".

(f) National driver register.--

(1) Funding.--Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346) is amended by striking "\$2,880,000 for the period of October 1, 2004, through July 19, 2005" and inserting "\$2,916,000 for the period of October 1, 2004, through July 21, 2005".

(2) Contract authority.--Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United

States Code.

10. SURFACE TRANSPORTATION EXTENSION ACT OF 2005, Part IV

[Page 119 STAT. 394]

Public Law 109-37
July 22, 2005

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Chapter 1 highway safety programs.--

(1) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$90,720,000 for the period of October 1, 2004, through July 21, 2005" and inserting "\$92,054,794 for the period of October 1, 2004, through July 27, 2005".

(2) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by striking "\$89,100,000 for the period of October 1, 2004, through July 21, 2005" and inserting "\$90,410,958 for the period of October 1, 2004, through July 27, 2005".

(b) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking "\$133,650,000 for the period of October 1, 2004, through July 21, 2005" and inserting "\$135,616,438 for the period of October 1, 2004, through July 27, 2005".

(c) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking "\$58,320,000 for the period of October 1, 2004, through July 21, 2005" and inserting "\$59,178,082 for the period of October 1, 2004, through July 27, 2005".

(d) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking "\$16,200,000 for the period of October 1, 2004, through July 21, 2005" and inserting "\$16,438,356 for the period of October 1, 2004, through July 27, 2005".

(e) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking "\$32,400,000 for the period of October 1, 2004, through July 21, 2005" and inserting "\$32,876,712 for the period of October 1, 2004, through July 27, 2005".

(f) National driver register.--

(1) Funding.--Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended by striking "\$2,916,000 for the period of October 1, 2004, through July 21, 2005" and inserting "\$2,958,904 for the period of October 1, 2004, through July 27, 2005".

(2) Contract authority.--Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

11. SURFACE TRANSPORTATION EXTENSION ACT OF 2005, Part V

Public Law 109-40
July 28, 2005

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) Chapter 1 highway safety programs.--

(1) Seat belt safety incentive grants.--Section 157(g)(1) of title 23, United States Code, is amended by striking "\$92,054,794 for the period of October 1, 2004, through July 27, 2005" and inserting "\$92,975,342 for the period of October 1, 2004, through July 30, 2005".

(2) Prevention of intoxicated driver incentive grants.--Section 163(e)(1) of such title is amended by striking "\$90,410,958 for the period of October 1, 2004, through July 27, 2005" and inserting "\$91,315,068 for the period of October 1, 2004, through July 30, 2005".

(b) Chapter 4 highway safety programs.--Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "\$135,616,438 for the period of October 1, 2004, through July 27, 2005" and inserting "\$136,972,603 for the period of October 1, 2004, through July 30, 2005".

(c) Highway safety research and development.--Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "\$59,178,082 for the period of October 1, 2004, through July 27, 2005" and inserting "\$59,769,863 for the period of October 1, 2004, through July 30, 2005".

(d) Occupant protection incentive grants.--Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "\$16,438,356 for the period of October 1, 2004, through July 27, 2005" and inserting "\$16,602,704 for the period of October 1, 2004, through July 30, 2005".

(e) Alcohol-impaired driving countermeasures incentive grants.--Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "\$32,876,712 for the period of October 1, 2004, through July 27, 2005" and inserting "\$33,205,479 for the period of October 1, 2004, through July 30, 2005".

(f) National driver register.--

(1) Funding.--Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) is amended by striking "\$2,958,904 for the period of October 1, 2004, through July 27, 2005" and inserting "\$2,988,493 for the period of October 1, 2004, through July 30, 2005".

(2) Contract authority.--Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379; 119 Stat. 394) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

12. SURFACE TRANSPORTATION EXTENSION ACT OF 2005, Part VI

Public Law 109-42
July 30, 2005

SEC. 3. ADMINISTRATIVE EXPENSES FOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) In general.--There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay the administrative expenses of the National Highway Traffic Administration in carrying out the highway safety programs authorized by sections 157 and 163 of chapter 1 of title 23, United States Code, and sections 402, 403, 405, and 410 of chapter 4 of such title, the National Driver Register under chapter 303 of title 49, United States Code, the motor vehicle safety program under chapter 301 of such title 49, and the motor vehicle information and cost savings program under part C of subtitle VI of such title 49 \$4,125,000 for the period of July 30, 2005, through August 14, 2005.

(b) Contract authority.--Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

**ENHANCE 911 SERVICES
Public Law 108-494**

TITLE I--E-911

SEC. 101. SHORT TITLE.

This title may be cited as the "Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004" or the "ENHANCE 911 Act of 2004".

SEC. 102. FINDINGS.

The Congress finds that--

- (1) for the sake of our Nation's homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible should be available to all citizens in all regions of the Nation;
- (2) enhanced emergency communications require Federal, State, and local government resources and coordination;
- (3) any funds that are collected from fees imposed on consumer bills for the purposes of funding 911 services or enhanced 911 should go only for the purposes for which the funds are collected; and
- (4) enhanced 911 is a high national priority and it requires Federal leadership, working in cooperation with State and local governments and with the numerous organizations dedicated to delivering emergency communications services.

SEC. 103. PURPOSES.

The purposes of this title are--

- (1) to coordinate 911 services and E-911 services, at the Federal, State, and local levels; and
- (2) to ensure that funds collected on telecommunications bills for enhancing emergency 911 services are used only for the purposes for which the funds are being collected.

SEC. 104. COORDINATION OF E-911 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 158. COORDINATION OF E-911 IMPLEMENTATION.

"(a) E-911 Implementation Coordination Office.--

"(1) Establishment.--The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall--

"(A) establish a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the

implementation of E-911 services; and

"(B) create an E-911 Implementation Coordination Office to implement the provisions of this section.

"(2) Management plan.--The Assistant Secretary and the Administrator shall jointly develop a management plan for the program established under this section. Such plan shall include the organizational structure and funding profiles for the 5-year duration of the program. The Assistant Secretary and the Administrator shall, within 90 days after the date of enactment of this Act, submit the management plan to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

"(3) Purpose of office.--The Office shall--

"(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve such coordination and communication;

"(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of E-911 services;

"(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

"(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

"(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

"(4) Reports.--The Assistant Secretary and the Administrator shall provide a joint annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of E-911 services.

"(b) Phase II E-911 Implementation Grants.--

"(1) Matching grants.--The Assistant Secretary and the Administrator, after consultation with the Secretary of Homeland Security and the Chairman of the Federal Communications Commission, and acting through the Office, shall provide grants to eligible entities for the implementation and operation of Phase II E-911 services.

"(2) Matching requirement.--The Federal share of the cost of a project eligible for a grant under this section shall not exceed 50 percent. The non-Federal share of the cost shall be provided from non-Federal sources.

"(3) Coordination required.--In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that--

"(A) in the case of an eligible entity that is a State government, the entity--

"(i) has coordinated its application with the public safety answering points (as such term is defined in section 222(h)(4) of the Communications Act of 1934) located within the jurisdiction of such entity;

"(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of E-911 services, except that such designation need not vest such coordinator with direct legal authority to implement E-911 services or manage emergency communications operations;

"(iii) has established a plan for the coordination and implementation of E-911 services; and

"(iv) has integrated telecommunications services involved in the implementation and delivery of phase II E-911 services; or

"(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

"(4) Criteria.--The Assistant Secretary and the Administrator shall jointly issue regulations within 180 days after the date of enactment of the ENHANCE 911 Act of 2004, after a public comment period of not less than 60 days, prescribing the criteria for selection for grants under this section, and shall update such regulations as necessary. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section.

"(c) Diversion of E-911 Charges.--

"(1) Designated e-911 charges.--For the purposes of this subsection, the term 'designated E-911 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve E-911 services.

"(2) Certification.--Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated E-911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

"(3) Condition of grant.--Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated E-911 charges for any purpose other than the purposes for which such charges are designated or presented, all of the funds from such grant shall be returned to the Office.

"(4) Penalty for providing false information.--Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall--

"(A) not be eligible to receive the grant under subsection (b);

"(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

"(C) not be eligible to receive any subsequent grants under subsection (b).

"(d) Authorization; Termination.--

"(1) Authorization.--There are authorized to be appropriated to the Department of Transportation, for the purposes of grants under the joint program operated under this section with the Department of Commerce, not more than \$250,000,000 for each of the fiscal years 2005 through 2009, not more than 5 percent of which for any fiscal year may be obligated or expended for administrative costs.

"(2) Termination.--The provisions of this section shall cease to be effective on October 1, 2009.

"(e) Definitions.--As used in this section:

"(1) Office.--The term 'Office' means the E-911 Implementation Coordination Office.

"(2) Administrator.--The term 'Administrator' means the Administrator of the National Highway Traffic Safety Administration.

"(3) Eligible entity.--

"(A) In general.--The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))).

"(B) Instrumentalities.--Such term includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide E-911 services.

"(C) Exception.--Such term does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

"(4) E-911 services.--The term 'E-911 services' means both phase I and phase II enhanced 911 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the ENHANCE 911 Act of 2004, or as subsequently revised by the Federal Communications Commission.

"(5) Phase II E-911 services.--The term 'phase II E-911 services' means only phase II enhanced 911 services, as described in such section 20.18 (47 C.F.R. 20.18), as in effect on such date, or as subsequently revised by the Federal Communications Commission.

"(6) State.--The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States."

PL 109-171 (S 1932)
February 8, 2006
DEFICIT REDUCTION ACT OF 2005

TITLE III--DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY

SEC. 3001. SHORT TITLE; DEFINITION.

(a) **SHORT TITLE.**--This title may be cited as the "Digital Television Transition and Public Safety Act of 2005".

(b) **DEFINITION.**--As used in this Act, the term "Assistant Secretary" means the Assistant Secretary for Communications and Information of the Department of Commerce.

SEC. 3011. ENHANCE 911.

The Assistant Secretary shall make payments of not to exceed \$43,500,000, in the aggregate, from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to implement the ENHANCE 911 Act of 2004.