gram that will provide highway and transportation agencies in (1) urbanized areas of 50,000 to 1,000,000 population, and (2) rural areas, access to modern highway technology.

(b) GRANTS AND CONTRACTS.—The Secretary may make grants and enter into contracts for education and training, technical assistance, and related support service that will—

(1) assist rural local transportation agencies to develop and expand their expertise in road and transportation areas (including pavement, bridge and safety management systems), to improve roads and bridges, to enhance programs for the movement of passengers and freight, to deal effectively with special road related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials, and developing a tourism and recreational travel technical assistance program;

(2) identify, package, and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and

(3) establish, in cooperation with State transportation or highway departments and universities (A) urban technical assistance program centers in States with 2 or more urbanized areas of 50,000 to 1,000,000 population, and (B) rural technical assistance program centers.

Not less than 2 centers under paragraph (3) shall be designated to provide transportation assistance that may include, but is not necessarily limited to, a ''circuit-rider'' program, providing training on intergovernmental transportation planning and project selection, and tourism recreational travel to American Indian tribal governments.

(c) FUNDS.—The funds required to carry out the provisions of this section shall be taken out of administrative funds deducted under section 104(a). The sum of $6,000,000 per fiscal year for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997 shall be set aside from such administrative funds for the purpose of providing technical and financial support for these centers, including up to 100 percent for services provided to American Indian tribal governments. There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

(Added Pub. L. 102–240, title VI, § 6004(a), Dec. 18, 1991, 105 Stat. 2169; amended Pub. L. 105–130, § 5(e)(4), Dec. 1, 1997, 111 Stat. 2558.)

AMENDMENTS

1997—Subsec. (c). Pub. L. 105–130 inserted at end ''There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for the period of October 1, 1997, through March 31, 1998, and such funds shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 204 of this title.

CHAPTER 4—HIGHWAY SAFETY

Sec.
401. Authority of the Secretary.
402. Highway safety programs.
403. Highway safety research and development.
404. National Highway Safety Advisory Committee.
405. Repealed.
406. School bus driver training.
407. Innovative project grants.
408. Alcohol traffic safety programs.
409. Discovery and admission as evidence of certain reports and surveys.
410. Alcohol-impaired driving countermeasures.

AMENDMENTS

1991—Pub. L. 102–240, title I, § 1035(b), title II, § 2004(c), Dec. 18, 1991, 105 Stat. 1978, 2079, substituted ''Discovery and admission'' for ''Admission'' in item 409 and ''Alcohol-impaired driving countermeasures'' for ''Drunk driving prevention programs'' in item 410.

1988—Pub. L. 100–690, title IX, § 9002(b), Nov. 18, 1988, 102 Stat. 4525, added item 410.

1987—Pub. L. 100–17, title I, § 132(b), Apr. 2, 1987, 101 Stat. 170, added item 409.

1982—Pub. L. 97–364, title I, § 101(b), Oct. 25, 1982, 96 Stat. 1740, added item 408.

1978—Pub. L. 95–599, title II, § 208(b), Nov. 6, 1978, 92 Stat. 2732, added item 407.

1976—Pub. L. 94–280, title I, § 135(d), May 5, 1976, 90 Stat. 442, substituted item 405 ''Repealed'' for ''Federal-aid safer roads demonstration program''.

1975—Pub. L. 93–643, § 126(b), Jan. 4, 1975, 88 Stat. 2291, added item 406.

1973—Pub. L. 93–87, title II, § 230(b), Aug. 13, 1973, 87 Stat. 294, added item 405.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 49 sections 104, 105.

§ 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.

(Added Pub. L. 89–564, title I, § 101, Sept. 9, 1966, 80 Stat. 731; amended Pub. L. 93–87, title II, § 218, Aug. 13, 1973, 87 Stat. 290; Pub. L. 98–363, § 3(b), July 17, 1984, 98 Stat. 436; Pub. L. 100–17, title I, § 133(b)(19), Apr. 2, 1987, 101 Stat. 172.)

AMENDMENTS

1987—Pub. L. 100–17 inserted reference in second sentence to Commonwealth of the Northern Mariana Islands.

1984—Pub. L. 98–363 struck out '', except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated'' after ''and American Samoa''.

1973—Pub. L. 93–87 inserted definition of ''State'' and provided that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 3(c) of Pub. L. 98–363 provided that: ''The amendments made by subsections (a) and (b) [amending

this section and section 402 of this title] shall apply to fiscal years beginning after the date of enactment of this Act [July 17, 1984].''

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102–240, title II, §2001, Dec. 18, 1991, 105 Stat. 2070, provided that: ''This part [part A (§§2001–2009) of title II of Pub. L. 102–240, amending sections 402, 403, and 410 of this title, enacting provisions set out as notes under sections 402, 403, and 410 of this title, and amending provisions set out below] may be cited as the 'Highway Safety Act of 1991'.''

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–690, title IX, §9001, Nov. 18, 1988, 102 Stat. 4521, provided that: ''This subtitle [subtitle A (§§9001 to 9005) of title IX of Pub. L. 100–690, enacting section 410 of this title and provisions set out as notes under sections 403 and 410 of this title] may be cited as the 'Drunk Driving Prevention Act of 1988'.''

SHORT TITLE OF 1987 AMENDMENT

Section 201 of title II of Pub. L. 100–17 provided that: ''This title [amending sections 402 and 408 of this title and section 2314 of former Title 49, Transportation, enacting provisions set out as notes under this section, section 402 of this title, and section 2204 of former Title 49, and amending provisions set out as a note under this section] be cited as the 'Highway Safety Act of 1987'.''

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 97–424, title II, §201, Jan. 6, 1983, 96 Stat. 2137, provided that: ''This title [amending section 402 of this title and enacting provisions set out as notes under this section and sections 130, 154, and 408 of this title] may be cited as the 'Highway Safety Act of 1982'.''

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95–599, title II, §201, Nov. 6, 1978, 92 Stat. 2727, provided that: ''This title [enacting section 407 of this title, amending sections 154 and 402 of this title, and enacting provisions set out as notes under this section and sections 130, 307, 402, and 403 of this title] may be cited as the 'Highway Safety Act of 1978'.''

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–280, title II, §201, May 5, 1976, 90 Stat. 451, provided that: ''That title [amending sections 104, 151, 402, 404, and 406 of this title and provisions set out as a note under section 130 of this title and enacting provisions set out as notes under sections 127 and 402 of this title] may be cited as the 'Highway Safety Act of 1976'.''

SHORT TITLE OF 1973 AMENDMENT

Section 201 of title II of Pub. L. 93–87 provided that: ''This title [enacting sections 151 to 153 and 405 of this title, amending this section and sections 104 and 402 to 404 of this title, and enacting provisions set out as notes under this section and sections 130, 144, 151, 217, and 403 of this title] may be cited as the 'Highway Safety Act of 1973'.''

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91–605, title II, §201, Dec. 31, 1970, 84 Stat. 1739, provided that: ''This title [enacting sections 144 and 322 of this title, amending provisions set out as notes under this section and section 402 of this title, and enacting provisions set out as notes under this section and section 402 of this title] may be cited as the 'Highway Safety Act of 1970'.''

SHORT TITLE

Section 208 of Pub. L. 89–564 provided that: ''This Act [enacting this chapter, amending sections 105 and 307 of this title, repealing sections 135 and 313 of this title, and enacting provisions set out as notes under this section and sections 303, 307, 402, and 403 of this title] may be cited as the 'Highway Safety Act of 1966'.''

RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM

Pub. L. 104–59, title III, §358(c), Nov. 28, 1995, 109 Stat. 625, provided that:

''(1) STUDY.—The Secretary, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

''(2) EQUIPMENT.—Equipment developed under the study shall be directed toward, but not limited to, advance warning to operators of all types of motor vehicles of—

''(A) temporary obstructions in a highway;

''(B) poor visibility and highway surface conditions caused by adverse weather; and

''(C) movement of emergency vehicles.

''(3) SAFETY APPLICATIONS.—In conducting the study, the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.''

WORK ZONE SAFETY PROGRAM

Pub. L. 104–59, title III, §358(b), Nov. 28, 1995, 109 Stat. 625, provided that: ''In carrying out the work zone safety program under section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. 102–240] (23 U.S.C. 401 note; 105 Stat. 2001), the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

''(1) Conducting conferences to explore new techniques and stimulate dialogue for improving work zone safety.

''(2) Establishing a national clearinghouse to assemble and disseminate, by electronic and other means, information relating to the improvement of work zone safety.

''(3) Conducting a national promotional campaign in cooperation with the States to provide timely, site-specific information to motorists when construction workers are actually present.

''(4) Encouraging the use of enforceable speed limits in work zones.

''(5) Developing training programs for work site designers and construction workers to promote safe work zone practices.

''(6) Encouraging the use of unit price bid items in contracts for traffic control devices and implementation of traffic control plans.''

Pub. L. 102–240, title I, §1051, Dec. 18, 1991, 105 Stat. 2001, provided that: ''The Secretary shall develop and implement a work zone safety program which will improve work zone safety at highway construction sites by enhancing the quality and effectiveness of traffic control devices, safety appurtenances, traffic control plans, and bidding practices for traffic control devices and services.''

OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS

Pub. L. 104–59, title III, §358(a), Nov. 28, 1995, 109 Stat. 625, provided that:

''(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving performance of older drivers and other special driver groups.

''(2) DEMONSTRATION ACTIVITIES.—In conducting the study under paragraph (1), the Secretary shall undertake demonstration activities that incorporate and build upon gerontology research related to the study of the normal aging process. The Secretary shall initially implement such activities in those States that have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

''(3) COOPERATIVE AGREEMENT.—The Secretary shall conduct the study under paragraph (1) by entering into a cooperative agreement with an institution that has

demonstrated competencies in gerontological research, population demographics, human factors related to transportation, and advanced technology applied to transportation.''

Section 208 of Pub. L. 100–17, as amended by Pub. L. 100–202, § 101(*l*) [title III, § 348(h)], Dec. 22, 1987, 101 Stat. 1329–358, 1329–389, directed Secretary to enter into appropriate arrangements with National Academy of Sciences to conduct a comprehensive study and investigation of (1) problems which could inhibit the safety and mobility of older drivers using the Nation's roads, and (2) means of addressing these problems, to request the Academy to report to Secretary and Congress not later than 24 months after Apr. 2, 1987, on the results of such study and investigation, to furnish to the Academy any information which it deems necessary for conducting the investigation and study, and to develop, in conjunction with the study, a pilot program of highway safety improvements to enhance the safety and mobility of older drivers and, not later than 3 years after Apr. 2, 1987, to evaluate the pilot program and report to Congress on the effectiveness of the program in improving the safety and mobility of older drivers.

ANNUAL REPORT BY SECRETARY OF TRANSPORTATION ON HIGHWAY SAFETY PERFORMANCE OF EACH STATE

Pub. L. 97–424, title II, § 207, Jan. 6, 1983, 96 Stat. 2139, provided that: ''The Secretary of Transportation shall prepare, publish, and submit to Congress not later than December 31 of each calendar year beginning after December 31, 1982, a report on the highway safety performance of each State in the preceding calendar year. Such report shall provide data on highway fatalities and injuries and motor vehicle accidents involving fatalities and injuries and travel in urban areas of each State for each system of highways and in rural areas of such State for each system of highways. Such report shall be in such form and contain such other information on highway accidents as will permit an evaluation and comparison of highway safety performance of the States. For purposes of this section (1) the systems of highways in a State are the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System (as such terms are defined in section 101 of title 23, United States Code) and the other highways in such State which are not on the Federal-aid system, and (2) the terms 'State', 'rural areas', and 'urban area' have the meaning such terms have under section 101.''

NATIONAL DRIVER REGISTRATION

Pub. L. 97–364, title II, §§ 201–211, Oct. 25, 1982, 96 Stat. 1740–1748, as amended by Pub. L. 100–223, title III, § 305, Dec. 30, 1987, 101 Stat. 1525; Pub. L. 100–342, § 4(b), June 22, 1988, 102 Stat. 626; Pub. L. 101–380, title IV, § 4105(a), Aug. 18, 1990, 104 Stat. 512; Pub. L. 102–240, title II, § 2007, Dec. 18, 1991, 105 Stat. 2080, directed Secretary of Transportation to establish and maintain a National Driver Register to assist States in exchange of information on motor vehicle driving records of individuals and provided for reports by State officials, accessibility of Register information, a pilot test program, criminal penalties, an advisory committee, and a report to Congress by the Secretary, prior to repeal by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, and Pub. L. 103–429, § 8(10), Oct. 31, 1994, 108 Stat. 4390, and was restated in part in chapter 303 of Title 49, Transportation.

PILOT PROJECTS FOR HIGHWAY SAFETY EDUCATION AND INFORMATION

Pub. L. 95–599, title II, § 209, Nov. 6, 1978, 92 Stat. 2732, as amended by Pub. L. 97–424, title II, § 206, Jan. 6, 1983, 96 Stat. 2139; Pub. L. 100–17, title II, § 207, Apr. 2, 1987, 101 Stat. 221, provided that:

''(a) The Secretary of Transportation shall carry out six pilot projects designed, through the use of television and radio, to develop and evaluate techniques, methods, and practices to achieve maximum measurable effectiveness in reducing traffic accidents, injuries, and deaths.

''(b) Each pilot project authorized by this section shall be in operation not later than the one hundred and eightieth day after the date of the first appropriation of funds made under authority of this section, and shall be conducted for a one-year period. Not later than the ninetieth day after the end of each such one-year period, the Secretary of Transportation shall report to Congress the results of such project, including, but not limited to, an evaluation of the effectiveness of such project and a statistical analysis of the traffic accidents and fatalities within the project area during such one-year period.

''(c) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out subsections (a) and (b) of this section, $6,000,000, to remain available until expended.

''(d) NATIONAL HIGHWAY SAFETY CAMPAIGN.—Utilizing those techniques, methods, and practices determined most effective under subsection (b), the Secretary of Transportation shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. Not later than the 180th day after the date of submission of the first report to Congress required by subsection (b) of this section, the Secretary shall commence the conduct of such campaign.

''(e) Such campaign is authorized to be conducted in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, and shall utilize to the extent possible nongovernmental professional organizations equipped and experienced to conduct such campaign.

''(f) The Secretary of Transportation shall engage such private firms or organizations as he determines necessary to conduct an on-going evaluation of the national campaign authorized by subsection (d) of this section to determine ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to on-going highway safety programming for evaluating the effectiveness of such programs in terms of the number of lives saved and the reduction in injuries, and for the purpose of developing new programs for the promotion of highway safety. Such evaluation shall include determinations of those programs designed to encourage the voluntary use of safety belts which are most effective and shall include recommendations for new methods and approaches which will result in greater voluntary utilization of safety belts by the public.

''(g) The Secretary of Transportation shall submit a report to the Congress on July 1 of each year in which the campaign is in progress on the results of such evaluation and on the steps being taken by the Secretary of Transportation to implement the recommendations of such evaluation.

''(h) For the purpose of carrying out subsections (d), (e), (f), and (g) of this section, there is authorized to be appropriated out of the Highway Trust Fund, $10,000,000, to remain available until expended. None of the amounts authorized by this subsection shall be available for obligation for any education or information program conducted in connection with the implementation of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. 571.208).

''(i) All provisions of chapter 1 of title 23, United States Code, that are applicable to Federal-aid primary 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 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 funds authorized to be appropriated to

carry out this section shall not be subject to any obligation limitation.''

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY; REPORT TO CONGRESS; SERIES OF HIGHWAY SAFETY TELEVISION PROGRAMS; APPROPRIATIONS AUTHORIZATIONS

Section 211 of Pub. L. 93–87 directed Secretary of Transportation, in cooperation with government and nongovernment authorities and individuals, to conduct a full and complete investigation and study of use of mass media for informing and educating the public of ways and means for reducing number and severity of highway accidents, to report to Congress his findings and recommendations by June 30, 1974, and to develop, in consultation with State and local highway safety officials, a series of highway safety television programs of varying lengths for use in accordance with provisions of the Communication Act of 1934 (47 U.S.C. 151 et seq.).

HIGHWAY SAFETY CITIZEN PARTICIPATION STUDY

Section 212 of Pub. L. 93–87 authorized the appropriation of $1,000,000 for a study by the Secretary of Transportation, with cooperation of State and local highway safety authorities, of ways and means of encouraging greater citizen participation in highway safety programs, the results of such study and recommendations to be reported to Congress by June 30, 1974.

NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

Section 213 of Pub. L. 93–87 authorized the appropriation of $5,000,000 to make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store and retrieve accident data, the results of such study and recommendations to be reported to Congress not later than Jan. 1, 1975.

PEDESTRIAN AND BICYCLE SAFETY STUDY

Section 214 of Pub. L. 93–87 authorized the appropriation of $5,000,000 for a study of pedestrian and bicycle safety, including a review of local ordinances, the relationship between alcohol and pedestrian and bicycle safety, etc., the results of such study and recommendations to be reported to Congress not later than Jan. 31, 1975.

HIGHWAY SAFETY NEEDS STUDY

Section 225 of Pub. L. 93–87 mandated a study by the Secretary of Transportation of highway safety needs of the States, including those of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands and other territories, in order to evaluate continuing safety programs and furnish Congress with information necessary for authorization of appropriations for continuing safety programs, the results of such study, estimates and recommendations to be submitted to Congress not later than Jan. 10, 1976.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; CREATION; APPOINTMENT OF ADMINISTRATOR AND DEPUTY ADMINISTRATOR; DUTIES; RETROACTIVE EFFECT

Section 201 of Pub. L. 89–564, as amended by Pub. L. 89–670, § 8(h), Oct. 15, 1966, 80 Stat. 943; Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224; Pub. L. 91–605, title II, § 202(a), Dec. 31, 1970, 84 Stat. 1739, which provided for the creation of National Highway Traffic Safety Administration in the Department of Transportation, was repealed by Pub. L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444, and reenacted by section 1(b) of Pub. L. 97–449 as section 105 of Title 49, Transportation.

ACTING ADMINISTRATOR OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Pub. L. 91–605, title II, § 202(b), Dec. 31, 1970, 84 Stat. 1740, permitted President to authorize any person who immediately before Dec. 31, 1970, held the office of Director of the National Highway Safety Bureau, to act as Administrator of the National Highway Traffic Safety Administration until the appointment of the first Administrator.

ANNUAL REPORT TO CONGRESS ON ADMINISTRATION OF HIGHWAY SAFETY ACT OF 1966

Section 202 of Pub. L. 89–564, as amended by Pub. L. 93–87, title II, § 224, Aug. 13, 1973, 87 Stat. 292, provided that:

''(a) The Secretary shall prepare and submit to the President for transmittal to the Congress on July 1 of each year a comprehensive report on the administration of the Highway Safety Act of 1966 (including chapter 4 of title 23 of the United States Code) for the preceding calendar year. Such report should include but not be restricted to (1) a thorough statistical compilation of the accidents and injuries occurring in such year; (2) a list of all safety standards issued or in effect in such year; (3) the scope of observance of applicable Federal standards; (4) a statement of enforcement actions including judicial decisions, settlements, or pending litigation during the year; (5) a summary of all current research grants and contracts together with a description of the problems to be considered by such grants and contracts; (6) an analysis and evaluation of completed research activities and technological progress achieved during such year together with the relevant policy recommendations flowing therefrom: (7) the effectiveness of State highway safety program (including local highway safety programs) and (8) the extent to which technical information was being disseminated to the scientific community and consumer-oriented material was made available to the motoring public.

''(b) The annual report shall also contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of highway safety and to strengthen the national highway safety program.''

DETAILED COST ESTIMATE OF HIGHWAY SAFETY ACT OF 1966

Section 207 of Pub. L. 89–564 directed Secretary, in cooperation with the Governors of appropriate State highway safety agencies, make a detailed estimate of the cost of carrying out the Highway Safety Act of 1966 in order to provide a basis for evaluating continuing programs under the Act and to furnish Congress information necessary for authorization of appropriations for fiscal years beginning after June 30, 1969, such estimates to be submitted to Congress not later than Jan. 10, 1968.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 152, 153 of this title.

§ 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 and to increase public awareness of the benefit of motor vehicles equipped

with airbags, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, (4) to 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 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 include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and 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, 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, 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)(1) The Secretary shall not approve any 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 such 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 uniform guidelines of the Secretary promulgated under this section.

(C) provide that at least 40 per centum of all Federal funds apportioned under this section to such State for any fiscal year will be expended by the political subdivisions of such State in carrying out local highway safety programs authorized in accordance with subparagraph (B) of this paragraph.

(D) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

(E) provide for programs (which may include financial incentives and disincentives) to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

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

(3) 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 (5), 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); and

(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 crosswalks throughout the State.

(4) WAIVER.—The Secretary may waive the requirement of paragraph (3)(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.

(5) 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 subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States. 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 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 the 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 highway 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) For the purpose of the application of this section on Indian reservations, ''State'' and ''Governor of a State'' includes the Secretary of the Interior and ''political subdivision of a State'' includes an Indian tribe: *Provided*, That, notwithstanding the provisions of subparagraph (C) of subsection (b)(1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further*, That the provisions of subparagraph (E) of subsection (b)(1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable.

(j) RULEMAKING PROCESS.—The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such rule is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgated taking into account consideration of the States having a major role in establishing programs described in the first sentence of this subsection. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.

(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.

(Added Pub. L. 89–564, title I, § 101, Sept. 9, 1966, 80 Stat. 731; amended Pub. L. 90–495, § 13, Aug. 23, 1968, 82 Stat. 822; Pub. L. 91–605, title II, §§ 202(c), (d), (e), 203(a), Dec. 31, 1970, 84 Stat. 1740, 1741; Pub. L. 93–87, title II, §§ 207, 215–217, 219, 228, 229, 231, Aug. 13, 1973, 87 Stat. 285, 290, 293, 294; Pub. L. 94–280, title II, §§ 204, 208(a), 211, 212, May 5, 1976, 90 Stat. 453, 454, 455; Pub. L. 95–599, title II, § 207(a), (b)(1), (c), (d), Nov. 6, 1978, 92 Stat. 2731, 2732; Pub. L. 97–35, title XI, § 1107(c)–(e), Aug. 13, 1981, 95 Stat. 626; Pub. L. 97–424, title II, § 208, Jan. 6, 1983, 96 Stat. 2140; Pub. L. 98–363, §§ 3(a), 5, July 17, 1984, 98 Stat. 436; Pub. L. 100–17, title I, § 133(b)(20), title II, § 206, Apr. 2, 1987, 101 Stat. 172, 221; Pub. L. 102–240, title II, § 2002, Dec. 18, 1991, 105 Stat. 2070; Pub. L. 104–66, title I, § 1121(d), Dec. 21, 1995, 109 Stat. 724.)

REFERENCES IN TEXT

Section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (a), is section 4007 of Pub. L. 102–240, title IV, Dec. 18, 1991, 105 Stat. 2151, which was classified as a note under section 2302 of former Title 49, Transportation. Subsecs. (b) and (f) of section 4007 which were repealed and reenacted as section 31307 of Title 49, Transportation, by Pub. L. 103–272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 1020, 1379. Subsecs. (a), (c), (d), and (e) of section 4007 were repealed by Pub. L. 104–287, § 7(8), Oct. 11, 1996, 110 Stat. 3400.

This Act, referred to in subsec. (d), probably means Pub. L. 93–87, Aug. 13, 1973, 87 Stat. 250, as amended. For complete classification of this Act to the Code, see Tables.

Date of enactment, referred to in subsec. (i), means Aug. 13, 1973, date of approval of Pub. L. 93–87.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–66 struck out after fourth sentence ''If the Secretary does not designate as priority programs those programs described in the preceding sentence, the Secretary shall submit to Congress a report describing the reasons for not prioritizing such programs.''

1991—Subsec. (a). Pub. L. 102–240, §2002(a), inserted after third sentence ''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 and to increase public awareness of the benefit of motor vehicles equipped with airbags, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, (4) to 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 improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures. If the Secretary does not designate as priority programs those programs described in the preceding sentence, the Secretary shall submit to Congress a report describing the reasons for not prioritizing such programs. 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 include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and 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, 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.''

Subsec. (b)(3) to (5). Pub. L. 102–240, §2002(b), added pars. (3) to (5).

Subsec. (d). Pub. L. 102–240, §2002(c), substituted ''National Highway System'' for ''Federal-aid primary''.

1987—Subsec. (a). Pub. L. 100–17, §206(a), (b), substituted ''guidelines'' for ''standards'' wherever appearing and struck out provisions authorizing the Secretary to temporarily amend or waive standards in public interest for purpose of evaluating new or different highway safety programs instituted on an experimental, pilot or demonstration basis.

Subsec. (b)(1)(B). Pub. L. 100–17, §206(a), substituted ''guidelines'' for ''standards''.

Subsec. (b)(1)(D) to (F). Pub. L. 100–17, §206(c), redesignated subpars. (E) and (F) as (D) and (E), respectively, and struck out former subpar. (D) which read as follows: ''provide for comprehensive driver training programs, including (1) the initiation of a State program for driver education in the school systems or for a significant expansion and improvement of such a program already in existence, to be administered by appropriate school officials under the supervision of the Governor as set forth in subparagraph (A) of this paragraph; (2) the training of qualified school instructors and their certification; (3) appropriate regulation of other driver training schools, including licensing of the schools and certification of their instructors; (4) adult driver training programs, and programs for the retraining of selected drivers; (5) adequate research, development and procurement of practice driving facilities, simulators, and other similar teaching aids for both school and other driver training use, and (6) driver education programs, including research, that will assure greater safety for bicyclists using public roads in such State.''

Subsec. (c). Pub. L. 100–17, §§133(b)(20), 206(a), substituted ''Such'' for ''For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such'', ''American Samoa, and the Commonwealth of the Northern Mariana Islands'' for ''and American Samoa'', ''The Secretary shall'' for ''After December 31, 1969, the Secretary shall'', and ''guideline'' for ''standard'' wherever appearing.

Subsecs. (e) to (g). Pub. L. 100–17, §206(a), substituted ''guidelines'' for ''standards''.

Subsec. (j). Pub. L. 100–17, §206(d), amended subsec. (j) generally. Prior to amendment, subsec. (j) read as follows: ''The Secretary of Transportation shall, not later than September 1, 1981, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Such rule shall be promulgated taking into account consideration of the States having a major role in establishing these programs. Not later than April 1, 1982, the Secretary shall promulgate a final rule establishing those programs determined most effective in reducing accidents, injuries, and deaths. Before such rule shall take effect, it shall be transmitted to Congress. If such rule is not transmitted by April 1, 1982, it shall not take effect before October 1, 1983. If such rule is transmitted by April 1, 1982, it shall take effect October 1, 1982, unless before June 1, 1982, either House of Congress by resolution disapproves such rule. If such rule is disapproved by either House of Congress, the Secretary shall not apportion or obligate any amount authorized to carry out this section for the fiscal year ending September 30, 1983, or any subsequent fiscal year, unless specifically authorized to do so by a statute enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1981. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this chapter.''

1984—Subsec. (c). Pub. L. 98–363, §3(a), inserted '', except that the apportionments to the Virgin Islands, Guam, and American Samoa shall be not less than one-quarter of 1 per centum of the total apportionment'' in sixth sentence.

Subsec. (k). Pub. L. 98–363, §5, added subsec. (k).

1983—Subsec. (c). Pub. L. 97–424 struck out provision that apportionments to Virgin Islands, Guam, and American Samoa were not to be less than one third of 1 per centum of total apportionment from provision relating to the minimum apportionment for each State.

1981—Subsec. (b)(1). Pub. L. 97–35, §1107(e), struck out subpar. (D) which related to aggregate expenditure of funds, and redesignated subpars. (E) to (G) as (D) to (F), respectively.

Subsec. (h). Pub. L. 97–35, §1107(c), struck out subsec. (h) which related to continuation in effect of uniform safety standards promulgated on or before July 1, 1973.

Subsec. (j). Pub. L. 97–35, §1107(d), substituted provisions requiring the Secretary to begin by Sept. 1, 1981, a rulemaking process to determine the most effective programs to reduce accidents, injuries, and deaths, and procedures applicable to the process, for provisions authorizing the Secretary to make incentive grants to States most progressive in reducing traffic fatalities, criteria, duration, etc., of such grants, and authorization of appropriations.

1978—Subsec. (a). Pub. L. 95–599, §207(a), inserted ''including, but not limited to, such programs for identify-

ing accident causes, adopting measures to reduce accidents, and evaluating effectiveness of such measures'' after ''one or more States''.

Subsec. (b)(1)(A). Pub. L. 95–599, § 207(b)(1), substituted ''State highway safety agency'' for ''State agency''.

Subsec. (b)(1)(G). Pub. L. 95–599, § 207(c), added subpar. (G).

Subsec. (d). Pub. L. 95–599, § 207(d), inserted ''(other than planning and administration)'' after ''State highway safety program'' and ''(other than one for planning or administration)'' after ''cost of any project under this section''.

1976—Subsec. (c), sixth sentence. Pub. L. 94–280, § 211, inserted exception provision requirement that the apportionments to the Virgin Islands, Guam, and American Samoa be not less than one-third of 1 per centum of the total apportionment.

Subsec. (c), eighth and ninth sentences. Pub. L. 94–280, § 208(a), inserted eighth and ninth sentences: excluding from any highway safety program approved by the Secretary any requirement that a State implement a Federal safety helmet wearing standard for operators or passengers of motorcycles by adopting or enforcing any law, rule, or regulation based on the Federal standard, and authorizing State implementation of a highway safety program without compliance with every uniform standard in every State; and deleted prior eighth, ninth, and tenth sentences providing for: a 10 per centum reduction of funds apportioned to a State on or after January 1, 1970, for nonimplementation of a highway safety program approved by the Secretary during such a period; suspension of application of such provision during necessary periods when in the public interest; and reapportionment of withheld amounts to other States in accordance with applicable provisions of law, now covered in the tenth through thirteenth sentences.

Subsec. (c), tenth through thirteenth sentences. Pub. L. 94–280, § 212, inserted provisions for: a 50 per centum reduction of funds apportioned to a State during time of absence or nonimplementation of a highway safety program; gravity rule in determining amount of reduction of funds; apportionment to a State of withheld funds prior to the end of the fiscal year for which the funds were withheld in event of approval of or State implementation of a highway safety program; and for reapportionment of funds to other States in accordance with the prescribed formula not later than 30 days after determination of absence of correction by a State, similar provisions being formerly covered in prior eighth, ninth, and tenth sentences providing for: a 10 per centum reduction of funds apportioned to a State on or after January 1, 1970, for nonimplementation of a highway safety program approved by the Secretary during such a period; suspension of application of such provision during necessary periods when in the public interest; and reapportionment of withheld amounts to other States in accordance with applicable provisions of law.

Subsec. (j)(3) to (5). Pub. L. 94–280, § 204, added par. (3) provisions respecting incentive safety grants, struck out prior par. (3) provisions limiting incentive awards authorized by this section to 25 per centum of each State's apportionment as authorized by this chapter, and added pars. (4) and (5).

1973—Subsec. (a). Pub. L. 93–87, § 231(a), provided for promulgation of uniform standards so as to improve bicycle safety.

Subsec. (b)(1)(E)(6). Pub. L. 93–87, § 231(b), added item (6) of subpar. (E).

Subsec. (b)(1)(F). Pub. L. 93–87, § 228, added subpar. (F).

Subsec. (c). Pub. L. 93–87, §§ 215–217, provided for use of funds for 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 and inserted ''Such funds'' before ''shall be subject to a deduction''; provided for the determination of public road mileage 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; and increased the annual apportionment to each State from ''one-third of 1 per centum'' to ''one-half of 1 per centum'' of the total apportionment, respectively.

Subsec. (d). Pub. L. 93–87, § 207(b), inserted at end of first sentence provision 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.

Subsec. (h). Pub. L. 93–87, § 229, substituted provisions for continuation of uniform safety standards promulgated under this section on or before July 1, 1973, unless otherwise specifically provided by law enacted after Aug. 13, 1973, and prohibiting the Secretary from promulgating any other uniform safety standard under this section (including by revision of a standard continued in effect by the preceding sentence) unless otherwise specifically provided by law enacted after Aug. 13, 1973, for former prohibition against promulgation of any other uniform safety standard unless at least 90 days prior to the effective date of such standard the Secretary shall have submitted such standard to Congress, except in the case of State safety program elements with respect to which uniform standards have been promulgated by the Secretary before Dec. 31, 1970.

Subsec. (i). Pub. L. 93–87, § 207(a), added subsec. (i).

Subsec. (j). Pub. L. 93–87, § 219, added subsec. (j).

1970—Subsec. (b)(1)(A). Pub. L. 91–605, § 203(A), required the Governor of a State be responsible for the administration of the State highway safety program through a State agency suitably organized and possessed of adequate powers to carry out such programs to the satisfaction of the Secretary.

Subsec. (c). Pub. L. 91–605, § 202(c), provided a formula for apportionments to States, after June 30, 1969, to carry out this section, whereby 75% of the appropriation is based on the ratio which the population of each State bears to the total population of all the States and 25% of the appropriation is based on the ratio which the public road mileage in each State bears to the total public road mileage in all States, defined ''public road'', provided the annual apportionment to each State not to be less than one-third of 1% of the total apportionment, struck out provisions authorizing appropriations after June 30, 1969 to be apportioned as Congress shall provide and struck out provisions mandating the Secretary to report to Congress his recommendations for a nondiscretionary formula of apportionment for the fiscal year ending June 30, 1970, and the fiscal years thereafter.

Subsec. (d). Pub. L. 91–605, § 202(d), provided that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions for carrying out the State highway safety program be available for crediting such State for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project.

Subsec. (h). Pub. L. 91–605, § 202(e), added subsec. (h).

1968—Subsec. (c). Pub. L. 90–495 substituted ''December 31, 1969'' for ''December 31, 1968'' as the last day on which the Secretary may apportion funds to States which are not implementing highway safety programs approved by the Secretary and substituted ''January 1, 1970'' for ''January 1, 1969'' as the date after which funds apportioned to States not having approved safety programs shall be reduced until a safety program is implemented.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 2008 of title II of Pub. L. 102–240 provided that: ''Except as otherwise provided, this title [amending this section and sections 403 and 410 of this title and

sections 1392, 1413, and 1414 of Title 15, Commerce and Trade, enacting provisions set out as notes under this section and sections 401, 403, and 410 of this title and section 1392 of Title 15, and amending provisions set out as a note under section 401 of this title], including the amendments made by this title, shall take effect on the date of the enactment of this Act [Dec. 18, 1991], shall apply to funds authorized to be appropriated or made available after September 30, 1991, and shall not apply to funds appropriated or made available on or before such date of enactment.''

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 3(a) of Pub. L. 98–363 applicable to fiscal years beginning after July 17, 1984, see section 3(c) of Pub. L. 98–363, set out as a note under section 401 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 1107(c) of Pub. L. 97–35 provided that the amendment made by that section is effective Oct. 1, 1982.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 207(b)(2) of Pub. L. 95–599 provided that: ''The amendment made by paragraph (1) of this subsection [amending this section] shall take effect January 1, 1979.''

EFFECTIVE DATE OF 1970 AMENDMENT

Section 203(b) of Pub. L. 91–605 provided that: ''The amendment made by subsection (a) of this section [amending this section] shall take effect December 31, 1971.''

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–495 effective Aug. 23, 1968, see section 37 of Pub. L. 90–495, set out as a note under section 101 of this title.

EVALUATION OF HANDICAPPED PARKING SYSTEM

Section 1088 of Pub. L. 102–240 directed Secretary to conduct a study on progress being made by States in adopting and implementing uniform system for handicapped parking established in regulations issued pursuant to Pub. L. 100–641 (102 Stat. 3335), set out below, and, not later than 2 years after Dec. 18, 1991, submit to Congress the results of the study.

OBLIGATION LIMITATION

Section 2009(b) of Pub. L. 102–240 provided that: ''If an obligation limitation is placed on sums authorized to be appropriated to carry out section 402 of title 23, United States Code, for fiscal year 1993 or subsequent fiscal years, any amounts made available out of such funds to carry out sections 2004 and 2006 of this Act [amending section 410 of this title and enacting provisions set out as notes under sections 403 and 410 of this title] and section 211(b) of the National Driver Register Act of 1982 [Pub. L. 97–364, set out as a note under section 401 of this title] shall be reduced proportionally.''

HANDICAPPED PARKING SYSTEM

Pub. L. 100–641, §3, Nov. 9, 1988, 102 Stat. 3335, provided that:

''(a) REGULATIONS.—Not later than the 180th day following the date of the enactment of this Act [Nov. 9, 1988], the Secretary of Transportation shall issue regulations—

''(1) which establish a uniform system for handicapped parking designed to enhance the safety of handicapped individuals, and

''(2) which encourage adoption of such system by all the States.

In issuing such regulations, the Secretary shall consult the States.

''(b) DEFINITIONS.—For purposes of this section—

''(1) UNIFORM SYSTEM FOR HANDICAPPED PARKING.—A uniform system for handicapped parking designed to enhance the safety of handicapped individuals is a system which—

''(A) adopts the International Symbol of Access (as adopted by Rehabilitation International in 1969 at its 11th World Congress on Rehabilitation of the Disabled) as the only recognized symbol for the identification of vehicles used for transporting individuals with handicaps which limit or impair the ability to walk;

''(B) provides for the issuance of license plates displaying the International Symbol of Access for vehicles which will be used to transport individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

''(C) provides for the issuance of removable windshield placards (displaying the International Symbol of Access) to individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

''(D) provides that fees charged for the licensing or registration of a vehicle used to transport individuals with handicaps do not exceed fees charged for the licensing or registration of other similar vehicles operated in the State; and

''(E) for purposes of easy access parking, recognizes licenses and placards displaying the International Symbol of Access which have been issued by other States and countries.

''(2) STATE.—The term 'State' has the meaning such term has when used in chapter 4 of title 23, United States Code.''

PARKING FOR HANDICAPPED PERSONS; STUDY AND REPORT; PROPOSED UNIFORM STATE LAW

Section 161 of Pub. L. 100–17 provided that:

''(a) STUDY.—The Secretary shall conduct a study for the purpose of determining—

''(1) any problems encountered by handicapped persons in parking motor vehicles; and

''(2) whether or not each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents.

''(b) REPORT.—Not later than 180 days after the date of the enactment of this Act [Apr. 2, 1987], the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a).

''(c) DEVELOPMENT OF PROPOSED UNIFORM STATE LAW.—

''(1) REQUIREMENT.—If the Secretary determines under subsection (a) that each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents, the Secretary shall develop a proposed uniform State law with respect to parking privileges for handicapped persons and submit a copy of the proposed uniform State law to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives and each State.

''(2) FACTORS TO CONSIDER.—In developing the proposed uniform State law, the Secretary shall consult with the States and shall consider any advantages—

''(A) of ensuring that parking privileges for handicapped persons may be utilized whether a handicapped person is a passenger or a driver;

''(B) of the use of the international symbol of access as the exclusive symbol identifying parking zones for handicapped persons and identifying vehicles that may park in such parking zones;

''(C) of displaying the international symbol of access on license plates or license plate decals and on identification placards; and

''(D) of designing any identification placard so that the placard is easily visible when placed in the interior of any vehicle.

''(3) REPORT.—If a proposed uniform State law with respect to parking privileges for handicapped persons is developed and submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation [now Committee on Transportation and Infrastructure] of the House of Representatives under paragraph (1), within 12 months after the date of such submission and each year thereafter, the Secretary shall report to such committees on the extent to which each State has adopted the proposed uniform State law.''

SCHOOLBUS SAFETY MEASURES; STUDY BY NATIONAL ACADEMY OF SCIENCES AND REPORT; PUBLICATION OF LIST OF MOST EFFECTIVE SAFETY MEASURES IN FEDERAL REGISTER; SCHOOLBUS SAFETY GRANT PROGRAM

Section 204 of Pub. L. 100–17 provided that:

''(a) STUDY.—

''(1) NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act [Apr. 2, 1987], the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to schoolchildren riding in schoolbuses and of the use of seatbelts in schoolbuses and other measures that may improve the safety of schoolbus transportation. The purpose of the study and investigation is to determine those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

''(2) REPORT.—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 18 months after the date on which such arrangements are completed, to Congress and the Secretary a report on the results of such study and investigation. The report shall contain a list of those safety measures determined by the Academy to be most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

''(3) REVIEW OF REPORT.—Upon receipt of the report under paragraph (2), the Secretary shall review such report for the purpose of determining those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses. Not later than 2 months after the date of receipt of such report, the Secretary shall publish in the Federal Register a list of those safety measures which the Secretary determines are the most effective in protecting the safety of such children.

''(4) INFORMATION.—Upon request of the National Academy of Sciences, the Secretary shall furnish to the Academy any information which the Academy deems necessary for the purpose of conducting the study and investigation under this subsection.

''(b) SCHOOLBUS SAFETY GRANT PROGRAM.—

''(1) SET-ASIDE.—Before apportioning any funds made available to carry out section 402 of title 23, United States Code, for each of fiscal years 1989, 1990, and 1991, the Secretary may set aside an amount not to exceed $5,000,000 for making grants to States to implement those schoolbus safety measures published by the Secretary under subsection (a).

''(2) APPLICATION.—Any State interested in receiving under this subsection a grant to implement schoolbus safety measures in fiscal year 1989, 1990, or 1991 shall submit to the Secretary an application for such grant. Applications under this subsection shall be submitted at such time and in such form and contain such information as the Secretary may require by regulation.

''(3) LIMITATION.—No State shall receive more than 30 percent of the funds set aside pursuant to this subsection for any fiscal year in grants under this subsection.''

SPECIAL PARKING PRIVILEGES FOR HANDICAPPED PERSONS

Pub. L. 98–78, title III, § 321, Aug. 15, 1983, 97 Stat. 473, provided that:

''(a) The Congress finds that—

''(1) in this Nation there exist millions of handicapped people with severe physical impairments including partial paralysis, limb amputation, chronic heart condition, emphysema, arthritis, rheumatism, and other debilitating conditions which greatly limit their personal mobility;

''(2) these people reside in each of the several States and have need and reason to travel from one State to another for business and recreational purposes;

''(3) each State maintains the right to establish and enforce its own code of regulations regarding the appropriate use of motor vehicles operating within its jurisdiction;

''(4) within a given State handicapped individuals are oftentimes granted special parking privileges to help offset the limitations imposed by their physical impairment;

''(5) these special parking privileges vary from State to State as do the methods and means of identifying vehicles used by disabled individuals, all of which serve to impede both the enforcement of special parking privileges and the handicapped individual's freedom to properly utilize such privileges;

''(6) there are many efforts currently underway to help alleviate these problems through public awareness and administrative change as encouraged by concerned individuals and national associations directly involved in matters relating to the issue of special parking privileges for disabled individuals; and

''(7) despite these efforts the fact remains that many States may need to give the matter legislative consideration to ensure a proper resolution of this issue, especially as it relates to law enforcement and placard responsibility.

''(b) The Congress encourages each of the several States working through the National Governors Conference to—

''(1) adopt the International Symbol of Access as the only recognized and adopted symbol to be used to identify vehicles carrying those citizens with acknowledged physical impairments;

''(2) grant to vehicles displaying this symbol the special parking privileges which a State may provide; and

''(3) permit the International Symbol of Access to appear either on a specialized license plate, or on a specialized placard placed in the vehicles so as to be clearly visible through the front windshield, or on both such places.

''(c) It is the sense of the Congress that agreements of reciprocity relating to the special parking privileges granted handicapped individuals should be developed and entered into by and between the several States so as to—

''(1) facilitate the free and unencumbered use between the several States, of the special parking privileges afforded those people with acknowledged handicapped conditions, without regard to the State of residence of the handicapped person utilizing such privilege;

''(2) improve the ease of law enforcement in each State of its special parking privileges and to facilitate the handling of violators; and

''(3) ensure that motor vehicles carrying individuals with acknowledged handicapped conditions be given fair and predictable treatment throughout the Nation.

''(d) As used in this section the term 'State' means the several States and the District of Columbia.

''(e) The Secretary of Transportation shall provide a copy of this section to the Governor of each State and the Mayor of the District of Columbia.''

MOTORCYCLE HELMET STUDY

Section 210 of Pub. L. 95–599 provided that the Secretary of Transportation make a full and complete

study of the effects of the provision contained in the eighth sentence of subsec. (c) of this section and that the Secretary report the results of such study to Congress not later than one year after Nov. 6, 1978.

STUDY OF METHODS OF ENCOURAGING USE OF SAFETY BELTS IN AUTOMOBILES

Section 214 of Pub. L. 95–599 provided that the Secretary of Transportation undertake to enter into arrangements with the National Academy of Sciences to conduct a study and investigation of methods of encouraging the use of safety belts by drivers of, and passengers in, motor vehicles and that the National Academy of Sciences report to the Secretary and the Congress not later than one year after Nov. 6, 1978, on the results of such study.

EVALUATION OF SAFETY STANDARDS; REPORT TO CONGRESS

Section 208(b) of Pub. L. 94–280 provided that: ''The Secretary of Transportation shall, in cooperation with the States, conduct an evaluation of the adequacy and appropriateness of all uniform safety standards established under section 402 of title 23 of the United States Code which are in effect on the date of enactment of this Act [May 5, 1976]. The Secretary shall report his findings, together with his recommendations, including but not limited to, the need for revision or consolidation of existing standards and the establishment of new standards, to Congress on or before July 1, 1977. Until such report is submitted, the Secretary shall not, pursuant to subsection (c) of section 402 of title 23, United States Code, withhold any apportionment or any funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with such section 402.''

REPORT TO CONGRESS BY JULY 1, 1967, ON INITIAL STANDARDS

Section 203 of Pub. L. 89–564 required the Secretary of Commerce to report to Congress by July 1, 1967, all standards to be initially applied in carrying out section 402 of this title.

AUTHORIZATION OF APPROPRIATIONS

Section 104 of Pub. L. 89–564 authorized the appropriation of $67,000,000, $100,000,000, and $100,000,000 for the fiscal years ending June 30, 1967, 1968, and 1969, respectively, to carry out this section.

STUDY OF RELATIONSHIP BETWEEN CONSUMPTION OF ALCOHOL AND HIGHWAY SAFETY

Section 204 of Pub. L. 89–564, as amended by Pub. L. 97–449, §2(a), Jan. 12, 1983, 96 Stat. 2439, directed the Secretary to make a thorough and complete study of the relationship between the consumption of alcohol and its effect upon highway safety and drivers of motor vehicles, in consultation with such other government and private agencies as may be necessary. Such study shall cover review and evaluation of State and local laws and enforcement methods and procedures relating to driving under the influence of alcohol, State and local programs for the treatment of alcoholism, and such other aspects of this overall problem as may be useful. The results of this study were required to be reported to the Congress by the Secretary on or before July 1, 1967, with recommendations for legislation if warranted.

EX. ORD. NO. 13043. INCREASING SEAT BELT USE IN THE UNITED STATES

Ex. Ord. No. 13043, Apr. 16, 1997, 62 F.R. 19217, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Highway Safety Act of 1966, 23 U.S.C. 402 and 403, as amended, section 7902(c) of title 5, United States Code, and section 19 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 668, as amended, and in order to require that Federal employees use seat belts while on official business; to require that motor vehicle occupants use seat belts in national park areas and on Department of Defense (''Defense'') installations; to encourage Tribal Governments to adopt and enforce seat belt policies and programs for occupants of motor vehicles traveling on highways in Indian Country; and to encourage Federal contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt use policies and programs, it is hereby ordered as follows:

SECTION 1. *Policies*. (a) *Seat Belt Use by Federal Employees*. Each Federal employee occupying any seating position of a motor vehicle on official business, whose seat is equipped with a seat belt, shall have the seat belt properly fastened at all times when the vehicle is in motion.

(b) *Seat Belt Use in National Parks and on Defense Installations*. Each operator and passenger occupying any seating position of a motor vehicle in a national park area or on a Defense installation, whose seat is equipped with a seat belt or child restraint system, shall have the seat belt or child restraint system properly fastened, as required by law, at all times when the vehicle is in motion.

(c) *Seat Belt Use by Government Contractors, Subcontractors and Grantees*. Each Federal agency, in contracts, subcontracts, and grants entered into after the date of this order, shall seek to encourage contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

(d) *Tribal Governments*. Tribal Governments are encouraged to adopt and enforce seat belt policies and programs for occupants of motor vehicles traveling on highways in Indian Country that are subject to their jurisdiction.

SEC. 2. *Scope of Order*. All agencies of the executive branch are directed to promulgate rules and take other appropriate measures within their existing programs to further the policies of this order. This includes, but is not limited to, conducting education, awareness, and other appropriate programs for Federal employees about the importance of wearing seat belts and the consequences of not wearing them. It also includes encouraging Federal contractors, subcontractors, and grantees to conduct such programs. In addition, the National Park Service and the Department of Defense are directed to initiate rulemaking to consider regulatory changes with respect to enhanced seat belt use requirements and standard (primary) enforcement of such requirements in national park areas and on Defense installations, consistent with the policies outlined in this order, and to widely publicize and actively enforce such regulations. The term ''agency'' as used in this order means an Executive department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal Government, other than those of the legislative and judicial branches.

SEC. 3. *Coordination*. The Secretary of Transportation shall provide leadership and guidance to the heads of executive branch agencies to assist them with the employee seat belt programs established pursuant to this order. The Secretary of Transportation shall also cooperate and consult with the legislative and judicial branches of the Government to encourage and help them to adopt seat belt use programs.

SEC. 4. *Reporting Requirements*. The Secretary of Transportation, in cooperation with the heads of executive branch agencies, and after consultation with the judicial and legislative branches of Government, shall submit an annual report to the President. The report shall include seat belt use rates and statistics of crashes, injuries, and related costs involving Federal employees on official business and occupants of motor vehicles driven in national park areas, on Defense installations, and on highways in Indian Country. The report also shall identify specific agency programs that have

made significant progress towards achieving the goals of this order or are notable and deserving of recognition. All agencies of the executive branch shall provide information to, and otherwise cooperate with, the Secretary of Transportation to assist with the preparation of the annual report.

SEC. 5. *Other Powers and Duties*. Nothing in this order shall be construed to impair or alter the powers and duties of the heads of the various Federal agencies pursuant to the Highway Safety Act of 1966, 23 U.S.C. 402 and 403, as amended, section 19 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 668, as amended, or sections 7901, 7902, and 7903 of title 5, United States Code, nor shall it be construed to affect any right, duty, or procedure under the National Labor Relations Act, 29 U.S.C. 151 *et seq*.

SEC. 6. *General Provisions*. (a) Executive Order 12566 of September 26, 1986, is revoked. To the extent that this order is inconsistent with any provisions of any prior Executive order, this order shall control.

(b) If any provision of this order or application of any such provision is held to be invalid, the remainder of this order and other applications of such provision shall not be affected.

(c) Nothing in this order shall be construed to create a new cause of action against the United States, or to alter in any way the United States liability under the Federal Tort Claims Act, 28 U.S.C. 2671-2680.

(d) The Secretary of Defense shall implement the provisions of this order insofar as practicable for vehicles of the Department of Defense.

(e) The Secretary of the Treasury and the Attorney General, consistent with their protective and law enforcement responsibilities, shall determine the extent to which the requirements of this order apply to the protective and law enforcement activities of their respective agencies.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 152, 153, 157, 403, 404, 406, 408, 410 of this title; title 42 section 7544; title 49 sections 30308, 31102, 31107.

§ 403. Highway safety research and development

(a) AUTHORITY OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary is authorized to use funds appropriated to carry out this section to engage in research on all phases of highway safety and traffic conditions.

(2) ADDITIONAL AUTHORITY.—In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for—

(A) training or education of highway safety personnel,

(B) research fellowships in highway safety,

(C) development of improved accident investigation procedures,

(D) emergency service plans,

(E) demonstration projects, and

(F) related research and development activities which the Secretary deems will promote the purposes of this section.

(3) SAFETY DEFINED.—As used in this section, the term ''safety'' includes highway safety and highway safety-related research and development, including research and development relating to highway and driver characteristics, crash investigations, communications, emergency medical care, and transportation of the injured.

(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.

(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 Ste-

venson-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.

(Added Pub. L. 89–564, title I, §101, Sept. 9, 1966, 80 Stat. 733; amended Pub. L. 93–87, title II, §§208(a), 220–222, 226(a), Aug. 13, 1973, 87 Stat. 286, 291, 292; Pub. L. 102–240, title II, §2003, Dec. 18, 1991, 105 Stat. 2071.)

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (f)(4), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102–240, §2003(a), added subsec. (a) and struck out former subsec. (a) which read as follows: ''The Secretary is authorized to use funds appropriated to carry out this subsection to carry out safety research which he is authorized to conduct by subsection (a) of section 307 of this title. In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel.''

Subsec. (b). Pub. L. 102–240, §2003(a), added subsec. (b) and struck out former subsec. (b) which read as follows: ''In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such 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; and

''(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 accident involvement to highway safety.''

Subsec. (c). Pub. L. 102–240, §2003(c), substituted ''subsections (a) and (b)'' for ''subsection (b)''.

Subsec. (f). Pub. L. 102–240, §2003(b), added subsec. (f) and struck out former subsec. (f) which read as follows: ''In addition to the research authorized by subsection (a) of this section, the Secretary shall carry out research, development, and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. The research, development, and demonstration projects authorized by this subsection may be carried out by the Secretary through grants and contracts with public and private agencies, institutions, and individuals. The Secretary shall report to the Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research, development, and demonstration projects authorized by this subsection, and shall include in such report an evaluation of the effectiveness of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom.''

1973—Subsec. (a). Pub. L. 93–87, §§208(a), 220, designated existing provisions as subsec. (a); substituted in first sentence ''this subsection'' for ''this section''; substituted in second sentence ''for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel'' for ''for (1) grants to State or local agencies, institutions, and individuals for training or education of highway safety personnel'' and ''(6) related activities which the Secretary deems will promote the purposes of this section'' for (6) related activities which are deemed by the Secretary to be necessary to carry out the purposes of this section''; and inserted requirement that the Secretary assure that no fees be charged for any meeting or services attendant thereto or other activities relating to training and education of highway safety personnel.

Subsecs. (b), (c). Pub. L. 93–87, §208(a), added subsecs. (b) and (c).

Subsecs. (d) to (f). Pub. L. 93–87, §§221, 222, 226(a), added subsecs. (d) to (f).

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240, except as otherwise provided, effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and not applicable to funds appropriated or made available on or before Dec. 18, 1991, see section 2008 of Pub. L. 102–240, set out as a note under section 402 of this title.

DRUG RECOGNITION EXPERT TRAINING PROGRAM

Section 2006 of Pub. L. 102–240 provided that:

''(a) ESTABLISHMENT.—The Secretary, acting through the National Highway Traffic Safety Administration, shall establish a regional program for implementation of drug recognition programs and for training law enforcement officers (including enforcement officials under the motor carrier safety assistance program) to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or one or more controlled substances or other drugs.

''(b) ADVISORY COMMITTEE.—The Secretary shall establish a citizens advisory committee that shall report to Congress annually on the progress of the implementation of subsection (a). Members of the committee shall include 1 member of each of the following: Mothers Against Drunk Driving; a narcotics control organization; American Medical Association; American Bar Association; and such other organizations as the Secretary deems appropriate. The committee shall be subject to the provisions of the [Federal] Advisory Committee Act [5 App. U.S.C.] and shall terminate 2 years after the date of the enactment of this Act [Dec. 18, 1991].

''(c) 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 $4,000,000 for each of fiscal years 1992 through 1997.

''(d) DEFINITION.—For purposes of this section, the term 'controlled substance' means any controlled substance, as defined under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), whose use the Secretary has determined poses a risk to transportation safety.''

PILOT PROGRAM FOR DRUG RECOGNITION EXPERT TRAINING

Pub. L. 100–690, title IX, § 9004, Nov. 18, 1988, 102 Stat. 4525, provided that:

''(a) ESTABLISHMENT.—The Secretary of Transportation, acting through the National Highway Traffic Safety Administration, shall establish a 3-year pilot, regional program for training law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or 1 or more controlled substances or other drugs.

''(b) REPORT.—Not later than 1 year after the completion of the pilot program under this section, the Secretary of Transportation shall transmit to Congress a report on the effectiveness of such pilot program together with any recommendations.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1989, $7,000,000 for fiscal year 1990, and $9,000,000 for fiscal year 1991. Such sums shall remain available until expended.''

PILOT GRANT PROGRAM FOR RANDOM TESTING FOR ILLEGAL DRUG USE

Pub. L. 100–690, title IX, § 9005, Nov. 18, 1988, 102 Stat. 4526, provided that:

''(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall design, within 9 months after the date of the enactment of this Act [Nov. 18, 1988], and implement, within 15 months after the date of the enactment of this Act, a pilot State grant program for the purpose of testing individuals described in subsection (e)(1) to determine whether such individuals have used, without lawful authorization, a controlled substance.

''(b) STATE PARTICIPATION.—The Secretary shall solicit the participation of States from those States interested in participating in such a program not more than 4 States to participate in the program.

''(c) STATE SELECTION PROCESS.—The Secretary shall ensure that the selection made pursuant to this section is representative of varying geographical and population characteristics of the Nation, and takes into consideration the historical geographical incidence of motor vehicle accidents involving loss of human life. In selecting the States for participation, the Secretary shall attempt to solicit States which meet the following criteria:

''(1) One of the States shall be a western State which is one of the 3 most populous States, with numerous large cities, with at least one city exceeding 7,000,000 people. The State should have a diverse demographic population with larger than average drug use according to reliable surveys.

''(2) One of the remaining States should be a southern State, one a northeastern State, and one a central State.

''(3) One of the remaining States should be mainly rural and among the least populous States.

''(4) One of the remaining States should have less than average drug use according to reliable surveys.

''(d) LENGTH OF PROGRAM.—The pilot program authorized by this section shall continue for a period of 1 year. The Secretary shall consider alternative methodologies for implementing a system of random testing of such individuals.

''(e) REQUIREMENTS FOR STATE PARTICIPATION.—

''(1) PERSONS TO BE TESTED.—Each State participating in the test program shall test for controlled substances in accordance with paragraph (2) individuals who—

''(A) are applicants seeking the privilege to drive, and

''(B) have never been issued a driver's license by any State.

''(2) TYPES OF TESTING.—To deter drug use and promote highway safety, all individuals described in paragraph (1) shall be subject to random testing—

''(A) prior to issuance of driver's licenses, and

''(B) during the first year following the date of issuance of such licenses.

''(3) DENIAL OF DRIVING PRIVILEGES.—Each State participating in the test program shall deny an individual driving privileges if drug testing required by paragraph (1) indicates that such individual has used illicit drugs, with such denial lasting for a period of at least 1 year following such test or subsequent confirmatory test.

''(4) REINSTITUTION OF DRIVING PRIVILEGES.—The program described in paragraph (3) may allow for reinstitution of driving privileges after a period of 3 months if such reinstitution is accompanied by a requirement that the individual be available for a period of 9 months for drug testing on a regular basis. If any such test indicates that the individual has used illicit drugs, then driving privileges must be denied for 1 year following such test or confirmatory test.

''(f) REGULATIONS.—The Secretary may issue regulations to assist States in implementing the programs described in subsection (e) and to grant temporary exceptions in appropriate circumstances.

''(g) REPORT.—Not later than 30 months after the date of the enactment of this Act [Nov. 18, 1988], the Secretary shall prepare and transmit to Congress a comprehensive report setting forth the results of the pilot program conducted under this section. Such report shall include any recommendations of the Secretary concerning the desirability and implementation of a system for random testing of such operators of motor vehicles.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this test program, there is authorized to be appropriated $5,000,000 for fiscal year 1990.

''(i) DEFINITIONS.—For purposes of this section—

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' means any controlled substance as defined under section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)) whose use the Secretary has determined poses a risk to transportation safety.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(3) STATE.—The term 'State' has the meaning such term has when used in chapter 1 of title 23, United States Code.''

DRUG AND HIGHWAY SAFETY STUDY AND REPORT

Pub. L. 99–570, title III, § 3402, Oct. 27, 1986, 100 Stat. 3207–102, directed Secretary of Transportation to conduct a study to determine relationship between usage of controlled substances and highway safety and, not later than one year after Oct. 27, 1986, submit to Congress a report on results of study.

NATIONAL DRIVER REGISTER STUDY

Pub. L. 95–599, title II, § 204, Nov. 6, 1978, 92 Stat. 2729, directed Secretary of Transportation to make a full and complete investigation and study of the need for, and, if necessary, ways and means to establish, a national driver register to assist States in electronically exchanging information regarding motor vehicle driving records of certain individuals, with Secretary to issue a final report to Congress not later than one year after Nov. 6, 1978.

DETECTION AND PREVENTION OF MARIJUANA AND OTHER DRUG USE BY OPERATORS OF MOTOR VEHICLES

Pub. L. 95–599, title II, § 212, Nov. 6, 1978, 92 Stat. 2734, directed Secretary to report to Congress not later than Dec. 31, 1979, concerning the progress of efforts to detect and prevent marijuana and drug use by motor vehicle operators, capabilities of law enforcement offi-

cials to detect the use of marijuana and drugs by motor vehicle operators, and a description of Federal and State projects undertaken into methods of detection and prevention.

FORM AND USE OF REPORTS OF HIGHWAY TRAFFIC ACCIDENTS OR RESEARCH PROJECTS IN COURT; AVAILABILITY TO PUBLIC

Section 106 of Pub. L. 89–564 provided that: ''All facts contained in any report of any Federal department or agency or any officer, employee, or agent thereof, relating to any highway traffic accident or the investigation thereof conducted pursuant to chapter 4 of title 23 of the United States Code shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident, and any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigation. Any such report shall be made available to the public in a manner which does not identify individuals. All completed reports on research projects, demonstration projects, and other related activities conducted under sections 307 and 403 of title 23, United States Code, shall be made available to the public in a manner which does not identify individuals.''

APPROPRIATIONS AUTHORIZATIONS

Section 208(b) of Pub. L. 93–87 provided that: ''There is authorized to be appropriated to carry out the amendments made by this section [amending this section] by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $10,000,000 per fiscal year for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976.''

Section 226(b) of Pub. L. 93–87 provided that: ''For the purpose of carrying out the amendment made by subsection (a) of this section [amending this section], there is authorized to be appropriated $10,000,000 out of the Highway Trust Fund.''

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS

Authorization of appropriation of additional sum of $10,000,000 for the fiscal year ending June 30, 1967, $20,000,000 for the fiscal year ending June 30, 1968, and $25,000,000 for the fiscal year ending June 30, 1969, for the purpose of carrying out this section and section 307(a) of this title, see section 105 of Pub. L. 89–564, set out as a note under section 307 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 402 of this title.

§ 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 travel-time, 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

Commerce[1] such staff and facilities as are necessary to carry out the functions of such Committee.

(Added Pub. L. 89–564, title I, § 101, Sept. 9, 1966, 80 Stat. 733; amended Pub. L. 90–150, Nov. 24, 1967, 81 Stat. 507; Pub. L. 93–87, title II, § 223, Aug. 13, 1973, 87 Stat. 292; Pub. L. 94–280, title II, § 209, May 5, 1976, 90 Stat. 455.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(2)(A), is Sept. 9, 1966.

Section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2), referred to in subsec. (a)(2)(B), was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632. Section 7(b) of Pub. L. 89–554 provided that references to sections of former Title 5, Executive Departments and Government Officers and Employees, are to be deemed to be references to corresponding provisions of Title 5, Government Organization and Employees. Provisions similar to section 73b–2 of former title 5 are now contained in section 5703 of Title 5, Government Organization and Employees.

AMENDMENTS

1976—Subsec. (a)(1). Pub. L. 94–280 substituted provision for selection by the Secretary of the Chairman of the Committee from among the Committee members for prior provision making the Secretary or an officer of the Department appointed by him the Chairman of the Committee.

1973—Subsec. (a)(1). Pub. L. 93–87 added the National Highway Traffic Safety Administrator to the membership of the National Highway Safety Advisory Committee.

1967—Subsec. (a)(1). Pub. L. 90–150, § 1(1), substituted ''Department of Transportation'' for ''Department of Commerce'', increased number of Committee appointees from twenty-nine to thirty-five, and provided for selection of members from representatives of national organizations of passenger car, bus, and truck owners.

Subsec. (a)(2)(A). Pub. L. 90–150, § 1(2), substituted provisions for expirations of term of office of initial appointees one, two, and three years after date of appointment for twelve, twelve, and eleven members, respectively, for former provisions for such expiration one, two, and three years following enactment date of Sept. 9, 1966, for ten, ten, and nine members, respectively, and prohibited reappointment within one year after end of preceding term of member serving a three-year term of office.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

[§ 405. Repealed. Pub. L. 94–280, title I, § 135(c), May 5, 1976, 90 Stat. 442]

Section, added Pub. L. 93–87, title II, § 230(a), Aug. 13, 1973, 87 Stat. 293; amended Pub. L. 93–643, § 121, Jan. 4, 1975, 88 Stat. 2289, related to the Federal-aid safer roads demonstration program.

§ 406. School bus driver training

(a) The Secretary is authorized to make grants to the States for the purpose of carrying out State programs approved by him of driver education and training for persons driving school buses.

(b) A State program under this section shall be approved by the Secretary if such program—

(1) provide for the establishment and enforcement of qualifications for persons driving school buses;

(2) provides for initial education and training and for refresher courses;

(3) provides for periodic reports to the Secretary on the results of such program; and

(4) includes persons driving publicly operated, and persons driving privately operated, school buses.

(c) Not less than $7,500,000 of the sums authorized to carry out section 402 of this title for fiscal year 1976 shall be obligated to carry out this section. Not less than $7,000,000 of the sums authorized to carry out section 402 of this title for each of the fiscal years 1977 and 1978 shall be obligated to carry out this section. All sums authorized to carry out this section shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title, and shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under such subsection (c). The Federal share payable on account of any project to carry out a program under this section shall not exceed 75 per centum of the cost of the project.

(Added Pub. L. 93–643, § 126(a), Jan. 4, 1975, 88 Stat. 2291; amended Pub. L. 94–280, title II, § 205, May 5, 1976, 90 Stat. 453; Pub. L. 95–599, title I, § 129(g), Nov. 6, 1978, 92 Stat. 2708.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95–599 substituted ''section shall not exceed 75 per centum'' for ''title shall not exceed 70 per centum''.

1976—Subsecs. (b), (c). Pub. L. 94–280 redesignated as subsec. (c) the authorization provisions previously set out as a second subsec. (b), provided for obligation of at least $7,000,000 for fiscal years 1977 and 1978 to carry out this section, and provided for availability of funds for obligation in the same manner and to the same extent as if the funds were apportioned under section 402(c) of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment Pub. L. 95–599 effective with respect to obligations incurred after Nov. 6, 1978, see section 129(h) of Pub. L. 95–599, set out as a note under section 120 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 157 of this title.

§ 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

[1] So in original. Probably should be ''Transportation''.

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.

(Added Pub. L. 95–599, title II, § 208(a), Nov. 6, 1978, 92 Stat. 2732.)

§ 408. Alcohol traffic safety programs

(a) Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance. Such grants may only be used by recipient States to implement and enforce such programs.

(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such 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 two fiscal years preceding the date of enactment of this section.

(c) No State may receive grants under this section in more than 5 fiscal years. The Federal share payable for any grant under this section shall not exceed—

(1) in the first fiscal year the State receives a grant under this section, 75 per centum of the cost of implementing and enforcing in such fiscal year the alcohol and controlled substance traffic safety program adopted by the State pursuant to subsection (a);

(2) in the second fiscal year the State receives a grant under this section, 50 per centum of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 per centum of the cost of implementing and enforcing in such fiscal year such program.

(d)(1) Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(1) shall equal 30 per centum of the amount apportioned to such State for fiscal year 1983 under section 402 of this title.

(2) Subject to subsection (c), the amount of a supplemental grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(2) shall not exceed 20 per centum of the amount apportioned to such State for fiscal year 1983 under section 402 of this title. Such supplemental grant shall be in addition to any basic grant received by such State.

(3) Subject to subsection (c), the amount of a special grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(3) shall not exceed 5 per centum of the amount apportioned to such State for fiscal year 1984 under sections 402 and 408 of this title. Such grant shall be in addition to any basic or supplemental grant received by such State.

(e)(1) For purposes of this section, a State is eligible for a basic grant if such State provides—

(A) for the prompt suspension, for a period not less than ninety days in the case of a first offender and not less than one year in the case of any repeat offender, of the driver's license of any individual who a law enforcement officer has probable cause under State law to believe has committed an alcohol-related traffic offense, and (i) to whom is administered one or more chemical tests to determine whether the individual was intoxicated while operating the motor vehicle and who is determined, as a result of such tests, to be intoxicated, or (ii) who refuses to submit to such a test as proposed by the officer;

(B) for a mandatory sentence, which shall not be subject to suspension or probation, of (i) imprisonment for not less than forty-eight consecutive hours, or (ii) not less than ten days of community service, of any person convicted of driving while intoxicated more than once in any five-year period;

(C) that any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

(D) for increased efforts or resources dedicated to the enforcement of alcohol-related traffic laws and increased efforts to inform the public of such enforcement.

(2) For purposes of this section, a State is eligible for a supplemental grant if such State is eligible for a basic grant and in addition provides for some or all of the criteria established by the Secretary under subsection (f).

(3) For the purposes of this section, a State is eligible for a special grant if the State enacts a statute which provides that—

(A) any person convicted of a first violation of driving under the influence of alcohol shall receive—

(i) a mandatory license suspension for a period of not less than ninety days; and either

(ii)(I) an assignment of one hundred hours of community service; or

(II) a minimum sentence of imprisonment for forty-eight consecutive hours;

(B) any person convicted of a second violation of driving under the influence of alcohol within five years after a conviction for the

same offense, shall receive a mandatory minimum sentence of imprisonment for ten days and license revocation for not less than one year;

(C) any person convicted of a third or subsequent violation of driving under the influence of alcohol within five years after a prior conviction for the same offense shall—

(i) receive a mandatory minimum sentence of imprisonment for one hundred and twenty days; and

(ii) have his license revoked for not less than three years; and

(D) any person convicted of driving with a suspended or revoked license or in violation of a restriction due to driving under the influence of alcohol conviction shall receive a mandatory sentence of imprisonment for at least thirty days, and shall upon release from imprisonment, receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license.

(f) The Secretary shall, by rule, establish criteria for effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol, which criteria shall be in addition to those required for a basic grant under subsection (e)(1). The Secretary shall establish such criteria in cooperation with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary may deem appropriate. Such criteria may include, but need not be limited to, requirements—

(1) for the establishment and maintenance of a statewide driver recordkeeping system from which repeat offenders may be identified and which is accessible in a prompt and timely manner to the courts and to the public;

(2) for the creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while intoxicated;

(3) for the impoundment of any vehicle operated on a State road by any individual whose driver's license is suspended or revoked for an alcohol-related driving offense;

(4) for the establishment in each major political subdivision of a State of locally coordinated alcohol traffic safety programs which are administered by local officials and are financially self-sufficient;

(5) for the grant of presentence screening authority to the courts;

(6) for the setting of the minimum drinking age in such State at twenty-one years of age;

(7) for the consideration of and, where consistent with other provisions of State law and constitution the adoption of, recommendations that the Presidential Commission on Drunk Driving may issue during the period in which rules are being made to carry out this section; and

(8) for the creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while under the influence of a controlled substance or for the establishment of research programs to develop effective means of detecting use of controlled substances by drivers.

(g) There is hereby authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, and September 30, 1985. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to the 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 subsection shall remain available until expended. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.

(Added Pub. L. 97–364, title I, § 101(a), Oct. 25, 1982, 96 Stat. 1738; amended Pub. L. 98–363, §§ 4, 7, July 17, 1984, 98 Stat. 436, 438; Pub. L. 100–17, title II, § 203(a), (b), Apr. 2, 1987, 101 Stat. 219.)

AMENDMENTS

1987—Subsec. (c). Pub. L. 100–17, § 203(a), substituted ''5'' for ''three'' in introductory provisions and ''third, fourth, and fifth fiscal years'' for ''third fiscal year'' in par. (3).

Subsec. (g). Pub. L. 100–17, § 203(b), inserted ''and except that sums authorized by this subsection shall remain available until expended'' before period at end of second sentence.

1984—Subsec. (a). Pub. L. 98–363, §§ 4(a), 7(a), struck out ''basic and supplemental'' after ''Secretary shall make'' and inserted ''or a controlled substance'' after ''alcohol''.

Subsec. (c)(1). Pub. L. 98–363, § 4(b), inserted ''and controlled substance'' after ''alcohol''.

Subsec. (d)(3). Pub. L. 98–363, § 7(b), added par. (3).

Subsec. (e)(3). Pub. L. 98–363, § 7(c), added par. (3).

Subsec. (f)(8). Pub. L. 98–363, § 4(c), added par. (8).

EFFECTIVENESS OF DRUNK DRIVING LAWS

Pub. L. 104–59, title III, § 358(d), Nov. 28, 1995, 109 Stat. 626, provided that: ''The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving and appropriateness of laws enacted in the States which allow a health care provider who treats an individual involved in a vehicular accident to report the blood alcohol level, if known, of such individual to the local law enforcement agency which has jurisdiction over the accident site if the blood alcohol concentration level exceeds the maximum level permitted under State law.''

MINIMUM DRINKING AGE

Pub. L. 97–424, title II, § 209, Jan. 6, 1983, 96 Stat. 2140, provided that: ''The Congress strongly encourages each State to prohibit the sale of alcoholic beverages to persons who are less than 21 years of age.''

REGULATIONS; CONGRESSIONAL VETO OF SUPPLEMENTAL GRANTS

Section 101(c) of Pub. L. 97–364 provided that: ''The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 408 of title 23, United States Code, not later than November 1, 1982. The Secretary shall allow

public comment and hold public hearings on the proposed regulations to encourage maximum citizen participation. The final regulations shall be issued, published in the Federal Register, and transmitted to Congress before February 1, 1983. To the extent such regulations relate to the making of basic grants under such section 408, such regulations shall become effective on the date on which they are published in the Federal Register. To the extent such regulations relate to the making of supplemental grants under such section 408, such regulations shall become effective April 1, 1983, unless before such date either House of Congress by resolution disapproves such regulations to such extent. If such regulations are so disapproved by either House of Congress, the Secretary shall not obligate for such supplemental grants any amount authorized to carry out such section 408 for the fiscal year ending September 30, 1983, or any subsequent fiscal year, unless specifically authorized to do so by a statute enacted after the date of enactment of this Act [Oct. 25, 1982].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 157 of this title.

§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 152 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.

(Added Pub. L. 100–17, title I, §132(a), Apr. 2, 1987, 101 Stat. 170; amended Pub. L. 102–240, title I, §1035(a), Dec. 18, 1991, 105 Stat. 1978; Pub. L. 104–59, title III, §323, Nov. 28, 1995, 109 Stat. 591.)

AMENDMENTS

1995—Pub. L. 104–59 inserted ''or collected'' after ''data compiled''.

1991—Pub. L. 102–240 substituted ''Discovery and admission'' for ''Admission'' in section catchline and ''subject to discovery or admitted into evidence in a Federal or State court proceeding'' for ''admitted into evidence in Federal or State court'' in text.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 104 of this title.

§410. Alcohol-impaired driving countermeasures

(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol or a controlled substance. Such grants may only be used by recipient States to implement and enforce such programs.

(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such 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 the enactment of the Intermodal Surface Transportation Efficiency Act of 1991.

(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the third, fourth, fifth, and sixth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

(d) BASIC GRANT ELIGIBILITY.—A State is eligible for a basic grant under this section in a fiscal year only if such State provides for 5 or more of the following:

(1) Establishes an expedited driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

(A) when a law enforcement officer has probable cause under State law to believe a person has committed an alcohol-related traffic offense and such person is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer shall serve such person with a written notice of suspension or revocation of the driver's license of such person and take possession of such driver's license;

(B) the notice of suspension or revocation referred to in subparagraph (A) shall provide information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of a person for operating a motor vehicle while under the influence of alcohol and shall specify any rights of the operator under such procedures;

(C) the State shall provide, in the administrative procedures referred to in subparagraph (B), for due process of law, including the right to an administrative review of a driver's license suspension or revocation;

(D) after serving notice and taking possession of a driver's license in accordance with subparagraph (A), the law enforcement officer immediately shall report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this clause;

(E) in the case of a person who, in any 5-year period beginning after December 18, 1991, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

(i) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

(ii) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

(F) the suspension and revocation referred to under subparagraph (D) shall take effect not later than 30 days after the day on which the person first received notice of the suspension or revocation in accordance with subparagraph (B).

(2)(A) For each of the first three fiscal years in which a grant is received, any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

(B) For each of the last 3 fiscal years in which a grant is received, any person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

(3)(A) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol.

(B) A State shall be treated as having met the requirement of this paragraph if—

(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

(ii) the State demonstrates to the satisfaction of the Secretary that—

(I) the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

(II) the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.

(4) A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

(5) An effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 10 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.

(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol.

(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.

(f) SUPPLEMENTAL GRANTS.—

(1) OPEN CONTAINER LAWS.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

(A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

(B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

(2) SUSPENSION OF REGISTRATION AND RETURN OF LICENSE PLATES.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides for the suspension of the registration of, and the return to such State of the license plates for an individual who—

(A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period beginning after the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991; or

(B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration or return of license plates on an individual basis to avoid undue hardship to any individual (including any family member of the convicted individual and any co-owner of the motor vehicle) who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration of the motor vehicle, unrestricted return of the license plates of the motor vehicle, or unrestricted return of the motor vehicle.

(3) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

(4) DRUGGED DRIVING PREVENTION.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and—

(A) provides for laws concerning drugged driving under which—

(i) a person shall not drive or be in actual physical control of a motor vehicle while under the influence of alcohol, a controlled substance, a combination of controlled substances, or any combination of alcohol and controlled substances;

(ii) any person who operates a motor vehicle upon the highways of the State shall be deemed to have given consent to a test or tests of his or her blood, breath, or urine for the purpose of determining the blood alcohol concentration or the presence of controlled substances in his or her body; and

(iii) the driver's license of a person shall be suspended promptly, for a period of not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender, when a law enforcement officer has probable cause under State law to believe such person has committed a traffic offense relating to controlled substances use, and such person (I) is determined, on the basis of 1 or more chemical tests, to have been under the influence of controlled substances while operating a motor vehicle, or (II) refuses to submit to such a test as proposed by the officer;

(B) has in effect a law which provides that—

(i) any person convicted of a first violation of driving under the influence of controlled substances or alcohol, or both, shall receive—

(I) a mandatory license suspension for a period of not less than 90 days; and

(II) either an assignment of 100 hours of community service or a minimum sentence of imprisonment for 48 consecutive hours;

(ii) any person convicted of a second violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a conviction for the same offense shall receive a mandatory minimum sentence of imprisonment for 10 days and license revocation for not less than 1 year;

(iii) any person convicted of a third or subsequent violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a prior conviction for the same offense shall—

(I) receive a mandatory minimum sentence of imprisonment for 120 days; and

(II) have his or her license revoked for not less than 3 years; and

(iv) any person convicted of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence of controlled substances or alcohol, or both, shall receive a mandatory sentence of imprisonment for at least 30 days, and shall upon release from imprisonment receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license;

(C) provides for an effective system, as determined by the Secretary, for—

(i) the detection of driving under the influence of controlled substances;

(ii) the administration of a chemical test or tests to any driver who a law enforcement officer has probable cause under State law to believe has committed a traffic offense relating to controlled substances use; and

(iii) in instances where such probable cause exists, the prosecution of (I) those persons who are determined, on the basis of 1 or more chemical tests, to have been operating a motor vehicle while under the influence of controlled substances and (II) those persons who refuse to submit to such a test as proposed by a law enforcement officer; and

(D) has in effect 2 of the following programs:

(i) An effective educational program, as determined by the Secretary, for the prevention of driving under the influence of controlled substances.

(ii) An effective program, as determined by the Secretary, for training law enforcement officers to detect driving under the influence of controlled substances.

(iii) An effective program, as determined by the Secretary, for the rehabilitation and treatment of those convicted of driv-

ing under the influence of controlled substances.

(5) BLOOD ALCOHOL CONCENTRATION LEVEL PERCENTAGE.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and requires that any person with a blood alcohol concentration of .08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated in each of the first three fiscal years in which a basic grant is received.

(6) VIDEO EQUIPMENT FOR DETECTION OF DRUNK AND DRUGGED DRIVERS.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol or a controlled substance and in effectively prosecuting those persons, and to train personnel in the use of that equipment.

(g) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(h) APPLICABILITY OF CHAPTER 1.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System 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 funds authorized to be appropriated to carry out this section.

(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—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.

(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—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, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

(5) TREATMENT OF TERM ''STATE HIGHWAY DEPARTMENT''.—In applying provisions of chapter 1 in carrying out this section, the term ''State highway department'' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) ALCOHOLIC BEVERAGE.—The term ''alcoholic beverage'' has the meaning such term has under section 158(c) of this title.

(2) CONTROLLED SUBSTANCES.—The term ''controlled substances'' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(3) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning such term has under section 154(b)[1] of this title.

(4) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term ''open alcoholic beverage container'' means any bottle, can, or other receptacle—

(A) which contains any amount of an alcoholic beverage; and

(B)(i) which is open or has a broken seal, or

(ii) the contents of which are partially removed.

(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1994 through 1997, an additional $500,000 for fiscal year 1997, and $12,500,000 for the period of October 1, 1997, through March 31, 1998. Amounts made available to carry out this section are authorized to remain available until expended.

(Added Pub. L. 100–690, title IX, § 9002(a), Nov. 18, 1988, 102 Stat. 4521; amended Pub. L. 101–516, title III, § 336, Nov. 5, 1990, 104 Stat. 2186; Pub. L. 102–240, title II, § 2004(a), Dec. 18, 1991, 105 Stat. 2073; Pub. L. 102–388, title VI, §§ 601–606, Oct. 6, 1992, 106 Stat. 1569, 1570; Pub. L. 104–59, title III, § 324, Nov. 28, 1995, 109 Stat. 591; Pub. L. 105–18, title II, § 8003, June 12, 1997, 111 Stat. 195; Pub. L. 105–130, § 6(b), Dec. 1, 1997, 111 Stat. 2558.)

REFERENCES IN TEXT

The date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsecs. (b) and (f)(2)(A), is the date of enactment of Pub. L. 102–240, which was approved Dec. 18, 1991.

Section 154 of this title, referred to in subsec. (i)(3), was repealed by Pub. L. 104–59, title II, § 205(d)(1)(B), Nov. 28, 1995, 109 Stat. 577.

AMENDMENTS

1997—Subsec. (c). Pub. L. 105–130, § 6(b)(1)(A), substituted ''6 fiscal years'' for ''5 fiscal years'' in introductory provisions.

Subsec. (c)(3). Pub. L. 105–130, § 6(b)(1)(B), substituted ''fifth, and sixth fiscal years'' for ''and fifth fiscal years''.

Subsec. (d)(2)(B). Pub. L. 105–130, § 6(b)(2), substituted ''3 fiscal years'' for ''two fiscal years''.

[1] See References in Text note below.

Subsec. (j). Pub. L. 105–130, §6(b)(3), substituted ''1997,'' for ''1997, and'' and inserted before period at end '', and $12,500,000 for the period of October 1, 1997, through March 31, 1998''.

Pub. L. 105–18 inserted '', and an additional $500,000 for fiscal year 1997'' after ''1997''.

1995—Subsec. (d)(1)(E). Pub. L. 104–59, §324(a), substituted ''December 18, 1991'' for ''the date of enactment of this section'' in introductory provisions.

Subsec. (d)(3). Pub. L. 104–59, §324(b)(1), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (d)(7). Pub. L. 104–59, §324(b)(2), added par. (7).

Subsec. (f). Pub. L. 104–59, §324(c), redesignated pars. (2) to (7) as (1) to (6), respectively, and struck out former par. (1) which read as follows:

''(1) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.''

1992—Subsec. (c). Pub. L. 102–388, §601(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (d). Pub. L. 102–388, §§601(2), 602, redesignated subsec. (c) as (d), substituted ''5 or more of the following'' for ''4 or more of the following'' in introductory provisions, struck out ''within the time period specified in subparagraph (F)'' after ''revocation'' in par. (1)(C), and added par. (6). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 102–388, §§601(2), 603, redesignated subsec. (d) as (e) and amended it generally. Prior to amendment, subsec. (e) read as follows: ''AMOUNT OF BASIC GRANTS.—The amount of a basic grant to be made in a fiscal year under this section to a State eligible to receive such grant shall be 65 percent of the amount of funds apportioned to such State in such fiscal year under this section.'' Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 102–388, §§601(2), 604, redesignated subsec. (e) as (f) and substituted ''Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title'' for ''A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section'' in pars. (1) to (7). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 102–388, §§601(1), (2), 605, redesignated subsec. (f) as (g), struck out '', and the remainder shall be apportioned among the several States'' before the period at end, and struck out former subsec. (g) which provided for apportionment of the remainder of the funds authorized to be appropriated to carry out this section among the States according to certain formulas.

Subsec. (j). Pub. L. 102–388, §606, amended subsec. (j) generally. Prior to amendment, subsec. (j) read as follows: ''FUNDING FOR FISCAL YEARS 1993–1997.—From sums made available to carry out section 402 of this title, the Secretary shall make available $25,000,000 for each of fiscal years 1993 through 1997 to carry out this section.''

1991—Pub. L. 102–240 substituted section catchline for one which read: ''Drunk driving prevention programs'' and amended text generally, substituting present provisions for provisions authorizing grants to those States which adopt and implement drunk driving prevention programs described in this section, requiring States to maintain expenditures for drunk driving prevention programs, providing for Federal share payable, maximum amount of basic grants and eligibility for basic grants, providing for supplemental grants to States which implement specific measures to fight drunk driving, and providing for definitions and appropriations for this section.

1990—Subsec. (e)(1)(C). Pub. L. 101–516 struck out ''within the time period specified in subparagraph (F)'' after ''revocation''.

Subsec. (e)(2). Pub. L. 101–516 inserted ''a significant portion of'' after ''under which'' and substituted ''apprehended and fined for'' for ''convicted of''.

EFFECTIVE DATE OF 1992 AMENDMENT; TRANSITION PROVISIONS

Section 607 of title VI of Pub. L. 102–388 provided that:

''(a) EFFECTIVE DATE.—The amendments made by sections 601 through 606 [amending this section] shall take effect October 1, 1992.

''(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under such section 410, as amended by this title.''

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240, except as otherwise provided, effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and not applicable to funds appropriated or made available on or before Dec. 18, 1991, see section 2008 of Pub. L. 102–240, set out as a note under section 402 of this title.

STATES ELIGIBLE FOR GRANTS BEFORE DECEMBER 18, 1991

Section 2004(b) of Pub. L. 102–240 provided that: ''A State which, before the date of the enactment of this Act [Dec. 18, 1991], was eligible to receive a grant under section 410 of title 23, United States Code, as in effect on the day before such date of enactment, may elect to receive in a fiscal year grants under such section 410, as so in effect, in lieu of receiving in such fiscal year grants under such section 410, as amended by this Act.''

ISSUANCE OF REGULATIONS

Section 9002(c) of Pub. L. 100–690 provided that: ''The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 410 of title 23, United States Code, not later than 6 months after the date of the enactment of this section [Nov. 18, 1988]. The final regulations for such implementation shall be issued, published in the Federal Register, and transmitted to Congress not later than 12 months after such date of enactment.''

ALCOHOL IMPAIRMENT STANDARDS AND INFORMATION EXCHANGE

Section 9003 of Pub. L. 100–690 provided that:

''(a) ALCOHOL IMPAIRMENT STANDARDS.—

''(1) STUDY.—Not later than 30 days after the date of enactment of this Act [Nov. 18, 1988], the Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study to determine the blood alcohol concentration level at or above which any individual when operating any motor vehicle should be deemed to be driving while under the influence of alcohol.

''(2) REPORT.—In entering into any arrangement with the National Academy of Sciences for conducting the study under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 15 months after the date of the enactment of this Act, to the Secretary a report on the results of such study. Upon its receipt, the Secretary shall immediately transmit the report to Congress.

''(b) FEDERAL-STATE EXCHANGE OF INFORMATION.—

''(1) STUDY.—The Secretary of Transportation shall conduct a study regarding the exchange of informa-

tion between the Federal Government and State law enforcement officials on all arrests for drunk driving offenses in all States. In conducting such study, the Secretary shall consider the usefulness of such information to law enforcement officials as well as any legal restraints on the exchange or use of such information. One purpose of such study shall be to identify effective methods, if any, for the exchange of such information.

''(2) REPORT.—Not later than 1 year after the date of the enactment of this Act [Nov. 18, 1988], the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

''(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $300,000 for fiscal year 1989.''

[CHAPTER 5—REPEALED]

[§§ 501 to 512. Repealed. Pub. L. 91–646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903]

Sections, Pub. L. 90–495, § 30, Aug. 23, 1968, 82 Stat. 830–834, related to highway relocation assistance, providing as follows:

Section 501, declaration of policy.

Section 502, assurances of adequate relocation assistance program.

Section 503, administration of relocation assistance program.

Section 504, Federal reimbursement.

Section 505, relocation payments.

Section 506, amended Pub. L. 91–605, title I, § 137, Dec. 31, 1970, 84 Stat. 1735, replacement housing.

Section 507, expenses incidental to transfer of property.

Section 508, relocation services.

Section 509, relocation assistance programs on Federal highway projects.

Section 510, Pub. L. 91–605, title I, § 117(b), Dec. 31, 1970, 84 Stat. 1724, construction of replacement housing.

Section 511, formerly 510, renumbered Pub. L. 91–605, title I, § 117(a), Dec. 31, 1970, 84 Stat. 1724, authority of Secretary.

Section 512, formerly 511, renumbered Pub. L. 91–605, title I, § 117(a), Dec. 31, 1970, 84 Stat. 1724, definitions.

Subject matter is covered by section 4601 et seq. of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF REPEAL

Repeal not applicable to any State so long as sections 4630 and 4655 of Title 42, The Public Health and Welfare, are not applicable in such State; but such sections completely applicable to all States after July 1, 1972, but until such date applicable to a State to extent the State is able under its laws to comply with such sections, see section 221 of Pub. L. 91–646, set out as an Effective Date note under section 4601 of Title 42.

SAVINGS PROVISION

Any rights or liabilities existing under provisions repealed by section 220(a) of Pub. L. 91–646 as not affected by such repeal, see section 220(b) of Pub. L. 91–646, set out as a note under section 4621 of Title 42, The Public Health and Welfare.

EMINENT DOMAIN

Pub. L. 90–495, § 32, Aug. 23, 1968, 82 Stat. 830, provided that nothing contained in chapter 5 of title 23, United States Code, was to be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on Aug. 23, 1968, prior to repeal by Pub. L. 91–646, title II, § 220(a)(11), Jan. 2, 1971, 84 Stat. 1903

ANNUAL REPORT TO CONGRESS

Pub. L. 90–495, § 33, Aug. 23, 1968, 82 Stat. 835, directed Secretary of Transportation to report annually to Congress, but no later than Jan. 15 of each year, concerning administration of this chapter, together with recommendations, including any necessary legislation with respect to this chapter, prior to repeal by Pub. L. 91–646, title II, § 220(a)(11), Jan. 2, 1971, 84 Stat. 1903.