

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 965

To amend title 23, United States Code, to require States to adopt and enforce standards that prohibit the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2001

Ms. NORTON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, to require States to adopt and enforce standards that prohibit the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Racial Profiling Prohi-  
5 bition Act of 2001”.

1 **SEC. 2. PROHIBITION ON USE OF RACIAL PROFILING.**

2 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
3 23, United States Code, is amended by adding at the end  
4 the following:

5 **“§ 165. Prohibition on use of racial profiling**

6 “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-  
7 COMPLIANCE.—

8 “(1) FISCAL YEAR 2004.—The Secretary shall  
9 withhold 5 percent of the amount required to be ap-  
10 portioned to any State under each of paragraphs  
11 (1), (3), and (4) of section 104(b) on October 1,  
12 2003, if the State does not meet the requirement of  
13 paragraph (3) on that date.

14 “(2) THEREAFTER.—The Secretary shall with-  
15 hold 10 percent of the amount required to be appor-  
16 tioned to any State under each of paragraphs (1),  
17 (3), and (4) of section 104(b) on October 1, 2004,  
18 and on October 1 of each fiscal year thereafter, if  
19 the State does not meet the requirement of para-  
20 graph (3) on that date.

21 “(3) REQUIREMENT.—A State meets the re-  
22 quirement of this paragraph if the State has adopted  
23 and is enforcing standards that prohibit the use of  
24 racial profiling in the enforcement of State laws reg-  
25 ulating the use of Federal-aid highways.

1       “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-  
2 ANCE AND NONCOMPLIANCE.—

3               “(1) PERIOD OF AVAILABILITY OF WITHHELD  
4 FUNDS.—

5                       “(A) FUNDS WITHHELD ON OR BEFORE  
6 SEPTEMBER 30, 2005.—Any funds withheld  
7 under subsection (a) from apportionment to any  
8 State on or before September 30, 2005, shall  
9 remain available until the end of the third fiscal  
10 year following the fiscal year for which the  
11 funds are authorized to be appropriated.

12                      “(B) FUNDS WITHHELD AFTER SEP-  
13 TEMBER 30, 2005.—No funds withheld under  
14 this section from apportionment to any State  
15 after September 30, 2005, shall be available for  
16 apportionment to the State.

17                      “(2) APPORTIONMENT OF WITHHELD FUNDS  
18 AFTER COMPLIANCE.—If, before the last day of the  
19 period for which funds withheld under subsection (a)  
20 from apportionment are to remain available for ap-  
21 portionment to a State under paragraph (1), the  
22 State meets the requirement of subsection (a)(3),  
23 the Secretary shall, on the first day on which the  
24 State meets the requirement, apportion to the State

1 the funds withheld under subsection (a) that remain  
2 available for apportionment to the State.

3 “(3) PERIOD OF AVAILABILITY OF SUBSE-  
4 QUENTLY APPORTIONED FUNDS.—Any funds appor-  
5 tioned pursuant to paragraph (2) shall remain avail-  
6 able for expenditure until the end of the third fiscal  
7 year following the fiscal year in which the funds are  
8 so apportioned. Sums not obligated at the end of  
9 that period shall lapse.

10 “(4) EFFECT OF NONCOMPLIANCE.—If, at the  
11 end of the period for which funds withheld under  
12 subsection (a) from apportionment are available for  
13 apportionment to a State under paragraph (1), the  
14 State does not meet the requirement of subsection  
15 (a)(3), the funds shall lapse.”.

16 (b) CONFORMING AMENDMENT.—The analysis for  
17 subchapter I of chapter 1 of title 23, United States Code,  
18 is amended by adding at the end the following:

“165. Prohibition on use of racial profiling.”.

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