

108TH CONGRESS  
2D SESSION

# H. R. 3907

To authorize the Secretary of Transportation to transfer to the Administrator of the National Highway Traffic Safety Administration a certain percentage of apportionments of funds made available from the Highway Trust Fund from States that do not enact laws to prohibit driving under the influence of an illegal drug, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2004

Mr. PORTER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the Secretary of Transportation to transfer to the Administrator of the National Highway Traffic Safety Administration a certain percentage of apportionments of funds made available from the Highway Trust Fund from States that do not enact laws to prohibit driving under the influence of an illegal drug, and for other purposes.

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

1 **SECTION 1. DRIVING UNDER THE INFLUENCE OF AN ILLE-**  
2 **GAL DRUG.**

3 (a) DUTIES.—The Administrator shall—

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

7 (2) conduct research on the prevention, detec-  
8 tion, and prosecution of driving under the influence  
9 of an illegal drug; and

10 (3) transmit to the Congress on an annual basis  
11 a report including—

12 (A) a description of the extent of the prob-  
13 lem of driving under the influence of an illegal  
14 drug in each State and any available informa-  
15 tion relating thereto, including a description of  
16 any laws relating to the problem of driving  
17 under the influence of an illegal drug;

18 (B) a description of the progress that each  
19 State has made in meeting the requirement of  
20 subsection (c); and

21 (C) recommendations for addressing the  
22 problem of driving under the influence of an il-  
23 legal drug.

24 The Administrator shall transmit the first report under  
25 paragraph (3) not later than one year after the date of  
26 enactment of this Act.

1 (b) TRANSFER OF FUNDS.—

2 (1) FISCAL YEAR 2007.—On October 1, 2006, if  
3 a State has not met the requirement of subsection  
4 (c), the Secretary shall transfer to the Administrator  
5 1 percent of the funds apportioned to the State on  
6 that date under each of paragraphs (1), (3), and (4)  
7 of section 104(b) of title 23, United States Code.

8 (2) FISCAL YEAR 2008.—On October 1, 2007, if  
9 a State has not met the requirement of subsection  
10 (c), the Secretary shall transfer to the Administrator  
11 2 percent of the funds apportioned to the State on  
12 that date under each of paragraphs (1), (3), and (4)  
13 of section 104(b) of title 23, United States Code.

14 (3) FISCAL YEAR 2009.—On October 1, 2008, if  
15 a State has not met the requirement of subsection  
16 (c), the Secretary shall transfer to the Administrator  
17 4 percent of the funds apportioned to the State on  
18 that date under each of paragraphs (1), (3), and (4)  
19 of section 104(b) of title 23, United States Code.

20 (4) FISCAL YEAR 2010.—On October 1, 2009, if  
21 a State has not met the requirement of subsection  
22 (c), the Secretary shall transfer to the Administrator  
23 8 percent of the funds apportioned to the State on  
24 that date under each of paragraphs (1), (3), and (4)  
25 of section 104(b) of title 23, United States Code.

1           (5) FISCAL YEAR 2011.—On October 1, 2010, if  
2 a State has not met the requirement of subsection  
3 (c), the Secretary shall transfer to the Administrator  
4 16 percent of the funds apportioned to the State on  
5 that date under each of paragraphs (1), (3), and (4)  
6 of section 104(b) of title 23, United States Code.

7           (6) FISCAL YEAR 2012.—On October 1, 2011, if  
8 a State has not met the requirement of subsection  
9 (c), the Secretary shall transfer to the Administrator  
10 32 percent of the funds apportioned to the State on  
11 that date under each of paragraphs (1), (3), and (4)  
12 of section 104(b) of title 23, United States Code.

13           (7) FISCAL YEARS THEREAFTER.—On October  
14 1, 2012, and each October 1 thereafter, if a State  
15 has not met the requirement of subsection (c), the  
16 Secretary shall transfer to the Administrator 50 per-  
17 cent of the funds apportioned to the State on that  
18 date under each of paragraphs (1), (3), and (4) of  
19 section 104(b) of title 23, United States Code.

20           (c) REQUIREMENT.—A State meets the requirement  
21 of this subsection if—

22           (1) the State has transmitted to the Adminis-  
23 trator a plan for addressing the problem of driving  
24 under the influence of an illegal drug that includes  
25 enacting a law that—

1 (A) prohibits an individual from driving  
2 under the influence of an illegal drug; and

3 (B) includes a mandatory minimum pen-  
4 alty for an individual convicted of driving under  
5 the influence of an illegal drug;

6 (2) the Administrator has approved the plan  
7 transmitted under paragraph (1); and

8 (3) the State has enacted and is enforcing the  
9 law included in the plan approved by the Adminis-  
10 trator under paragraph (2).

11 (d) USE OF TRANSFERRED FUNDS.—Any funds  
12 transferred to the Administrator under subsection (b)  
13 shall be used for the purpose of carrying out the duties  
14 of the National Highway Traffic Safety Administration.

15 (e) TRANSFER OF OBLIGATION AUTHORITY.—

16 (1) IN GENERAL.—If the Secretary transfers  
17 any funds to the Administrator under subsection (b)  
18 with respect to a State for a fiscal year, the Sec-  
19 retary shall transfer to the Administrator an  
20 amount, determined under paragraph (2), of obliga-  
21 tion authority distributed for the fiscal year to the  
22 State for Federal-aid highways and highway safety  
23 construction programs.

1           (2) AMOUNT.—The amount of obligation au-  
2           thority referred to in paragraph (1) shall be deter-  
3           mined by multiplying—

4                   (A) the amount of funds transferred under  
5                   subsection (b) to the Administrator with respect  
6                   to a State for the fiscal year, by

7                   (B) the ratio that—

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

12                           (ii) the total of the sums apportioned  
13                          to the State for Federal-aid highways and  
14                          highway safety construction programs (ex-  
15                          cluding sums not subject to any obligation  
16                          limitation) for the fiscal year.

17 **SEC. 2. DEFINITIONS.**

18           For purposes of this Act—

19                   (1) the term “Administrator” means the Ad-  
20                   ministrator of the National Highway Traffic Safety  
21                   Administration; and

22                   (2) the term “Secretary” means the Secretary  
23                   of Transportation.

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