

SECTION 1. *Policy.* With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement.

SEC. 2. *Text Messaging While Driving by Federal Employees.* Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

SEC. 3. *Scope of Order.* (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty.

(b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

SEC. 4. *Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients.* Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.

SEC. 5. *Coordination.* The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

SEC. 6. *Definitions.*

(a) The term "agency" as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office.

(b) "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

SEC. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect or alter:

(i) Authority granted by law or Executive Order to an agency, or the head thereof;

(ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq.*;

(iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 *et seq.*; or

(iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 403. Highway safety research and development

(a) DEFINED TERM.—In this section, the term "Federal laboratory" includes—

(1) a government-owned, government-operated laboratory; and

(2) a government-owned, contractor-operated laboratory.

(b) GENERAL AUTHORITY.—

(1) RESEARCH AND DEVELOPMENT ACTIVITIES.—The Secretary may conduct research and development activities, including demonstration projects, training, education, and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section, with respect to—

(A) all aspects of highway and traffic safety systems and conditions relating to—

(i) vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics;

(ii) crash causation and investigations;

(iii) communications; and

(iv) emergency medical services, including the transportation of the injured;

(B) human behavioral factors and their effect on highway and traffic safety, including—

(i) driver education;

- (ii) impaired driving; and
 - (iii) distracted driving;
- (C) an evaluation of the effectiveness of countermeasures to increase highway and traffic safety, including occupant protection and alcohol- and drug-impaired driving technologies and initiatives;
- (D) the development of technologies to detect drug impaired drivers;
- (E) research on, evaluations of, and identification of best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration, and delivery mechanisms) and make recommendations for harmonizing driver education and multistage graduated licensing systems; and
- (F) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (E).
- (2) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—
- (A) independently;
 - (B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories;
 - (C) by entering into contracts, cooperative agreements, and other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, foreign government (in coordination with the Department of State) or person (as defined in chapter 1 of title 1); or
 - (D) by making grants to the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, or person (as defined in chapter 1 of title 1).
- (c) COLLABORATIVE RESEARCH AND DEVELOPMENT.—
- (1) IN GENERAL.—To encourage innovative solutions to highway safety problems, stimulate voluntary improvements in highway safety, and stimulate the marketing of new highway safety related technology by private industry, the Secretary is authorized to carry out, on a cost-shared basis, collaborative research and development with—
- (A) non-Federal entities, including State and local governments, foreign governments, colleges, universities, corporations, partnerships, sole proprietorships, organizations, and trade associations that are incorporated or established under the laws of any State or the United States; and
 - (B) Federal laboratories.
- (2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a)) in which the Secretary provides not more than 50 percent of the cost of any research or development project under this subsection.
- (3) USE OF TECHNOLOGY.—The research, development, or use of any technology pursuant

to an agreement under 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-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(d) TITLE TO EQUIPMENT.—In furtherance of the purposes set forth in section 402, the Secretary may vest title to equipment purchased for demonstration projects with funds authorized under this section to State or local agencies on such terms and conditions as the Secretary determines to be appropriate.

(e) PROHIBITION ON CERTAIN DISCLOSURES.—Any report of the National Highway Traffic Safety Administration, or of any officer, employee, or contractor of the National Highway Traffic Safety Administration, relating to any highway traffic crash or the investigation of such crash conducted pursuant to this chapter or chapter 301 of title 49 may only be made available to the public in a manner that does not identify individuals.

(f) COOPERATIVE RESEARCH AND EVALUATION.—

(1) ESTABLISHMENT AND FUNDING.—Notwithstanding the apportionment formula set forth in section 402(c)(2), \$3,500,000 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in each fiscal year shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

(2) ADMINISTRATION.—The program established under paragraph (1)—

(A) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

(B) shall be jointly managed by the Governors Highway Safety Association and the National Highway Traffic Safety Administration.

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

(h) IN-VEHICLE ALCOHOL DETECTION DEVICE RESEARCH.—

(1) DEFINITIONS.—In this subsection:

(A) ALCOHOL-IMPAIRED DRIVING.—The term “alcohol-impaired driving” means the operation of a motor vehicle (as defined in section 30102(a) of title 49) by an individual whose blood alcohol content is at or above the legal limit.

(B) LEGAL LIMIT.—The term “legal limit” means a blood alcohol concentration of 0.08 percent or greater (as set forth in section 163(a)) or such other percentage limitation as may be established by applicable Federal, State, or local law.

(2) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall carry out a collaborative research effort under chapter 301 of title 49 on in-vehicle technology to prevent alcohol-impaired driving.

(3) **FUNDING.**—The Secretary shall obligate from funds made available to carry out this section for the period covering fiscal years 2022 through 2025, not more than \$45,000,000 to conduct the research described in paragraph (2).

(4) **PRIVACY PROTECTION.**—The Administrator shall not develop requirements for any device or means of technology to be installed in an automobile intended for retail sale that records a driver's blood alcohol concentration.

(5) **REPORTS.**—The Administrator shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and Committee on Science, Space, and Technology of the House of Representatives that—

(A) describes the progress made in carrying out the collaborative research effort; and

(B) includes an accounting for the use of Federal funds obligated or expended in carrying out that effort.

(i) **LIMITATION ON DRUG AND ALCOHOL SURVEY DATA.**—The Secretary shall establish procedures and guidelines to ensure that any person participating in a program or activity that collects data on drug or alcohol use by drivers of motor vehicles and is carried out under this section is informed that the program or activity is voluntary.

(j) **FEDERAL SHARE.**—The Federal share of the cost of any project or activity carried out under this section may be not more than 100 percent.

(k) **CHILD SAFETY CAMPAIGN.**—

(1) **IN GENERAL.**—The Secretary shall carry out an education campaign to reduce the incidence of vehicular heatstroke of children left in passenger motor vehicles (as defined in section 30102(a) of title 49).

(2) **ADVERTISING.**—The Secretary may use, or authorize the use of, funds made available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach for the education campaign under paragraph (1).

(3) **COORDINATION.**—In carrying out the education campaign under paragraph (1), the Secretary shall coordinate with—

(A) interested State and local governments;

(B) private industry; and

(C) other parties, as determined by the Secretary.

(l) **DEVELOPMENT OF STATE PROCESSES FOR INFORMING CONSUMERS OF RECALLS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **MOTOR VEHICLE.**—The term “motor vehicle” has the meaning given the term in section 30102(a) of title 49.

(B) **OPEN RECALL.**—The term “open recall” means a motor vehicle recall—

(i) for which a notification by a manufacturer has been provided under section 30119 of title 49; and

(ii) that has not been remedied under section 30120 of that title.

(C) **PROGRAM.**—The term “program” means the program established under paragraph (2)(A).

(D) **REGISTRATION.**—The term “registration” means the process for registering a motor vehicle in a State (including registration renewal).

(E) **STATE.**—The term “State” has the meaning given the term in section 101(a).

(2) **GRANTS.**—

(A) **ESTABLISHMENT OF PROGRAM.**—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish a program under which the Secretary shall provide grants to States for use in developing and implementing State processes for informing each applicable owner and lessee of a motor vehicle of any open recall on the motor vehicle at the time of registration of the motor vehicle in the State, in accordance with this paragraph.

(B) **ELIGIBILITY.**—To be eligible to receive a grant under the program, a State shall—

(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

(ii) agree—

(I) to notify each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that motor vehicle; and

(II) to provide to each owner or lessee of a motor vehicle presented for registration, at no cost—

(aa) the open recall information for the motor vehicle; and

(bb) such other information as the Secretary may require.

(C) **FACTORS FOR CONSIDERATION.**—In selecting grant recipients under the program, the Secretary shall take into consideration the methodology of a State for—

(i) identifying open recalls on a motor vehicle;

(ii) informing each owner and lessee of a motor vehicle of an open recall; and

(iii) measuring performance in—

(I) informing owners and lessees of open recalls; and

(II) remedying open recalls.

(D) **PERFORMANCE PERIOD.**—A grant provided under the program shall require a performance period of 2 years.

(E) **REPORT.**—Not later than 90 days after the date of completion of the performance period under subparagraph (D), each State that receives a grant under the program shall submit to the Secretary a report that contains such information as the Secretary considers to be necessary to evaluate the extent to which open recalls have been remedied in the State.

(F) **NO REGULATIONS REQUIRED.**—Notwithstanding any other provision of law, the Secretary shall not be required to issue any regulations to carry out the program.

(3) **PAPERWORK REDUCTION ACT.**—Chapter 35 of title 44 (commonly known as the “Paper-

work Reduction Act”) shall not apply to information collected under the program.

(4) FUNDING.—

(A) IN GENERAL.—For each of fiscal years 2022 through 2026, the Secretary shall obligate from funds made available to carry out this section \$1,500,000 to carry out the program.

(B) REALLOCATION.—To ensure, to the maximum extent practicable, that all amounts described in subparagraph (A) are obligated each fiscal year, the Secretary, before the last day of any fiscal year, may reallocate any of those amounts remaining available to increase the amounts made available to carry out any other activities authorized under this section.

(m) INNOVATIVE HIGHWAY SAFETY COUNTERMEASURES.—

(1) IN GENERAL.—In conducting research under this section, the Secretary shall evaluate the effectiveness of innovative behavioral traffic safety countermeasures, other than traffic enforcement, that are considered promising or likely to be effective for the purpose of enriching revisions to the document entitled “Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition” and numbered DOT HS 812 478 (or any successor document).

(2) TREATMENT.—The research described in paragraph (1) shall be in addition to any other research carried out under this section.

(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; Pub. L. 105-178, title II, §2002(a), (b)(1), June 9, 1998, 112 Stat. 325; Pub. L. 109-59, title II, §§2003(a), (b), 2013(e), Aug. 10, 2005, 119 Stat. 1522, 1540; Pub. L. 112-141, div. C, title I, §31103, July 6, 2012, 126 Stat. 739; Pub. L. 113-159, title I, §1101(b), Aug. 8, 2014, 128 Stat. 1843; Pub. L. 114-21, title I, §1101(b), May 29, 2015, 129 Stat. 221; Pub. L. 114-41, title I, §1101(b), July 31, 2015, 129 Stat. 448; Pub. L. 114-73, title I, §1101(b), Oct. 29, 2015, 129 Stat. 571; Pub. L. 114-87, title I, §1101(b), Nov. 20, 2015, 129 Stat. 680; Pub. L. 114-94, div. A, title IV, §§4003, 4014(2), div. B, title XXIV, §24202(b), Dec. 4, 2015, 129 Stat. 1500, 1513, 1712; Pub. L. 116-159, div. B, title I, §1103, Oct. 1, 2020, 134 Stat. 726; Pub. L. 117-58, div. B, title IV, §24103, Nov. 15, 2021, 135 Stat. 792.)

Editorial Notes

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (c)(3), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, 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.

The date of enactment of this subsection, referred to in subsec. (l)(2)(A), is the date of enactment of Pub. L. 117-58, which was approved Nov. 15, 2021.

AMENDMENTS

2021—Pub. L. 117-58, §24103(1), substituted “crash” for “accident” wherever appearing.

Subsec. (b)(1). Pub. L. 117-58, §24103(2), inserted “, training, education,” after “demonstration projects” in introductory provisions.

Subsec. (f)(1). Pub. L. 117-58, §24103(3), substituted “\$3,500,000” for “\$2,500,000” and “section 402(c) in each fiscal year” for “subsection 402(c) in each fiscal year ending before October 1, 2015, and \$443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015.”

Subsec. (h)(1). Pub. L. 117-58, §24103(4)(C), redesignated par. (5) as (1). Former par. (1) redesignated (2).

Subsec. (h)(2). Pub. L. 117-58, §24103(4)(C), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pub. L. 117-58, §24103(4)(A), substituted “2022 through 2025, not more than \$45,000,000 to conduct the research described in paragraph (2)” for “2017 through 2021 not more than \$26,560,000 to conduct the research described in paragraph (1)”.

Subsec. (h)(3) to (5). Pub. L. 117-58, §24103(4)(C), redesignated pars. (2) to (4) as (3) to (5), respectively.

Subsec. (h)(5)(A). Pub. L. 117-58, §24103(4)(B), substituted “section 30102(a)” for “section 30102(a)(6)”.

Subsecs. (k) to (m). Pub. L. 117-58, §24103(5), added subsecs. (k) to (m).

2020—Subsec. (h)(2). Pub. L. 116-159 substituted “2021” for “2020” and “\$26,560,000” for “\$21,248,000”.

2015—Subsec. (b)(2)(C). Pub. L. 114-94, §24202(b)(1), inserted “foreign government (in coordination with the Department of State)” after “institution.”

Subsec. (c)(1)(A). Pub. L. 114-94, §24202(b)(2), inserted “foreign governments,” after “local governments.”

Subsec. (e). Pub. L. 114-94, §4014(2), substituted “chapter 301 of title 49” for “chapter 301”.

Subsec. (f)(1). Pub. L. 114-87 substituted “and \$443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015,” for “and \$348,361 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73 substituted “and \$348,361 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on November 20, 2015,” for “and \$198,087 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41 substituted “each fiscal year ending before October 1, 2015, and \$198,087 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on October 29, 2015,” for “each fiscal year ending before October 1, 2014, and \$2,082,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21 substituted “and \$2,082,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015,” for “and \$1,664,384 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (h)(1). Pub. L. 114-94, §4003(1)(A), substituted “shall carry” for “may carry”.

Subsec. (h)(2). Pub. L. 114-94, §4003(1)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “Funds provided under section 405 may be made to be used by the Secretary to conduct the research described in paragraph (1).”

Subsec. (h)(3). Pub. L. 114-94, §4003(1)(C), substituted “The” for “If the Administrator utilizes the authority under paragraph (1), the”.

Subsec. (h)(4). Pub. L. 114-94, § 4003(1)(D), substituted “The” for “If the Administrator conducts the research authorized under paragraph (1), the”.

Subsecs. (i), (j). Pub. L. 114-94, § 4003(2), added subsecs. (i) and (j).

2014—Subsec. (f)(1). Pub. L. 113-159 inserted “ending before October 1, 2014, and \$1,664,384 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on May 31, 2015,” after “each fiscal year”.

2012—Subsecs. (a) to (f). Pub. L. 112-141, § 31103(1), added subsecs. (a) to (f) and struck out former subsecs. (a) to (f) which related to authority of the Secretary generally, drugs and driver behavior, authority of Secretary to conduct research through grants and contracts with public and private agencies, institutions, and individuals, authority of Secretary to vest title to equipment purchased for demonstration projects in State and local agencies, authority of Secretary relating to projects to demonstrate the administrative adjudication of traffic infractions, and collaborative research and development, respectively.

Subsec. (h). Pub. L. 112-141, § 31103(2), added subsec. (h).

2005—Subsec. (a). Pub. L. 109-59, § 2003(a), reenacted heading without change and amended text of subsec. (a) generally, substituting provisions relating to authority of Secretary to use funds for highway safety research programs for former provisions which related to, in par. (1), general authority of Secretary, in par. (2), additional authority of Secretary, and, in par. (3), definition of “safety”.

Subsec. (b)(5), (6). Pub. L. 109-59, § 2013(e), added pars. (5) and (6).

Subsec. (g). Pub. L. 109-59, § 2003(b), added subsec. (g).
1998—Subsec. (a)(2)(A). Pub. L. 105-178, § 2002(a), inserted “, including training in work zone safety management” after “personnel”.

Subsec. (b)(3), (4). Pub. L. 105-178, § 2002(b)(1), added pars. (3) and (4).

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by div. A of Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by section 2003(a), (b) of Pub. L. 109-59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109-59, set out as a note under section 402 of 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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (e) of this section is listed on page 134), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

RESEARCH ON DISTRACTED, INATTENTIVE, AND FATIGUED DRIVERS

Pub. L. 109-59, title II, §2003(d), Aug. 10, 2005, 119 Stat. 1523, provided that: "In conducting research under section 403(a)(3) of title 23, United States Code, the Secretary [of Transportation] shall carry out not less than 2 demonstration projects to evaluate new and innovative means of combating traffic system problems caused by distracted, inattentive, or fatigued drivers. The demonstration projects shall be in addition to any other research carried out under such section."

DRUG-IMPAIRED DRIVING ENFORCEMENT

Pub. L. 109-59, title II, §2013, Aug. 10, 2005, 119 Stat. 1539, as amended by Pub. L. 111-147, title IV, §421(m), Mar. 18, 2010, 124 Stat. 86; Pub. L. 112-30, title I, §121(m), Sept. 16, 2011, 125 Stat. 348, related to agency coordination and research on drug-impaired driving enforcement, prior to repeal by Pub. L. 112-141, div. C, title I, §31109(i), July 6, 2012, 126 Stat. 757.

SAFETY STUDIES

Pub. L. 105-178, title II, §2007, June 9, 1998, 112 Stat. 336, directed the Secretary to study the benefit to public safety of the use of blowout resistant tires on commercial motor vehicles and to study occupant safety in school buses, and to transmit to Congress a report on the results of each study not later than 2 years after June 9, 1998.

SCHOOL TRANSPORTATION SAFETY

Pub. L. 105-178, title IV, §4030, June 9, 1998, 112 Stat. 418, provided that:

"(a) STUDY.—Not later than 3 months after the date of enactment of this Act [June 9, 1998], the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

"(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

"(1) the Transportation Research Board, in conducting the study, shall consider—

"(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

"(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

"(C) other factors that the Secretary considers to be appropriate;

"(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

"(3) a panel shall conduct the study and shall include—

"(A) representatives of—

"(i) highway safety organizations;

"(ii) school transportation;

"(iii) mass transportation operators;

"(iv) employee organizations; and

"(v) bicycling organizations;

"(B) academic and policy analysts; and

"(C) other interested parties.

"(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

"(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section \$200,000 for fiscal year 2000 and

\$200,000 for fiscal year 2001. Such sums shall remain available until expended."

DRUG RECOGNITION EXPERT TRAINING PROGRAM

Pub. L. 102-240, title II, §2006, Dec. 18, 1991, 105 Stat. 2079, 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 [see 5 U.S.C. 1001 et seq.] 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 the Secretary of Transportation, acting through the National Highway Traffic Safety Administration, would establish a 3-year pilot, regional program for training law enforcement officers to recognize and identify individuals operating motor vehicles while under the influence of alcohol or 1 or more controlled substances or other drugs, and not later than 1 year after the completion of the pilot program, transmit to Congress a report on the effectiveness of such program together with any recommendations.

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 reinstatement of driving privileges after a period of 3 months if such reinstatement 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 con-

duct 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 officials 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

Pub. L. 89-564, title I, §106, Sept. 9, 1966, 80 Stat. 735, as amended by Pub. L. 105-178, title V, §5119(f), June 9, 1998, 112 Stat. 452, 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 section 403 and chapter 5 of title 23, United States Code, shall be made available to the public in a manner which does not identify individuals.”

APPROPRIATIONS AUTHORIZATIONS

Pub. L. 93-87, title II, §208(b), Aug. 13, 1973, 87 Stat. 286, 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.”

Pub. L. 93-87, title II, §226(b), Aug. 13, 1973, 87 Stat. 292, 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.

§ 404. High-visibility enforcement program

(a) IN GENERAL.—The Secretary shall establish and administer a program under which not less