

107TH CONGRESS
1ST SESSION

H. R. 1907

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, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2001

Ms. NORTON (for herself, Mr. ACEVEDO-VILÁ, Mr. BACA, Mr. BISHOP, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UNDERWOOD, Ms. WATERS, Mr. WATT of North Carolina, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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, 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. SHORT TITLE.**

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

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

5 (a) IN GENERAL.—Subchapter I of chapter 1 of title
6 23, United States Code, is amended by adding at the end
7 the following:

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

9 “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-
10 COMPLIANCE.—

11 “(1) FISCAL YEAR 2004.—The Secretary shall
12 withhold 5 percent of the amount required to be ap-
13 portioned to any State under each of paragraphs
14 (1), (3), and (4) of section 104(b) on October 1,
15 2003, if the State does not meet the requirement of
16 paragraph (3) on that date.

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

24 “(3) REQUIREMENT.—A State meets the re-
25 quirement of this paragraph if—

1 “(A) the State has adopted and is enforcing
2 ing standards that prohibit the use of racial
3 profiling in the enforcement of State laws regulating the use of Federal-aid highways; and

4 “(B) the State is maintaining and allows
5 public inspection of statistical information on
6 each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the
7 State, including—

8 “(i) the name and identification number of the law enforcement officer making
9 the stop;

10 “(ii) the characteristics of (but not the identity of) the driver who is subject to
11 the stop and any passengers of the driver,
12 including the race, national origin, and ethnic origin of the driver and any passengers;

13 “(iii) the traffic infraction involved;

14 “(iv) whether a search was initiated
15 as a result of the stop and, if a search was initiated, the legal basis for and results of
16 the search; and

17 “(v) whether the stop resulted in a
18 warning, citation, or arrest.

1 “(4) RACIAL PROFILING DEFINED.—

2 “(A) IN GENERAL.—In this subsection, the
3 term ‘racial profiling’ means the consideration
4 by a law enforcement officer in any fashion and
5 to any degree of the race, national, or ethnic or-
6 igin of drivers or passengers in deciding which
7 vehicles to subject to a motor vehicle stop or in
8 deciding upon the scope or substance of any en-
9 forcement action or procedure in connection
10 with or during the course of a motor vehicle
11 stop.

12 “(B) EXCEPTION.—In deciding to detain,
13 apprehend, or otherwise be on the lookout for
14 1 or more suspects who have been identified or
15 described in part by race, national origin, or
16 ethnic origin, a law enforcement officer may
17 rely in part on race, national origin, or ethnic
18 origin, together with other physically descriptive
19 characteristics, in determining whether reason-
20 able suspicion exists that a given individual is
21 the individual being sought.

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

24 “(1) PERIOD OF AVAILABILITY OF WITHHELD
25 FUNDS.—

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

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

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

23 “(3) PERIOD OF AVAILABILITY OF SUBSE-
24 QUENTLY APPORTIONED FUNDS.—Any funds appor-
25 tioned pursuant to paragraph (2) shall remain avail-

1 able for expenditure until the end of the third fiscal
2 year following the fiscal year in which the funds are
3 so apportioned. Sums not obligated at the end of
4 that period shall lapse.

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

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

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

○