

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 Commerce¹ 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 (a)(2)(B), was repealed by Pub.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 member-

ship 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. Occupant protection incentive grants

(a) GENERAL AUTHORITY.—

(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants under this section to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75 percent;

(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

(C) in each of the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

¹ So in original. Probably should be "Transportation".

(b) **GRANT ELIGIBILITY.**—A State shall become eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary at least 4 of the following:

(1) **SAFETY BELT USE LAW.**—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2001, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

(2) **PRIMARY SAFETY BELT USE LAW.**—The State provides for primary enforcement of the safety belt use law of the State.

(3) **MINIMUM FINE OR PENALTY POINTS.**—The State imposes a minimum fine or provides for the imposition of penalty points against the driver's license of an individual—

(A) for a violation of the safety belt use law of the State; and

(B) for a violation of the child passenger protection law of the State.

(4) **SPECIAL TRAFFIC ENFORCEMENT PROGRAM.**—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

(5) **CHILD PASSENGER PROTECTION EDUCATION PROGRAM.**—The State has implemented a statewide comprehensive child passenger protection education program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.

(6) **CHILD PASSENGER PROTECTION LAW.**—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

(c) **GRANT AMOUNTS.**—The amount of a grant for which a State qualifies under this section for a fiscal year shall equal up to 25 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

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

(e) **APPLICABILITY OF CHAPTER 1.**—The provisions contained in section 402(d) shall apply to this section.

(f) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **CHILD SAFETY SEAT.**—The term “child safety seat” means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

(2) **MOTOR VEHICLE.**—The term “motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(3) **MULTIPURPOSE PASSENGER VEHICLE.**—The term “multipurpose passenger vehicle” means

a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(4) **PASSENGER CAR.**—The term “passenger car” means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(5) **PASSENGER MOTOR VEHICLE.**—The term “passenger motor vehicle” means a passenger car or a multipurpose passenger motor vehicle.

(6) **SAFETY BELT.**—The term “safety belt” means—

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

(Added Pub. L. 105-178, title II, §2003(a)(1), June 9, 1998, 112 Stat. 325.)

REFERENCES IN TEXT

The date of enactment of the Transportation Equity Act for the 21st Century, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

PRIOR PROVISIONS

A prior section 405, 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, prior to repeal by Pub. L. 94-280, title I, §135(c), May 5, 1976, 90 Stat. 442.

CHILD PASSENGER PROTECTION EDUCATION GRANTS

Pub. L. 105-178, title II, §2003(b), June 9, 1998, 112 Stat. 327, provided that:

“(1) **IN GENERAL.**—The Secretary may make a grant to a State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in paragraph (2) through—

“(A) the child passenger protection program of the State; and

“(B) at the option of the State, a grant program established by the State to carry out 1 or more of the activities specified in paragraph (2) by a political subdivision of the State or an appropriate private entity.

“(2) **USE OF FUNDS.**—Funds provided to a State as a grant under this subsection shall be used to implement child passenger protection programs that—

“(A) are designed to prevent deaths and injuries to children;

“(B) educate the public concerning—

“(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;

“(ii) appropriate child restraint design, selection, and placement; and

“(iii) harness threading and harness adjustment on child restraints; and

“(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

“(3) **GRANT AWARDS.**—The Secretary may make a grant under this subsection without regard to whether a State is eligible to receive, or has received, a grant

under section 405 of title 23, United States Code (as inserted by subsection (a) of this section).

“(4) FEDERAL SHARE.—The Federal share of the cost of a program carried out using funds made available from a grant under this subsection may not exceed 80 percent.

“(5) REPORT.—Each State that receives a grant under this subsection shall transmit to the Secretary a report for the period covered by the grant that, at a minimum, describes the program activities carried out with the funds made available under the grant.

“(6) REPORT TO CONGRESS.—Not later than June 1, 2002, the Secretary shall transmit to Congress a report on the implementation of this subsection that includes a description of the programs carried out and materials developed and distributed by the States that receive grants under this subsection.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$7,500,000 for each of fiscal years 2000 and 2001.”

§ 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) provides 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.

§ 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 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.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (e) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 31 of House Document No. 103-7.

§ 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.