

112TH CONGRESS  
2D SESSION

# H. R. 4398

To provide grants to States in order to prevent racial profiling.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2012

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

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## A BILL

To provide grants to States in order to prevent racial  
profiling.

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 Pre-  
5 vention Act”.

6 **SEC. 2. GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.**

7 (a) GRANTS.—Subject to the requirements of this  
8 section, the Secretary shall make grants to a State that—

9 (1)(A) has enacted and is enforcing a law that  
10 prohibits the use of racial profiling in the enforce-

1       ment of State laws regulating the use of Federal-aid  
2       highways; and

3               (B) is maintaining and allows public inspection  
4       of statistical information for each motor vehicle stop  
5       made by a law enforcement officer on a Federal-aid  
6       highway in the State regarding the race and eth-  
7       nicity of the driver and any passengers; or

8               (2) provides assurances satisfactory to the Sec-  
9       retary that the State is undertaking activities to  
10      comply with the requirements of paragraph (1).

11      (b) ELIGIBLE ACTIVITIES.—A grant received by a  
12      State under subsection (a) shall be used by the State—

13              (1) in the case of a State eligible under sub-  
14      section (a)(1), for costs of—

15                      (A) collecting and maintaining of data on  
16      traffic stops;

17                      (B) evaluating the results of the data; and

18                      (C) developing and implementing programs  
19      to reduce the occurrence of racial profiling, in-  
20      cluding programs to train law enforcement offi-  
21      cers; and

22              (2) in the case of a State eligible under sub-  
23      section (a)(2), for costs of—

24                      (A) activities to comply with the require-  
25      ments of subsection (a)(1); and

1 (B) any eligible activity under paragraph  
2 (1).

3 (c) RACIAL PROFILING.—

4 (1) IN GENERAL.—To meet the requirement of  
5 subsection (a)(1), a State law shall prohibit, in the  
6 enforcement of State laws regulating the use of Fed-  
7 eral-aid highways, a State or local law enforcement  
8 officer from using the race or ethnicity of the driver  
9 or passengers to any degree in making routine or  
10 spontaneous law enforcement decisions, such as ordi-  
11 nary traffic stops on Federal-aid highways.

12 (2) LIMITATION.—Nothing in this subsection  
13 shall alter the manner in which a State or local law  
14 enforcement officer considers race or ethnicity when-  
15 ever there is trustworthy information, relevant to the  
16 locality or time frame, that links persons of a par-  
17 ticular race or ethnicity to an identified criminal in-  
18 cident, scheme, or organization.

19 (d) LIMITATIONS.—

20 (1) MAXIMUM AMOUNT OF GRANTS.—The total  
21 amount of grants made to a State under this section  
22 in a fiscal year may not exceed 5 percent of the  
23 amount made available to carry out this section in  
24 the fiscal year.

1           (2) ELIGIBILITY.—A State may not receive a  
2           grant under subsection (a)(2) in more than 2 fiscal  
3           years.

4           (e) AUTHORIZATION OF APPROPRIATIONS.—

5           (1) IN GENERAL.—There is authorized to be  
6           appropriated from the Highway Trust Fund (other  
7           than the Mass Transit Account) to carry out this  
8           section \$7,500,000 for each of fiscal years 2013  
9           through 2017.

10          (2) CONTRACT AUTHORITY.—Funds authorized  
11          by this subsection shall be available for obligation in  
12          the same manner as if the funds were apportioned  
13          under chapter 1 of title 23, United States Code, ex-  
14          cept the Federal share of the cost of activities car-  
15          ried out using such funds shall be 80 percent, and  
16          such funds shall remain available until expended and  
17          shall not be transferable.

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