

117TH CONGRESS  
1ST SESSION

# S. 2961

To prohibit a State or local government from using highway safety program funds for traffic control or traffic enforcement if such State or local government defunds the police, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2021

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To prohibit a State or local government from using highway safety program funds for traffic control or traffic enforcement if such State or local government defunds the police, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Blocking Lawlessness  
5 from Undermining Enforcement Act” or the “BLUE  
6 Act”.

1 **SEC. 2. PROHIBITION ON USE OF FUNDS.**

2 (a) HIGHWAY SAFETY PROGRAMS.—Section 402(c)  
3 of title 23, United States Code, is amended by adding at  
4 the end the following:

5 “(5) TRAFFIC CONTROL OR TRAFFIC ENFORCE-  
6 MENT.—

7 “(A) PROHIBITION.—A State, local govern-  
8 ment, or political subdivision of a State, may  
9 not expend funds apportioned to such State  
10 under this section, including funds transferred  
11 pursuant to section 405(a)(8), for traffic con-  
12 trol or traffic enforcement if such State, local  
13 government, or political subdivision defunds the  
14 police.

15 “(B) EXEMPTION.—

16 “(i) IN GENERAL.—The Secretary  
17 may grant an exemption from the require-  
18 ments under subparagraph (A) if the  
19 State, local government, or political sub-  
20 division that defunds the police submits a  
21 written request to the Secretary and the  
22 Secretary approves such request.

23 “(ii) CONTENTS.—A request sub-  
24 mitted under clause (i) shall include—

1                   “(I) the justification for the re-  
2                   requested exemption from the require-  
3                   ments of subparagraph (A); and

4                   “(II) a description of amount of  
5                   funds a State, local government, or  
6                   political subdivision intends to use for  
7                   traffic control or traffic enforcement.

8                   “(C) RULE OF CONSTRUCTION.—Nothing  
9                   in this paragraph may be construed to result in  
10                  a reduction in the amount of funding a State  
11                  may receive under this section.

12                  “(D) DEFINITIONS.—In this paragraph:

13                         “(i) DEFUND THE POLICE.—

14                                 “(I) IN GENERAL.—The term  
15                                 ‘defund the police’ means a situation  
16                                 in which—

17   “(aa) a State, local govern-  
18   ment, or political subdivision of a  
19   State has a police budget for—

20   “(AA) the fiscal year  
21   during which this paragraph  
22   is enacted that is lower in  
23   amount than such police  
24   budget for the fiscal year

1 that includes January 1,  
2 2000; or

3 “(BB) any fiscal year  
4 following the fiscal year dur-  
5 ing which this paragraph is  
6 enacted that is lower in  
7 amount than such police  
8 budget for the previous fis-  
9 cal year; and

10 “(bb) such State, local gov-  
11 ernment, or political subdivision  
12 has reallocated such police budg-  
13 et funds to other government  
14 agencies, evidenced by public  
15 statements, press releases, budg-  
16 et justifications, budget docu-  
17 mentation, or any other mate-  
18 rials.

19 “(II) EXCLUSIONS.—The term  
20 ‘defund the police’ does not include a  
21 situation in which—

22 “(aa) a State, local govern-  
23 ment, or political subdivision of a  
24 State reduces funding for a po-  
25 lice department if the reduction

1 of such funding is part of an  
2 overall budget reduction; or

3 “(bb) a police chief of a po-  
4 lice department has decided to  
5 reallocate funds made available  
6 to such police department to psy-  
7 chological and mental health pro-  
8 grams.

9 “(ii) TRAFFIC CONTROL OR TRAFFIC  
10 ENFORCEMENT.—The term ‘traffic control  
11 or traffic enforcement’ means a service  
12 provided by law enforcement officers in a  
13 State, local government, or political sub-  
14 division of a State that includes directing  
15 traffic, addressing traffic infractions on  
16 roadways, or serving in a traffic or roads  
17 policing unit enforcing rules of the road.”.

18 (b) NATIONAL PRIORITY SAFETY PROGRAMS.—Sec-  
19 tion 405(a) of title 23, United States Code, is amended  
20 by adding at the end the following:

21 “(11) USE OF FUNDS.—

22 “(A) IN GENERAL.—Notwithstanding any  
23 other provision of law, a State, local govern-  
24 ment, or political subdivision of a State receiv-  
25 ing a grant under this section may not use such

1 grant for traffic control or traffic enforcement  
2 (as such term is defined in section  
3 402(c)(5)(D)) if such State, local government,  
4 or political subdivision defunds the police (as  
5 such term is defined in section 402(c)(5)(D)).

6 “(B) EXEMPTION.—

7 “(i) IN GENERAL.—The Secretary  
8 may grant an exemption from the require-  
9 ments under subparagraph (A) if the  
10 State, local government, or political sub-  
11 division that defunds the police submits a  
12 written request to the Secretary and the  
13 Secretary approves such request.

14 “(ii) CONTENTS.—A request sub-  
15 mitted under clause (i) shall include—

16 “(I) the justification for the re-  
17 quested exemption from the require-  
18 ments of subparagraph (A); and

19 “(II) a description of amount of  
20 funds a State, local government, or  
21 political subdivision intends to use for  
22 traffic control or traffic enforcement.

23 “(C) RULE OF CONSTRUCTION.—Nothing  
24 in this paragraph may be construed to result in

1           a reduction in the amount of funding a State  
2           may receive under this section.”.

3           (c) REPORT.—Not later than 18 months after the  
4 date of enactment of this Act, the Comptroller General  
5 of the United States shall submit to the Committee on  
6 Transportation and Infrastructure of the House of Rep-  
7 resentatives and the Committee on Commerce, Science,  
8 and Transportation of the Senate a report describing the  
9 implementation of, and compliance with, the amendments  
10 made by this Act.

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