

103^D CONGRESS
1ST SESSION

H. R. 1386

To amend title 23, United States Code, to require the Secretary of Transportation to withhold certain funds from States that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1993

Mr. SCHIFF introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To amend title 23, United States Code, to require the Secretary of Transportation to withhold certain funds from States that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated, 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 “Drunk Driving Preven-
5 tion Act of 1993”.

1 **SEC. 2. WITHHOLDING OF FUNDS FOR CERTAIN BLOOD AL-**
2 **COHOL CONCENTRATIONS.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 161. Withholding of funds for certain blood alcohol**
7 **concentrations**

8 “(a) WITHHOLDING OF FUNDS FOR NONCOMPLI-
9 ANCE; STANDARD.—The Secretary shall withhold an
10 amount (determined under subsection (b)) required to be
11 apportioned to any State under each of paragraphs (1),
12 (3), and (5) of section 104(b) that fails to provide that
13 a person with a blood alcohol concentration of 0.08 per-
14 cent or greater when driving a motor vehicle shall be
15 deemed to be driving while intoxicated.

16 “(b) FORMULA FOR WITHHOLDING.—

17 “(1) FIRST YEAR.—The Secretary shall with-
18 hold 5 percent of the amounts to be apportioned to
19 a State, as described in subsection (a), on the first
20 day of the first fiscal year or on the first day of the
21 first fiscal year after the expiration of the next regu-
22 lar session of the State legislature, whichever is
23 later, in which the State is not in compliance with
24 the standard described in subsection (a).

25 “(2) AFTER THE FIRST YEAR.—The Secretary
26 shall withhold 10 percent of the amounts to be ap-

1 portioned to a State, as described in subsection (a),
2 on the first day of each fiscal year after the first fis-
3 cal year described in paragraph (1) in which the
4 State is not in compliance with the standard de-
5 scribed in subsection (a).

6 “(c) RELEASE OF AMOUNTS WITHHELD.—

7 “(1) STATES NOT ADOPTING STANDARD.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), if the Secretary withholds funds
10 from apportionment to a State under this sec-
11 tion for a period in excess of three fiscal years,
12 the Secretary shall release to the State the
13 funds withheld from apportionment for the pe-
14 riod exceeding three fiscal years.

15 “(B) USE OF CERTAIN RELEASED
16 FUNDS.—Funds released to a State under sub-
17 paragraph (A) may be used by the State only
18 to carry out programs approved by the Admin-
19 istrator of the National Highway Traffic Safety
20 Administration that prevent driving while in-
21 toxicated, including—

22 “(i) enforcement of laws designed to
23 prevent or punish driving while intoxicated;
24 and

1 “(ii) establishment of systems to
2 maintain records of repeat offenders of
3 laws designed to prevent or punish driving
4 while intoxicated.

5 “(2) STATES ADOPTING STANDARD.—If the
6 Secretary withholds funds from apportionment to a
7 State under this section and the State subsequently
8 provides that a person with a blood alcohol con-
9 centration of 0.08 percent or greater when driving a
10 motor vehicle shall be deemed to be driving while in-
11 toxicated, the Secretary shall release to the State the
12 funds withheld from apportionment and not pre-
13 viously released under paragraph (1).

14 “(3) AVAILABILITY OF RELEASED FUNDS.—
15 Funds released to a State under this subsection
16 shall remain available until the end of the third fis-
17 cal year succeeding the fiscal year in which the
18 funds are released. If funds are not expended by the
19 end of the third fiscal year, the authority of the
20 State to expend the funds shall expire.”.

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

“161. Withholding of funds for certain blood alcohol concentrations.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 become effective on October 1, 1994.

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