

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 605

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 3), 1993

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## 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**  
2 **ALCOHOL 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 3 fiscal years, the  
12                      Secretary shall release to the State the funds  
13                      withheld from apportionment for the period ex-  
14                      ceeding 3 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 funds  
18          are released. If funds are not expended by the end  
19          of the third fiscal year, the authority of the State to  
20          expend the funds shall expire.”.

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

“161. National standard for drunk driving prevention.”.

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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