

Public Law 98-363
98th Congress

An Act

To amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes.

July 17, 1984
[H.R. 4616]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(a)(1) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

96 Stat. 2138.

“SEC. 203. (a)(1) There is hereby authorized to be appropriated for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund (other than the Mass Transit Account), \$126,500,000 for the fiscal year ending September 30, 1985, and \$132,000,000 for the fiscal year ending September 30, 1986.”

Appropriation
authorization.

(b) Section 203(a) of such Act is amended by adding at the end thereof the following new paragraph:

State and local
governments.

“(4)(A) Each State shall expend each fiscal year not less than 8 per centum of the amount apportioned to it for such fiscal year of the sums authorized by paragraph (1) of this subsection, for developing and implementing comprehensive programs approved by the Secretary of Transportation concerning the use of child restraint systems in motor vehicles. Upon request of the Governor of any State, the Secretary may reduce the amount required to be expended by the State for any fiscal year under the preceding sentence if the State demonstrates to the satisfaction of the Secretary that the percentage of children under the age of four traveling in motor vehicles in the State who are properly restrained by a child restraint system is greater than 75 per centum.

“(B) No project for developing and implementing a comprehensive program concerning the use of child restraint systems in motor vehicles may be approved by the Secretary of Transportation in the fiscal years ending September 30, 1985, and September 30, 1986, unless the State applying for approval of such project enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all non-Federal sources for such programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this paragraph.

“(C) Subparagraphs (A) and (B) of this paragraph shall not apply to sums authorized to be appropriated for any fiscal year beginning after September 30, 1987.”

SEC. 2. Section 203(b) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

96 Stat. 2138.

“(b) Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed \$126,500,000 for the fiscal year

ending September 30, 1985, and \$132,000,000 for the fiscal year ending September 30, 1986, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed \$10,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986."

SEC. 3. (a) The sixth sentence of section 402(c) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-quarter of 1 per centum of the total apportionment."

(b) Section 401 of title 23, United States Code, is amended by striking out ", except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated." and inserting in lieu thereof a period.

23 USC 401 note.

(c) The amendments made by subsections (a) and (b) shall only apply to fiscal years beginning after the date of enactment of this Act.

Drugs and drug abuse.

SEC. 4. (a) Section 408(a) of title 23, United States Code, is amended by inserting "or a controlled substance" immediately after "alcohol".

(b) Section 408(c)(1) of title 23, United States Code, is amended by inserting "and controlled substance" immediately after "alcohol".

(c) Section 408(f) of title 23, United States Code, is amended—

(1) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(8) for the creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while under the influence of a controlled substance or for the establishment of research programs to develop effective means of detecting use of controlled substances by drivers."

Grants.

SEC. 5. Section 402 of title 23, United States Code, is amended by adding at the end thereof the following:

"(k)(1) Subject to the provisions of this subsection, the Secretary shall make a grant to any State which includes, as part of its highway safety program under section 402 of this title, the use of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways. Any such grant may only be used by such State to establish and maintain a comprehensive computerized traffic safety recordkeeping system or to obtain and operate components to support highway safety priority programs identified by the Secretary under this section. Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under this subsection, such report, list, schedule, or survey shall not be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.

23 USC 402.

"(2) No State may receive a grant under this subsection in more than two fiscal years.

"(3) The amount of the grant to any State under this subsection for the first fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1985 under this section. The amount of a

grant to any State under this subsection for the second fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1986 under this section.

“(4) A State is eligible for a grant under this subsection if—

“(A) it certifies to the Secretary that it has in operation a computerized traffic safety recordkeeping system and identifies proposed means of upgrading the system acceptable to the Secretary; or

“(B) it provides to the Secretary a plan acceptable to the Secretary for establishing and maintaining a computerized traffic safety recordkeeping system.

“(5) The Secretary, after making the deduction authorized by the second sentence of subsection (c) of this section for fiscal years 1985 and 1986, shall set aside 10 per centum of the remaining funds authorized to be appropriated to carry out this section for the purpose of making grants under this subsection. Funds set aside under this subsection shall remain available for the fiscal year authorized and for the succeeding fiscal year and any amounts remaining unexpended at the end of such period shall be apportioned in accordance with the provisions of subsection (c) of this section.”

SEC. 6. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

“§ 158. National minimum drinking age

“(a)(1) The Secretary shall withhold 5 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

“(2) The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

“(b) The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than twenty-one years of age.

“(c) As used in this section, the term ‘alcoholic beverage’ means—

“(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1954,

“(2) wine of not less than one-half of 1 per centum of alcohol by volume, or

“(3) distilled spirits as defined in section 5002(a)(8) of such Code.”

(b) The table of sections of chapter 1 of such title is amended by adding at the end thereof the following new item:

“158. National minimum drinking age.”

23 USC 158.

Alcohol and
alcoholic
beverages.
23 USC 104.

26 USC 5052.

26 USC 5002.

Grants.

SEC. 7. (a) Section 408(a) of title 23, United States Code, is amended by striking "basic and supplemental".

(b) Section 408(d) of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) Subject to subsection (c), the amount of a special grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(3) shall not exceed 5 per centum of the amount apportioned to such State for fiscal year 1984 under sections 402 and 408 of this title. Such grant shall be in addition to any basic or supplemental grant received by such State."

Crimes and misdemeanors.

(c) Section 408(e) of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) For the purposes of this section, a State is eligible for a special grant if the State enacts a statute which provides that—

"(A) any person convicted of a first violation of driving under the influence of alcohol shall receive—

"(i) a mandatory license suspension for a period of not less than ninety days; and either

"(ii)(I) an assignment of one hundred hours of community service; or

"(II) a minimum sentence of imprisonment for forty-eight consecutive hours;

"(B) any person convicted of a second violation of driving under the influence of alcohol within five years after a conviction for the same offense, shall receive a mandatory minimum sentence of imprisonment for ten days and license revocation for not less than one year;

"(C) any person convicted of a third or subsequent violation of driving under the influence of alcohol within five years after a prior conviction for the same offense shall—

"(i) receive a mandatory minimum sentence of imprisonment for one hundred and twenty days; and

"(ii) have his license revoked for not less than three years; and

—

(b) The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in fiscal year 1 if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than twenty-one years of age.

(c) As used in this section the term "alcoholic beverage" means—

(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1954;

(2) wine of not less than one-half of 1 per centum of alcohol by volume;

(3) distilled spirits as defined in section 5052(a)(2) of such Code.

(b) The table of sections of chapter 1 of such title is amended by adding at the end thereof the following new item:

"132. National minimum standards for alcoholic beverages."

“(D) any person convicted of driving with a suspended or revoked license or in violation of a restriction due to driving under the influence of alcohol conviction shall receive a mandatory sentence of imprisonment for at least thirty days, and shall upon release from imprisonment, receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license.”.

Approved July 17, 1984.

Sec. 101. The last sentence of section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended to read as follows: "For purposes of applying the preceding sentence, the Secretary—
“(A) shall maintain on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States; and
“(B) in the case of a fishing vessel licensed with gear seines in the eastern tropical Pacific Ocean, shall require that the vessel be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—
“(i) the government of the harvesting nation has adopted a regulatory program governing the incidental taking of marine mammals in the course of such harvesting that is comparable to that of the United States; and
“(ii) the average rate of such incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of marine mammals by United States vessels in the course of such harvesting.”
Sec. 102. Section 101(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)) is amended—
“(1) by inserting "(1) after "(b); and
“(2) by adding at the end thereof the following paragraphs: "(3)(A) Subject to subparagraph (B), the special permit issued under paragraph (1) on December 1, 1980 to the American Fur Seal Association is extended to authorize and govern the taking of marine mammals incidental to commercial gear seine fishing for salmon from each year after December 31, 1984.
“(B) The extension granted under subparagraph (A) is subject to the following conditions:
“(i) The extension shall cease to have force and effect at the time the special permit is surrendered or terminated.
“(ii) The permittee and certificate holder shall use the best

LEGISLATIVE HISTORY—H.R. 4616:

HOUSE REPORT No. 98-641 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):

- Apr. 30, considered and passed House.
- June 26, considered and passed Senate, amended.
- June 27, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 29 (1984):
July 17, Presidential statement.