

105TH CONGRESS  
1ST SESSION

# S. 412

To provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

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IN THE SENATE OF THE UNITED STATES

MARCH 10, 1997

Mr. LAUTENBERG (for himself and Mr. DEWINE) 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 provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

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 “Safe and Sober Streets  
5 Act of 1997”.

6 **SEC. 2. STANDARD TO PROHIBIT OPERATION OF MOTOR**  
7 **VEHICLES BY INTOXICATED INDIVIDUALS.**

8 (a) IN GENERAL.—Chapter 1 of title 23, United  
9 States Code, is amended by adding at the end the follow-  
10 ing:

1 **“§ 162. National standard to prohibit the operation of**  
 2 **motor vehicles by intoxicated individuals**

3 “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-  
 4 COMPLIANCE.—

5 “(1) FISCAL YEAR 2001.—The Secretary shall  
 6 withhold 5 percent of the amount required to be ap-  
 7 portioned to any State under each of sections  
 8 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October  
 9 1, 2000, if the State does not meet the requirement  
 10 of paragraph (3) on that date.

11 “(2) SUBSEQUENT FISCAL YEARS.—The Sec-  
 12 retary shall withhold 10 percent (including any  
 13 amounts withheld under paragraph (1)) of the  
 14 amount required to be apportioned to any State  
 15 under each of sections 104(b)(1), 104(b)(3), and  
 16 104(b)(5)(B) on October 1, 2001, and on October 1  
 17 of each fiscal year thereafter, if the State does not  
 18 meet the requirement of paragraph (3) on that date.

19 “(3) REQUIREMENT.—A State meets the re-  
 20 quirement of this paragraph if the State has enacted  
 21 and is enforcing a law that considers an individual  
 22 who has an alcohol concentration of 0.08 percent or  
 23 greater while operating a motor vehicle in the State  
 24 to be driving—

25 “(A) while intoxicated; or

26 “(B) under the influence of alcohol.

1       “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-  
2 ANCE AND NONCOMPLIANCE.—

3               “(1) PERIOD OF AVAILABILITY OF WITHHELD  
4 FUNDS.—

5               “(A) FUNDS WITHHELD ON OR BEFORE  
6 SEPTEMBER 30, 2002.—Any funds withheld  
7 under subsection (a) from apportionment to any  
8 State on or before September 30, 2002, shall  
9 remain available until the end of the third fiscal  
10 year following the fiscal year for which those  
11 funds are authorized to be appropriated.

12              “(B) FUNDS WITHHELD AFTER SEPTEMBER  
13 BER 30, 2002.—No funds withheld under this  
14 section from apportionment to any State after  
15 September 30, 2002, shall be available for ap-  
16 portionment to that State.

17              “(2) APPORTIONMENT OF WITHHELD FUNDS  
18 AFTER COMPLIANCE.—If, before the last day of the  
19 period for which funds withheld from apportionment  
20 under subsection (a) are to remain available for ap-  
21 portionment to a State under paragraph (1), the  
22 State meets the requirement of subsection (a)(3),  
23 the Secretary shall, on the first day on which the  
24 State meets that requirement, apportion to the State

1 the funds withheld under subsection (a) that remain  
 2 available for apportionment to the State.

3 “(3) PERIOD OF AVAILABILITY OF SUBSE-  
 4 QUENTLY APPORTIONED FUNDS.—

5 “(A) IN GENERAL.—Any funds appor-  
 6 tioned pursuant to paragraph (2) shall remain  
 7 available for expenditure until the end of the  
 8 third fiscal year following the fiscal year during  
 9 which those funds are so apportioned.

10 “(B) TREATMENT OF CERTAIN FUNDS.—  
 11 Sums not obligated at the end of the period re-  
 12 ferred to in subparagraph (A) shall—

13 “(i) lapse; or

14 “(ii) in the case of funds apportioned  
 15 under section 104(b)(5)(B), lapse and be  
 16 made available by the Secretary for  
 17 projects in accordance with section 118.

18 “(4) EFFECT OF NONCOMPLIANCE.—If, at the  
 19 end of the period for which funds withheld from ap-  
 20 portionment under subsection (a) are available for  
 21 apportionment to a State under paragraph (1), the  
 22 State does not meet the requirement of subsection  
 23 (a)(3), those funds shall—

24 “(A) lapse; or

1                   “(B) in the case of funds withheld from  
2                   apportionment under section 104(b)(5)(B),  
3                   lapse and be made available by the Secretary  
4                   for projects in accordance with section 118.”.

5           (b) CLERICAL AMENDMENT.—The chapter analysis  
6 for chapter 1 of title 23, United States Code, is amended  
7 by adding at the end the following:

“162. National standard to prohibit the operation of motor vehicles by intoxicated individuals.”.

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