

115TH CONGRESS
2D SESSION

H. R. 5218

To amend title 23, United States Code, with respect to national priority safety programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2018

Mr. COHEN (for himself, Mr. CHABOT, Mr. NADLER, Mr. COSTELLO of Pennsylvania, Ms. BROWNLEY of California, Mr. CURBELO of Florida, Ms. DELBENE, Mr. KELLY of Mississippi, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MARINO, Ms. MCCOLLUM, and Mr. MCKINLEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, with respect to national priority safety programs, 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 “DUI Reporting Act
5 of 2018”.

6 **SEC. 2. IMPAIRED DRIVING COUNTERMEASURES.**

7 Section 405(d) of title 23, United States Code, is
8 amended by adding at the end the following:

1 “(8) SPECIAL RULES RELATING TO DUI RE-
2 PORTING.—

3 “(A) IN GENERAL.—Notwithstanding any
4 other provision of this subsection, the Secretary
5 shall withhold from a State, in accordance with
6 this paragraph, each grant under this sub-
7 section for a fiscal year if the State does not
8 appear on the most recent list provided to the
9 Secretary under subparagraph (B)(ii)(I).

10 “(B) LIST.—

11 “(i) REQUIREMENT.—The Attorney
12 General shall provide to the Secretary a
13 list identifying each State that, in the de-
14 termination of the Attorney General, is en-
15 suring, through law or policy, that all
16 State and local law enforcement agencies
17 in that State are appropriately reporting
18 covered arrests to the appropriate Federal
19 repository (which the Attorney General
20 may determine to be the National Crime
21 Information Center or the Next Generation
22 Identification system).

23 “(ii) TIMING.—Each year, the Attor-
24 ney General shall provide the list required
25 under clause (i)—

1 “(I) during the 30-day period
2 ending on September 30; and

3 “(II) on the date that is 90 days
4 after the date on which the list is pro-
5 vided pursuant to subclause (I).

6 “(iii) AVAILABILITY TO THE PUB-
7 LIC.—The Attorney General shall make
8 available to the public on an appropriate
9 Federal website each list provided to the
10 Secretary under this subparagraph.

11 “(C) WITHHOLDING.—

12 “(i) IN GENERAL.—The Secretary
13 shall withhold grants under subparagraph
14 (A) in accordance with the following:

15 “(I) If the applicable State is
16 subject to withholding under subpara-
17 graph (A) for the first time, the Sec-
18 retary shall withhold 25 percent of the
19 amount of the grant that would other-
20 wise be made available to the State.

21 “(II) If the applicable State is
22 subject to withholding under subpara-
23 graph (A) for the second time, the
24 Secretary shall withhold 50 percent of
25 the amount of the grant that would

1 otherwise be made available to the
2 State.

3 “(III) If the applicable State is
4 subject to withholding under subpara-
5 graph (A) for the third time (or
6 more), the Secretary shall withhold
7 100 percent of the amount of the
8 grant that would otherwise be made
9 available to the State.

10 “(ii) FIRST YEAR WARNINGS.—

11 “(I) NO WITHHOLDING.—During
12 the first fiscal year with respect to
13 which the Secretary may withhold
14 grant amounts under subparagraph
15 (A), the Secretary, notwithstanding
16 such subparagraph, shall not withhold
17 any grant amounts from any State
18 under such subparagraph.

19 “(II) WARNINGS.—The Secretary
20 shall notify each State that would
21 have been subject to withholding
22 under subparagraph (A), if not for
23 this clause, and such notice shall not
24 be treated as a withholding for pur-

1 poses of clause (i) of this subpara-
2 graph.

3 “(D) AVAILABILITY OF WITHHELD
4 AMOUNTS.—

5 “(i) IN GENERAL.—Amounts withheld
6 from a State under subparagraph (A) shall
7 remain available to be provided to the
8 State until the end of the 90-day period
9 beginning on the date of the withholding.

10 “(ii) RETURN TO COMPLIANCE.—At
11 the end of a 90-day period described in
12 clause (i), if the applicable State appears
13 on the most recent list provided under sub-
14 paragraph (B)(ii)(II), amounts withheld
15 from the State shall be provided to the
16 State.

17 “(iii) CONTINUED NONCOMPLIANCE.—
18 At the end of a 90-day period described in
19 clause (i), if the applicable State does not
20 appear on the most recent list provided
21 under subparagraph (B)(ii)(II), amounts
22 withheld from the State shall be reallo-
23 cated consistent with subsection (a)(8).

24 “(E) USE OF GRANTS.—Notwithstanding
25 any other provision of this subsection, a State

1 that receives a grant under this subsection may
2 use grant amounts for costs associated with re-
3 porting covered arrests.

4 “(F) COVERED ARRESTS DEFINED.—In
5 this paragraph, the term ‘covered arrests’
6 means arrests for offenses involving driving
7 under the influence of, or while intoxicated by,
8 alcohol or drugs.

9 “(G) APPLICABILITY.—This paragraph
10 shall apply to the second fiscal year beginning
11 after the date of enactment of this paragraph
12 and each fiscal year thereafter.”.

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