

116TH CONGRESS  
1ST SESSION

# H. R. 1914

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2019

Mr. COHEN (for himself and Mr. CHABOT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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 2019”.

**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:

9               “(8) SPECIAL RULES RELATING TO DUI RE-  
10       PORTING.—

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

8                     “(B) LIST.—

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

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

24                     “(I) during the 30-day period  
25                     ending on September 30; and

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

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

9                             “(C) WITHHOLDING.—

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

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

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

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

8                         “(ii) FIRST YEAR WARNINGS.—

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

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

1                   “(D)    AVAILABILITY   OF    WITHHELD  
2                   AMOUNTS.—

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

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

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

22                   “(E) USE OF GRANTS.—Notwithstanding  
23                   any other provision of this subsection, a State  
24                   that receives a grant under this subsection may

1       use grant amounts for costs associated with re-  
2       porting covered arrests.

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

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

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