

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.

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

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 subpara-
3 graph (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.”.

○