

AMENDMENT

OFFERED BY MR. COHEN OF TENNESSEE

At the end of title III of division B of the bill, add the following:

1 **SEC. ____ . IMPAIRED DRIVING COUNTERMEASURES.**

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

4 “(8) SPECIAL RULES RELATING TO DUI RE-
5 PORTING.—

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

13 “(B) LIST.—

14 “(i) REQUIREMENT.—The Attorney
15 General shall provide to the Secretary a
16 list identifying each State that, in the de-
17 termination of the Attorney General, is en-
18 suring, through law or policy, that all
19 State and local law enforcement agencies

1 in that State are appropriately reporting
2 covered arrests to the appropriate Federal
3 repository (which the Attorney General
4 may determine to be the Interstate Identi-
5 fication Index).

6 “(ii) TIMING.—Each year, the Attor-
7 ney General shall provide the list required
8 under clause (i)—

9 “(I) during the 30-day period
10 ending on September 30; and

11 “(II) on the date that is 90 days
12 after the date on which the list is pro-
13 vided pursuant to subclause (I).

14 “(iii) AVAILABILITY TO THE PUB-
15 LIC.—The Attorney General shall make
16 available to the public on an appropriate
17 Federal website each list provided to the
18 Secretary under this subparagraph.

19 “(C) WITHHOLDING.—

20 “(i) IN GENERAL.—The Secretary
21 shall withhold grants under subparagraph
22 (A) in accordance with the following:

23 “(I) If the applicable State is
24 subject to withholding under subpara-
25 graph (A) for the first time, the Sec-

1 retary shall withhold 25 percent of the
2 amount of the grant that would other-
3 wise be made available to the State.

4 “(II) If the applicable State is
5 subject to withholding under subpara-
6 graph (A) for the second time, the
7 Secretary shall withhold 50 percent of
8 the amount of the grant that would
9 otherwise be made available to the
10 State.

11 “(III) If the applicable State is
12 subject to withholding under subpara-
13 graph (A) for the third time (or
14 more), the Secretary shall withhold
15 100 percent of the amount of the
16 grant that would otherwise be made
17 available to the State.

18 “(ii) FIRST YEAR WARNINGS.—

19 “(I) NO WITHHOLDING.—During
20 the first fiscal year with respect to
21 which the Secretary may withhold
22 grant amounts under subparagraph
23 (A), the Secretary, notwithstanding
24 such subparagraph, shall not withhold

1 any grant amounts from any State
2 under such subparagraph.

3 “(II) WARNINGS.—The Secretary
4 shall notify each State that would
5 have been subject to withholding
6 under subparagraph (A), if not for
7 this clause, and such notice shall not
8 be treated as a withholding for pur-
9 poses of clause (i) of this subpara-
10 graph.

11 “(D) AVAILABILITY OF WITHHELD
12 AMOUNTS.—

13 “(i) IN GENERAL.—Amounts withheld
14 from a State under subparagraph (A) shall
15 remain available to be provided to the
16 State until the end of the 90-day period
17 beginning on the date of the withholding.

18 “(ii) RETURN TO COMPLIANCE.—At
19 the end of a 90-day period described in
20 clause (i), if the applicable State appears
21 on the most recent list provided under sub-
22 paragraph (B)(ii)(II), amounts withheld
23 from the State shall be provided to the
24 State.

1 “(iii) CONTINUED NONCOMPLIANCE.—

2 At the end of a 90-day period described in
3 clause (i), if the applicable State does not
4 appear on the most recent list provided
5 under subparagraph (B)(ii)(II), amounts
6 withheld from the State shall be reallo-
7 cated consistent with subsection (a)(8).

8 “(E) USE OF GRANTS.—Notwithstanding
9 any other provision of this subsection, a State
10 that receives a grant under this subsection may
11 use grant amounts for costs associated with re-
12 porting covered arrests.

13 “(F) USE OF WITHHELD GRANT
14 AMOUNTS.—If a State is in noncompliance and
15 subject to a withholding, withheld grant funds
16 may be returned to the State 1 year after the
17 year in which the noncompliance occurred and
18 shall be used solely for paid and earned media
19 in support of drunk driving high-visibility en-
20 forcement efforts and equipment and related ex-
21 penditures used in connection with drunk driv-
22 ing enforcement during high-visibility enforce-
23 ment efforts in accordance with criteria estab-
24 lished by the National Highway Traffic Safety
25 Administration.

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

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

