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TITLE 23--HIGHWAYS

CHAPTER 1--FEDERAL-AID HIGHWAYS

Sec. 158. National minimum drinking age

(a) Withholding of Funds for Noncompliance.--

(1) In general.--The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(4) of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(2) State grandfather law as complying.--If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraph (1) in each fiscal year in which such law is in effect.

(b) Effect of Withholding of Funds.--No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.

(c) Alcoholic Beverage Defined.--As used in this section, the term ``alcoholic beverage'' means--

- (1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,
- (2) wine of not less than one-half of 1 per centum of alcohol by volume, or
- (3) distilled spirits as defined in section 5002(a)(8) of such Code.

(Added Pub. L. 98-363, Sec. 6(a), July 17, 1984, 98 Stat. 437; amended Pub. L. 99-272, title IV, Sec. 4104, Apr. 7, 1986, 100 Stat. 114; Pub. L. 99-514, Sec. 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105-178, title I, Sec. 1103(1)(2), June 9, 1998, 112 Stat. 125.)

References in Text

The date of the enactment of this paragraph, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 99-272, which was approved Apr. 7, 1986.

The Internal Revenue Code of 1986, referred to in subsec. (c), is set out in Title 26, Internal Revenue Code.

Amendments

1998--Subsec. (a)(1). Pub. L. 105-178, Sec. 1103(1)(2)(A)(i)-(iii), redesignated par. (2) as (1), substituted ``In general'' for ``After the first year'' in heading and ``104(b)(3), and 104(b)(4)'' for

``104(b) (2), 104(b) (5), and 104(b) (6)'' in text, and struck out former par. (1) which read as follows:

``(1) First year.--The Secretary shall withhold 5 per centum of the amount required to be apportioned to any State under each of sections 104(b) (1), 104(b) (2), 104(b) (5), and 104(b) (6) of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.''

Subsec. (a) (2), (3). Pub. L. 105-178, Sec. 1103(1) (2) (A) (ii), (iv), redesignated par. (3) as (2) and substituted ``paragraph (1)'' for ``paragraphs (1) and (2) of this subsection''. Former par. (2) redesignated (1).

Subsec. (b). Pub. L. 105-178, Sec. 1103(1) (2) (B), added subsec. (b) and struck out heading and text of former subsec. (b) which related to period of availability for apportionment to State of funds withheld by the Secretary pending State enactment of federally-prescribed minimum drinking age.

1986--Subsec. (a). Pub. L. 99-272, Sec. 4104(d) (1), added subsection heading.

Subsec. (a) (1). Pub. L. 99-272, Sec. 4104(d) (2)-(4), added paragraph heading, aligned margins, and inserted ``first'' before ``fiscal year beginning''.

Subsec. (a) (2). Pub. L. 99-272, Sec. 4104(a), (d) (3), (5), added paragraph heading, realigned margins, and substituted ``each fiscal year after'' for ``the fiscal year succeeding''.

Subsec. (a) (3). Pub. L. 99-272, Sec. 4104(b), added par. (3).

Subsec. (b). Pub. L. 99-272, Sec. 4104(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ``The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than twenty-one years of age.''

Subsec. (c). Pub. L. 99-272, Sec. 4104(d) (6), added subsection heading.

Subsec. (c) (1). Pub. L. 99-514 substituted ``Internal Revenue Code of 1986'' for ``Internal Revenue Code of 1954''.