

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title 23, United States Code, to condition Federal highway funding on State compliance with Federal immigration enforcement policies related to driver’s licensing and information sharing, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 23, United States Code, to condition Federal highway funding on State compliance with Federal immigration enforcement policies related to driver’s licensing and information sharing, 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 “Enforce Immigration  
5       or Lose Transportation Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) Federal transportation funding supports the  
2           safety and efficiency of the highways, bridges, and  
3           public transit systems of the United States;

4           (2) compliance with Federal immigration laws,  
5           including verification of lawful presence for driver's  
6           license issuance and cooperation with Federal immi-  
7           gration enforcement, directly impacts road safety by  
8           ensuring that licensed drivers are properly vetted  
9           and reducing risks associated with unverified opera-  
10          tors;

11          (3) States that issue driver's licenses without  
12          requiring proof of lawful presence or that restrict in-  
13          formation sharing with Federal immigration authori-  
14          ties undermine national security and transportation  
15          safety objectives; and

16          (4) conditioning a portion of Federal highway  
17          funding on compliance described in paragraph (2) is  
18          a reasonable exercise of the authority of Congress  
19          under the Spending Clause of section 8 of article I  
20          of the Constitution to promote the general welfare.

21 **SEC. 3. IMMIGRATION COMPLIANCE FOR TRANSPOR-**  
22 **TATION FUNDING.**

23          (a) IN GENERAL.—Chapter 1 of title 23, United  
24          States Code, is amended by inserting after section 154 the  
25          following:

1 **“§ 155. Immigration compliance for transportation**  
2 **funding**

3 “(a) DEFINITION OF DRIVER’S LICENSE.—In this  
4 section, the term ‘driver’s license’ has the meaning given  
5 the term in section 201 of the REAL ID Act of 2005 (49  
6 U.S.C. 30301 note; Public Law 109–13).

7 “(b) WITHHOLDING OF FUNDS FOR NONCOMPLI-  
8 ANCE.—

9 “(1) IN GENERAL.—On October 1, 2026, and  
10 each October 1 thereafter, the Secretary shall with-  
11 hold from a State the applicable percentage de-  
12 scribed in paragraph (2) of the amounts required to  
13 be apportioned to the State under paragraphs (1)  
14 and (2) of section 104(b) if the Secretary determines  
15 that the State is not in compliance, as described in  
16 subsection (c).

17 “(2) APPLICABLE PERCENTAGE.—

18 “(A) FIRST YEAR.—For the first fiscal  
19 year in which a State is determined to be not  
20 in compliance, the percentage shall be 5 per-  
21 cent.

22 “(B) SUBSEQUENT YEARS.—For each sub-  
23 sequent fiscal year in which a State is deter-  
24 mined to be not in compliance, the percentage  
25 shall be 10 percent.

1           “(3) DURATION.—If, before the last day of the  
2           fiscal year for which funds are withheld under this  
3           section, the Secretary determines that the State is in  
4           compliance under this section, the Secretary shall,  
5           on the first day on which the Secretary makes that  
6           determination, apportion to the State the funds  
7           withheld from that State for that fiscal year under  
8           this section.

9           “(4) EFFECT OF WITHHOLDING.—Except as  
10          provided in paragraph (3), no funds withheld under  
11          this section from apportionment to a State shall be  
12          available to that State.

13          “(c) COMPLIANCE REQUIREMENTS.—A State is not  
14          in compliance under this section if the State—

15               “(1) has in effect a statute, regulation, policy,  
16               or practice that prohibits or restricts State or local  
17               officials from sending to, or receiving from, the De-  
18               partment of Homeland Security information regard-  
19               ing the citizenship or immigration status, lawful or  
20               unlawful, of any individual, in violation of section  
21               642 of the Illegal Immigration Reform and Immig-  
22               grant Responsibility Act of 1996 (8 U.S.C. 1373);

23               “(2) issues driver’s licenses or identification  
24               cards to individuals without requiring evidence of  
25               lawful status as described in section 202(c)(2)(B) of

1 the REAL ID Act of 2005 (49 U.S.C. 30301 note;  
2 Public Law 109–13); or

3 “(3) fails to cooperate with detainers issued by  
4 U.S. Immigration and Customs Enforcement under  
5 section 287(d) of the Immigration and Nationality  
6 Act (8 U.S.C. 1357(d)), including by refusing to  
7 honor such detainers for individuals in State cus-  
8 tody.

9 “(d) CERTIFICATION.—Each State shall annually  
10 certify to the Secretary the compliance of the State with  
11 subsection (c), including submission of relevant statutes,  
12 policies, and data on driver’s license issuance practices.

13 “(e) ENFORCEMENT AND AUDITS.—The Secretary  
14 may—

15 “(1) conduct audits of State certifications and  
16 practices to verify compliance with subsection (c);

17 “(2) issue regulations to implement this section,  
18 including procedures for appeals of noncompliance  
19 determinations; and

20 “(3) provide technical assistance to States to  
21 achieve compliance.”.

22 (b) CONFORMING AMENDMENT.—The analysis for  
23 chapter 1 of title 23, United States Code, is amended by  
24 inserting after the item relating to section 154 the fol-  
25 lowing:

“155. Immigration compliance for transportation funding.”.