

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.

IN THE SENATE OF THE UNITED STATES

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

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—

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 Immi-
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.”.