

110TH CONGRESS
1ST SESSION

S. 2334

To withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

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. PRESERVING THE INTEGRITY OF STATE-**
4 **ISSUED DRIVER'S LICENSES.**

5 (a) WITHHOLDING FUNDS FOR NONCOMPLIANCE.—

6 (1) IN GENERAL.—Notwithstanding section
7 104(b) of title 23, United States Code, the Secretary
8 of Transportation shall withhold 10 percent of the

1 amount required to be apportioned to any State in
2 any fiscal year after fiscal year 2009 under para-
3 graphs (1), (3), and (5) of such section 104(b) if
4 that State, as of the first day of such fiscal year,
5 does not require and subsequently verify evidence of
6 lawful presence in the United States or its territories
7 from each applicant for a driver's license or personal
8 identification card issued by the State.

9 (2) STATE GRANDFATHER LAW AS COM-
10 PLYING.—A State shall be deemed to be in compli-
11 ance with paragraph (1) in each fiscal year in which
12 the State has in effect a law that requires an appli-
13 cant for a driver's license to present evidence of law-
14 ful presence in the United States or its territories if
15 the law is enacted before the later of—

16 (A) October 1, 2009; or

17 (B) 10 days after the end of the first ses-
18 sion the legislature of a State convenes after
19 the date of the enactment of this Act.

20 (b) REDISTRIBUTION OF WITHHELD FUNDS.—On
21 the first day of the fiscal year after the fiscal year in which
22 amounts were withheld from States under subsection (a),
23 such amounts shall be redistributed to those States that
24 satisfy the requirement to verify evidence of lawful status
25 under subsection (a)(1), in the same ratio as the original

1 apportionments under section 104(b) of title 23, United
2 States Code.

3 (c) VERIFICATION.—A State satisfies the require-
4 ment to verify evidence of lawful status under subsection
5 (a)(1) if the State employs a means approved by the Sec-
6 retary of Homeland Security for determining the authen-
7 ticity of the evidence presented by an applicant, including
8 confirmation of an applicant’s Social Security number
9 with the Social Security Administration and the System-
10 atic Alien Verification for Entitlements Program.

11 (d) REAL ID ACT OF 2006.—Nothing in this Act
12 may be construed to affect any State requirement under
13 the REAL ID Act of 2006 (Division B of the Emergency
14 Supplemental Appropriations Act for Defense, the Global
15 War on Terror, and Tsunami Relief, 2005; Public Law
16 109–13).

17 (e) DEFINITIONS.—In this Act:

18 (1) DRIVER’S LICENSE.—The term “driver’s li-
19 cense” means a motor vehicle operator’s license (as
20 defined in section 30301(5) of title 49, United
21 States Code).

22 (2) EVIDENCE OF LAWFUL STATUS.—The term
23 “evidence of lawful status” means valid documentary
24 evidence that the person—

1 (A) is a citizen or national of the United
2 States;

3 (B) is an alien lawfully admitted for per-
4 manent residence in the United States;

5 (C) has an approved application for asylum
6 in the United States or has entered into the
7 United States in refugee status;

8 (D) has a valid, unexpired nonimmigrant
9 visa for entry into the United States;

10 (E) has a pending application for asylum
11 in the United States;

12 (F) has approved deferred action status; or

13 (G) has a pending application for adjust-
14 ment of status to that of an alien lawfully ad-
15 mitted for permanent residence in the United
16 States.

17 (3) PERSONAL IDENTIFICATION CARD.—The
18 term “personal identification card” means an identi-
19 fication document (as defined in section 1028(d)(3)
20 of title 18, United States Code) issued by a State.