

108TH CONGRESS  
1ST SESSION

# H. R. 3235

To amend title 23, United States Code, to withhold highway funds from States that issue drivers' licenses to illegal aliens.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2003

Mr. HUNTER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, to withhold highway funds from States that issue drivers' licenses to illegal aliens.

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 "Responsible and Se-  
5       cure ID Act".

**6 SECTION 1. PENALTY FOR ISSUANCE OF STATE DRIVERS'**

**7                   LICENSES TO ILLEGAL ALIENS.**

8       (a) IN GENERAL.—Subchapter I of chapter 1 of title  
9       23, United States Code, is amended by adding at the end  
10      the following:

1   **“§ 165. Penalty for issuance of State drivers’ licenses**2                   **to illegal aliens**3               **“(a) WITHHOLDING OF APPORTIONMENTS FOR NON-**4   **COMPLIANCE.—**

5               **“(1) IN GENERAL.—**Subject to paragraph (3),  
6       the Secretary shall withhold 25 percent of the  
7       amount required to be apportioned to any State  
8       under each of paragraphs (1), (3), and (4) of section  
9       104(b) on October 1, 2003, and October 1 of each  
10      fiscal year thereafter, if the State does not meet the  
11      requirements of paragraph (2) on that date.

12               **“(2) CONDITION ON ISSUANCE OF DRIVERS’ LI-**  
13       **CENSES.—**A State meets the requirements of this  
14       paragraph if the State has in effect laws that re-  
15       quire—

16               **“(A) as a condition of issuing a driver’s li-**  
17       **cense to an individual or renewing the driver’s**  
18       **license of an individual, that the individual pro-**  
19       **vide proof that the individual is a citizen or na-**  
20       **tional of the United States or an alien lawfully**  
21       **present in the United States; and**

22               **“(B) in the case of a driver’s license issued**  
23       **to an alien, the license shall expire not later**  
24       **than the last day of the period during which the**  
25       **alien is authorized to be present in the United**  
26       **States, unless—**

1                             “(i) the alien is lawfully admitted to  
2                             the United States for permanent residence;  
3                             or

4                             “(ii) the alien’s lawful presence is not  
5                             subject to termination on a date certain.

6                     “(3) WAIVERS.—The Secretary shall waive the  
7                             application of paragraph (1) with respect to a State  
8                             if the Secretary of Homeland Security issues a writ-  
9                             ten certification that the State’s noncompliance with  
10                             the requirements of paragraph (2) does not pose a  
11                             risk to the security of the United States.

12                     “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-  
13                     ANCE AND NONCOMPLIANCE.—

14                     “(1) PERIOD OF AVAILABILITY OF WITHHELD  
15                     FUNDS.—

16                     “(A) FISCAL YEAR 2004.—Any funds with-  
17                             held under subsection (a) from apportionment  
18                             to any State on October 1, 2003, shall remain  
19                             available until December 31, 2003.

20                     “(B) THEREAFTER.—No funds withheld  
21                             under this section from apportionment to any  
22                             State after December 31, 2003, shall be avail-  
23                             able for apportionment to the State.

24                     “(2) APPORTIONMENT OF WITHHELD FUNDS  
25                     AFTER COMPLIANCE.—If, before the last day of the

1 period for which funds withheld under subsection (a)  
2 from apportionment are to remain available for ap-  
3 portionment to a State under paragraph (1), the  
4 State meets the requirements of subsection (a)(2),  
5 the Secretary shall, on the first day on which the  
6 State meets the requirements, apportion to the State  
7 the funds withheld under subsection (a) that remain  
8 available for apportionment to the State.

9       “(3) EFFECT OF NONCOMPLIANCE.—If, at the  
10 end of the period for which funds withheld under  
11 subsection (a) from apportionment are available for  
12 apportionment to a State under paragraph (1), the  
13 State does not meet the requirements of subsection  
14 (a)(2), the funds shall lapse.

15       “(c) TRANSFER OF FUNDS TO SECRETARY OF HOME-  
16 LAND SECURITY.—Funds withheld under this section  
17 from apportionment to a State that are not available for  
18 apportionment to the State under subsection (b)(1)(B) or  
19 that have lapsed under subsection (b)(3) shall be made  
20 available to the Secretary of Homeland Security for pro-  
21 grams and activities to secure the borders of the United  
22 States and to enhance immigration enforcement activi-  
23 ties.”.

24       (b) CONFORMING AMENDMENT.—The analysis for  
25 chapter 1 of title 23, United States Code, is amended by

- 1 inserting after the item relating to section 164 the following:
- 2 lowing:

“165. Penalty for issuance of State drivers’ licenses to illegal aliens.”.

