

108TH CONGRESS
1ST SESSION

H. R. 3052

To amend title 23, United States Code, to discourage States from issuing an identification card or driver's license to an alien not legally authorized to be in the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2003

Mr. TANCREDO (for himself, Mr. KING of Iowa, Mr. HEFLEY, Mr. BARTLETT of Maryland, Mr. SMITH of Texas, Mr. DEAL of Georgia, and Mr. GOODE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to discourage States from issuing an identification card or driver's license to an alien not legally authorized to be in the United States.

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 "State Accountability
5 and Identity Fraud Elimination Act of 2004".

1 **SEC. 2. WITHHOLDING FUNDS FOR ENACTMENT OF A LAW**
2 **ALLOWING ISSUANCE OF IDENTIFICATION**
3 **CARDS OR DRIVERS' LICENSES FOR CERTAIN**
4 **INDIVIDUALS.**

5 (a) IN GENERAL.—Subchapter I of chapter 1 of title
6 23, United States Code, is amended by adding at the end
7 the following:

8 **“§ 165. Withholding funds for enactment of a law al-**
9 **lowing issuance of identification cards or**
10 **drivers' licenses for certain individuals.**

11 “(a) WITHHOLDING OF APPORTIONMENTS.—

12 “(1) FISCAL YEAR 2006.—The Secretary shall
13 withhold 5 percent of the amount required to be ap-
14 portioned to any State under each of paragraphs
15 (1), (3), and (4) of section 104(b) on October 1,
16 2005, if the State has enacted a law described in
17 paragraph (7) on or before that date.

18 “(2) FISCAL YEAR 2007.—The Secretary shall
19 withhold 10 percent (including any amounts with-
20 held under paragraph (1)) of the amount required to
21 be apportioned to any State under each of para-
22 graphs (1), (3), and (4) of section 104(b) on Octo-
23 ber 1, 2006 , if the State has enacted a law de-
24 scribed in paragraph (7) on or before that date.

25 “(3) FISCAL YEAR 2008.—The Secretary shall
26 withhold 15 percent of the amount required to be

1 apportioned to any State under each of paragraphs
2 (1), (3), and (4) of section 104(b) on October 1,
3 2007, if the State has enacted a law described in
4 paragraph (7) on or before that date.

5 “(4) FISCAL YEAR 2009.—The Secretary shall
6 withhold 20 percent of the amount required to be
7 apportioned to any State under each of paragraphs
8 (1), (3), and (4) of section 104(b) on October 1,
9 2008, if the State has enacted a law described in
10 paragraph (7) on or before that date.

11 “(5) FISCAL YEAR 2010.—The Secretary shall
12 withhold 25 percent of the amount required to be
13 apportioned to any State under each of paragraphs
14 (1), (3), and (4) of section 104(b) on October 1,
15 2009, if the State has enacted a law described in
16 paragraph (7) on or before that date.

17 “(6) THERAFTER.—The Secretary shall with-
18 hold 25 percent of the amount required to be appor-
19 tioned to any State under each of paragraphs (1),
20 (3), and (4) of section 104(b) on October 1 of each
21 fiscal year thereafter if the State has enacted a law
22 described in paragraph (7) on or before that date.

23 “(7) REQUIREMENT.—A State shall have funds
24 withheld under this subsection if the State has en-
25 acted a law that allows the issuance of an identifica-

1 tion card or a driver’s license to an alien who is not
2 legally authorized to be in the United States.

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

5 “(1) PERIOD OF AVAILABILITY OF WITHHELD
6 FUNDS.—

7 “(A) FUNDS WITHHELD ON OR BEFORE
8 SEPTEMBER 30, 2007.—Any funds withheld
9 under subsection (a) from apportionment to any
10 State on or before September 30, 2005, shall
11 remain available until the end of the third fiscal
12 year following the fiscal year for which the
13 funds are authorized to be appropriated.

14 “(B) FUNDS WITHHELD AFTER SEP-
15 TEMBER 30, 2007.—No funds withheld under
16 this section from apportionment to any State
17 after September 30, 2007, shall be available for
18 apportionment to the State.

19 “(2) APPORTIONMENT OF WITHHELD FUNDS
20 AFTER COMPLIANCE.—If, before the last day of the
21 period for which funds withheld under subsection (a)
22 from apportionment are to remain available for ap-
23 portionment to a State under paragraph (1), the
24 State has repealed a law described in subsection
25 (a)(7), the Secretary shall, on the first day on which

1 the State repeals such law, apportion to the State
 2 the funds withheld under subsection (a) that remain
 3 available for apportionment to the State.

4 “(3) PERIOD OF AVAILABILITY OF SUBSE-
 5 QUENTLY APPORTIONED FUNDS.—Any funds appor-
 6 tioned pursuant to paragraph (2) shall remain avail-
 7 able for expenditure until the end of the third fiscal
 8 year following the fiscal year in which the funds are
 9 so apportioned. Sums not obligated at the end of
 10 that period shall lapse.

11 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
 12 end of the period for which funds withheld under
 13 subsection (a) from apportionment are available for
 14 apportionment to a State under paragraph (1), the
 15 State does not repeal a law described subsection
 16 (a)(7), the funds shall lapse.”.

17 (b) CONFORMING AMENDMENT.—The analysis for
 18 such chapter is amended by inserting after the item relat-
 19 ing to section 164 the following:

“165. Withholding of funds for enactment of a law allowing issuance of identi-
 fication cards or drivers’ licenses for certain individuals”.

○