

119TH CONGRESS
2D SESSION

S. _____

To amend title 18, United States Code, to prohibit certain aliens from presenting or using a commercial driver’s license in interstate or foreign commerce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CORNYN (for himself, Mr. BUDD, Mrs. CAPITO, Ms. LUMMIS, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to prohibit certain aliens from presenting or using a commercial driver’s license in interstate or foreign commerce, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Dalilah’s Law Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—KEEPING OUR ROADS SAFE

Sec. 101. Use of commercial driver’s licenses by illegal aliens in interstate commerce.

Sec. 102. Death penalty aggravating factor.

Sec. 103. Immigration consequences.

TITLE II—TRANSPORTATION

Sec. 201. Commercial driver’s licenses.

1 **TITLE I—KEEPING OUR ROADS**
 2 **SAFE**

3 **SEC. 101. USE OF COMMERCIAL DRIVER’S LICENSES BY IL-**
 4 **LEGAL ALIENS IN INTERSTATE COMMERCE.**

5 (a) IN GENERAL.—Chapter 2 of title 18, United
 6 States Code, is amended by inserting after section 40A
 7 the following:

8 **“§ 40B. Use of commercial driver’s licenses by illegal**
 9 **aliens in interstate commerce**

10 “(a) DEFINITIONS.—In this section—

11 “(1) the terms ‘commercial driver’s license’ and
 12 ‘commercial vehicle’ have the meanings given such
 13 terms in section 31301 of title 49; and

14 “(2) the term ‘covered alien’ means an alien (as
 15 defined in section 101 of the Immigration and Na-
 16 tionality Act (8 U.S.C. 1101)) who—

17 “(A) is described under—

18 “(i) section 237(a)(1)(C)(i) of the Im-
 19 migration and Nationality Act (8 U.S.C.
 20 1227(a)(1)(C)(i));

1 “(ii) section 212(a)(6)(A)(i) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1182(a)(6)(A)(i)); or

4 “(iii) section 236(c)(1) of the Immi-
5 gration and Nationality Act (8 U.S.C.
6 1226(c)(1)); or

7 “(B) has been paroled into the United
8 States under section 212(d)(5) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1182(d)(5)).

10 “(b) PROHIBITION.—It shall be unlawful for a cov-
11 ered alien to present or use a commercial driver’s license
12 in interstate or foreign commerce.

13 “(c) CRIMINAL PENALTIES.—

14 “(1) IN GENERAL.—Subject to paragraph
15 (2)(C), a covered alien who violates subsection (b)
16 shall be fined under this title, imprisoned for not
17 more than 5 years, or both.

18 “(2) MANDATORY MINIMUM SENTENCE.—Ex-
19 cept to the extent that a greater minimum sentence
20 is otherwise provided by any other provision of
21 law—

22 “(A) a covered alien who, while violating
23 subsection (b), causes a motor vehicle accident
24 while operating a commercial vehicle shall be
25 imprisoned for not less than 1 year;

1 “(B) a covered alien who, while violating
2 subsection (b), causes a motor vehicle accident
3 while operating a commercial vehicle which re-
4 sults in bodily injury shall be imprisoned for
5 not less than 2 years; and

6 “(C) a covered alien who, while violating
7 subsection (b), causes a motor vehicle accident
8 while operating a commercial vehicle which re-
9 sults in death shall be punished by death or by
10 imprisonment for life.

11 “(d) STATE OFFICIALS.—

12 “(1) IN GENERAL.—It shall be unlawful for any
13 officer, employee, or contractor of a State or local
14 government, acting under color of law, to inten-
15 tionally direct or implement the issuance of a com-
16 mercial driver’s license unless, before such issuance,
17 the officer, employee, or contractor confirms the im-
18 migration status of the applicant through the E-
19 Verify Program described in section 403(a) of the Il-
20 legal Immigration Reform and Immigrant Responsi-
21 bility Act of 1996 (8 U.S.C. 1324a note; Public Law
22 104–208) or an analogous State verification pro-
23 gram.

24 “(2) PENALTY.—An officer, employee, or con-
25 tractor of a State or local government who violates

1 paragraph (1) shall be fined under this title, impris-
2 oned for not more than 1 year, or both.

3 “(e) CIVIL PENALTIES.—Any business, corporation,
4 organization, or entity that knowingly provides substantial
5 assistance to a covered alien to violate subsection (b), or
6 conspires with a covered alien to violate subsection (b),
7 shall be subject to a civil penalty in an amount of \$50,000
8 per violation.

9 “(f) INDIVIDUAL CIVIL REMEDIES.—

10 “(1) ACTION AND JURISDICTION.—Any person
11 injured in his or her person or property in a motor
12 vehicle accident caused by a covered alien presenting
13 or using a commercial driver’s license in interstate
14 or foreign commerce, or his or her estate, survivors,
15 or heirs, may bring a civil action in any appropriate
16 district court of the United States and shall recover
17 threefold the damages he or she sustains and the
18 cost of the action, including attorney’s fees.

19 “(2) LIABILITY.—In any civil action under
20 paragraph (1) for an injury arising from a motor ve-
21 hicle accident caused by a covered alien presenting
22 or using a commercial driver’s license, liability may
23 be asserted against any person, including any busi-
24 ness, corporation, organization, or other entity, who
25 aids and abets by knowingly providing substantial

1 assistance for the covered alien to obtain, or who
2 conspires with the covered alien to obtain, the com-
3 mercial driver’s license.

4 “(g) REPORT.—Not later than 180 days after the
5 date of enactment of this section, the Attorney General
6 shall submit to the Committee on the Judiciary of the Sen-
7 ate and the Committee on the Judiciary of the House of
8 Representatives a written report that includes—

9 “(1) for the period beginning on such date of
10 enactment and ending on the date of the report—

11 “(A) the total number of covered aliens ar-
12 rested for violating subsection (b);

13 “(B) a State-by-State breakdown of—

14 “(i) the number of commercial driv-
15 er’s licenses issued to covered aliens; and

16 “(ii) the number of accidents involving
17 covered aliens arrested for violating sub-
18 section (b); and

19 “(C) the number of arrests and prosecu-
20 tions for violations of subsection (b); and

21 “(2) a plan for steps the United States Govern-
22 ment will take to stop violations of subsection (b).”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—

24 The table of sections for chapter 2 of title 18, United

1 States Code, is amended by inserting after the item relat-
2 ing to section 40A the following:

“40B. Use of commercial driver’s licenses by illegal aliens in interstate com-
merce.”.

3 **SEC. 102. DEATH PENALTY AGGRAVATING FACTOR.**

4 Section 3592(c) of title 18, United States Code, is
5 amended by inserting after paragraph (16) the following:

6 “(17) ILLEGAL ALIEN USING A COMMERCIAL
7 DRIVER’S LICENSE AND CAUSING DEATH IN A
8 MOTOR VEHICLE CRASH.—The defendant is a cov-
9 ered alien (as defined in section 40B) who presents
10 or uses a commercial driver’s license (as defined in
11 section 31301 of title 49) in interstate or foreign
12 commerce and causes a motor vehicle accident while
13 operating a commercial vehicle (as defined in section
14 31301 of title 49) which results in death.”.

15 **SEC. 103. IMMIGRATION CONSEQUENCES.**

16 (a) AGGRAVATED FELONY.—Section 101(a)(43) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(43)) is amended—

19 (1) in subparagraph (T), by striking “and” at
20 the end;

21 (2) in subparagraph (U), by striking the period
22 at the end and inserting “; and”; and

23 (3) by inserting after subparagraph (U), as
24 amended, the following:

1 “(V) an offense relating to the use of a
2 commercial driver’s license in interstate com-
3 merce by a covered alien described in section
4 40B of title 18, United State Code.”.

5 (b) INADMISSIBILITY.—Section 212(a)(2)(F) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1182(a)(2)(F)) is amended to read as follows:

8 “(F) USE OF A COMMERCIAL DRIVER’S LI-
9 CENSE BY A COVERED ALIEN.—Any alien who
10 a consular officer or the Attorney General
11 knows, or has reason to believe, has engaged, is
12 engaging, or seeks to enter the United States to
13 engage, in an offense that is described in sec-
14 tion 40B of title 18, United States Code (relat-
15 ing to the use of commercial driver’s licenses by
16 illegal aliens), is inadmissible.”.

17 **TITLE II—TRANSPORTATION**

18 **SEC. 201. COMMERCIAL DRIVER’S LICENSES.**

19 Section 31308 of title 49, United States Code, is
20 amended—

21 (1) in the matter preceding paragraph (1), in
22 the first sentence—

23 (A) by inserting “(referred to in this sec-
24 tion as the ‘Secretary’)” after “Secretary of
25 Transportation”; and

1 (B) by striking “After” and inserting the
2 following:

3 “(a) UNIFORM STANDARDS.—After”;

4 (2) in subsection (a) (as so designated)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (A), by striking
7 “and” at the end;

8 (ii) in subparagraph (B), by adding
9 “and” after the semicolon at the end; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(C) present written documentation to the
13 State, obtained through an entity participating
14 in the E-Verify Program described in section
15 403(a) of the Illegal Immigration Reform and
16 Immigrant Responsibility Act of 1996 (8 U.S.C.
17 1324a note; Public Law 104–208) or through a
18 process established by the State, verifying the
19 employment eligibility of the individual;”;

20 (B) in paragraph (3), by striking “and” at
21 the end;

22 (C) in paragraph (4)(E), by striking the
23 period at the end and inserting “; and”; and

24 (D) by adding at the end the following:

1 “(5) on the request of the Secretary, each State
2 shall provide to the Secretary the written docu-
3 mentation described in paragraph (1)(C).”; and

4 (3) by adding at the end the following:

5 “(b) ENFORCEMENT BY THE ATTORNEY GEN-
6 ERAL.—Whenever it appears to the Attorney General that
7 a State is engaged in, or is about to engage in, any act
8 that constitutes, or would constitute, a violation of a re-
9 quirement under paragraph (1)(C) or (5) of subsection
10 (a), the Attorney General may initiate a civil action in a
11 district court of the United States to enjoin such violation.

12 “(c) ENFORCEMENT BY ATTORNEY GENERAL OF A
13 STATE.—

14 “(1) DEFINITIONS.—In this subsection:

15 “(A) HARM.—The term ‘harm’ means—

16 “(i) any bodily injury suffered by a
17 citizen of a State; or

18 “(ii) any monetary loss greater than
19 \$100 suffered by a State or a citizen of a
20 State.

21 “(B) INJURED STATE.—The term ‘injured
22 State’ means a State alleged, or any citizen of
23 which is alleged, to be harmed as described in
24 paragraph (2).

1 “(2) ACTION FOR INJUNCTIVE RELIEF.—The
2 attorney general of a State, or any other authorized
3 State officer, alleging a violation of the requirement
4 that the employment eligibility of an individual be
5 verified through the E-Verify Program or other
6 process described in subsection (a)(1)(C) before that
7 individual is issued a commercial driver’s license, as
8 required under that subsection, and that the viola-
9 tion harms that State or any citizen of that State,
10 shall have standing to bring an action against the
11 Secretary on behalf of the injured State or the citi-
12 zens of the injured State in an appropriate district
13 court of the United States to obtain injunctive relief
14 requiring the Secretary to request from the State
15 that issued the commercial driver’s license the writ-
16 ten documentation described in subsection
17 (a)(1)(C).”.