

108TH CONGRESS
2D SESSION

H. R. 5178

To direct the Secretary of Transportation to carry out a pilot program to improve the security of State drivers' licenses and identification cards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2004

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

A BILL

To direct the Secretary of Transportation to carry out a pilot program to improve the security of State drivers' licenses and identification cards, 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 “Driver’s License Im-
5 provement and Security Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The terrorist attacks of September 11,
2 2001, illuminated many flaws in the Nation's domes-
3 tic security, especially in its identification system.

4 (2) Drivers' licenses and identification cards
5 issued by States have become the favored form of
6 identity verification in the United States and are
7 used by government agencies and private entities
8 alike.

9 (3) Inconsistent requirements between the
10 States for initial identity verification and insufficient
11 verification of identity documents have made the
12 identification systems of States a prime target for
13 fraud and identity theft.

14 (4) Different designs on drivers' licenses and
15 identification cards issued by States have created a
16 market, including sales on the Internet, for fake
17 cards that look real to those who are unfamiliar with
18 the official designs.

19 (5) The use of new technologies will improve
20 the security of State identification systems.

21 (6) Identification card technologies that accom-
22 modate other government and private applications
23 create a Federal benefit that justifies Federal assist-
24 ance.

1 (7) Improving the security of drivers' licenses
2 and identification cards issued by the States will
3 eliminate multiple licensing of individuals who com-
4 mit fraud, impede the purchase of alcohol and to-
5 bacco products by underage individuals, and severely
6 reduce identity theft.

7 (8) The report of the Markle Foundation Task
8 Force on National Security in the Information Age,
9 published in December 2003, recommended that the
10 Federal Government develop standards for State
11 drivers' licenses and identification cards and exam-
12 ine the application of smart card and biometric in-
13 formation technologies to such drivers' licenses and
14 identification cards.

15 (9) The Final Report of the National Commis-
16 sion on Terrorist Attacks Upon the United States
17 (also known as the "9/11 Commission") described
18 the potential for biometric identifiers in reducing
19 identity fraud and specifically recommended that the
20 Federal Government set standards for the issuance
21 of drivers' licenses.

22 **SEC. 3. STATE DRIVER'S LICENSE AND IDENTIFICATION**
23 **CARD PILOT PROGRAMS.**

24 (a) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) DRIVER'S LICENSE.—The term “driver's li-
2 cense” means a license issued by the motor vehicle
3 agency of a State to an individual that authorizes
4 the individual to operate a motor vehicle on high-
5 ways.

6 (2) IDENTIFICATION CARD.—The term “identi-
7 fication card” means an identification card issued by
8 the motor vehicle agency of a State to an individual.

9 (3) PARTICIPATING STATE.—The term “partici-
10 pating State” means a State that is participating in
11 the pilot program established under this section.

12 (4) SECRETARY.—The term “Secretary” means
13 the Secretary of Transportation.

14 (b) ESTABLISHMENT OF VOLUNTARY PILOT PRO-
15 GRAM.—

16 (1) IN GENERAL.—The Secretary shall carry
17 out a pilot program to assist States in developing
18 and implementing a driver's license and identifica-
19 tion card program that meets the requirements of
20 this section.

21 (2) APPLICATIONS.—In order to be eligible to
22 participate in the pilot program, a State shall sub-
23 mit to the Secretary an application in such form and
24 containing such information as the Secretary may
25 require.

1 (3) NUMBER OF PARTICIPATING STATES.—The
2 Secretary may select not more than 6 States for par-
3 ticipation in the pilot program.

4 (c) STATE DRIVER’S LICENSE AND IDENTIFICATION
5 CARD PROGRAMS.—In order to be eligible to participate
6 in the pilot program, a State shall provide assurances sat-
7 isfactory to the Secretary that the State will develop and
8 implement a driver’s license and identification card pro-
9 gram under which the State meets the following require-
10 ments:

11 (1) COMPUTER CHIPS IN DRIVERS’ LICENSES
12 AND ID CARDS.—

13 (A) IN GENERAL.—A participating State
14 shall embed a computer chip in each new or re-
15 newed driver’s license or identification card
16 issued by the State.

17 (B) REQUIREMENTS FOR COMPUTER
18 CHIPS.—A computer chip embedded in a driv-
19 er’s license or identification card under this
20 paragraph shall—

21 (i) contain, in electronic form, all text
22 data written on the license or card;

23 (ii) contain encoded biometric data
24 matching the holder of the license or card;

1 (iii) contain encryption and security
2 software or hardware (or both) that pre-
3 vents access to data stored on the chip
4 without the express consent of the indi-
5 vidual to whom the data applies, other
6 than access by a Federal, State, or local
7 agency (including a court or law enforce-
8 ment agency) in carrying out its functions,
9 or by a private entity acting on behalf of
10 a Federal, State, or local agency in car-
11 rying out its functions;

12 (iv) accept data or software written to
13 the license or card by non-governmental
14 devices if the data transfer is authorized
15 by the holder of the license or card; and

16 (v) conform to any other standards
17 issued by Secretary.

18 (2) BIOMETRIC DATA.—

19 (A) IN GENERAL.—A participating State
20 shall obtain biometric data for the identification
21 of each individual to whom the State issues a
22 new or renewed driver's license or identification
23 card and shall maintain such data.

24 (B) REQUIREMENT FOR BIOMETRIC
25 DATA.—Biometric data obtained by a State

1 under this paragraph shall be of a type that can
2 be matched to the license or card holder only
3 with the express cooperation of the license or
4 card holder.

5 (3) PARTICIPATION IN LINKING OF DATA-
6 BASES.—

7 (A) IN GENERAL.—A participating State
8 shall participate in a program to link State
9 motor vehicle databases in order to provide elec-
10 tronic access by a State to information con-
11 tained in the motor vehicle databases of other
12 States. Such program shall be established by
13 the Secretary, subject to the consultation re-
14 quirements contained in subsection (d)(3).

15 (B) REQUIREMENTS FOR INFORMATION.—
16 A motor vehicle database of a participating
17 State shall contain, at a minimum, the fol-
18 lowing information:

19 (i) All data fields printed on drivers'
20 licenses and identification cards issued by
21 the State, other than the encoded biomet-
22 ric data stored on such licenses and cards
23 under paragraph (1).

24 (ii) Biometric data obtained under
25 paragraph (2) from each individual to

1 whom the State issues a new or renewed
2 driver's license or identification card.

3 (iii) Motor vehicle drivers' histories,
4 including motor vehicle violations, suspen-
5 sions, and points on licenses.

6 (4) TAMPER-RESISTANT SECURITY FEA-
7 TURES.—A participating State shall include on each
8 new or renewed driver's license or identification card
9 issued by the State, multiple tamper-resistant secu-
10 rity features or optical image layers, such as biomet-
11 ric scans, barcodes, 3D, flip, or motion imaging, to
12 assist in visual verification that the license or card
13 is valid.

14 (5) DOCUMENTATION.—A participating State
15 shall adopt and implement procedures for accurately
16 documenting the identity and residence of an indi-
17 vidual before issuing a driver's license or identifica-
18 tion card to the individual.

19 (d) GUIDELINES.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this section, the Secretary
22 shall issue guidelines to assist participating States in
23 complying with the requirements of subsection (c).

1 (2) CONTENTS.—The guidelines issued under
2 this subsection shall contain, at a minimum, the fol-
3 lowing:

4 (A) Standards for the computer chip tech-
5 nology required for compliance with subsection
6 (c)(1), including—

7 (i) standards to ensure interoper-
8 ability and the ability to store multiple ap-
9 plications created by government agencies
10 and private entities and transmitted to the
11 license or card with the express consent of
12 the license or card holder; and

13 (ii) standards for the encoded biomet-
14 ric data that must be contained on each
15 computer chip and requirements to ensure
16 that such biometric data will be used only
17 for matching the license or card to the pre-
18 senter.

19 (B) Standards for biometric data to be ob-
20 tained from applicants for new or renewed
21 State drivers' licenses and identification cards
22 under subsection (c)(2) and standards for main-
23 taining such data.

24 (C) Standards for linking State motor ve-
25 hicle databases under subsection (c)(3) and

1 standards for the information to be contained
2 in the databases.

3 (D) Standards for security features or op-
4 tical image layers to be placed on State drivers'
5 licenses and identification cards under sub-
6 section (c)(4).

7 (E) Standards for documentation of the
8 identity and residence of an individual under
9 subsection (c)(5), including a list of acceptable
10 documents for establishing the identity and res-
11 idence of an individual and procedures for
12 verifying the authenticity of the documents.

13 (F) Standards for a numbering system for
14 State drivers' licenses and identification cards
15 that prevents duplication between States and
16 does not make use of the license or card hold-
17 er's social security number.

18 (3) CONSULTATION.—Guidelines issued by the
19 Secretary under this subsection shall be developed in
20 consultation with the American Association of Motor
21 Vehicle Administrators, the General Services Admin-
22 istration, and the National Institute of Standards
23 and Technology.

24 (4) ADMINISTRATIVE PROCEDURES.—The Sec-
25 retary may issue guidelines under this subsection

1 without regard to subchapter II of chapter 5 of title
2 5, United States Code.

3 (e) GRANTS.—

4 (1) IN GENERAL.—The Secretary may make
5 grants to each participating State to assist the State
6 in developing and implementing a driver's license
7 and identification card program that meets the re-
8 quirements of subsections (b) and (c).

9 (2) FEDERAL SHARE.—The Federal share of
10 the cost of activities funded using amounts from a
11 grant received by a State under this subsection shall
12 be 100 percent or a lesser percentage determined by
13 the Secretary.

14 (3) REPORTS.—

15 (A) STATE REPORTS.—The Secretary shall
16 require a State that receives a grant under this
17 subsection to submit to the Secretary a report
18 on the activities carried out by the State using
19 amounts from the grant.

20 (B) REPORT TO CONGRESS.—Not later
21 than one year after the date on which the Sec-
22 retary first makes grants under the pilot pro-
23 gram, the Secretary shall transmit to Congress
24 a report on the results of the program, includ-
25 ing an assessment of the technology, reliability,

1 effectiveness, and cost of the driver's license
2 and identification card programs of partici-
3 pating States.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated \$100,000,000 to carry out
6 this section. Such sums shall remain available until ex-
7 pended.

8 **SEC. 4. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
9 **NOLOGY.**

10 (a) STUDY.—The Director of the National Institute
11 of Standards and Technology, in consultation with the
12 States and the American Association of Motor Vehicle Ad-
13 ministrators, shall conduct a study of on-card biometric
14 technologies to determine which technology is most effec-
15 tive and usable for purposes of the pilot program estab-
16 lished under section 3.

17 (b) DETERMINATIONS.—In conducting the study, the
18 Director shall shall determine—

19 (1) what type of biometric identifier, or com-
20 bination of biometric identifiers, when captured and
21 stored on the card in the form of a numeric algo-
22 rithm is least prone to error; and

23 (2) what combination of technologies and infor-
24 mation sharing arrangements will prevent individ-

1 uals from possessing multiple concurrent State driv-
2 ers' licenses or identification cards.

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Director shall submit to the
5 Secretary of Transportation a report on the results of the
6 study.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as may be
9 necessary to carry out this section.

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