To amend title 23, United States Code, to establish standards for State programs for the issuance of drivers’ licenses and identification cards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2002

Mr. MORAN of Virginia (for himself and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 23, United States Code, to establish standards for State programs for the issuance of drivers’ licenses and identification cards, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Driver’s License Modern-
ization Act of 2002”.

SEC. 2. FINDINGS.

Congress finds the following:

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(1) The terrorist attacks of September 11, 2001, illuminated many flaws in the Nation’s domestic security, especially in its identification system.

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

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

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

(5) Improving the security of State identification systems will require taking advantage of new technology.

(6) Identification card technologies that can accommodate other government and private applications will provide the best return on the investment in the new cards.
(7) It is necessary to improve the security of drivers’ licenses and identification cards issued by States so that multiple licensing of individuals will be eliminated, the purchase of alcohol and tobacco products by underage individuals will be reduced, and identity theft will be severely reduced.

SEC. 3. STATE DRIVER'S LICENSE AND IDENTIFICATION CARD PROGRAMS.

(a) In General.—Subchapter I of chapter I of title 23, United States Code, is amended by adding at the end the following:

“§ 165. State driver's license and identification card programs

“(a) Definitions.—In this section, the following definitions apply:

“(1) Driver’s license.—The term ‘driver’s license’ means a license issued by the motor vehicle agency of a State to an individual that authorizes the individual to operate a motor vehicle on highways.

“(2) Identification card.—The term ‘identification card’ means an identification card issued by the motor vehicle agency of a State to an individual.

“(b) State Driver’s License and Identification Card Programs.—Not later than 5 years after the
date of enactment of this section, each State shall have
in effect a driver's license and identification card program
under which the State meets the following requirements:

“(1) Computer chips in drivers’ licenses
and ID cards.—

“(A) In general.—A State shall embed a
computer chip in each new or renewed driver’s
license or identification card issued by the
State.

“(B) Requirements for computer
chips.—A computer chip embedded in a driv-
er’s license or identification card under this
paragraph shall—

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

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

“(iii) contain encryption and security
software or hardware (or both) that pre-
vents access to data stored on the chip
without the express consent of the indi-
vidual to whom the data applies, other
than access by a Federal, State, or local
agency (including a court or law enforce-
ment agency) in carrying out its functions,
or by a private entity acting on behalf of a Federal, State, or local agency in carrying out its functions;

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

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

“(2) Biometric data.—

“(A) In general.—A State shall obtain biometric data for the identification of each individual to whom the State issues a new or renewed driver’s license or identification card and shall maintain such data.

“(B) Requirement for biometric data.—Biometric data obtained by a State under this paragraph shall be of a type that can be matched to the license or card holder only with the express cooperation of the license or card holder.

“(3) Participation in linking of databases.—

“(A) In general.—A State shall participate in a program to link State motor vehicle
databases in order to provide electronic access by a State to information contained in the motor vehicle databases of all other States.

“(B) Requirements for information.—A State motor vehicle database shall contain, at a minimum, the following information:

“(i) All data fields printed on drivers’ licenses and identification cards issued by the State, other than the encoded biometric data stored on such licenses and cards under paragraph (1).

“(ii) Biometric data obtained under paragraph (2) from each individual to whom the State issues a new or renewed driver’s license or identification card.

“(iii) Motor vehicle drivers’ histories, including motor vehicle violations, suspensions, and points on licenses.

“(4) Tamper-resistant security features.—A State shall include on each new or renewed driver’s license or identification card issued by the State, multiple tamper-resistant security features or optical image layers, such as biometric scans, barcodes, 3D, flip, or motion imaging, to as-
sist in visual verification that the license or card is valid.

“(5) DOCUMENTATION.—A State shall adopt and implement procedures for accurately documenting the identity and residence of an individual before issuing a driver’s license or identification card to the individual.

“(c) GUIDELINES.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary shall issue guidelines to assist States in complying with the requirements of subsection (b).

“(2) CONTENTS.—The guidelines issued under this subsection shall contain, at a minimum, the following:

“(A) Standards for the computer chip technology required for compliance with subsection (b)(1), including—

“(i) standards to ensure interoperability and the ability to store multiple applications created by government agencies and private entities and transmitted to the license or card with the express consent of the license or card holder; and
“(ii) standards for the encoded biometric data that must be contained on each computer chip and requirements to ensure that such biometric data will be used only for matching the license or card to the presenter and will not be stored in a central database.

“(B) Standards for biometric data to be obtained from applicants for new or renewed State drivers' licenses and identification cards under subsection (b)(2) and standards for maintaining such data.

“(C) Standards for linking State motor vehicle databases under subsection (b)(3) and standards for the information to be contained in the databases.

“(D) Standards for security features or optical image layers to be placed on State drivers’ licenses and identification cards under subsection (b)(4).

“(E) Standards for documentation of the identity and residence of an individual under subsection (b)(5), including a list of acceptable documents for establishing the identity and res-
idence of an individual and procedures for verifying the authenticity of the documents.

“(F) Standards for a numbering system for State drivers’ licenses and identification cards that prevents duplication between States and does not make use of the license or card holder’s Social Security number.

“(3) Consultation.—Guidelines issued by the Secretary under this subsection shall be developed in consultation with the American Association of Motor Vehicle Administrators, the General Services Administration, and the National Institute of Standards and Technology.

“(4) Administrative procedures.—The Secretary may issue guidelines under this subsection without regard to subchapter II of chapter 5 of title 5.

“(d) Grants.—

“(1) In general.—The Secretary may make grants to each State to assist the State in developing and implementing a driver’s license and identification card program that meet the requirements of subsection (b).

“(2) Grants for linking of state motor vehicle databases.—The Secretary may make
separate grants under this subsection to each State to assist the State in developing and implementing computer technologies and databases required to link State motor vehicle databases under subsection (b)(3).

“(3) APPLICATIONS.—A State seeking a grant under this subsection shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require. The Secretary shall evaluate such applications in the order received and award grants upon approval of an application.

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

“(5) TECHNICAL ASSISTANCE FROM GSA.—For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)), a State carrying out activities using amounts from a grant under this section shall be treated as an executive agency and part of the Department of Transportation when carrying out such activities. For purposes of carrying out such activi-
ties, the Secretary shall, at the request of a State, enter into an agreement for the acquisition, on behalf of the State, of any goods, services, or supplies available to the Secretary from the General Services Administration, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including through electronic ordering arrangements.

“(6) REPORTS.—The Secretary shall require a State that receives a grant under this subsection to submit to the Secretary, not later than 1 year after the date of implementation of the activities funded using the amounts of the grant, a report on the results of the activities.

“(7) REPAYMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if the Secretary determines that a State receiving a grant under this subsection has not met the requirements of subsection (b) on or before the last day of the 5-year period beginning on the date of enactment of this section, the Secretary may require the State to repay, in whole or in part, the total
amount received by the State in grants under this subsection.

“(B) Grants for linking of state motor vehicle databases.—In the case of a grant received under paragraph (2), if the Secretary determines that a State receiving the grant has not met the requirements of subsection (b)(3) on or before the last day of the 5-year period beginning on the date of enactment of this section, the Secretary may require the State to repay, in whole or in part, the total amount received by the State in grants under paragraph (2).

“(8) Authorization of appropriations.—

There is authorized to be appropriated—

“(A) $100,000,000 for making grants under paragraph (1); and

“(B) $200,000,000 for making grants under paragraph (2).

Such sums shall remain available until expended.

“(e) Transition from national driver register.—After the last day of the 5-year period beginning on the date of enactment of this section, no amounts may be appropriated to carry out chapter 303 of title 49. The Secretary shall provide for the orderly transition from the
National Driver Register maintained under such chapter 303 to the program established under subsection (b)(3).”.

(b) Conforming Amendment.—The analysis for such chapter is amended by adding at the end of the items relating to subchapter I the following:

“165. State driver’s license and identification card programs.”.

SEC. 4. FORGERY OR FALSE USE OF DRIVER’S LICENSE OR IDENTIFICATION CARD.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 123 the following:

“CHAPTER 125—STATE DRIVERS’ LICENSES AND IDENTIFICATION CARDS

“Sec.

“2731. Definitions.

“2732. Forgery, fraudulent acquisition, or false use of driver’s license or identification card.

“§ 2731. Definitions

“In this chapter, the terms ‘driver’s license’ and ‘identification card’ have the meanings given such terms in section 165 of title 23.

“§ 2732. Forgery, fraudulent acquisition, or false use of driver’s license or identification card

“Whoever—

“(1) falsely makes, forges, counterfeits, mutilates, or alters any driver’s license or identification card or instrument purporting to be a driver’s li-
license or identification card, with intent that the license or card may be used,

“(2) except by lawful authority, makes a template or similar device from which there may be printed a counterfeit driver’s license or identification card,

“(3) obtains or assists in obtaining a driver’s license or identification card through willful misrepresentation of identity, presentation of falsified identity documents such as birth certificates or passports, or other fraudulent representation,

“(4) tampers with, alters, or destroys a computer chip embedded in a driver’s license or identification card or data contained on the computer chip, or

“(5) except by lawful authority, accesses data contained on a computer chip embedded in a driver’s license or identification card,

shall be fined under this title, imprisoned not more than 20 years, or both.”.

(b) Clerical Amendment.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by adding at the end the following:

“127. State drivers’ licenses and identification cards .......... 2731”.
SEC. 5. INNOVATIVE USES PILOT PROGRAM.

(a) IN GENERAL.—The National Science Foundation may make grants to States for the implementation of programs that utilize computer chips embedded in drivers’ licenses and identification cards (as such terms are defined in section 165 of title 23, United States Code) for innovative uses that enhance government services.

(b) INNOVATIVE USES.—The innovative uses referred to in subsection (a) may include the issuance of food stamps, voter registration, and other digital government applications that streamline and simplify State services to residents, including uses authorized under the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.).

(c) FEDERAL SHARE.—The Federal share of the cost of activities funded using amounts from a grant received under this section shall not exceed 50 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section $15,000,000. Such sums shall remain available until expended.