

109TH CONGRESS
1ST SESSION

H. R. 418

To establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. SENSENBRENNER (for himself, Mr. TOM DAVIS of Virginia, Mr. DREIER, Mr. HUNTER, Mr. HYDE, Mr. HOEKSTRA, Mr. COX, Mr. HOSTETTLER, Mr. SMITH of Texas, Mr. COBLE, Mr. CHABOT, Mr. AKIN, Mr. ALEXANDER, Mr. BACHUS, Mr. BAKER, Mr. BARTON of Texas, Mr. BASS, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BONO, Mr. BOOZMAN, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. CHOCOLA, Mr. CRENSHAW, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FEENEY, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Ms. FOXX, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Ms. HART, Mr. HAYWORTH, Mr. HENSARLING, Mr. HERGER, Mr. ISSA, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL of Texas, Mr. MCCREERY, Mr. MCHUGH, Mr. MCKEON, Mr. MANZULLO, Mr. MILLER of Florida, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUNES, Mr. OSBORNE, Mr. OTTER, Mr. PITTS, Mr. RADANOVICH, Mr. RAMSTAD, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHUSTER, Mr. SIMPSON, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. SWEENEY, Mr. TANCREDO, Mr. TURNER, Mr. THOMAS, Mr. WAMP, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mrs. DRAKE) introduced the following bill; which was referred to the

Committee on the Judiciary, and in addition to the Select Committee on Homeland Security and Government Reform, 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 establish and rapidly implement regulations for State driver’s license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence.

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 “REAL ID Act of
 5 2005”.

6 **TITLE I—AMENDMENTS TO FED-**
 7 **ERAL LAWS TO PROTECT**
 8 **AGAINST TERRORIST ENTRY**

9 **SEC. 101. PREVENTING TERRORISTS FROM OBTAINING ASY-**
 10 **LUM.**

11 (a) CONDITIONS FOR GRANTING ASYLUM.—Section
 12 208(b)(1) of the Immigration and Nationality Act (8
 13 U.S.C. 1158(b)(1)) is amended—

1 (1) by striking “The Attorney General” fol-
2 lowing the paragraph heading and inserting the fol-
3 lowing:

4 “(A) ELIGIBILITY.—The Secretary of
5 Homeland Security or the Attorney General”;

6 (2) by striking “the Attorney General” each
7 place such term appears and inserting “the Sec-
8 retary of Homeland Security or the Attorney Gen-
9 eral”; and

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

11 “(B) BURDEN OF PROOF.—

12 “(i) IN GENERAL.—The burden of
13 proof is on the applicant to establish that
14 the applicant is a refugee, within the
15 meaning of section 101(a)(42)(A). To es-
16 tablish that the applicant is a refugee,
17 within the meaning of such section, the ap-
18 plicant must establish that race, religion,
19 nationality, membership in a particular so-
20 cial group, or political opinion was or will
21 be a central reason for persecuting the ap-
22 plicant.

23 “(ii) SUSTAINING BURDEN.—The tes-
24 timony of the applicant may be sufficient
25 to sustain the applicant’s burden without

1 corroboration, but only if the trier of fact
2 determines that it is credible, is persuasive,
3 and refers to specific facts that dem-
4 onstrate that the applicant is a refugee. In
5 determining whether the applicant has met
6 the applicant's burden, the trier of fact is
7 entitled to weigh the credible testimony
8 along with other evidence of record. Where
9 the trier of fact determines, in the trier of
10 fact's discretion, that the applicant should
11 provide evidence which corroborates other-
12 wise credible testimony, such evidence
13 must be provided unless the applicant does
14 not have the evidence or cannot obtain the
15 evidence without departing the United
16 States. The inability to obtain corrobo-
17 rating evidence does not excuse the appli-
18 cant from meeting the applicant's burden
19 of proof.

20 “(iii) CREDIBILITY DETERMINA-
21 TION.—The credibility determination of the
22 trier of fact may, in the trier of fact's dis-
23 cretion, be based, in addition to other fac-
24 tors, on the demeanor, candor, or respon-
25 siveness of the applicant or witness, the in-

1 herent plausibility of the applicant’s or wit-
2 ness’ account, the consistency between the
3 applicant’s or witness’ written and oral
4 statements, made at any time and whether
5 or not under oath, the internal consistency
6 of each such statement, the consistency of
7 such statements with the country condi-
8 tions in the country from which the appli-
9 cant claims asylum, and any inaccuracies
10 or falsehoods in such statements.”.

11 (b) WITHHOLDING OF REMOVAL.—Section 241(b)(3)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1231(b)(3)) is amended by adding at the end the fol-
14 lowing:

15 “(C) SUSTAINING BURDEN OF PROOF;
16 CREDIBILITY DETERMINATIONS.—In deter-
17 mining whether an alien has demonstrated that
18 the alien’s life or freedom would be threatened
19 for a reason described in subparagraph (A), the
20 trier of fact shall determine whether the alien
21 has sustained the alien’s burden of proof, and
22 shall make credibility determinations, in the
23 manner described in clauses (ii) and (iii) of sec-
24 tion 208(b)(1)(B).”.

1 (c) STANDARD OF REVIEW FOR ORDERS OF RE-
2 MOVAL.—Section 242(b)(4) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1252(b)(4)) is amended by adding
4 at the end, after the final subparagraph, the following:

5 “No court shall reverse a determination made by a
6 trier of fact with respect to the availability of cor-
7 roborating evidence, as described in section
8 208(b)(1)(B) or 241(b)(3)(C), unless the court finds
9 that a reasonable trier of fact is compelled to con-
10 clude that such corroborating evidence is unavail-
11 able.”.

12 (d) CLARIFICATION OF DISCRETION.—Section
13 242(a)(2)(B) of the Immigration and Nationality Act (8
14 U.S.C. 1252(a)(2)(B)) is amended—

15 (1) in the matter preceding clause (i), by insert-
16 ing “and regardless of whether the judgment, deci-
17 sion, or action is made in removal proceedings,”
18 after “other provision of law,”; and

19 (2) in clause (ii), by inserting “or the Secretary
20 of Homeland Security” after “Attorney General”
21 each place such term appears.

22 (e) EFFECTIVE DATES.—

23 (1) The amendments made by paragraphs (1)
24 and (2) of subsection (a) shall take effect as if en-
25 acted on March 1, 2003.

1 shall have the authority to waive, and shall waive, all
2 laws such Secretary, in such Secretary's sole discre-
3 tion, determines necessary to ensure expeditious con-
4 struction of the barriers and roads under this sec-
5 tion.

6 “(2) NO JUDICIAL REVIEW.—Notwithstanding
7 any other provision of law (statutory or nonstatu-
8 tory), no court shall have jurisdiction—

9 “(A) to hear any cause or claim arising
10 from any action undertaken, or any decision
11 made, by the Secretary of Homeland Security
12 pursuant to paragraph (1); or

13 “(B) to order compensatory, declaratory,
14 injunctive, equitable, or any other relief for
15 damage alleged to arise from any such action or
16 decision.”.

17 **SEC. 103. INADMISSIBILITY DUE TO TERRORIST AND TER-**
18 **RORIST-RELATED ACTIVITIES.**

19 (a) IN GENERAL.—Section 212(a)(3)(B)(i) of the
20 Immigration and Nationality Act (8 U.S.C.
21 1182(a)(3)(B)(i)) is amended to read as follows:

22 “(i) IN GENERAL.—Any alien who—
23 “(I) has engaged in a terrorist
24 activity;

1 “(II) a consular officer, the At-
2 torney General, or the Secretary of
3 Homeland Security knows, or has rea-
4 sonable ground to believe, is engaged
5 in or is likely to engage after entry in
6 any terrorist activity (as defined in
7 clause (iv));

8 “(III) has, under circumstances
9 indicating an intention to cause death
10 or serious bodily harm, incited ter-
11 rorist activity;

12 “(IV) is a representative (as de-
13 fined in clause (v)) of—

14 “(aa) a terrorist organiza-
15 tion; or

16 “(bb) a political, social, or
17 other group that endorses or es-
18 pouses terrorist activity;

19 “(V) is a member of a terrorist
20 organization described in subclause (I)
21 or (II) of clause (vi);

22 “(VI) is a member of a terrorist
23 organization described in clause
24 (vi)(III), unless the alien can dem-
25 onstrate by clear and convincing evi-

1 dence that the alien did not know, and
2 should not reasonably have known,
3 that the organization was a terrorist
4 organization;

5 “(VII) endorses or espouses ter-
6 rorist activity or persuades others to
7 endorse or espouse terrorist activity or
8 support a terrorist organization;

9 “(VIII) has received military-type
10 training (as defined in section
11 2339D(c)(1) of title 18, United States
12 Code) from or on behalf of any orga-
13 nization that, at the time the training
14 was received, was a terrorist organiza-
15 tion; or

16 “(IX) is the spouse or child of an
17 alien who is inadmissible under this
18 subparagraph, if the activity causing
19 the alien to be found inadmissible oc-
20 curred within the last 5 years,

21 is inadmissible. An alien who is an officer,
22 official, representative, or spokesman of
23 the Palestine Liberation Organization is
24 considered, for purposes of this Act, to be
25 engaged in a terrorist activity.”.

1 (b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—
2 Section 212(a)(3)(B)(iv) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read
4 as follows:

5 “(iv) ENGAGE IN TERRORIST ACTIVITY
6 DEFINED.—As used in this subparagraph,
7 the term ‘engage in terrorist activity’
8 means, in an individual capacity or as a
9 member of an organization—

10 “(I) to commit or to incite to
11 commit, under circumstances indi-
12 cating an intention to cause death or
13 serious bodily injury, a terrorist activ-
14 ity;

15 “(II) to prepare or plan a ter-
16 rorist activity;

17 “(III) to gather information on
18 potential targets for terrorist activity;

19 “(IV) to solicit funds or other
20 things of value for—

21 “(aa) a terrorist activity;

22 “(bb) a terrorist organiza-
23 tion described in clause (vi)(I) or
24 (vi)(II); or

1 “(cc) a terrorist organiza-
2 tion described in clause (vi)(III),
3 unless the solicitor can dem-
4 onstrate by clear and convincing
5 evidence that he did not know,
6 and should not reasonably have
7 known, that the organization was
8 a terrorist organization;

9 “(V) to solicit any individual—

10 “(aa) to engage in conduct
11 otherwise described in this
12 clause;

13 “(bb) for membership in a
14 terrorist organization described
15 in clause (vi)(I) or (vi)(II); or

16 “(cc) for membership in a
17 terrorist organization described
18 in clause (vi)(III), unless the so-
19 licitor can demonstrate by clear
20 and convincing evidence that he
21 did not know, and should not
22 reasonably have known, that the
23 organization was a terrorist orga-
24 nization; or

1 “(VI) to commit an act that the
2 actor knows, or reasonably should
3 know, affords material support, in-
4 cluding a safe house, transportation,
5 communications, funds, transfer of
6 funds or other material financial ben-
7 efit, false documentation or identifica-
8 tion, weapons (including chemical, bi-
9 ological, or radiological weapons), ex-
10 plosives, or training—

11 “(aa) for the commission of
12 a terrorist activity;

13 “(bb) to any individual who
14 the actor knows, or reasonably
15 should know, has committed or
16 plans to commit a terrorist activ-
17 ity;

18 “(cc) to a terrorist organiza-
19 tion described in subclause (I) or
20 (II) of clause (vi); or

21 “(dd) to a terrorist organi-
22 zation described in clause
23 (vi)(III), unless the actor can
24 demonstrate by clear and con-
25 vincing evidence that the actor

1 did not know, and should not
2 reasonably have known, that the
3 organization was a terrorist orga-
4 nization.”.

5 (c) TERRORIST ORGANIZATION DEFINED.—Section
6 212(a)(3)(B)(vi) of the Immigration and Nationality Act
7 (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as fol-
8 lows:

9 “(vi) TERRORIST ORGANIZATION DE-
10 FINED.—As used in this section, the term
11 ‘terrorist organization’ means an organiza-
12 tion—

13 “(I) designated under section
14 219;

15 “(II) otherwise designated, upon
16 publication in the Federal Register, by
17 the Secretary of State in consultation
18 with or upon the request of the Attor-
19 ney General or the Secretary of
20 Homeland Security, as a terrorist or-
21 ganization, after finding that the or-
22 ganization engages in the activities
23 described in subclauses (I) through
24 (VI) of clause (iv); or

1 “(III) that is a group of two or
2 more individuals, whether organized
3 or not, which engages in, or has a
4 subgroup which engages in, the activi-
5 ties described in subclauses (I)
6 through (VI) of clause (iv).”.

7 (d) **EFFECTIVE DATE.**—The amendments made by
8 this section shall take effect on the date of the enactment
9 of this Act and shall apply to—

10 (1) removal proceedings instituted before, on, or
11 after the date of the enactment of this Act; and

12 (2) acts and conditions constituting a ground
13 for inadmissibility occurring or existing before, on,
14 or after such date.

15 **SEC. 104. REMOVAL OF TERRORISTS.**

16 (a) **IN GENERAL.**—

17 (1) **IN GENERAL.**—Section 237(a)(4)(B) (8
18 U.S.C. 1227(a)(4)(B)) is amended to read as fol-
19 lows:

20 “(B) **TERRORIST ACTIVITIES.**—Any alien
21 who would be considered inadmissible pursuant
22 to subparagraph (B) or (F) of section
23 212(a)(3) is deportable.”.

24 (2) **EFFECTIVE DATE.**—The amendment made
25 by paragraph (1) shall take effect on the date of the

1 enactment of this Act and shall apply to acts and
2 conditions constituting a ground for removal occur-
3 ring or existing before, on, or after such date.

4 (b) REPEAL.—Effective as of the date of the enact-
5 ment of the Intelligence Reform and Terrorism Prevention
6 Act of 2004 (Public Law 108–458), section 5402 of such
7 Act is repealed, and the Immigration and Nationality Act
8 shall be applied as if such section had not been enacted.

9 **TITLE II—IMPROVED SECURITY**
10 **FOR DRIVERS’ LICENSES AND**
11 **PERSONAL IDENTIFICATION**
12 **CARDS**

13 **SEC. 201. DEFINITIONS.**

14 In this title, the following definitions apply:

15 (1) DRIVER’S LICENSE.—The term “driver’s li-
16 cense” means a motor vehicle operator’s license, as
17 defined in section 30301 of title 49, United States
18 Code.

19 (2) IDENTIFICATION CARD.—The term “identi-
20 fication card” means a personal identification card,
21 as defined in section 1028(d) of title 18, United
22 States Code, issued by a State.

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of Homeland Security.

1 (4) STATE.—The term “State” means a State
2 of the United States, the District of Columbia, Puer-
3 to Rico, the Virgin Islands, Guam, American Samoa,
4 the Northern Mariana Islands, the Trust Territory
5 of the Pacific Islands, and any other territory or
6 possession of the United States.

7 **SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND**
8 **ISSUANCE STANDARDS FOR FEDERAL REC-**
9 **OGNITION.**

10 (a) MINIMUM STANDARDS FOR FEDERAL USE.—

11 (1) IN GENERAL.—Beginning 3 years after the
12 date of the enactment of this Act, a Federal agency
13 may not accept, for any official purpose, a driver’s
14 license or identification card issued by a State to
15 any person unless the State is meeting the require-
16 ments of this section.

17 (2) STATE CERTIFICATIONS.—The Secretary
18 shall determine whether a State is meeting the re-
19 quirements of this section based on certifications
20 made by the State to the Secretary. Such certifi-
21 cations shall be made at such times and in such
22 manner as the Secretary, in consultation with the
23 Secretary of Transportation, may prescribe by regu-
24 lation.

1 (b) MINIMUM DOCUMENT REQUIREMENTS.—To meet
2 the requirements of this section, a State shall include, at
3 a minimum, the following information and features on
4 each driver’s license and identification card issued to a
5 person by the State:

6 (1) The person’s full legal name.

7 (2) The person’s date of birth.

8 (3) The person’s gender.

9 (4) The person’s driver’s license or identifica-
10 tion card number.

11 (5) A digital photograph of the person.

12 (6) The person’s address of principle residence.

13 (7) The person’s signature.

14 (8) Physical security features designed to pre-
15 vent tampering, counterfeiting, or duplication of the
16 document for fraudulent purposes.

17 (9) A common machine-readable technology,
18 with defined minimum data elements.

19 (c) MINIMUM ISSUANCE STANDARDS.—

20 (1) IN GENERAL.—To meet the requirements of
21 this section, a State shall require, at a minimum,
22 presentation and verification of the following infor-
23 mation before issuing a driver’s license or identifica-
24 tion card to a person:

1 (A) A photo identity document, except that
2 a non-photo identity document is acceptable if
3 it includes both the person's full legal name and
4 date of birth.

5 (B) Documentation showing the person's
6 date of birth.

7 (C) Proof of the person's social security
8 account number or verification that the person
9 is not eligible for a social security account num-
10 ber.

11 (D) Documentation showing the person's
12 name and address of principal residence.

13 (2) SPECIAL REQUIREMENTS.—

14 (A) IN GENERAL.—To meet the require-
15 ments of this section, a State shall comply with
16 the minimum standards of this paragraph.

17 (B) EVIDENCE OF LAWFUL STATUS.—A
18 State shall require, before issuing a driver's li-
19 cense or identification card to a person, valid
20 documentary evidence that the person—

21 (i) is a citizen of the United States;

22 (ii) is an alien lawfully admitted for
23 permanent or temporary residence in the
24 United States;

1 (iii) has conditional permanent resi-
2 dent status in the United States;

3 (iv) has an approved application for
4 asylum in the United States or has entered
5 into the United States in refugee status;

6 (v) has a valid, unexpired non-
7 immigrant visa or nonimmigrant visa sta-
8 tus for entry into the United States;

9 (vi) has a pending application for asy-
10 lum in the United States;

11 (vii) has a pending or approved appli-
12 cation for temporary protected status in
13 the United States;

14 (viii) has approved deferred action
15 status; or

16 (ix) has a pending application for ad-
17 justment of status to that of an alien law-
18 fully admitted for permanent residence in
19 the United States or conditional perma-
20 nent resident status in the United States.

21 (C) TEMPORARY DRIVERS' LICENSES AND

22 IDENTIFICATION CARDS.—

23 (i) IN GENERAL.—If a person pre-
24 sents evidence under any of clauses (v)
25 through (ix) of subparagraph (B), the

1 State may only issue a temporary driver's
2 license or temporary identification card to
3 the person.

4 (ii) EXPIRATION DATE.—A temporary
5 driver's license or temporary identification
6 card issued pursuant to this subparagraph
7 shall be valid only during the period of
8 time of the applicant's authorized stay in
9 the United States or, if there is no definite
10 end to the period of authorized stay, a pe-
11 riod of one year.

12 (iii) DISPLAY OF EXPIRATION
13 DATE.—A temporary driver's license or
14 temporary identification card issued pursu-
15 ant to this subparagraph shall clearly indi-
16 cate that it is temporary and shall state
17 the date on which it expires.

18 (iv) RENEWAL.—A temporary driver's
19 license or temporary identification card
20 issued pursuant to this subparagraph may
21 be renewed only upon presentation of valid
22 documentary evidence that the status by
23 which the applicant qualified for the tem-
24 porary driver's license or temporary identi-

1 fication card has been extended by the Sec-
2 retary of Homeland Security.

3 (3) VERIFICATION OF DOCUMENTS.—To meet
4 the requirements of this section, a State shall imple-
5 ment the following procedures:

6 (A) Before issuing a driver’s license or
7 identification card to a person, the State shall
8 verify, with the issuing agency, the issuance, va-
9 lidity, and completeness of each document re-
10 quired to be presented by the person under
11 paragraph (1) or (2).

12 (B) The State shall not accept any foreign
13 document, other than an official passport, to
14 satisfy a requirement of paragraph (1) or (2).

15 (C) Not later than September 11, 2005,
16 the State shall enter into a memorandum of un-
17 derstanding with the Secretary of Homeland
18 Security to routinely utilize the automated sys-
19 tem known as Systematic Alien Verification for
20 Entitlements, as provided for by section 404 of
21 the Illegal Immigration Reform and Immigrant
22 Responsibility Act of 1996 (110 Stat. 3009–
23 664), to verify the legal presence status of a
24 person, other than a United States citizen, ap-

1 plying for a driver’s license or identification
2 card.

3 (d) OTHER REQUIREMENTS.—To meet the require-
4 ments of this section, a State shall adopt the following
5 practices in the issuance of drivers’ licenses and identifica-
6 tion cards:

7 (1) Employ technology to capture digital images
8 of identity source documents so that the images can
9 be retained in electronic storage in a transferable
10 format.

11 (2) Retain paper copies of source documents for
12 a minimum of 7 years or images of source docu-
13 ments presented for a minimum of 10 years.

14 (3) Subject each person applying for a driver’s
15 license or identification card to mandatory facial
16 image capture.

17 (4) Establish an effective procedure to confirm
18 or verify a renewing applicant’s information.

19 (5) Confirm with the Social Security Adminis-
20 tration a social security account number presented
21 by a person using the full social security account
22 number. In the event that a social security account
23 number is already registered to or associated with
24 another person to which any State has issued a driv-

1 er's license or identification card, the State shall re-
2 solve the discrepancy and take appropriate action.

3 (6) Refuse to issue a driver's license or identi-
4 fication card to a person holding a driver's license
5 issued by another State without confirmation that
6 the person is terminating or has terminated the driv-
7 er's license.

8 (7) Ensure the physical security of locations
9 where drivers' licenses and identification cards are
10 produced and the security of document materials
11 and papers from which drivers' licenses and identi-
12 fication cards are produced.

13 (8) Subject all persons authorized to manufac-
14 ture or produce drivers' licenses and identification
15 cards to appropriate security clearance requirements.

16 (9) Establish fraudulent document recognition
17 training programs for appropriate employees en-
18 gaged in the issuance of drivers' licenses and identi-
19 fication cards.

20 (10) Limit the period of validity of all driver's
21 licenses and identification cards that are not tem-
22 porary to a period that does not exceed 8 years.

23 (11) In any case in which the State issues a
24 driver's license or identification card that does not

1 satisfy the requirements of this section, ensure that
2 such license or identification card—

3 (A) clearly states on its face that it may
4 not be accepted by any Federal agency for any
5 official purpose; and

6 (B) uses a unique design or color indicator
7 to alert Federal agency and other law enforce-
8 ment personnel that it may not be accepted for
9 any such purpose.

10 (e) ADDITIONAL POWERS OF SECRETARY.—The Sec-
11 retary, in the Secretary’s discretion—

12 (1) may, in addition to the requirements of sub-
13 section (b), prescribe one or more design formats for
14 driver’s licenses and identification cards that satisfy
15 the requirements of this section in order—

16 (A) to protect the national security inter-
17 ests of the United States; and

18 (B) to allow for clear visual differentiation
19 between categories of driver’s licenses and iden-
20 tity cards (such as to differentiate between driv-
21 er’s licenses valid for multi-year terms and tem-
22 porary driver’s licenses); and

23 (2) may, in addition to the limitations described
24 in subsections (c)(2)(C)(ii) and (d)(10), further limit
25 the validity period of driver’s licenses and identifica-

1 tion cards in order to provide for periodic confirma-
2 tion of principal residence address and lawful pres-
3 ence in the United States in a status described in
4 subsection (c)(2)(B).

5 **SEC. 203. LINKING OF DATABASES.**

6 (a) IN GENERAL.—To be eligible to receive any grant
7 or other type of financial assistance made available under
8 this title, a State shall participate in the interstate com-
9 pact regarding sharing of driver license data, known as
10 the “Driver License Agreement”, in order to provide elec-
11 tronic access by a State to information contained in the
12 motor vehicle databases of all other States.

13 (b) REQUIREMENTS FOR INFORMATION.—A State
14 motor vehicle database shall contain, at a minimum, the
15 following information:

16 (1) All data fields printed on drivers’ licenses
17 and identification cards issued by the State.

18 (2) Motor vehicle drivers’ histories, including
19 motor vehicle violations, suspensions, and points on
20 licenses.

1 **SEC. 204. TRAFFICKING IN AUTHENTICATION FEATURES**
2 **FOR USE IN FALSE IDENTIFICATION DOCU-**
3 **MENTS.**

4 Section 1028(a)(8) of title 18, United States Code,
5 is amended by striking “false authentication features” and
6 inserting “false or actual authentication features”.

7 **SEC. 205. GRANTS TO STATES.**

8 (a) IN GENERAL.—The Secretary may make grants
9 to a State to assist the State in conforming to the min-
10 imum standards set forth in this title.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary for
13 each of the fiscal years 2005 through 2009 such sums as
14 may be necessary to carry out this title.

15 **SEC. 206. AUTHORITY.**

16 (a) PARTICIPATION OF SECRETARY OF TRANSPOR-
17 TATION AND STATES.—All authority to issue regulations,
18 certify standards, and issue grants under this title shall
19 be carried out by the Secretary, in consultation with the
20 Secretary of Transportation and the States.

21 (b) EXTENSIONS OF DEADLINES.—The Secretary
22 may grant to a State an extension of time to meet the
23 requirements of section 202(a)(1) if the State provides
24 adequate justification for noncompliance.

1 **SEC. 207. REPEAL.**

2 Section 7212 of the Intelligence Reform and Ter-
3 rorism Prevention Act of 2004 (Public Law 108–458) is
4 repealed.

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