

108TH CONGRESS  
2D SESSION

# H. R. 5148

To provide improved security for driver licenses and State identity documents.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2004

Mrs. MILLER of Michigan (for herself, Mr. TOM DAVIS of Virginia, Mr. SHAYS, and Mr. CARTER) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on the Judiciary, 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

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## A BILL

To provide improved security for driver licenses and State identity documents.

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 “Identity Management  
5       Security Act of 2004”.

1 **TITLE I—IMPROVED SECURITY**  
2 **FOR DRIVER LICENSES AND**  
3 **STATE IDENTITY DOCUMENTS**

4 **SEC. 101. DEFINITIONS.**

5 In this title, the following definitions apply:

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

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

14 (3) STATE.—The term “State” means a State  
15 of the United States, the District of Columbia, Puer-  
16 to Rico, the Virgin Islands, Guam, American Samoa,  
17 the Northern Mariana Islands, the Trust Territory  
18 of the Pacific Islands, and any other territory or  
19 possession of the United States.

20 (4) SECRETARY.—The term “Secretary” means  
21 the Secretary of Homeland Security.

22 **SEC. 102. MINIMUM DOCUMENT REQUIREMENTS AND**  
23 **ISSUANCE STANDARDS FOR FEDERAL REC-**  
24 **OGNITION.**

25 (a) MINIMUM STANDARDS FOR FEDERAL USE.—

1           (1) IN GENERAL.—Beginning 3 years after the  
2           date of enactment of this Act, a Federal agency may  
3           not accept, for any official purpose, a driver’s license  
4           or identification card issued by a State to any per-  
5           son unless the State is meeting the requirements of  
6           this section.

7           (2) STATE CERTIFICATIONS.—The Secretary  
8           shall determine whether a State is meeting the re-  
9           quirements of this section based on certifications  
10          made by the State to the Secretary. Such certifi-  
11          cations shall be made at such times and in such  
12          manner as the Secretary, with the concurrence of  
13          the Secretary of Transportation, may prescribe by  
14          regulation.

15          (b) MINIMUM DOCUMENT REQUIREMENTS.—To meet  
16          the requirements of this section, a State shall include, at  
17          a minimum, the following data elements and features on  
18          each driver’s license and identification card issued to a  
19          person by the State:

20                (1) The person’s full legal name.

21                (2) The person’s date of birth.

22                (3) The person’s gender.

23                (4) The person’s driver license or identification  
24          card number.

25                (5) A photograph of the person.

1 (6) The person's address of principal residence.

2 (7) The person's signature.

3 (8) Physical security features designed to pre-  
4 vent tampering, counterfeiting, or duplication of the  
5 document for fraudulent purposes.

6 (9) A common machine-readable technology,  
7 with defined minimum data elements, that will facili-  
8 tate the capture of driver's license and identification  
9 card information by law enforcement officers.

10 (c) MINIMUM ISSUANCE STANDARDS.—

11 (1) IN GENERAL.—To meet the requirements of  
12 this section, a State shall require, at a minimum,  
13 presentation and verification of the following data  
14 elements before issuing a driver's license or identi-  
15 fication card to a person:

16 (A) A photo identity document, except that  
17 a nonphoto identity document is acceptable if it  
18 includes both the person's full legal name and  
19 date of birth.

20 (B) Documentation showing the person's  
21 date of birth.

22 (C) Proof of the person's social security  
23 number or verification that the person is not el-  
24 igible for a social security number.

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

3 (2) 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 used  
10 to provide information required to be presented  
11 by the person under paragraph (1).

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

15 (d) OTHER REQUIREMENTS.—To meet the require-  
16 ments of this section, a State shall adopt the following  
17 practices in the issuance of driver licenses and identifica-  
18 tion cards:

19 (1) Employ technology to capture digital images  
20 of identity source documents so that the images can  
21 be retained in electronic storage in a transferable  
22 format.

23 (2) Retain paper copies of source documents for  
24 a minimum of 7 years or images of source docu-  
25 ments presented for a minimum of 10 years.

1           (3) Subject each person applying for a driver's  
2           license or identification card to mandatory facial  
3           image capture.

4           (4) Establish an effective procedure to confirm  
5           or verify a renewing applicant's information.

6           (5) Confirm with the Social Security Adminis-  
7           tration a social security number presented by a per-  
8           son using the full social security number. In the  
9           event that a social security number is already reg-  
10          istered to or associated with another person to which  
11          any State has issued a driver's license or identifica-  
12          tion card, the State shall resolve the discrepancy and  
13          take appropriate action.

14          (6) Refuse to issue a driver's license or identi-  
15          fication card to a person holding a driver's license  
16          issued by another State without confirmation from  
17          the other State that the person is terminating or has  
18          terminated the driver's license.

19          (7) Ensure the physical security of locations  
20          where driver licenses and identification cards are  
21          produced and the security of document materials  
22          and papers from which driver licenses and identifica-  
23          tion cards are produced.

1           (8) Subject all persons authorized to manufac-  
2           ture or produce driver licenses and identification  
3           cards to appropriate security clearance requirements.

4           (9) Establish fraudulent document recognition  
5           training programs for appropriate employees en-  
6           gaged in the issuance of driver licenses and identi-  
7           fication cards.

8   **SEC. 103. LINKING OF DATABASES.**

9           (a) IN GENERAL.—To be eligible to receive any grant  
10          or other financial assistance made available under this  
11          Act, a State shall participate in the interstate compact re-  
12          garding sharing of driver license data, known as the  
13          “Driver License Agreement”, in order to provide elec-  
14          tronic access by a State to information contained in the  
15          motor vehicle databases of all other States.

16          (b) REQUIREMENTS FOR INFORMATION.—A State  
17          motor vehicle database shall contain, at a minimum, the  
18          following information:

19               (1) All data fields printed on driver licenses and  
20               identification cards issued by the State.

21               (2) Motor vehicle driver histories, including  
22               motor vehicle violations, suspensions, and points on  
23               licenses.

1 **SEC. 104. 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. 105. 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. 106. 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, with the concurrence of  
20 the Secretary of Transportation and in consultation with  
21 the States.

22 (b) EXTENSIONS OF DEADLINES.—The Secretary  
23 may grant an extension to the deadline established by sec-  
24 tion 102(a)(1) with respect to the driver licenses and iden-  
25 tification cards issued by a State if the State submits to



1 the Secretary, in writing, an adequate justification, as de-  
2 termined by the Secretary, for the extension.

## 3 **TITLE II—IDENTITY SECURITY** 4 **OF VITAL RECORDS**

### 5 **SEC. 201. DEFINITIONS.**

6 In this title, the following definitions apply:

7 (1) SECRETARY.—The term “Secretary” means  
8 the Secretary of Homeland Security.

9 (2) BIRTH CERTIFICATE.—The term “birth cer-  
10 tificate” means a certificate of birth—

11 (A) for an individual (regardless of where  
12 born)—

13 (i) who is a citizen or national of the  
14 United States at birth; and

15 (ii) whose birth is registered in the  
16 United States; and

17 (B) that—

18 (i) is issued by a Federal, State, or  
19 local government agency or authorized cus-  
20 todian of record and produced from birth  
21 records maintained by such agency or cus-  
22 todian of record; or

23 (ii) is an authenticated copy, issued  
24 by a Federal, State, or local government  
25 agency or authorized custodian of record,

1 of an original certificate of birth issued by  
2 such agency or custodian of record.

3 **SEC. 202. GAO STUDY OF THE SECURITY OF BIRTH CERTIFI-**  
4 **CATES.**

5 (a) STUDY.—The Comptroller General shall conduct  
6 a study of the security of birth certificates and other birth  
7 documentation used by States as proof of identity. Such  
8 study shall include—

9 (1) an assessment of the parties involved in the  
10 issuance of birth certificates and other birth docu-  
11 mentation within the United States;

12 (2) an assessment of the physical security fea-  
13 tures of domestic birth certificates and other domes-  
14 tic birth documentation;

15 (3) an evaluation of fraudulent activity, both  
16 domestic and foreign, of domestic birth certificates  
17 and other domestic birth documentation used to ac-  
18 quire driver's licenses or State-issued identification  
19 cards; and

20 (4) an evaluation of methods used by Federal  
21 agencies, States and other parties involved in the  
22 issuance of domestic birth certificates and other do-  
23 mestic birth documentation to reduce fraudulent ac-  
24 tivity, both domestic and foreign.

1 (b) REPORT.—Not later than 1 year after the date  
2 of the enactment of this Act, the Comptroller General shall  
3 submit to Congress a report on the study conducted under  
4 subsection (a). The report shall include recommendations  
5 regarding measures needed to improve both the physical  
6 security of birth certificates and other birth documenta-  
7 tion and the process used by parties issuing such docu-  
8 ments, including the establishment of minimum standards  
9 if necessary, to reduce fraudulent activity.

10 **SEC. 203. ELIMINATING DUPLICATION OF VITAL RECORDS.**

11 (a) ASSISTANCE IN MATCHING BIRTH AND DEATH  
12 RECORDS.—

13 (1) GRANTS.—The Secretary, in coordination  
14 with other appropriate Federal agencies, shall make  
15 grants to States to assist them in—

16 (A) computerizing their birth and death  
17 records;

18 (B) developing the capability to match  
19 birth and death records within each State and  
20 among the States; and

21 (C) noting the fact of death on the birth  
22 certificates of deceased persons.

23 (2) ALLOCATION OF GRANTS.—The Secretary  
24 shall make grants to States under this subsection  
25 based on the proportion that the estimated annual

1       average number of birth and death records created  
2       by a State applying for a grant bears to the esti-  
3       mated annual average number of birth and death  
4       records originated by all States.

5       (b) AUTHORIZATION OF APPROPRIATIONS.—There  
6       are authorized to be appropriated to the Secretary for  
7       each of the fiscal years 2005 through 2009 such sums as  
8       may be necessary to carry out this section.

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