

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.

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## 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

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## 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;

(iii) contain encryption and security software or hardware (or both) that prevents access to data stored on the chip without the express consent of the individual to whom the data applies, other than access by a Federal, State, or local agency (including a court or law enforcement 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 participating 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

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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