

which cloture was not invoked on S. 565.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CLELAND). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IDENTIFICATION BY DRIVER'S LICENSE

Mr. DURBIN. Mr. President, this afternoon many Members of Congress, many people across America will be headed to airports, and at the airport checkpoint they will be asked to show some form of a photo identification as well as a ticket. That is now the custom in America. It is something we have come to accept as part of our effort to make certain we have security on planes and in airports.

The most common form of identification which will be presented by passengers across America to prove their identity is their driver's license. More than any other documentation, that is what people use when they travel.

But, if we look to the question of the authenticity and integrity of a driver's license, I am afraid we find very troubling statistics and information. It seems that with very little effort and a minimum amount of money, virtually anyone in America can get a driver's license made with their picture on it. It may not be their real name. It may not have any accurate facts on it. But it will be a photo of some person with some name.

A driver's license, as the primary source of identification in America, is your ticket to enter our society. Once you have that driver's license and present it, you are in the system. You are recognized as part of the system.

You may want to get in the system for a variety of reasons. A person who is over 21 years old and wants to buy alcohol needs a driver's license to present so they can make that purchase. Someone who is in the business of stealing the identity of another person will want a driver's license with their photo on that other person's statistical information.

Of course, if your goal is even more sinister, a driver's license becomes critical. Timothy McVeigh knew that. That is why he used a phony driver's license when he rented the truck which he drove into Oklahoma City, blew up, and killed so many innocent people. Several of the 19 terrorists involved in

the September 11th attack also knew how important a phony driver's license was. They either obtained fake driver's licenses or licenses issued to them under false pretenses, which gave them access to a system, which started opening doors once the driver's license was in their name—or at least in some name with their photo.

When we debate this, a lot of people in America get nervous. If we are talking about identification cards, are we talking about a national identification card system? I am not proposing that at all. Some Members of Congress have. I am not one of them. But I do think there are things we can do that can strengthen the process of issuing driver's licenses all across America, which can make them more uniform, more authentic, more credible.

I am working on legislation, and I will be holding a hearing in the Governmental Affairs Committee in the coming weeks that will address this issue. I have worked with the administrators of State agencies across America. Every State agency with the responsibility of issuing driver's licenses is part of an association which has worked with me in an effort to come up with some standards across the States. When I walk into a DMV, whether it is in Illinois, New York, Georgia, or California, what do they ask to prove my identity? Is it a birth certificate? Is it a passport? What will really prove my identity?

I think establishing minimum uniformity in the way driver's licenses are issued State to State makes sense. It is going to eliminate forum shopping by those who are looking for the easiest State to provide counterfeit and illegal documents in the process of obtaining a driver's license. That is why I worked with the association to come up with minimum uniform standards, so that State to State everybody knows that a person applying for a driver's license has established their identity through the most credible means. If somebody comes to Illinois to apply for a driver's license and they produce documentation that indicates they once lived in another State, I think the State of Illinois should have an opportunity to have access to that other State and find out if there is a chance that person either applied for a driver's license which was suspended or revoked or that State has some information that may be of value to Illinois before issuing the license. I think this is an excellent starting point.

We are also working with States in terms of applying standardized verification requirements, such as validating source documents, for example. This includes authenticating the information provided, perhaps by cross-checking with other government agencies. So if somebody came and said, "Here is my birth certificate as part of the proof of who I am," there would be a way to establish how you would cross-check that to make certain the document was valid.

We are also working on ways to prevent tampering and counterfeiting of documents. This morning, on the CBS morning show, I was a guest of Bryant Gumbel. They featured a video segment where one of their reporters went to Los Angeles with \$150 in hand and started walking the streets and saying, "Where can I get a phony driver's license?" It didn't take long to find one. Within a short period of time, that phony license was prepared with the reporter's photo for \$150. Then he took that license and started buying airline tickets with that new name. He also got on several flights without anyone ever stopping him for using a phony document.

That tells you how easy it can be even with enhanced aviation security today. But there are ways to make these driver's licenses more secure so they can't be counterfeited and easily manipulated. There are also ways to authenticate the validity of the driver's license using very inexpensive equipment. I think that ought to be part of our goal as well.

We also need to establish tougher criminal penalties for those who would misuse driver's licenses, who would issue phonies, or those who, frankly, are part of a network that is trying to make a profit at the expense of identity. Senator BARBARA BOXER of California and I discussed this issue this morning. She has legislation that addresses some of these aspects and we are going to work together with her on that.

We also provide Federal whistleblower protection to those who uncover internal fraud or report suspicious activities involving State motor vehicle agencies. Why is this important? Look at what recently happened in Tennessee. There was a woman who—at least, it is alleged—was involved in an illegal scheme to sell driver's licenses, which is a very serious charge for somebody who had been a State employee in Tennessee. Then, under the most mysterious of circumstances, within a day of her expected court appearance, her car was set on fire, and she was killed. We have had instances in my State where people working at the driver's license stations have been bribed to issue commercial driver's licenses and other things. That does not give us confidence in the integrity of the system today.

We need enhanced criminal penalties in place for anyone involved in any aspect of the fake driver's license trade, and also we need to establish whistleblower protections to get people to come forward with information.

We should also require States to implement effective auditing programs in order to scrutinize every aspect of the issuing process for driver's licenses. One way to cut down on internal fraud and abuse is to protect the integrity of the agency's process. So a State should be able to find out for example, through routine audits, if some of their equipment used to manufacture driver's licenses are missing or inventory is

unusually low for the number of applications received.

Frankly, these things would move us toward a system which would give more credence to the current process of presenting identification. I don't mind standing in line at airports. Last week, I was at Chicago Midway, and I twice stood in lines for a half hour each to present my identification and plane ticket. That is part of the cost of making certain that when I got on that airplane, it was safe. I think people all across America understand that. It is sad, and I wish it weren't the case, but it would be sadder still if the wrong person using fake documents got on the plane and ended up endangering many innocent lives. But if this process is worth anything, and if it is going to work, the identification presented has to be valid and validated. That is why this effort is so important.

I have discussed this in terms of terrorism and security, but two other aspects should be mentioned. All across America now, we have problems with drunk driving. Fortunately, the percentage of drunk drivers has gone down dramatically in this country, and I give credit to effective law enforcement, as well as to organizations such as Mothers Against Drunk Driving (MADD) and Students Against Drunk Driving (SADD). They have changed the climate and environment, advocating designated drivers and a more responsible use of alcohol. Even some of the beer and alcoholic beverage companies have gone that extra step to try to advertise the dangers of drinking and driving, and the need to be suspicious of those who do.

The biggest problem we face here is the number of young people under 21 who are easily able to obtain phony driver's licenses and identifications who can then purchase alcohol. Once they purchase and consume it and end up in an intoxicated state, they endanger their lives and others. If we toughen the standards by which States issue these driver's licenses, and if we go after the manufacturers and marketers of fake documents with heavy penalties, and if we make the cards more resistant to counterfeiting, then I believe we can diminish the likelihood that a young person will end up with a phony license or identification, buy alcohol, and cause a death in the process.

The next area I will mention is one that I know personally—identity theft. You may not be aware of the fact that this is the largest growing consumer fraud complaint in America. Last year, at the Federal Trade Commission, 204,000 complaints were filed for a variety of deceptive practices, and 42 percent of them related to identity theft. This means that in just one year, close to 100,000 Americans were victimized when somebody took their name and their information and did something with it without their approval. It has happened to me as a Member of the Senate. I got a call a couple of years ago at home, and they said:

We finally caught up with you, Richard Durbin. Did you think you were going to avoid this bill you incurred in Denver, Colorado?

I said:

I haven't incurred any bills in Denver, Colorado."

They said:

Yes, you did. You applied for a credit card, and here is your Social Security number. You made several thousand dollars in purchases and you never paid for it.

I said:

It never happened. I never went to that store. I haven't been in Denver, Colorado, for that purpose.

Someone had stolen my identity, and they applied for a local credit card, and they ran up several thousand dollars in purchases. Of course, they didn't make any payments. Eventually, I straightened it out. There are ways to do that although it could take a long time. I give credit to the credit agencies that accepted the truthful information and cleared my credit record.

Identity theft is growing, and part of the scam is to come up with phony documentation. One of the key elements in documentation is your driver's license which is the most widely used form of identification. Once you have that license, doors start to open. You use that phony license to match the name on a stolen credit card, and you are off to the races. It is pretty easy. Sadly, we have to acknowledge that it is a growing problem in America.

So coming up with minimum uniform standards on driver's licenses, making sure that when they are issued, they are truly issued to the person who is applying for them, providing ways to make certain that other States haven't revoked a driver's license when a new State is being asked to issue one, making certain that States improve their internal processes to prevent fraud and abuse, putting in tougher penalties for those who would abuse them, incorporating security features on driver's licenses so they can't be counterfeited—all of these things move us forward to improve our nation's security.

And all of these common sense solutions add up to a process that is far from anything remotely resembling any national identification card. There would not be any new nationally issued cards or databases or tracking systems or collection of sensitive information. There would not be intrusion on privacy—if the FBI needed information about a potential criminal's information contained in his DMV record, they would go through the same process they do today—by going to each State and following the established process to obtain that information.

What I propose is a system where the States would have an incentive to move forward—a better system, more accurate, with more integrity, with ability to work more effectively with other States. I think this is a step in the right direction. I commend my colleagues who have expressed an interest in this issue. In the next several weeks,

we will have a hearing in the Governmental Affairs Committee, where we will bring in people from across the spectrum—law enforcement, State leaders and representatives, those who have been deceived, and those who have had their identity stolen from them.

I will ask them to come together to help us with legislation that will take this commonsense step forward, to make sure that the most commonly used photo identification presented at an airport or a train station or at the bank is really is an indication of true identity of the cardholder.

I yield back my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, there are discussions underway regarding the impasse we continue to experience on the voter identification amendment and other related issues on the election reform bill. I am probably stating the obvious—but I will make it official—there are no more rollcall votes today. My expectation is the next rollcall vote will be on Monday evening after 6 o'clock. We will set a specific time a little later, but there will be at least a cloture vote on the bill Monday morning, if we have not been able to arrive at any other agreement prior to that time.

Members should be aware they should expect a vote on Monday night, and then certainly Tuesday morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DASCHLE. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:10 p.m., recessed until 1:19 p.m. and reassembled when called to order by the Presiding Officer (Mr. BAYH).

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may speak in morning business for about 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.