

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4633

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.

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## 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

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## 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.

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 Mod-  
5 ernization Act of 2002".

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) Improving the security of State identifica-  
20          tion systems will require taking advantage of new  
21          technology.

22          (6) Identification card technologies that can ac-  
23          commodate other government and private applica-  
24          tions will provide the best return on the investment  
25          in the new cards.

1           (7) It is necessary to improve the security of  
 2           drivers' licenses and identification cards issued by  
 3           States so that multiple licensing of individuals will  
 4           be eliminated, the purchase of alcohol and tobacco  
 5           products by underage individuals will be reduced,  
 6           and identity theft will be severely reduced.

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

9           (a) IN GENERAL.—Subchapter I of chapter I of title  
 10 23, United States Code, is amended by adding at the end  
 11 the following:

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

14           “(a) DEFINITIONS.—In this section, the following  
 15 definitions apply:

16                   “(1) DRIVER'S LICENSE.—The term ‘driver's li-  
 17                   cense’ means a license issued by the motor vehicle  
 18                   agency of a State to an individual that authorizes  
 19                   the individual to operate a motor vehicle on high-  
 20                   ways.

21                   “(2) IDENTIFICATION CARD.—The term ‘identi-  
 22                   fication card’ means an identification card issued by  
 23                   the motor vehicle agency of a State to an individual.

24           “(b) STATE DRIVER'S LICENSE AND IDENTIFICA-  
 25 TION CARD PROGRAMS.—Not later than 5 years after the

1 date of enactment of this section, each State shall have  
2 in effect a driver’s license and identification card program  
3 under which the State meets the following requirements:

4 “(1) COMPUTER CHIPS IN DRIVERS’ LICENSES  
5 AND ID CARDS.—

6 “(A) IN GENERAL.—A State shall embed a  
7 computer chip in each new or renewed driver’s  
8 license or identification card issued by the  
9 State.

10 “(B) REQUIREMENTS FOR COMPUTER  
11 CHIPS.—A computer chip embedded in a driv-  
12 er’s license or identification card under this  
13 paragraph shall—

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

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

18 “(iii) contain encryption and security  
19 software or hardware (or both) that pre-  
20 vents access to data stored on the chip  
21 without the express consent of the indi-  
22 vidual to whom the data applies, other  
23 than access by a Federal, State, or local  
24 agency (including a court or law enforce-  
25 ment agency) in carrying out its functions,

1 or by a private entity acting on behalf of  
2 a Federal, State, or local agency in car-  
3 rying out its functions;

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

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

10 “(2) BIOMETRIC DATA.—

11 “(A) IN GENERAL.—A State shall obtain  
12 biometric data for the identification of each in-  
13 dividual to whom the State issues a new or re-  
14 newed driver’s license or identification card and  
15 shall maintain such data.

16 “(B) REQUIREMENT FOR BIOMETRIC  
17 DATA.—Biometric data obtained by a State  
18 under this paragraph shall be of a type that can  
19 be matched to the license or card holder only  
20 with the express cooperation of the license or  
21 card holder.

22 “(3) PARTICIPATION IN LINKING OF DATA-  
23 BASES.—

24 “(A) IN GENERAL.—A State shall partici-  
25 pate in a program to link State motor vehicle

1 databases in order to provide electronic access  
2 by a State to information contained in the  
3 motor vehicle databases of all other States.

4 “(B) REQUIREMENTS FOR INFORMA-  
5 TION.—A State motor vehicle database shall  
6 contain, at a minimum, the following informa-  
7 tion:

8 “(i) All data fields printed on drivers’  
9 licenses and identification cards issued by  
10 the State, other than the encoded biomet-  
11 ric data stored on such licenses and cards  
12 under paragraph (1).

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

17 “(iii) Motor vehicle drivers’ histories,  
18 including motor vehicle violations, suspen-  
19 sions, and points on licenses.

20 “(4) TAMPER-RESISTANT SECURITY FEA-  
21 TURES.—A State shall include on each new or re-  
22 newed driver’s license or identification card issued  
23 by the State, multiple tamper-resistant security fea-  
24 tures or optical image layers, such as biometric  
25 scans, barcodes, 3D, flip, or motion imaging, to as-

1       sist in visual verification that the license or card is  
2       valid.

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

8           “(c) GUIDELINES.—

9           “(1) IN GENERAL.—Not later than 6 months  
10       after the date of enactment of this section, the Sec-  
11       retary shall issue guidelines to assist States in com-  
12       plying with the requirements of subsection (b).

13           “(2) CONTENTS.—The guidelines issued under  
14       this subsection shall contain, at a minimum, the fol-  
15       lowing:

16           “(A) Standards for the computer chip  
17       technology required for compliance with sub-  
18       section (b)(1), including—

19           “(i) standards to ensure interoper-  
20       ability and the ability to store multiple ap-  
21       plications created by government agencies  
22       and private entities and transmitted to the  
23       license or card with the express consent of  
24       the license or card holder; and

1           “(ii) standards for the encoded bio-  
2           metric data that must be contained on  
3           each computer chip and requirements to  
4           ensure that such biometric data will be  
5           used only for matching the license or card  
6           to the presenter and will not be stored in  
7           a central database.

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

13          “(C) Standards for linking State motor ve-  
14          hicle databases under subsection (b)(3) and  
15          standards for the information to be contained  
16          in the databases.

17          “(D) Standards for security features or op-  
18          tical image layers to be placed on State drivers’  
19          licenses and identification cards under sub-  
20          section (b)(4).

21          “(E) Standards for documentation of the  
22          identity and residence of an individual under  
23          subsection (b)(5), including a list of acceptable  
24          documents for establishing the identity and res-

1           idence of an individual and procedures for  
2           verifying the authenticity of the documents.

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

8           “(3) CONSULTATION.—Guidelines issued by the  
9           Secretary under this subsection shall be developed in  
10          consultation with the American Association of Motor  
11          Vehicle Administrators, the General Services Admin-  
12          istration, and the National Institute of Standards  
13          and Technology.

14          “(4) ADMINISTRATIVE PROCEDURES.—The Sec-  
15          retary may issue guidelines under this subsection  
16          without regard to subchapter II of chapter 5 of title  
17          5.

18          “(d) GRANTS.—

19                 “(1) IN GENERAL.—The Secretary may make  
20                 grants to each State to assist the State in developing  
21                 and implementing a driver’s license and identifica-  
22                 tion card program that meet the requirements of  
23                 subsection (b).

24                 “(2) GRANTS FOR LINKING OF STATE MOTOR  
25                 VEHICLE DATABASES.—The Secretary may make

1 separate grants under this subsection to each State  
2 to assist the State in developing and implementing  
3 computer technologies and databases required to  
4 link State motor vehicle databases under subsection  
5 (b)(3).

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

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

18 “(5) TECHNICAL ASSISTANCE FROM GSA.—For  
19 purposes of section 201(a) of the Federal Property  
20 and Administrative Services Act of 1949 (40 U.S.C.  
21 481(a)), a State carrying out activities using  
22 amounts from a grant under this section shall be  
23 treated as an executive agency and part of the De-  
24 partment of Transportation when carrying out such  
25 activities. For purposes of carrying out such activi-

1 ties, the Secretary shall, at the request of a State,  
2 enter into an agreement for the acquisition, on be-  
3 half of the State, of any goods, services, or supplies  
4 available to the Secretary from the General Services  
5 Administration, including acquisitions from prime  
6 vendors. All such acquisitions shall be undertaken  
7 through the most efficient and speedy means prac-  
8 ticable, including through electronic ordering ar-  
9 rangements.

10 “(6) REPORTS.—The Secretary shall require a  
11 State that receives a grant under this subsection to  
12 submit to the Secretary, not later than 1 year after  
13 the date of implementation of the activities funded  
14 using the amounts of the grant, a report on the re-  
15 sults of the activities.

16 “(7) REPAYMENT.—

17 “(A) IN GENERAL.—Except as provided in  
18 subparagraph (B), if the Secretary determines  
19 that a State receiving a grant under this sub-  
20 section has not met the requirements of sub-  
21 section (b) on or before the last day of the 5-  
22 year period beginning on the date of enactment  
23 of this section, the Secretary may require the  
24 State to repay, in whole or in part, the total

1 amount received by the State in grants under  
2 this subsection.

3 “(B) GRANTS FOR LINKING OF STATE  
4 MOTOR VEHICLE DATABASES.—In the case of a  
5 grant received under paragraph (2), if the Sec-  
6 retary determines that a State receiving the  
7 grant has not met the requirements of sub-  
8 section (b)(3) on or before the last day of the  
9 5-year period beginning on the date of enact-  
10 ment of this section, the Secretary may require  
11 the State to repay, in whole or in part, the total  
12 amount received by the State in grants under  
13 paragraph (2).

14 “(8) AUTHORIZATION OF APPROPRIATIONS.—  
15 There is authorized to be appropriated—

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

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

20 Such sums shall remain available until expended.

21 “(e) TRANSITION FROM NATIONAL DRIVER REG-  
22 ISTER.—After the last day of the 5-year period beginning  
23 on the date of enactment of this section, no amounts may  
24 be appropriated to carry out chapter 303 of title 49. The  
25 Secretary shall provide for the orderly transition from the

1 National Driver Register maintained under such chapter  
2 303 to the program established under subsection (b)(3).”.

3 (b) CONFORMING AMENDMENT.—The analysis for  
4 such chapter is amended by adding at the end of the items  
5 relating to subchapter I the following:

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

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

8 (a) IN GENERAL.—Title 18, United States Code, is  
9 amended by inserting after chapter 123 the following:

10 **“CHAPTER 125—STATE DRIVERS’**  
11 **LICENSES AND IDENTIFICATION CARDS**

“Sec.

“2731. Definitions.

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

12 **“§ 2731. Definitions**

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

16 **“§ 2732. Forgery, fraudulent acquisition, or false use**  
17 **of driver’s license or identification card**

18 “Whoever—

19 “(1) falsely makes, forges, counterfeits, muti-  
20 lates, or alters any driver’s license or identification  
21 card or instrument purporting to be a driver’s li-

1       cense or identification card, with intent that the li-  
2       cense or card may be used,

3               “(2) except by lawful authority, makes a tem-  
4       plate or similar device from which there may be  
5       printed a counterfeit driver’s license or identification  
6       card,

7               “(3) obtains or assists in obtaining a driver’s li-  
8       cense or identification card through willful misrepre-  
9       sentation of identity, presentation of falsified iden-  
10      tity documents such as birth certificates or pass-  
11      ports, or other fraudulent representation,

12              “(4) tampers with, alters, or destroys a com-  
13      puter chip embedded in a driver’s license or identi-  
14      fication card or data contained on the computer  
15      chip, or

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

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

21       (b) CLERICAL AMENDMENT.—The table of chapters  
22 at the beginning of part I of title 18, United States Code,  
23 is amended by adding at the end the following:

**“127. State drivers’ licenses and identification cards ..... 2731”.**

1 **SEC. 5. INNOVATIVE USES PILOT PROGRAM.**

2 (a) IN GENERAL.—The National Science Foundation  
3 may make grants to States for the implementation of pro-  
4 grams that utilize computer chips embedded in drivers' li-  
5 censes and identification cards (as such terms are defined  
6 in section 165 of title 23, United States Code) for innova-  
7 tive uses that enhance government services.

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

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

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated for making grants under  
20 this section \$15,000,000. Such sums shall remain avail-  
21 able until expended.

○