

115TH CONGRESS
1ST SESSION

S. 126

To amend the Real ID Act of 2005 to repeal provisions requiring uniform State driver’s licenses and State identification cards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2017

Mr. DAINES (for himself, Mr. PAUL, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Real ID Act of 2005 to repeal provisions requiring uniform State driver’s licenses and State 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 “Repeal ID Act of
5 2017”.

1 **SEC. 2. REPEAL OF REQUIREMENTS FOR UNIFORM STATE**
 2 **DRIVER’S LICENSES AND STATE IDENTIFICA-**
 3 **TION CARDS.**

4 (a) REPEAL.—Title II of the Real ID Act of 2005
 5 (division B of Public Law 109–13) is amended by striking
 6 sections 201 through 205 (49 U.S.C. 30301 note).

7 (b) CONFORMING AMENDMENTS.—

8 (1) CRIMINAL CODE.—Section 1028(a)(8) of
 9 title 18, United States Code, is amended by striking
 10 “false or actual authentication features” and insert-
 11 ing “false identification features”.

12 (2) INTELLIGENCE REFORM AND TERRORISM
 13 PREVENTION ACT OF 2004.—

14 (A) IN GENERAL.—Subtitle B of title VII
 15 of the Intelligence Reform and Terrorism Pre-
 16 vention Act of 2004 (Public Law 108–458) is
 17 amended by inserting after section 7211 the fol-
 18 lowing:

19 **“SEC. 7212. DRIVER’S LICENSES AND PERSONAL IDENTI-**
 20 **FICATION CARDS.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) DRIVER’S LICENSE.—The term ‘driver’s li-
 23 cense’ means a motor vehicle operator’s license (as
 24 defined in section 30301(5) of title 49, United
 25 States Code).

1 “(2) PERSONAL IDENTIFICATION CARD.—The
2 term ‘personal identification card’ means an identi-
3 fication document (as defined in section 1028(d)(3)
4 of title 18, United States Code) that has been issued
5 by a State.

6 “(b) STANDARDS FOR ACCEPTANCE BY FEDERAL
7 AGENCIES.—

8 “(1) IN GENERAL.—

9 “(A) LIMITATION ON ACCEPTANCE.—No
10 Federal agency may accept, for any official pur-
11 pose, a driver’s license or personal identification
12 card newly issued by a State more than 2 years
13 after the promulgation of the minimum stand-
14 ards under paragraph (2) unless the driver’s li-
15 cense or personal identification card conforms
16 to such minimum standards.

17 “(B) DATE FOR CONFORMANCE.—The
18 Secretary of Transportation, in consultation
19 with the Secretary of Homeland Security, shall
20 establish a date after which no driver’s license
21 or personal identification card shall be accepted
22 by a Federal agency for any official purpose un-
23 less such driver’s license or personal identifica-
24 tion card conforms to the minimum standards
25 established under paragraph (2). The date shall

1 be as early as the Secretary determines it is
2 practicable for the States to comply with such
3 date with reasonable efforts.

4 “(C) STATE CERTIFICATION.—

5 “(i) IN GENERAL.—Each State shall
6 certify to the Secretary of Transportation
7 that the State is in compliance with the re-
8 quirements of this section.

9 “(ii) FREQUENCY.—Certifications
10 under clause (i) shall be made at such in-
11 tervals and in such a manner as the Sec-
12 retary of Transportation, with the concu-
13 rence of the Secretary of Homeland Secu-
14 rity, may prescribe by regulation.

15 “(iii) AUDITS.—The Secretary of
16 Transportation may conduct periodic au-
17 dits of each State’s compliance with the re-
18 quirements of this section.

19 “(2) MINIMUM STANDARDS.—Not later than 18
20 months after the date of the enactment of this Act,
21 the Secretary of Transportation, in consultation with
22 the Secretary of Homeland Security, shall establish,
23 by regulation, minimum standards for driver’s li-
24 censes or personal identification cards issued by a

1 State for use by Federal agencies for identification
2 purposes that shall include—

3 “(A) standards for documentation required
4 as proof of identity of an applicant for a driv-
5 er’s license or personal identification card;

6 “(B) standards for the verifiability of doc-
7 uments used to obtain a driver’s license or per-
8 sonal identification card;

9 “(C) standards for the processing of appli-
10 cations for driver’s licenses and personal identi-
11 fication cards to prevent fraud;

12 “(D) standards for information to be in-
13 cluded on each driver’s license or personal iden-
14 tification card, including—

15 “(i) the person’s full legal name;

16 “(ii) the person’s date of birth;

17 “(iii) the person’s gender;

18 “(iv) the person’s driver’s license or
19 personal identification card number;

20 “(v) a digital photograph of the per-
21 son;

22 “(vi) the person’s address of principal
23 residence; and

24 “(vii) the person’s signature;

1 “(E) standards for common machine-read-
2 able identity information to be included on each
3 driver’s license or personal identification card,
4 including defined minimum data elements;

5 “(F) security standards to ensure that
6 driver’s licenses and personal identification
7 cards are—

8 “(i) resistant to tampering, alteration,
9 or counterfeiting; and

10 “(ii) capable of accommodating and
11 ensuring the security of a digital photo-
12 graph or other unique identifier; and

13 “(G) a requirement that a State confiscate
14 a driver’s license or personal identification card
15 if any component or security feature of the li-
16 cense or identification card is compromised.

17 “(3) CONTENT OF REGULATIONS.—The regula-
18 tions required under paragraph (2)—

19 “(A) shall facilitate communication be-
20 tween the chief driver licensing official of a
21 State, an appropriate official of a Federal agen-
22 cy and other relevant officials, to verify the au-
23 thenticity of documents, as appropriate, issued
24 by such Federal agency or entity and presented
25 to prove the identity of an individual;

1 “(B) may not infringe on a State’s power
2 to set criteria concerning what categories of in-
3 dividuals are eligible to obtain a driver’s license
4 or personal identification card from that State;

5 “(C) may not require a State to comply
6 with any such regulation that conflicts with or
7 otherwise interferes with the full enforcement of
8 State criteria concerning the categories of indi-
9 viduals that are eligible to obtain a driver’s li-
10 cense or personal identification card from that
11 State;

12 “(D) may not require a single design to
13 which driver’s licenses or personal identification
14 cards issued by all States must conform; and

15 “(E) shall include procedures and require-
16 ments to protect the privacy rights of individ-
17 uals who apply for and hold driver’s licenses
18 and personal identification cards.

19 “(4) NEGOTIATED RULEMAKING.—

20 “(A) IN GENERAL.—Before publishing the
21 proposed regulations required by paragraph (2)
22 to carry out this title, the Secretary of Trans-
23 portation shall establish a negotiated rule-
24 making process pursuant to subchapter IV of

1 chapter 5 of title 5, United States Code (5
2 U.S.C. 561 et seq.).

3 “(B) REPRESENTATION ON NEGOTIATED
4 RULEMAKING COMMITTEE.—Any negotiated
5 rulemaking committee established by the Sec-
6 retary of Transportation pursuant to subpara-
7 graph (A) shall include representatives from—

8 “(i) among State offices that issue
9 driver’s licenses or personal identification
10 cards;

11 “(ii) among State elected officials;

12 “(iii) the Department of Homeland
13 Security; and

14 “(iv) among interested parties.

15 “(C) TIME REQUIREMENT.—The process
16 described in subparagraph (A) shall be con-
17 ducted in a timely manner to ensure that—

18 “(i) any recommendation for a pro-
19 posed rule or report is provided to the Sec-
20 retary of Transportation not later than 9
21 months after the date of enactment of this
22 Act and shall include an assessment of the
23 benefits and costs of the recommendation;
24 and

1 “(ii) a final rule is promulgated not
2 later than 18 months after the date of en-
3 actment of this Act.

4 “(c) GRANTS TO STATES.—

5 “(1) ASSISTANCE IN MEETING FEDERAL
6 STANDARDS.—Beginning on the date a final regula-
7 tion is promulgated under subsection (b)(2), the
8 Secretary of Transportation shall award grants to
9 States to assist them in conforming to the minimum
10 standards for driver’s licenses and personal identi-
11 fication cards set forth in the regulation.

12 “(2) ALLOCATION OF GRANTS.—The Secretary
13 of Transportation shall award grants to States
14 under this subsection based on the proportion that
15 the estimated average annual number of driver’s li-
16 censes and personal identification cards issued by a
17 State applying for a grant bears to the average an-
18 nual number of such documents issued by all States.

19 “(3) MINIMUM ALLOCATION.—Notwithstanding
20 paragraph (2), each State shall receive not less than
21 0.5 percent of the grant funds made available under
22 this subsection.

23 “(d) EXTENSION OF EFFECTIVE DATE.—The Sec-
24 retary of Transportation may extend the date specified
25 under subsection (b)(1)(A) for up to 2 years for driver’s

1 licenses issued by a State if the Secretary determines that
2 the State made reasonable efforts to comply with the date
3 under such subsection but was unable to do so.

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

9 (B) EFFECTIVE DATE.—Section 7212 of
10 the Intelligence Reform and Terrorism Preven-
11 tion Act of 2004, as added by subparagraph
12 (A), shall take effect as if included in the origi-
13 nal enactment of such Act on December 17,
14 2004.

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