

1 migrant Responsibility Act of 1996 (8 U.S.C. 1101 note).
2 The court of appeals shall treat the transferred case as
3 if it had been filed pursuant to a petition for review under
4 such section 242, except that subsection (b)(1) of such
5 section shall not apply.

6 (d) TRANSITIONAL RULE CASES.—A petition for re-
7 view filed under former section 106(a) of the Immigration
8 and Nationality Act (as in effect before its repeal by sec-
9 tion 306(b) of the Illegal Immigration Reform and Immi-
10 grant Responsibility Act of 1996 (8 U.S.C. 1252 note))
11 shall be treated as if it had been filed as a petition for
12 review under section 242 of the Immigration and Nation-
13 ality Act (8 U.S.C. 1252), as amended by this section.
14 Notwithstanding any other provision of law (statutory or
15 nonstatutory), including section 2241 of title 28, United
16 States Code, or any other habeas corpus provision, and
17 sections 1361 and 1651 of such title, such petition for re-
18 view shall be the sole and exclusive means for judicial re-
19 view of an order of deportation or exclusion.

20 **TITLE II—IMPROVED SECURITY**
21 **FOR DRIVERS’ LICENSES AND**
22 **PERSONAL IDENTIFICATION**
23 **CARDS**

24 **SEC. 201. DEFINITIONS.**

25 In this title, the following definitions apply:

1 (1) DRIVER'S LICENSE.—The term “driver's li-
2 cense” means a motor vehicle operator's license, as
3 defined in section 30301 of title 49, United States
4 Code.

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

9 (3) OFFICIAL PURPOSE.—The term “official
10 purpose” includes but is not limited to accessing
11 Federal facilities, boarding federally regulated com-
12 mercial aircraft, entering nuclear power plants, and
13 any other purposes that the Secretary shall deter-
14 mine.

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

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

1 **SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND**
2 **ISSUANCE STANDARDS FOR FEDERAL REC-**
3 **OGNITION.**

4 (a) MINIMUM STANDARDS FOR FEDERAL USE.—

5 (1) IN GENERAL.—Beginning 3 years after the
6 date of the enactment of this division, a Federal
7 agency may not accept, for any official purpose, a
8 driver's license or identification card issued by a
9 State to any person unless the State is meeting the
10 requirements of this section.

11 (2) STATE CERTIFICATIONS.—The Secretary
12 shall determine whether a State is meeting the re-
13 quirements of this section based on certifications
14 made by the State to the Secretary. Such certifi-
15 cations shall be made at such times and in such
16 manner as the Secretary, in consultation with the
17 Secretary of Transportation, may prescribe by regu-
18 lation.

19 (b) MINIMUM DOCUMENT REQUIREMENTS.—To meet
20 the requirements of this section, a State shall include, at
21 a minimum, the following information and features on
22 each driver's license and identification card issued to a
23 person by the State:

24 (1) The person's full legal name.

25 (2) The person's date of birth.

26 (3) The person's gender.

1 (4) The person's driver's license or identifica-
2 tion card number.

3 (5) A digital photograph of the person.

4 (6) The person's address of principle residence.

5 (7) The person's signature.

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

9 (9) A common machine-readable technology,
10 with defined minimum data elements.

11 (c) MINIMUM ISSUANCE STANDARDS.—

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

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

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

23 (C) Proof of the person's social security
24 account number or verification that the person

1 is not eligible for a social security account num-
2 ber.

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

5 (2) SPECIAL REQUIREMENTS.—

6 (A) IN GENERAL.—To meet the require-
7 ments of this section, a State shall comply with
8 the minimum standards of this paragraph.

9 (B) EVIDENCE OF LAWFUL STATUS.—A
10 State shall require, before issuing a driver's li-
11 cense or identification card to a person, valid
12 documentary evidence that the person—

13 (i) is a citizen or national of the
14 United States;

15 (ii) is an alien lawfully admitted for
16 permanent or temporary residence in the
17 United States;

18 (iii) has conditional permanent resi-
19 dent status in the United States;

20 (iv) has an approved application for
21 asylum in the United States or has entered
22 into the United States in refugee status;

23 (v) has a valid, unexpired non-
24 immigrant visa or nonimmigrant visa sta-
25 tus for entry into the United States;

1 (vi) has a pending application for asy-
2 lum in the United States;

3 (vii) has a pending or approved appli-
4 cation for temporary protected status in
5 the United States;

6 (viii) has approved deferred action
7 status; or

8 (ix) has a pending application for ad-
9 justment of status to that of an alien law-
10 fully admitted for permanent residence in
11 the United States or conditional perma-
12 nent resident status in the United States.

13 (C) TEMPORARY DRIVERS' LICENSES AND
14 IDENTIFICATION CARDS.—

15 (i) IN GENERAL.—If a person pre-
16 sents evidence under any of clauses (v)
17 through (ix) of subparagraph (B), the
18 State may only issue a temporary driver's
19 license or temporary identification card to
20 the person.

21 (ii) EXPIRATION DATE.—A temporary
22 driver's license or temporary identification
23 card issued pursuant to this subparagraph
24 shall be valid only during the period of
25 time of the applicant's authorized stay in

1 the United States or, if there is no definite
2 end to the period of authorized stay, a pe-
3 riod of one year.

4 (iii) DISPLAY OF EXPIRATION
5 DATE.—A temporary driver’s license or
6 temporary identification card issued pursu-
7 ant to this subparagraph shall clearly indi-
8 cate that it is temporary and shall state
9 the date on which it expires.

10 (iv) RENEWAL.—A temporary driver’s
11 license or temporary identification card
12 issued pursuant to this subparagraph may
13 be renewed only upon presentation of valid
14 documentary evidence that the status by
15 which the applicant qualified for the tem-
16 porary driver’s license or temporary identi-
17 fication card has been extended by the Sec-
18 retary of Homeland Security.

19 (3) VERIFICATION OF DOCUMENTS.—To meet
20 the requirements of this section, a State shall imple-
21 ment the following procedures:

22 (A) Before issuing a driver’s license or
23 identification card to a person, the State shall
24 verify, with the issuing agency, the issuance, va-
25 lidity, and completeness of each document re-

1 required to be presented by the person under
2 paragraph (1) or (2).

3 (B) The State shall not accept any foreign
4 document, other than an official passport, to
5 satisfy a requirement of paragraph (1) or (2).

6 (C) Not later than September 11, 2005,
7 the State shall enter into a memorandum of un-
8 derstanding with the Secretary of Homeland
9 Security to routinely utilize the automated sys-
10 tem known as Systematic Alien Verification for
11 Entitlements, as provided for by section 404 of
12 the Illegal Immigration Reform and Immigrant
13 Responsibility Act of 1996 (110 Stat. 3009–
14 664), to verify the legal presence status of a
15 person, other than a United States citizen, ap-
16 plying for a driver’s license or identification
17 card.

18 (d) OTHER REQUIREMENTS.—To meet the require-
19 ments of this section, a State shall adopt the following
20 practices in the issuance of drivers’ licenses and identifica-
21 tion cards:

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

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

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

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

9 (5) Confirm with the Social Security Adminis-
10 tration a social security account number presented
11 by a person using the full social security account
12 number. In the event that a social security account
13 number is already registered to or associated with
14 another person to which any State has issued a driv-
15 er's license or identification card, the State shall re-
16 solve the discrepancy and take appropriate action.

17 (6) Refuse to issue a driver's license or identi-
18 fication card to a person holding a driver's license
19 issued by another State without confirmation that
20 the person is terminating or has terminated the driv-
21 er's license.

22 (7) Ensure the physical security of locations
23 where drivers' licenses and identification cards are
24 produced and the security of document materials

1 and papers from which drivers' licenses and identi-
2 fication cards are produced.

3 (8) Subject all persons authorized to manufac-
4 ture or produce drivers' licenses and identification
5 cards to appropriate security clearance requirements.

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

10 (10) Limit the period of validity of all driver's
11 licenses and identification cards that are not tem-
12 porary to a period that does not exceed 8 years.

13 (11) In any case in which the State issues a
14 driver's license or identification card that does not
15 satisfy the requirements of this section, ensure that
16 such license or identification card—

17 (A) clearly states on its face that it may
18 not be accepted by any Federal agency for fed-
19 eral identification or any other official purpose;
20 and

21 (B) uses a unique design or color indicator
22 to alert Federal agency and other law enforce-
23 ment personnel that it may not be accepted for
24 any such purpose.

1 (12) Provide electronic access to all other
2 States to information contained in the motor vehicle
3 database of the State.

4 (13) Maintain a State motor vehicle database
5 that contains, at a minimum—

6 (A) all data fields printed on drivers' li-
7 censes and identification cards issued by the
8 State; and

9 (B) motor vehicle drivers' histories, includ-
10 ing motor vehicle violations, suspensions, and
11 points on licenses.

12 **SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES**
13 **FOR USE IN FALSE IDENTIFICATION DOCU-**
14 **MENTS.**

15 (a) **CRIMINAL PENALTY.**—Section 1028(a)(8) of title
16 18, United States Code, is amended by striking “false au-
17 thentication features” and inserting “false or actual au-
18 thentication features”.

19 (b) **USE OF FALSE DRIVER'S LICENSE AT AIR-**
20 **PORTS.**—

21 (1) **IN GENERAL.**—The Secretary shall enter,
22 into the appropriate aviation security screening
23 database, appropriate information regarding any
24 person convicted of using a false driver's license at

1 an airport (as such term is defined in section 40102
2 of title 49, United States Code).

3 (2) FALSE DEFINED.—In this subsection, the
4 term “false” has the same meaning such term has
5 under section 1028(d) of title 18, United States
6 Code.

7 **SEC. 204. 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. 205. AUTHORITY.**

16 (a) PARTICIPATION OF SECRETARY OF TRANSPOR-
17 TATION AND STATES.—All authority to issue regulations,
18 set standards, and issue grants under this title shall be
19 carried out by the Secretary, in consultation with the Sec-
20 retary of Transportation and the States.

21 (b) EXTENSIONS OF DEADLINES.—The Secretary
22 may grant to a State an extension of time to meet the
23 requirements of section 202(a)(1) if the State provides
24 adequate justification for noncompliance.

1 **SEC. 206. REPEAL.**

2 Section 7212 of the Intelligence Reform and Ter-
3 rorism Prevention Act of 2004 (Public Law 108–458) is
4 repealed.

5 **SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.**

6 Nothing in this title shall be construed to affect the
7 authorities or responsibilities of the Secretary of Trans-
8 portation or the States under chapter 303 of title 49,
9 United States Code.

10 **TITLE III—BORDER INFRA-**
11 **STRUCTURE AND TECH-**
12 **NOLOGY INTEGRATION**

13 **SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.**

14 (a) STUDY.—The Under Secretary of Homeland Se-
15 curity for Border and Transportation Security, in con-
16 sultation with the Under Secretary of Homeland Security
17 for Science and Technology and the Under Secretary of
18 Homeland Security for Information Analysis and Infra-
19 structure Protection, shall study the technology, equip-
20 ment, and personnel needed to address security
21 vulnerabilities within the United States for each field of-
22 fice of the Bureau of Customs and Border Protection that
23 has responsibility for any portion of the United States bor-
24 ders with Canada and Mexico. The Under Secretary shall
25 conduct follow-up studies at least once every 5 years.