

110TH CONGRESS
1ST SESSION

S. 563

To extend the deadline by which State identification documents shall comply with certain minimum standards and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2007

Ms. COLLINS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To extend the deadline by which State identification documents shall comply with certain minimum standards 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. MINIMUM DOCUMENT REQUIREMENTS.**

4 Section 202(a)(1) of the REAL ID Act of 2005 (49
5 U.S.C. 30301 note) is amended by striking “3 years after
6 the date of the enactment of this division” and inserting
7 “2 years after the promulgation of final regulations to im-
8 plement this section”.

1 **SEC. 2. AUTHORITY TO EXTEND COMPLIANCE DEADLINES.**

2 Section 205(b) of the REAL ID Act of 2005 (49
3 U.S.C. 30301 note) is amended—

4 (1) by striking “The Secretary” and inserting
5 the following:

6 “(1) IN GENERAL.—The Secretary”; and

7 (2) by adding at the end the following:

8 “(2) LACK OF VALIDATION SYSTEMS.—If the
9 Secretary determines that the Federal or State elec-
10 tronic systems required to verify the validity and
11 completeness of documents under section 202(c)(3)
12 are not available to any State on the date described
13 in section 202(a)(1), the requirements under section
14 202(c)(1) shall not apply to any State until adequate
15 electronic validation systems are available to all
16 States.”.

17 **SEC. 3. NEGOTIATED RULEMAKING.**

18 (a) NEGOTIATED RULEMAKING COMMITTEE.—The
19 Secretary of Homeland Security shall reconvene the com-
20 mittee originally established pursuant to section
21 7212(b)(4) of the 9/11 Commission Implementation Act
22 of 2004 (49 U.S.C. 30301 note), with the addition of any
23 new interested parties, including experts in privacy protec-
24 tion, experts in civil liberties and protection of constitu-
25 tional rights, and experts in immigration law, to—

1 (1) review the regulations proposed by the Sec-
2 retary of Homeland Security to implement section
3 202 of the REAL ID Act of 2005 (49 U.S.C. 30301
4 note);

5 (2) review the provisions of the REAL ID Act
6 of 2005;

7 (3) submit recommendations to the Secretary of
8 Homeland Security regarding appropriate modifica-
9 tions to such regulations; and

10 (4) submit recommendations to the Secretary of
11 Homeland Security and Congress regarding appro-
12 priate modifications to the REAL ID Act of 2005.

13 (b) CRITERIA.—In conducting the review under sub-
14 section (a)(1), the committee shall consider, in addition
15 to other factors at the discretion of the committee, modi-
16 fications to the regulations to—

17 (1) minimize conflicts between State laws re-
18 garding driver’s license eligibility;

19 (2) include procedures and requirements to pro-
20 tect the Federal and State constitutional rights, civil
21 liberties, and privacy rights of individuals who apply
22 for and hold driver’s licenses and personal identifica-
23 tion cards;

24 (3) protect the security of all personal informa-
25 tion maintained in electronic form;

1 (4) provide individuals with procedural and sub-
2 stantive due process, including rules and right of ap-
3 peal, to challenge errors in data records contained
4 within the databases created to implement section
5 202 of the REAL ID Act of 2005;

6 (5) ensure that private entities are not per-
7 mitted to scan the information contained on the face
8 of a license, or in the machine readable component
9 of the license, and resell, share, or trade such infor-
10 mation with third parties;

11 (6) provide a fair system of funding to limit the
12 costs of meeting the requirements of section 202 of
13 the REAL ID Act of 2005;

14 (7) facilitate the management of vital identity-
15 proving records; and

16 (8) improve the effectiveness and security of
17 Federal documents used to validate identification.

18 (c) RULEMAKING.—To the extent that the final regu-
19 lations to implement section 202 of the REAL ID Act of
20 2005 do not reflect the modifications recommended by the
21 committee pursuant to subsection (a)(3), the Secretary of
22 Homeland Security shall include, with such regulations in
23 the Federal Register, the reasons for rejecting such modi-
24 fications.

1 (d) REPORTS.—Upon submitting recommendations
2 to the Secretary of Homeland Security under subsection
3 (a), the committee shall submit a report to the Committee
4 on Homeland Security and Governmental Affairs of the
5 Senate and the Committee on Homeland Security of the
6 House of Representatives that includes—

7 (1) the list of recommended modifications to the
8 regulations that were submitted to the Secretary of
9 Homeland Security under subsection (a)(3); and

10 (2) a list of recommended amendments to the
11 Real ID Act of 2005 that would address any con-
12 cerns that could not be resolved by regulation.

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