

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 4133**

To modernize the REAL ID Act of 2005, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. JOHNSON (for himself and Mr. PETERS)

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “REAL ID Modernization Act”.  
5

6 **SEC. 2. REAL ID ACT AMENDMENTS.**

7 (a) DEFINITIONS.—Section 201 of the REAL ID Act  
8 of 2005 (division B of Public Law 109–13; 49 U.S.C.  
9 30301 note) is amended—

10 (1) in paragraph (1)—

1 (A) by striking “The term ‘driver’s license’  
2 means” and inserting the following: “The term  
3 ‘driver’s license’—

4 “(A) means”; and

5 (B) by striking “Code.” and inserting the  
6 following: “Code; and

7 “(B) includes driver’s licenses stored or  
8 accessed via electronic means, such as mobile or  
9 digital driver’s licenses, which have been issued  
10 in accordance with regulations prescribed by the  
11 Secretary.”; and

12 (2) in paragraph (2)—

13 (A) by striking “The term ‘identification  
14 card’ means” and inserting the following: “The  
15 term ‘identification card’—

16 “(A) means”; and

17 (B) by striking “State.” and inserting the  
18 following: “State; and

19 “(B) includes identification cards stored or  
20 accessed via electronic means, such as mobile or  
21 digital identification cards, which have been  
22 issued in accordance with regulations prescribed  
23 by the Secretary.”.

24 (b) MINIMUM REQUIREMENTS FOR FEDERAL REC-  
25 OGNITION.—Section 202 of the REAL ID Act of 2005 (di-

1 vision B of Public Law 109–13; 49 U.S.C. 30301 note)  
2 is amended—

3 (1) in the section heading, by striking “**DOCU-**  
4 **MENT**”;

5 (2) in subsection (a)—

6 (A) in paragraph (2), by striking “, in con-  
7 sultation with the Secretary of Transpor-  
8 tation,”; and

9 (B) by adding at the end the following:

10 “(3) LIMITATION.—The presentation of digital  
11 information from a mobile or digital driver’s license  
12 or identification card to an official of a Federal  
13 agency for an official purpose may not be construed  
14 to grant consent for such Federal agency to seize  
15 the electronic device on which the license or card is  
16 stored or to examine any other information con-  
17 tained on such device.”;

18 (3) in subsection (b)—

19 (A) in the subsection heading, by striking  
20 “DOCUMENT” and inserting “DRIVER’S LI-  
21 CENSE AND IDENTIFICATION CARD”;

22 (B) in the matter preceding paragraph (1),  
23 by inserting “, or as part of,” after “features  
24 on”;

1           (C) in paragraph (5), by inserting “, which  
2           may be the photograph taken by the State at  
3           the time the person applies for a driver’s license  
4           or identification card or may be a digital photo-  
5           graph of the person that is already on file with  
6           the State if the photograph was taken of the  
7           person by the State during the 6-year period  
8           preceding such application” before the period at  
9           the end;

10           (D) in paragraph (6), by striking “prin-  
11           ciple” and inserting “principal”; and

12           (E) in paragraph (8)—

13                 (i) by striking “Physical security” and  
14                 inserting “Security”; and

15                 (ii) by striking “document” and in-  
16                 serting “driver’s license or identification  
17                 card”;

18           (4) in subsection (c)—

19                 (A) in paragraph (1)—

20                         (i) in subparagraph (C), by striking  
21                         “Proof of the” and inserting “The”; and

22                         (ii) in subparagraph (D), by striking  
23                         “Documentation showing the” and insert-  
24                         ing “The”;

1 (B) by redesignating paragraph (3) as  
2 paragraph (4);

3 (C) by inserting after paragraph (2) the  
4 following:

5 “(3) ELECTRONIC PRESENTATION OF IDENTITY  
6 AND LAWFUL STATUS INFORMATION.—A State may  
7 accept information required under paragraphs (1)  
8 and (2) through the use of electronic transmission  
9 methods if—

10 “(A) the Secretary issues regulations re-  
11 garding such electronic transmission that—

12 “(i) describe the categories of infor-  
13 mation eligible for electronic transmission;  
14 and

15 “(ii) include measures—

16 “(I) to ensure the authenticity of  
17 the information transmitted;

18 “(II) to protect personally identi-  
19 fiable information; and

20 “(III) to detect and prevent iden-  
21 tity fraud; and

22 “(B) the State certifies to the Department  
23 of Homeland Security that its use of such elec-  
24 tronic methods complies with regulations issued  
25 by the Secretary.”; and

1 (D) in paragraph (4)(A), as redesignated,  
2 by striking “each document” and inserting “the  
3 information and documentation”; and

4 (5) in subsection (d)—

5 (A) in paragraph (7), by striking “docu-  
6 ment materials and papers” and inserting “ma-  
7 terials, records, and data”;

8 (B) in paragraph (8), by striking “security  
9 clearance requirements” and inserting “back-  
10 ground checks”; and

11 (C) in paragraph (9), by striking “fraudu-  
12 lent document recognition” and inserting  
13 “fraud detection and prevention”.

14 (c) TERMINATION OF GRANTS TO STATES; AUTHOR-  
15 IZATION OF APPROPRIATIONS.—Section 204 of the REAL  
16 ID Act of 2005 (division B of Public Law 109–13; 49  
17 U.S.C. 30301 note) is amended to read as follows:

18 **“SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated to the Sec-  
20 retary such sums as may be necessary to carry out this  
21 title.”.

22 (d) RULEMAKING PROCEDURE.—Section 205(a) of  
23 the REAL ID Act of 2005 (division B of Public Law 109–  
24 13; 49 U.S.C. 30301 note) is amended to read as follows:



1 of this Act, a State does not need to require an applicant  
2 for a driver's license or identification card to provide sepa-  
3 rate documentation of the applicant's Social Security ac-  
4 count number or address of principal residence in order  
5 to comply with the requirements of the REAL ID Act of  
6 2005 (division B of Public Law 109-13; 49 U.S.C. 30301  
7 note).