

## EPIC Chart Analysis of PASS ID & REAL ID

Color Key: The Same or Slightly Revised language between PASS ID and REAL ID New Language in PASS ID Act

Deleted From PASS ID Act Language in Otherwise Similar Passage of REAL ID Act Language in the PASS ID that may be worse for Privacy

Sections	REAL ID	PASS ID
State Certification	The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.	<p>The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.</p> <p>NEW: **</p> <p>“(4) CERTIFICATION OF OTHER IDENTIFICATION DOCUMENTS.—The Secretary may certify any driver’s license or identification card, including an Enhanced Driver’s License designated by the Secretary under section 7209 of the 9/11 Commission Implementation Act of 2004, as compliant with the requirements of this subtitle if the Secretary, after review, determines such license or card meets the requirements of this subtitle.</p>
Minimum Document Requirements (Information to be included on the Drivers License/State ID)	(b) Minimum Document Requirements.--To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State: (1) The person's full legal name. (2) The person's date of birth. (3) The person's gender. (4) The person's driver's license or identification card number. (5) A digital photograph of the person. (6) The person's address of principle residence. (7) The person's signature. (8) Physical security features designed to prevent tampering, counterfeiting, or	(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver’s license and identification card issued to a person by the State: “(1) The person’s legal name. “(2) The person’s date of birth. “(3) The person’s gender. “(4) The person’s driver’s license or identification card number. “(5) A digital photograph of the person. “(6) The person’s address of principal residence, except—“(A) as provided for under section 827 of the Violence Against Women Act (Public Law 25 109–162); or “(B) for any individual who a

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	<p>duplication of the document for fraudulent purposes.                  (9) A common machine-readable technology, with defined minimum data elements.</p>	<p>State determines should be exempted from the requirement under this paragraph to protect the safety or security of the applicant. “(7) The person’s signature. “(8) A combination of security features designed to protect the physical integrity of the document, including the prevention of tampering, counterfeiting, or duplication of the document for fraudulent purposes. “(9) A common machine-readable technology, containing the data elements available on the face of a driver’s license or identification card. A person’s social security number may not be included in these data elements. “(10) A unique symbol designated by the Secretary to indicate compliance with the requirements under this section.</p>
<p>Minimum Standards for Federal Recognition/Use</p>	<p>(a) ... a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.</p> <p>(2) State certifications.--The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.</p>	<p>Sec. 242 “(A) a Federal agency may not accept, for any official purpose, a driver’s license or identification card issued by a State to any person unless the State is materially compliant;</p> <p>New**and “(B) no person shall be denied boarding a commercial aircraft solely on the basis of failure to present a driver’s license or identification card issued pursuant to this subtitle. “(2) AGENCY ACCEPTANCE.—</p> <p>Beginning 6 years after the date on which final regulations are issued to implement this subtitle, pursuant to section 5 of the PASS ID Act, a Federal agency may not accept, for any official purpose, a driver’s license or identification card unless the license or card complies with subsection (b).</p>

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<p>Minimum Issuance Requirements</p>	<p>Sec. 202 (c) Minimum Issuance Standards.-- (1) In general.--To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:</p> <p>(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth. (B) Documentation showing the person's date of birth. (C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number. (D) Documentation showing the person's name and address of principal residence. (2) Special requirements.-- (A) In general.-- To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph. (B) Evidence of lawful status.--A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person--</p> <p>(i) is a citizen or national of the United States;</p> <p>(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;</p> <p>(iii) has conditional permanent resident status in the United States; (iv) has an approved application for asylum in the United States or has entered into the United States in refugee status; (v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (vi) has a pending application for asylum in the United States;</p>	<p>Sec. 242 4(c) MINIMUM ISSUANCE STANDARDS.—“(1) IN GENERAL.—To meet the requirements of this section, for all driver’s licenses and identification cards issued under this subtitle at least 1 year after the date on which final regulations are issued to implement this subtitle, pursuant to section 5 of the PASS ID Act, a State shall require, at a minimum, presentation and validation of the following information before issuing a driver’s license or identification card to a person: “(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person’s full name and date of birth. “(B) Documentation showing the person’s date of birth. “(C) Proof of the person’s social security account number or verification that the person is not eligible for a social security account number. “(D) Documentation showing the person’s name and address of principal residence. “(2) SPECIAL REQUIREMENTS.—“(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph. “(B) EVIDENCE OF LAWFUL STATUS.—Before issuing a driver’s license or identification card to a person, a State shall verify that the person—“(i) is a citizen or national of the United States; “(ii) has been granted lawful permanent residence in the United States; “(iii) has been granted asylum or withholding of removal, or has been admitted into the United States as a refugee; “(iv) has been granted temporary residence in the United States; “(v) has been paroled into the United States</p>
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	<p>(vii) has a pending or approved application for temporary protected status in the United States; (viii) has approved deferred action status; or (ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.</p>	<p>under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), subject to such exceptions as the Secretary, in the Secretary’s unreviewable discretion, may prescribe for aliens paroled into the United States for prosecution or other categories of paroled aliens; “(vi) is a lawful nonimmigrant in the United States; “(vii) has a pending application for asylum or withholding of removal and has been granted employment authorization; “(viii) has been granted temporary protected status in the United States or has a pending application for temporary protective status and has been granted employment authorization; “(ix) has been granted deferred action status; “(x) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; “(xi) has otherwise been granted employment authorization in the United States; or “(xii) is otherwise an alien lawfully present in the United States, as determined by the Secretary in the Secretary’s unreviewable discretion.</p>
Other Requirements	<p>Sec. 202 (d) Other Requirements.--To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards: (1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format. (2) Retain paper copies of source documents for a minimum of 7 years or images of source</p>	<p>Sec. 242 “(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of driver’s licenses and identification cards: “(1)(A) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferrable format for at least as long as the applicable driver’s license or identification card is valid; or “(B) retain</p>

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<p>documents presented for a minimum of 10 years. (3) Subject each person applying for a driver's license or identification card to mandatory facial image capture. (4) Establish an effective procedure to confirm or verify a renewing applicant's information. (5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action. (6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license. (7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced. (8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements. (9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards. (10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years. (11) In any case in which the State issues a driver's license or identification card that</p>	<p>paper copies of source documents for at least as long as the applicable driver's license or identification card is valid. (2) Subject each person who submits an application for a driver's license or identification card to mandatory facial image capture. (3) Establish an effective procedure to confirm or verify a renewing applicant's information. (4) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State may use any appropriate procedures to resolve non-matches. (5) Establish an effective procedure to confirm that a person submitting an application for a driver's license or identification card is terminating or has terminated any driver's license or identification card issued pursuant to this section to such person by a State.</p> <p>(6) Provide for the physical security of locations where driver's licenses and identification cards are produced and the security of document materials and papers from which driver's licenses and identification cards are produced. (7) Establish appropriate administrative and physical safeguards to protect the security, confidentiality, and integrity of personally identifiable information collected and maintained at locations at which driver's licenses or identification documents are produced or stored, including— (A) procedures to prevent the unauthorized access to, or use of, personally identifiable information;</p>	
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	<p>does not satisfy the requirements of this section, ensure that such license or identification card-- (A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and (B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose. (12) Provide electronic access to all other States to information contained in the motor vehicle database of the State. (13) Maintain a State motor vehicle database that contains, at a minimum-- (A) all data fields printed on drivers' licenses and identification cards issued by the State; and (B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.</p>	<p>“(B) public notice of security and privacy policies, including the use, storage, access to, and sharing of personally identifiable information; “(C) the establishment of a process through which individuals may access, amend, and correct, as determined appropriate by the State, their own personally identifiable information. “(8) <b>Subject all persons authorized to manufacture or produce driver’s licenses and identification cards to appropriate security clearance requirements.</b> “(9) Establish fraudulent document recognition and document validation training programs for appropriate employees engaged in the issuance of driver’s licenses and identification cards. “(10) <b>Limit the period of validity of all driver’s licenses and identification cards that are not temporary to a period that does not exceed 8 years.</b></p>
<p>State Compliance</p>	<p>Secretary of DHS “shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary of DHS. Such certifications shall be made at such times and in such manner as the Secretary of DHS, in consultation with the Secretary of Transportation may prescribe by regulation.</p> <p>State must verify with issuing agency the authenticity of each document presented by the requester of a REAL ID.</p>	<p>Certification to the Secretary of DHS that the state has begun issuing licenses and IDs that are compliant with the PASS Act.</p>
<p>Pass ID New Language</p>		<p>Pages 15-24 is new language</p>

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Revised language Similar Goals Stated Differently in PASS ID Act New Language in PASS ID Act

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### Definitions

“Secretary’s unreviewable discretion” means DHS Secretary. Used as follows: “(v) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), subject to such exceptions as the Secretary, in the Secretary’s unreviewable discretion, may prescribe for aliens paroled into the United States for prosecution or other categories of paroled aliens; (page 8. PASS ID) ; “(xii) is otherwise an alien lawfully present in the United States, as determined by the Secretary in the Secretary’s unreviewable discretion. (page 9 PASS ID); and The Secretary may, in the Secretary’s unreviewable discretion, authorize the issuance of temporary driver’s licenses or temporary identification cards, for periods longer than 1 year, to employees of international organizations and to other nonimmigrant aliens who are authorized to remain in the United States for an indefinite period. (page 10. PASS ID);

Driver’s License Title 49 Section 30301 USC (5) “motor vehicle operator’s license” means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways. (January 2006)

State ID Title 18 Section 1028(d) (1) the term “authentication feature” means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified; (2) the term “document-making implement” means any implement, impression, template, computer file, computer disc, electronic device, or computer hardware or software, that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement; (3) the term “identification document” means a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a sponsoring entity of an event designated as a special event of national significance, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals; (4) the term “false identification document” means a

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document of a type intended or commonly accepted for the purposes of identification of individuals that—(A) is not issued by or under the authority of a governmental entity or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit; and (B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a sponsoring entity of an event designated by the President as a special event of national significance, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;