



FACT SHEET:

Driver's Licenses, 9-11, and Intelligence Reform

What happened in the 9/11 plot:

- The hijackers obtained 13 driver's licenses (two of which were duplicates) and 21 USA or state-issued identification cards (usually used for showing residence in the U.S. or a state).
- The driver's licenses themselves were all legal, that is, they were not forged. But they were not all legally obtained. Seven hijackers used fraudulent means (false statements of residency) to acquire legitimate identifications in Virginia.
- Their fraud in obtaining driver's licenses did not arise from them being undocumented aliens. All the hijackers entered the United States with proper immigration documents, but several had committed fraudulent acts to get them.
- One hijacker who obtained a driver's license when he was in status was out of status on 9/11. Another hijacker whose documents clearly showed that he was out of status and had overstayed his 30-day visitor's visa did not seek or obtain a driver's license. He used his passport to prove identification and board the aircraft.
- Based on what we learned in the 9/11 story, we recommended stronger immigration enforcement to catch terrorists who were exploiting weaknesses in America's border security. We recommended greater attention to terrorist travel tactics and information sharing about such travel.
- We also recommended strong federal standards for the issuance of birth certificates and other sources of identification, such as driver's licenses, to avoid the identity fraud that terrorists can exploit.

- We did not make any recommendations to state governments about which individuals should or should not be issued a driver's license.
- Specifically, we did not make any recommendation about licenses for undocumented aliens. That issue did not arise in our investigation, as all hijackers entered the United States with documentation (often fraudulent) that appeared lawful to immigration inspectors. They were therefore "legal immigrants" at the time they received their driver's licenses.

What the pending Conference Report (following the Commission's recommendations) would require:

- The establishment of new standards to ensure the integrity of the three basic documents Americans use to establish their identity—birth certificates; state-issued driver's licenses and i.d. cards; and social security cards.
- New standards to ensure that the applicant for the identity document is actually the person the applicant claims to be; and improvements to the physical security of the document.
- States would receive grants to assist them in implementing the new standards.

What HR 10 requires:

HR 10 requires that before issuing a driver's license a state would need to verify that each applicant:

- Is a citizen of the United States;
- Is an alien lawfully admitted to permanent residence status in the U.S.;
- Has conditional permanent residence status in the U.S.;
- Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the U.S.; or
- Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the U.S. (There are additional requirements but these are the key ones).

Only citizens and permanent residents could receive driver's licenses; all others with documentation would have temporary driver's licenses issued for the length of visa stay or not more than one year if there is no definite end to the period of authorized stay. Undocumented aliens could not receive licenses.

Observations

- It is important to have national standards on driver's licenses, passports and other identification documents.

- There is no doubt hijackers used state-issued documents to get through a lot of checkpoints. For this reason, we believe federal minimum standards for such state-issued documents are important.
- Whether illegal aliens should be able to get driver's licenses is a valid question for debate.
- The debate over this issue ought not to hang up the hundreds of provisions in the conference report that would strengthen intelligence, improve information sharing, strengthen transportation and border security, improve American foreign policy, and support first responders.
- We would also note that if the hijackers presented visa documentation that appeared valid to DMV officials (as they apparently did), they would still have been issued temporary driver's licenses for the duration of their visa, under the provisions in the House bill.