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October 11, 2001

Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Ashcroft:

On the afternoon of September 27, you spoke with Charles Morgan and myself. It is also my understanding that you have spoken with Senator Tim Hutchinson and Senator Blanche Lincoln.

In those conversations, among other things, the issue of amendments to Gramm Leach Bliley ("GLB") and the Drivers Privacy Protection Act (DPPA) was raised. The purpose of the proposed amendments is to allow commercial entities access to credit header and drivers license information in order to verify the identity of individuals and information. As you are aware these types of information have historically been available.

We are developing a system that will provide for identity and information verification that can be used by organizations such as airlines, airports, cruise ships, and large buildings and other applications to better determine whether a person is actually who they say they are. While we, and others, can currently create such a system, it can be much more reliable if the referenced types of data are available.

I have attached copies of the proposed amendments and would very much appreciate the opportunity to discuss these matters with someone on your staff. We understand that these proposed amendments might not be attached to the Anti-Terrorism Bill but would sincerely appreciate your support for amendments to Senator Hollings and Senator McCain's Airport Security Bill.

Thank you for your consideration.

Cordially yours,



Jerry C. Yeas

JCY/srn

Cc: Senator Blanche Lincoln
Senator Tim Hutchinson
Charles Morgan

Specific Amendments-DPPA

§ 1 Purpose

(a) It is the intent of this Article that restrictions on the disclosure and use of personal information contained in the motor vehicle record, as set forth in 18 U.S.C. §2721, be superceded by the provisions hereof.

§ 2 Title 18 U.S.C. §2721

Title 18 U.S.C. §2721 (b)(1) is amended by adding thereto the following:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions, or any entity for the purpose of using the individual information, as defined in 18 U.S.C. §2725(3) and (4), either directly or for the purpose of identity or information authentication, as defined in 18 U.S.C. §2725(7), to be disclosed to any government agency or commercial entities, as defined in 18 U.S.C. §2725(8), in order to authenticate the identity or information relating to an individual.

18 U.S.C. §2721 (c) is amended by adding thereto the following:

(c) Resale or redisclosure. An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b) (11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(1) and (b)(11)) that resells or rediscloses personal information covered by this chapter (18 U.S.C. §§2701 et seq.) must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.

§ 3 Title 18 U.S.C. §2725

Title 18 U.S.C. 2725(3) is amended by adding thereto the following:

(3) "personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, date-of-birth, address (to include the zip code), telephone number, and medical or disability

information, but does not include information on vehicular accidents, driving violations, and driver's status.

Title 18 U.S.C. 2725 is amended by adding thereto the following subsections

(6) "authentication" means the use of identity or information authentication to verify information provided by the individual, or to establish the identity of the individual, for law enforcement, fraud or crime prevention, or legitimate commercial purposes related to identity verification.

(7) "identity or information authentication" means any process, technology and/or method that uses information maintained by a government agency or commercial entity pertaining to the individual that can be used to identify the individual or authenticate information relating to an individual, including individual's photograph, social security number, driver identification number, name, date-of-birth, address (to include the zip code), telephone number, information on vehicular accidents, driving violations, and driver's status.

(8) "commercial entity" means a business, whether or not incorporated, and whether or not for profit, that is engaged in commercial activities.

Specific Amendments-GLB

§ 1 Purpose

(a) It is the intent of this Article that certain exceptions to restrictions on the use of information in current law be clarified by the provisions hereof.

§ 2 Public Law 106-102

Sec. 502 (c)(3)(B) is hereby amended and replaced with the following new language:

(3)(B) to protect against or prevent acts of terrorism, actual or potential fraud, unauthorized transactions, claims, or other liability including the authentication of information provided by or concerning a consumer or customer or the authentication of the identity of a consumer or customer. Any information provided pursuant to this subsection shall not be deemed a consumer report under the Fair Credit Reporting Act .

Sec. 509. DEFINITIONS is hereby amended to add the following:

"(12) AUTHENTICATION – The term "Authentication" means the use of an identity authenticator to verify information provided by or concerning a consumer or customer, or to establish the identity of or locate the individual, for law enforcement, fraud or crime prevention, or legitimate commercial purposes related to identity verification.

(13) IDENTITY AUTHENTICATOR – The term "Identity Authenticator" means information maintained by a financial institution pertaining to a consumer or customer that can be used to identify the consumer or customer, limited to the consumer's or customer's social security number, name, date-of-birth, address (to include the zip code) and telephone number.

§ 3 Preemption

No requirement or prohibition may be imposed under the laws of any state that conflicts with the provisions of Section 502(e)3(B) as amended.