

Defunding the Real ID Act

December 16, 2010 - Last week, the House of Representatives rushed through HR 3082; a bill which contains a lot of unrelated items that had little or no debate. While there is much to dislike about the bill, and the procedures used to get the bill passed reeked of back room dealing and political trickery, one item in the legislation did catch our eye. The legislation forbids the Department of Homeland Security's development of the REAL ID Hub. This is a database that would have shared driver's license information with all participating states and the federal government; turning driver's licenses into a de facto internal passport.

```
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var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];  
s.type = 'text/javascript';  
s.src = 'http://widgets.digg.com/buttons.js';  
s1.parentNode.insertBefore(s, s1);  
})();
```

ACCESS has been opposed to the REAL ID Act since its inception. The ACT was passed as an attachment to a war funding bill that nobody in either party wanted to vote against. As a standalone bill, it had failed to get support.

The REAL ID Act set national standards for states to follow when issuing driver's licenses but it failed to pay for the states to comply. Although the bill didn't require states to comply with it, it did state that citizens of any state that was out of compliance would not be able to use their driver's license as ID for federal purposes. That would mean that if you lived in a state that was not in compliance with the law, you couldn't board an airplane, enter a federal building or apply for federal benefits using your driver's license. You would need to get a passport instead. This provision essentially turned the law into an unfunded federal mandate that state taxpayers would have to pay for. And the costs associated with implementing and remaining in compliance with the law range well into Billions of dollars annually.

Making matters worse, states who participate in REAL ID would be forced to share information on their residents with the federal government. This information includes all drivers' license and state ID card information. This highly personal information would then be available to law enforcement officers at local, state and federal levels without any need for a search warrant or a subpoena. That would mean that potentially hundreds of thousands of government employees would have access to this data with very little oversight.

Given the federal government's abysmal data security record, such a database poses significant risks for consumers. The data that it would contain would, we believe, pose an unacceptable risk of identity theft. Additionally, it would provide the government with an even greater window into the travel habits of Americans as they move about the country. Frankly, that's none of the government's business.

The push behind REAL ID came in the wake of 9/11 and because all of the terrorists had valid state ID's, the bill was talked about as a way to prevent future attacks. Unfortunately, nothing contained in the bill would have prevented the 9/11 terrorists from getting valid state identification cards. Once you realize this, and combine it with the fact that neither the Bush or Obama administrations have done anything to control the flow of people entering the country illegally, it becomes clear that the target of REAL ID was to monitor Americans.

Fortunately, REAL ID has run into stiff opposition from the states. A number of states have passed laws forbidding compliance. This will make it nearly impossible for the federal government to implement. And now, it looks as if the database behind the law is about to be defunded. Let's just hope that this is the final nail in REAL ID's coffin.

by Jim Malmberg

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