

## Oppose Funding for Real ID Act Implementation

Dear Senator,

We, the undersigned organizations, urge you to oppose the Real ID funding amendment to H.R. 2638, the Department of Homeland Security Appropriations bill for fiscal year 2008, offered by Sen. Lamar Alexander (R-TN). This amendment would provide partial funding to states to implement the unworkable Real ID Act, which the Department of Homeland Security (“DHS”) states will cost \$23.1 billion to implement. If this amendment is adopted, states that receive these limited funds might be coerced into spending billions more to implement a driver’s license mandate that threatens unacceptable privacy and civil rights violations.

This amendment is offered at a time when many states are engaged in an all-out revolt against the Real ID Act. To date, 17 states have enacted anti-Real ID bills or resolutions, and 21 additional states have had anti-Real ID bills and resolutions pending in state legislatures in 2007. Of those seventeen states, seven – Arkansas, Georgia, Maine, Montana, New Hampshire, Oklahoma and Washington – will never issue a Real ID license because those states have enacted binding legislation prohibiting participation in the Real ID program.

We do not believe this program merits further funding, and, in any case, funding is premature. In 2005, \$40 million was appropriated to states for Real ID implementation. Of that amount, only \$6 million was provided in grants, and only \$3 million was accepted by one state: Kentucky. New Hampshire was offered federal funding, but wisely rejected it, knowing that the acceptance of those funds might obligate New Hampshire to spend an additional \$40 million or more raised solely from new state taxes. Furthermore, the Department of Homeland Security has yet to release the final regulations for Real ID Act compliance making any appropriation by Congress premature. Without these guidelines, states would be forced to guess at how to spend their federal Real ID funding, inevitably leading to wasted money and effort when the finalized regulations are released with major changes.

Further, the funding provided by the Amendment provides **only a small fraction** of the total funding cost for states– estimated by DHS itself in its Proposed Rules filed in the Federal Register to be at least \$23.1 billion– of implementing the Real ID Act. In short, passage of the Alexander amendment will not substantially alleviate the unprecedented unfunded mandate imposed upon state governments. That means that governors and state legislatures will be forced to raise taxes and dramatically hike license fees in order to even begin to close the huge funding gap. These new state taxes and dramatically heightened license fees are sure to be widely unpopular. Congress should revisit the Real ID Act, perhaps replacing it with a more cost-effective licensing alternative such as that proposed in the bipartisan S. 717, the Identification Security Enhancement Act of 2007. The Alexander amendment, instead, may obligate states that accept some Congressional funding to pay far more in the future to actually begin to implement Real ID.

Even substantial appropriations by Congress will not alleviate the burdens of Real ID Act implementation. The real cost of implementing the program will be borne by individuals because it amounts to a hidden tax increase, invades everyone's privacy, and embodies the worst excesses of bureaucratic government. State administrators, governors, and advocates have been warning about the disruption and chaos that actual implementation of Real ID will likely bring. These new burdens include longer wait times and service times at DMVs, as well as the time necessary to obtain new source documents, which some citizens may not have access to in the first place. Real ID particularly harms the poor, victims of domestic violence, immigrants and religious minorities.

The fundamental problem with Real ID is that it imposes the United States' first-ever national identity card system. National IDs would threaten privacy by consolidating data in huge, insecure government databases that could be accessed by hundreds of thousands of government employees. National IDs also facilitate tracking of innocent citizens' movements by the government. The end result could be a situation where citizens' movements inside their own country are monitored and recorded through these "internal passports." In addition, Real ID mandates significant changes to the amount and type of sensitive, personally identifiable information states will obtain, store and share about each and every applicant for an ID card. These mandates will likely lead to rampant identity theft and significant invasions of personal privacy.

Finally, expansions to Real ID have already been proposed in a host of areas, from voting to employment. If those changes are enacted, the Real ID database will become a de facto requirement for participation in American life. Errors at the DMV could affect an individual's ability to get a job, receive medical benefits, vote or participate in civic life. Senators Akaka (D-HI) and Sununu (R-NH), have introduced S. 717, the Identification Security Enhancement Act of 2007 to address these problems by repealing Title II of the Real ID Act and restoring section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004. S. 717 demonstrates that the implementation of the Real ID Act is not a prerequisite for secure driver's licenses. The increase in ID theft and document fraud will also make it easier for sophisticated criminals and terrorists to obtain the identity of another person and pass themselves off as that person. The aggregation of the data and the source documents thus opens a substantial security loophole. This loophole is exactly contrary to the intent of the 9/11 Commission. Because of the rigidity of the Real ID Act's language, DHS had little flexibility to resolve this concern. As a result, unless Congress revisits this portion of the Real ID Act, we will be more vulnerable, not less.<sup>1</sup>

For the above reasons, we urge you to oppose the Real ID Funding Amendment to S.1644, the Department of Homeland Security Appropriations bill for fiscal year 2008.

Sincerely,

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<sup>1</sup> For example, see the statement by the Privacy Rights Clearinghouse, a nationally recognized resource center for the victims of ID theft, which states that "[i]f you think identity theft is bad now, wait until something called the Real ID Act goes into effect." [http://www.privacyrights.org/ar/real\\_id\\_act.htm](http://www.privacyrights.org/ar/real_id_act.htm).

ADC Michigan  
ACORN  
American Civil Liberties Union  
American Immigration Lawyers Association  
American Library Association  
American Policy Center  
Americans Right to Privacy  
Arab Resource and Organizing Center  
Asian American Justice Center  
Asian American Legal Defense and Education Fund  
Association of American Physicians and Surgeons  
Bay Area Immigrant Rights Coalition  
California Immigrant Policy Center (CIPC)  
Center for Community Change  
Citizen Outreach Project  
Common Cause  
Community Economic Development Center of South Eastern Massachusetts  
Consumer Action  
Council for Citizens Against Government Waste  
Demos  
DownsizeDC.org, Inc  
Electronic Frontier Foundation  
El CENTRO de Igualdad y Derechos  
El Centro de la Raza  
El Pueblo, Inc.  
Fairfax County Privacy Council  
Greater New York Labor-Religion Coalition  
Hate Free Zone  
Hispanic Coalition of Miami, Florida  
Housing and Economic Rights Advocates  
Humphrey & Whidden Insurance Agency, Inc.

Idaho Community Action Network  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant Legal Advocacy Project  
International Friendship Center, "Centro de Amigos"  
Japanese American Citizens League  
Korean American Resource & Cultural Center  
Korean Resource Center  
Labor Council for Latin American Advancement, Massachusetts Chapter  
La Raza Centro Legal, San Francisco  
Law Center For Families  
Lawyers' Committee for Civil Rights Under Law  
Leadership Conference on Civil Rights  
Legal Momentum  
Legal Services for Prisoners with Children  
Liberty Coalition  
Long Island Immigrant Alliance  
Maine Council of Churches  
Massachusetts Immigrant and Refugee Advocacy Coalition  
Mexican American Legal Defense and Educational Fund (MALDEF)  
Mothers Against the Draft  
Michigan Organizing Project  
Minnesota Advocates for Human Rights  
Mujeres Unidas de Idaho  
Multiracial Activist  
Muslim Outreach  
NAACP Portland Branch  
National Center for Transgender Equality  
National Council of La Raza  
National Employment Law Project  
National Gay and Lesbian Task Force  
National Immigrant Solidarity Network

National Immigration Law Center  
National Korean American Service & Education Consortium  
Nebraska Appleseed Center for Law in the Public Interest  
New Jersey Immigration Policy Network  
Northwest Federation of Community Organizations  
Oregon Action  
PrivacyActivism  
Privacy Journal  
Privacy Rights Now Coalition  
Republican Liberty Caucus  
Rural Organizing Project  
Rutherford Institute  
St.Matthews Catholic Church  
San Francisco Day Labor Program  
Services, Immigrant Rights and Education Network  
Service Employees International Union  
Sikh American Legal Defense and Education Fund  
Teachers 4 Social Justice  
Tennessee Immigrant & Refugee Rights Coalition  
Unitarian Universalist Association of Congregations  
United Auto Workers  
United Dubuque Immigrant Alliance  
U.S. Bill of Rights Foundation  
Velvet Revolution  
Virginia Justice Center  
Washington Community Action Network  
Washington Defender Association's Immigration Project  
YKASEC - Empowering the Korean American Community

## Status of Anti-Real ID Legislation in the States

