

**Testimony before the Government Administration and Elections Committee on
Senate Bill 1124: An Act Providing Essential Planning For Catastrophic Events
Impacting The State**

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Good Afternoon Senator Slossberg, Representative Caruso and members of the Government Administration and Elections Committee:

My name is Roger Vann, and I am the Executive Director of the ACLU of Connecticut.

I am here today to ask that you **amend Senate Bill 1124: An Act Providing Essential Planning For Catastrophic Events Impacting The State to include language that would direct the Department of Administrative Services and other relevant agencies to conduct a comprehensive study of the impact of implementing the federal Real ID Act of 2005.**

The Real ID Act is a federal law that effectively turns state driver's licenses into a genuine national identity card and imposes numerous new burdens on taxpayers, citizens, immigrants, and state governments. Real ID forces states to standardize driver's licenses across the nation into a single national identity card and database. It does this by stipulating that state driver's licenses and state ID cards will not be accepted for "federal purposes" – including boarding an aircraft or entering a federal facility – unless they meet all of the law's numerous conditions. The ACLU and dozens of national organizations including the American Conservative Union, the National Conference of State Legislatures, the American Legislative Exchange Council (ALEC), the American Association of Motor Vehicle Administrators and the Council of State Governments believe that Real ID is a catastrophe (of unprecedented proportions) waiting to happen.

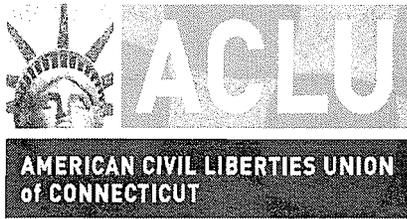
The law requires state DMVs to store scanned copies of birth certificates, Social Security cards, and any other documents that individuals present when they apply for a license. It creates a national linked database allowing millions of employees at all levels of government around the nation to access personal data. And it mandates a nationally standardized "machine-readable zone" that will let bars, merchants and other private parties scan personal data off licenses with greater ease than ever before, putting all that information into even greater circulation.

The Department of Homeland Security recently released its proposed regulations for Real ID, raising a myriad of other concerns:

- **Real ID will cost even more than anticipated.** DHS concedes that the cost to the states will range from \$10.7 billion to \$14.6 billion, and adds that individuals will have to cover an additional \$7.8 billion in costs, raising the price tag for Real ID to a whopping \$23 billion. In fact the Connecticut DMV revealed through a recent response to a FOIA request that it estimates its implementation cost to be in the neighborhood of \$52,000,000.
- **The Regulations show that Real ID is truly a Federal takeover of the state DMVs.** The regulations put the federal government in the position of dictating the minutiae of DMV operations, from the colors that can be used on a license to the computer format in which image files (.JPG) and scanned documents (.TIF) are stored, to the details of how a DMV office secures its plant, to many other details.
- **DHS builds regulations on 'vaporware' databases.** The requirement for interstate connection of databases, and the construction of a system for building that capability, is one of the most difficult challenges of Real ID. DHS abdicates responsibility and simply leaves it to the states to figure out. Other major verification systems envisioned by DHS, including those for birth certificates and for verifying passports and foreign documents, are either very rudimentary or don't exist at all.
- **DHS punts on privacy.** DHS acknowledges the danger of license data being scanned by third parties, but the agency fails to take action to stop the problem, and merely encourages the states to come up with a solution. The agency also punts on the issue of encrypting the personal data that will be stored on the standardized bar codes, which as it acknowledges would be the most effective means of stopping the "skimming" of data off IDs for identity theft, tracking, and/or the construction of parallel, unregulated private-sector driver's license databases. DHS also ignores or brushes aside the privacy dangers inherent in building massive national databases.
- **Diverted funds just hurts better programs.** To date, no money has been allocated to help states comply with Real ID. Authorizing states to divert homeland security funds to pay for Real ID, as officials have suggested, only highlights the fact that this misguided effort to seek security through identity cards is directly harming other, potentially more worthy security work that actually will make us safer. And it imposes the federal government's security priority – misguided though it is – instead of letting states be the judge of where their security funds can best be spent, which is the whole point of the grant system.
- **No exemptions for free exercise of religion.** DHS makes no effort to provide flexibility to individuals whose religious beliefs may be violated by Real ID requirements. Persons or groups who object to having their photo taken will not be able to obtain a Real ID, and all applicants who are eligible for a Social Security number will have to provide it, which contravenes the beliefs of the Amish and some Christian evangelical groups.

- **Verification requirements are even more onerous than the statute requires.** Real ID's verification requirements are one of the most onerous provisions of the act, but in many cases, DHS did not ease burdens on states and individuals, but in fact increased them. Verification of all identity documents will be required not just to obtain a Real ID, but every time they are *renewed* as well. Proof of address must be shown with not just one document, but *two*. Birth certificates must be verified with state vital records offices, and flexibility is provided only for extraordinary circumstances.
- **Exemptions leave a security hole that terrorists will drive a truck through.** Because many Americans will not have source documents, DHS has acknowledged it needs to provide an exemption allowing individuals to bypass many of the states' verification and document requirements. Unfortunately, this will also allow identity thieves and terrorists to exploit loopholes in the system, and obtain Real IDs. This simply demonstrates the fundamental security flaws that underlie Real ID.
- **Worsens risk of ID theft.** ID theft is about to get a whole lot easier and more lucrative. Under the regulations, you are required to present two proofs of principal address; DHS suggests using documents such as bank statements and property tax records. To prove your SSN you can present a pay stub. And to prove your identity, a birth certificate. Because all these documents will have to be scanned and stored by the DMV, the ID theft risk rises dramatically. The damage that could be done with that information by a hacker or corrupt DMV official – as well as a genuine Real ID card containing your data and the thief's picture – is frightening to contemplate.

Due to the scope and potential adverse impact of REAL ID on many aspects of state government and the very real threat of a massive fraud and identity theft, we ask that you **amend Senate Bill 1124 to include language that would require the Department of Administrative Services and other relevant agencies (such as DMV and DOIT) to conduct a comprehensive study and create a joint report outlining the necessary steps to implement the Real ID Act and its impact in the following areas: budget implications, personnel, department interactions, implications of noncompliance (for people who access federal programs), and civil liberties implications.**



BRIEFING PAPER

Real Nightmare: Why Connecticut Should Take A Stand Against REAL ID.

What is Real ID?

Congress passed the Real ID Act in May 2005 when congressional leaders inserted the legislation in a “must pass” Iraq War/Tsunami Relief supplemental funding bill. Congress did not hold a single hearing on the bill. The Real ID Act federalizes state driver’s licenses by imposing a broad array of regulations on how they are issued and verified – turning them into, for all practical purposes, America’s first-ever national identity cards. Every American will need this new federal identity document in order to enter federal buildings or fly on commercial airlines. With a growing number of states refusing to comply, airlines will face economic hardship if they are forced to refuse access to an entire state’s residents. States have until May 2008 to comply with the legislation. However, the Department of Homeland Security has yet to issue final rules, so no state knows how to comply. Driver licenses should be used to ensure drivers know the rules of the road and have insurance, not to create a national identification card used to track personal data and expand the serious risks of identity theft.

A Real Nightmare for State Government.

Under the Real ID Act, all 245 million existing driver’s license holders will have to apply in person for new licenses. Connecticut will have to remake its driver license, restructure its computer database, and – perhaps most difficult of all – verify the “issuance, validity and completeness” of every identity document presented at DMV offices, including birth certificates, social security cards, utility bills, immigration documents, and any other document that is part of the application. The law does not provide DMV with a way to compel any document issuer, such as utility companies, to cooperate with that verification. If DMV cannot verify documents, citizens will not get licenses.

Beware: The Real Cost of Real ID.

The National Governors’ Association, National Conference of State Legislators, and the American Association of Motor Vehicle Administrators have all found that Real ID would cost at least \$11 billion to implement. Because Congress ordered but did not pay for these mandates, fees on individuals applying for driver’s licenses will inevitably rise, perhaps steeply. Maine - a state with a population one-third the size of Connecticut’s - has estimated its Real ID cost to be \$185 million over 5 years.

A Real Nightmare for Citizens.

Many people who are citizens will not be able to get a Real ID. Some have lost personal records to fire, floods or other natural disasters (such as Hurricane Katrina). Across the country, government offices containing these records have been destroyed, putting millions at risk of being unable to track down birth documents from 30, 40, 50 or 60 years ago. Millions of foreign-born U.S. citizens come from countries where no birth records are kept or are impossible to obtain. Some people do not even know where they were born, and some were born at home. Those who are elderly, disabled, poor, homeless or who have mental health issues will be directly affected, since many do not have access or the resources to obtain birth certificates or other approved documents. Without a Real ID, they may not be able to get essential public and private services.

A Real Nightmare for Consumers.

Real ID is a giant, unfunded federal mandate that will create enormous costs for states and consumers. Real ID will mean higher fees, increased taxes, long lines and bureaucratic nightmares for all of us. It will force mul-

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multiple trips to the DMV office as well as hours on the phone trying to obtain original documents, imposing a substantial burden on all of us in cost and time off from work. And because Congress did not allocate funding for state implementation, the costs likely will be passed on to consumers through fees for new and replacement licenses.

A Real Nightmare of Identity Theft

DMV will be storing for up to 10 years copies of every birth certificate, Social Security card and other documents used to establish identity. Real ID requires all states to share a single database, making driver's license information accessible from tens of thousands of locations across the country for the taking. Unlike the past, this database will now contain critical information such as your Social Security number, a gold mine for identity thieves. The growing consensus among security experts is that Real ID's creation of a single interlinked database will be a one-stop-shop for personal data, making each of us a sitting duck for identity theft. In addition, if RFID (Radio Frequency Identification) technology is used, driver licenses can be read by anyone in close proximity who has an RFID reader.

A Real Nightmare of Privacy Invasion.

The Real IDs must include a "common machine-readable technology" that will allow for easy, computerized transfer of the data on the cards. That will make it easy for anybody in private industry to snap up the data on these Real IDs. Already, bars often swipe licenses to collect personal data on customers – but that will prove to be just the tip of the iceberg as every convenience store learns to grab that data and sell it to Choicepoint (a private for-profit data mining company) for a dime. Even if the states and federal government successfully protect the data, it could be harvested by the private sector, which will build up a parallel database on Americans and put it up for sale, not subject even to the limited privacy rules in effect for the government.

Real ID Creates a National Identity Card

The standardized national driver's licenses created by Real ID will become an "internal passport" that will increasingly be used to track and control United States citizens' movements and activities. There will be a demand that you "show your papers." And there is no recourse when the information entered on you is false. The

Real ID database will inevitably, over time, become the repository for more data on individuals, and will be drawn on for an ever-wider set of purposes. Citizens who cannot obtain Real ID will encounter increasing set of barriers as the card is demanded before obtaining public and private services.

Real ID Turns DMV Offices into Immigration Enforcement Agencies.

The Act bars non-citizens from receiving driver licenses unless they can prove their lawful immigration status and identity. Real ID turns DMV offices into sub-branches of the immigration service, forcing clerks to decide who can or cannot be given a license – despite the complexity of our immigration laws, which rival that of our tax code. Training for motor vehicle employees could not possibly cover all of the technicalities of immigration law. Moreover, citizens who speak with an accent or are not fluent in English (who may "look" or "sound" "foreign") may have their documents scrutinized with suspicion and be treated as suspects.

Real ID Will Not Protect Us From Terrorism.

Determined terrorists will always be able to obtain fraudulent documents. Moreover, all of the 9/11 hijackers entered the country legally and would have qualified for driver licenses under the Real ID Act.

Other States Are Rejecting Real ID.

On January 29, Maine became the first state to reject Real ID, when its legislature passed a resolution refusing to implement Real ID. Similar measures are under consideration in Arizona, Utah, Vermont, Washington, Missouri, Georgia, Hawaii, Maryland, Montana, New Mexico, Oklahoma and Wyoming.

REAL SOLUTION

Connecticut is not ready to implement Real ID. Without federal rules (and funding) necessary to implement the law and with Congress looking to fix or repeal Real ID in 2007, Connecticut should not pass piecemeal legislation this year. We should wait until the 2008 legislative session to take next steps.

For more information visit: www.realnightmare.org or call the ACLU-CT at 860-247-9823, x219.