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MEMORANDUM

TO: House Transportation Committee

FROM: Andy Hoover, Legislative Director, American Civil Liberties Union of Pennsylvania

DATE: September 9, 2010

RE: SUPPORT FOR SENATE BILL 621

On Monday, the House Transportation Committee is scheduled to consider Senate Bill 621. This legislation would block the implementation of the federal Real ID Act in Pennsylvania. By turning our state drivers' licenses into national identification cards, Real ID has major privacy implications for Pennsylvanians. And with PennDOT's estimate that it will cost \$100-\$120 million to implement Real ID, the commonwealth cannot afford it. The American Civil Liberties Union of Pennsylvania supports SB 621. In 2008, a similar bill, House Bill 2537, unanimously passed the House, and on behalf of the 18,000 members of the ACLU of Pennsylvania, I urge you to please vote "yes" on SB 621.

The ACLU of Pennsylvania also has no objection to Representative Siptroth's amendment, A08156. If the amendment passes, the bill still achieves the primary objective of blocking the implementation of Real ID.

In 2005, Congress passed Real ID without hearings and without debate when it was amended onto a funding bill for American troops overseas and for victims of the 2004 tsunami in South Asia. The law forces new requirements on the states in distributing drivers' licenses. The implementation of Real ID has been delayed on several occasions and is now scheduled to go into effect in May.

Real ID compromises the privacy of Pennsylvanians with drivers' licenses in several ways. First, Real ID requires that the DMVs of the 56 licensing jurisdictions connect their databases. In practice, this creates a new, massive database filled with the personal information of people from all over the country. DMVs around the country, including in Pennsylvania, have had security breaches that exposed the personal information of license holders. With this new nationwide database, a security breach at any DMV anywhere in the country could compromise the personal information of Pennsylvania license holders.

Under Real ID, applicants for a drivers' license must produce four forms of identification, including a Social Security card, a birth certificate, another form of

photo ID, and a utility bill or another document with the applicant's address. PennDOT already requires applicants to produce multiple forms of identification, but Real ID goes a step further by requiring DMVs to store digital and paper copies of the documents. With all of this personal information stored on site, PennDOT will become a honeypot for identity thieves.

In addition, Real ID forces PennDOT to verify the identifying documents with the issuing agency. This will force license applicants to make more than one trip to PennDOT to get a license. Governor Rendell once stated that the efficiency of license centers had increased dramatically in recent years. That efficiency will be lost under Real ID.

PennDOT has estimated that implementing Real ID will cost more than \$100 million and will cost \$40-\$50 million annually to maintain. Meanwhile, Congress has shown no desire to fund the program, leaving states on their own to find funding to implement the mandate.

Fifteen states have already passed statutes blocking the implementation of Real ID. It is a diverse group of states that includes Alaska, Minnesota, Oklahoma, Maine, and Georgia. That group also includes Arizona, where then-Governor Janet Napolitano signed legislation blocking Real ID in 2008. Napolitano, who is now secretary of the Department of Homeland Security, which is tasked with implementing Real ID, stated at the time that the federal law is "just another unfunded federal mandate."

If the legislature passes and the governor signs SB 621, Pennsylvania will be the largest state- so far- to opt out of participating in Real ID. The passage of SB 621 will send a clear message to the federal government that Real ID is an unacceptable and expensive mandate on the states. Please vote "yes" on SB 621.