

# It's Time to Nullify Real ID and its Regulations

Fifteen states have passed laws to prohibit implementing Real ID. Real ID is nothing more than a way for the Federal Government to capture biometric data and have control over our lives.

Real ID regulations require states to meet benchmarks to be in full compliance with the act. The sad situation is that DOTs and DMVs of states who prohibit implementing Real ID are nevertheless implementing benchmarks.

Notice where Homeland Security says Pennsylvania stands.

<b>REAL ID Implementation Status</b>	<b>State / Territory</b>
Submitted full compliance certification packages to DHS <sup>1</sup>	Conn., Del., Md., S.D., Tenn. (5)
Self-certified: Issuing materially compliant licenses (meeting the first 18 benchmarks) + compliance mark (gold star)	Ala., Fla., Ind., Utah (4)
Self-certified: Issuing materially compliant licenses (meeting the first 18 benchmarks)	Ark., D.C., Iowa, Kan., Ky., Miss., N.J. (7)
Committed to meeting material compliance but need time	Colo., Hawaii, Ill., Neb., Ohio, Puerto Rico, R.I., Texas, Va., W.Va., Wis., Wyo. (12)
Certifiable Enhanced Driver's License programs	N.Y., Mich, Vt., Wash. (4)
Committed to meeting 15 of 18 benchmarks	Ariz., Calif., Ga., Minn, Mo., Nev., N.H., N.C., N.D., Pa., S.C., U.S. Virgin Islands (12)
Will not meet four or more benchmarks in the next 12 months	Alaska, American Samoa, Guam, Idaho, La., Maine, Mass., Mont., N.M., Okla., Ore., N. Marianas <sup>2</sup> (12)

Is it constitutional for a government agency to take one's biometric characteristic without the person's knowledge, probable cause or a warrant?

Is it constitutional for PennDOT to deny an individual a driver's license if the individual doesn't have a social security number due to religious beliefs?

Is it OK for a government agency to subject individuals to identity theft by storing one's name, address, date of birth and social security number in one database which is accessible by thousands of people, both state employees and contractor personnel?

Does the US Constitution grant the Federal Government powers not listed in Article I, Section 8, of the said document or does the 10<sup>th</sup> Amendment address non-granted powers?

Below are the 18 benchmarks addressed in the Real ID Regulations. Notice that the Federal Government wants the facial image captured even if the driver's license is not issued. Do you know why? Does it agree with our American principles?

<b>Interim Benchmarks (Material Compliance Checklist)</b>	
<b>Does the State:</b>	
1.	Subject each applicant to a mandatory facial image capture and retain such image even if a drivers' license (DL) or identification card (ID) is not issued
2.	Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct, and retain this declaration pursuant to § 37.31.
3.	Require an individual to present at least one of the source documents listed in subsections 37.11 (c)(1)(i) through (x) when establishing identity
4.	Require documentation of: <ul style="list-style-type: none"> <li>• Date of birth</li> <li>• Social Security Number</li> <li>• Address of principal residence</li> <li>• Evidence of lawful status</li> </ul>
5.	Have a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3) (if States choose to have such a process)
6.	Make reasonable efforts to ensure that the applicant does not have more than one DL or ID already issued by that State under a different identity
7.	Verify lawful status through SAVE or another method approved by DHS
8.	Verify Social Security account numbers with the Social Security Administration or another method approved by DHS
10.	Surface (front and back) of cards include the following printed information in Latin alpha-numeric characters: <ul style="list-style-type: none"> <li>• Full legal name</li> <li>• Date of birth</li> <li>• Gender</li> <li>• Unique DL/ID number</li> <li>• Full facial digital photograph</li> <li>• Address of principal residence [with exceptions]</li> <li>• Signature [with exceptions]</li> <li>• Date of transaction</li> <li>• Expiration date</li> <li>• State or territory of issuance</li> </ul>
11.	Commit to mark materially compliant DL and IDs with a DHS-approved security marking
12.	Issue temporary or limited-term licenses to all individuals with temporary lawful status and tie license validity to the end of lawful status
13.	Have a documented security plan for DMV operations in accordance with the requirements set forth in § 37.41
15.	Require all employees handling source documents or issuing DLs or IDs to attend and complete the AAMVA approved (or equivalent) fraudulent document recognition training and security awareness training
16.	Conduct name-based and fingerprint-based criminal history and employment eligibility checks on all employees in covered positions or an alternative procedure approved by DHS
17.	Commit to be in material compliance with Subparts A through D no later than January 1, 2010 or within 90 days of submission of this document, whichever date is earlier
18.	Clearly state on the face of non-compliant DLs or IDs that the card is not acceptable for official purposes, except for licenses renewed or reissued under § 37.27

It's time to stop PennDOT 's collaboration with Homeland Security. It's time to govern by the rule of law, i.e., the US and Pennsylvania Constitutions. Let's pass a bill to nullify the Real ID Act and the regulations thereunder and prohibit its implementation in Pennsylvania.