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America: A gold star on your driver's license is not an upgrade

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February 2, 2012 In a letter addressed to U.S. Department of Homeland Security (DHS) Secretary Janet Napolitano, [Rep. Justin Amash](#) (R-MI) urged Secretary Napolitano to reverse the new REAL ID law mandating U.S. states to implant radio frequency identification (RFID) chips into state driver's licenses. In States that are not "[substantially compliant](#)" by the deadline, the state's residents would need a passport to board a U.S. flight.

Many state have been [certified by DHS](#) as compliant with federal REAL ID standards, including Indiana, South Dakota, Delaware, Connecticut, Utah, Alabama, Ohio, Florida, and West Virginia.

The [National Conference of State Legislatures](#) lists 16 states, including Arizona, Georgia, Oregon, and Washington, with laws forbidding them to comply with Real ID. Eight states, including Illinois (2007 HJR 278), Colorado and Hawaii have enacted resolutions boycotting REAL ID laws.

On Feb 16, 2011, a vote on proposed bill [HB0099](#) by the Illinois legislature to create the REAL ID Compliant Identification Cards Act resulted in Motion Do Not Pass State Government Administration Committee; 014-000-000. The proposed legislation sponsored by Rep. Lou Lang, Rep. William Davis and Rep. Linda Chapa LaVia stated in part that if citizens chose not to accept the REAL ID:

"The Secretary of State shall require that all driver's licenses printed after the implementation of the REAL ID Compliant Identification Cards Act shall have the phrase "[Not for REAL ID Purposes](#)", or such other language as may be required by the Department of Homeland Security, appearing on the face of and in the machine readable zone of the driver's licenses, and the color or design of the driver's licenses shall be of a distinct nature from REAL ID compliant identification cards."

In March, 2011, the original deadline for states to notify DHS of compliance with The REAL ID Act of 2005, was extended from the May 11, 2011 to January 15, 2013.

In a letter to Secretary Napolitano, Rep. Amash writes:

“The chips would give public and private entities an unprecedented ability to track Americans,” said Amash. “RFID’s can be read using widely available technology, including technology contained in mobile phones, which increases the risk of identity theft. Furthermore, if RFIDs were to become ubiquitous, there is little doubt that private entities would deploy new technology to capture the chips’ data.”

Using a [RFID reader](#) purchased from eBay (or anywhere they are sold) and a magstripe reader/writer, hackers demonstrated how easy it is to complete several transactions on a credit or debit card while it is still in unsuspecting victims pocket, before the bank catches on and contacts the victim.

Rep. F. James Sensenbrenner (R-Wisc.), House Judiciary Chairman Lamar Smith (R-Texas) and House Homeland Security Committee Chair, Peter King (R-N.Y.) warned Secretary Napolitano not to extend the May 11, 2011 deadline. The lawmakers threatened:

"Individuals with a driver's license from a state that is not materially compliant with Real ID would need to go through a secondary screening" at airports, Wendy Riemann, Sensenbrenner's communications director, told CNET. "I'm told this is what happens now if you were on vacation and lost your wallet and had to board a plane." Riemann declined to answer what would happen inside federal buildings and courthouses, saying "I'm not about to get into hypotheticals."

House Republican chairs reacted angrily to the news of the third delay to date. In a statement, Rep. Sensenbrenner (R-Wisc.) said:

"It is disappointing to me that the Obama administration has chosen to put Americans at risk by having another delay in implementing Real ID"

After the deadline, [REAL ID laws](#) will prohibit federal agencies from accepting non-compliant driver's licenses and state ID's as identification when boarding commercial aircraft, accessing Federal facilities, or entering nuclear power plants--unless the license or card is issued by a state that meets the requirements set forth in the Act. Title II of Division B of Public Law 109-13, codified at 49 U.S.C. 30301 note.

An official Revision of the Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies was published in [Federal Register Volume 76, Number 137](#) (Monday, July 18, 2011)

"The regulations include new information reporting and record keeping requirements for states seeking a full compliance determination by DHS. States seeking full compliance determination must certify that they are meeting certain standards in the issuance of driver's licenses and identification cards and submit security plans covering physical security of document production and storage facilities as well as security of personally identifiable information. 6 CFR 37.55(a). States also must

conduct background checks and training for employees involved in the document production and issuance processes and retain and store applicant photographs and other source documents. 6 CFR 37.31 and 37.45. States must recertify compliance with REAL ID every three years on a rolling basis as determined by the Secretary of Homeland Security."

The final House Bill (H R 418) [REAL ID Act](#) passed on February 10, 2005 by one hundred votes, 261 to 161. In recent years, both Democratic and Republican Senators, including several who originally voted in favor of the REAL ID Act, have called to repeal the law.

Critics refer to the REAL ID as the 'National ID card,' have expressed concerns about the multibillion-dollar price tag for state governments. Others worried about the mandate's privacy and civil liberties implications. The vulnerabilities to ICS computer networks compromising the personal information of Americans and State secrets occur almost daily.

The classic Federal vs. State supremacy power struggle is detailed in "[Identity Crisis: How Identification Is Overused and Misunderstood](#)," authored by Jim Harper, director of information policy studies at the free-market Cato Institute. and a member of the Department of Homeland Security's Data Privacy and Integrity Advisory Committee.

[Harper](#) contends that the U.S. national identification card, created by Congress in the REAL ID Act, is a poor way to secure the country or its citizens. "The REAL ID Act represents a transfer of power from individuals to institutions, and that transfer threatens liberty, enables identity fraud, and subjects people to unwanted surveillance, Harper said.