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## Washington Seeks PASS Act as Real ID Act "D.O.A."

By Sheila Dean

**Collins, Akaka say PASS Act to "fix" Real ID-**

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"By Dec. 31, no state will have issued a Real ID compliant identification document. We cannot have national standards for driver's licenses when the states themselves refuse to participate,"-- DHS Secretary Janet Napolitano

WASHINGTON- The first Anti-Real ID hearing in U.S. history clearly illuminated-the states need more time to absorb federal standards for identity. An optimistic vantage point included further consideration of the PASS Act, privacy considerations still far from the goals of a clinical repeal of the federal Real ID Act mentioned in late April.

All parties with a stake in Real ID have 15 days to prepare a statement to enter public record for consideration . -The next markup, or opportunity for PASS Act revisions, takes-place July 29th,-2009.

It was refreshing to hear Sen. Joe Lieberman say, "We are not surprised to see that we are here today." The Real ID Act passed without a debate, eluding due process. States were then asked to absorb the costs of inadequate technologies which would not protect them. -Consequently States resisted the costs and dangers of incorporating the legislation. -DHS is appropriately back to the drawing board.

Senator Collins' opening statements outed that the PASS Act does not repeal the Real ID Act but refines it. The 9-11 Commission recommendations continue to propell the PASS Act in lieu of the Real ID Act. -

The DHS hearing committee only recognized 13 states who have legally opposed the federal legislation. -Over 25 states found enough fault with the Real ID program to beat it back. The PASS Act unfortunately smacks of corporate shame, to the point of media labeling the legislation as a rebranding effort of Real ID. - As the corporate precedent persists, -the PASS Act is a way to legally override States laws into contending in a second round of stomaching expensive tech mandates. -States could not afford the build of the central databases. They *might* be able to afford the RFID and biometrics as part and parcel behind the Western Hemisphere Travel Initiative, propelled by the 9-11 Commission report. --

If the PASS Act prevails, States will be deadlined again to comply with federal mandates.-

Lieberman relished "rubbing it in"; as the Real ID Act's passage and subsequent failure also repealed his 9-11 Commissions identity work in the Intelligence Reform and Commissions Act. Lieberman observes, like many in Washington, to corporeal ignorance and detriment, the 9-11 Commission report's ability to grant legislators super powers. The report's role in 2009 has been reduced to [a Reichstag fire](#) poker for disaster capitalist beggars, filled with mysterious humanity driven omissions. The U.S. government expects Americans to swallow whole any agenda kicked down over the 9-11 Commission report, based in fact or fiction. -One such agenda is the acceptance of a national identity based on 9-11 hijackers-[lawfully present in the U.S. on temporary Visas](#).-



In today's Hollywood, Americans can't afford to sponsor Lieberman's tickets to Fantasy Island. -States will continue to fight The Corporation over the appropriations they are expected to spend to surveil identity. They simply need it for other things.-

Senator Akaka made an amazing point of asking Stewart Baker, consultant for former DHS Secretary Chertoff's national security firm, -about the top priority of order for expensing machine readable zone technologies [bar code,

RFID, biometrics] over the stack of disaster preparedness needs.-Even if no one asked us, we think the Senate should take the RFID & biometrics budget and reroute it to ready the Gulf Coast for the next hurricane season, instead of dragging out man-made disasters like the Real ID Act.

Former DHS Secretary Chertoff has been known to have personal investment stock in the biometrics game. -He has much to lose if the PASS Act cuts both the RFID and biometrics tech bids. ---

DHS Secretary Napolitano became an unlikely champion of pragmatism. It was so great to hear that Real ID was "D.O.A.", going nowhere as long as at least 13 states had passed laws against it. She was the first to reveal a very strong recommendation that States needed more time and would be willing to find their own paths to securing their licenses from pilot programs included in the PASS Act. - Unfortunately, she too stays employed by sticking to [the 9-11 Commission report as the rule book.](#)

Senator Voinovich eagerly defended the PASS Act as the solution to ease the standoff between State governments and the federal design for identity. -Before excusing himself to attend to an amendment, he projected that the PASS Act creates an opportunity for federal legislators to "get it right the second time". -Not everyone in Washington D.C. insults public intelligence. -Happy Birthday, -Senator Voinovich. Akaka, Lieberman & Voinovich stated,"Let the perfect, not be the enemy of the good." -

The- literal translation is the Real/PASS ID Act has a long tough road ahead of it. -

What didn't make it into the hearing was a discussion of a repeal effort, dispatching rule making capability to suspend further implementations and costs of standards by States, and head-on dealings with the [role Real ID has played in States' immigration games.](#) -States like California, have put their Real ID bills on the back burner until federal regulations over identity are settled. -California Senator Ed Cedillo has been pushing legal identity for undocumented workers for over 10 years. -For Cedillo's supporters the Real ID Act seems to be a tangible federal mandate able to escalate American identity for millions of immigrant workers in Southern California.-Conversely, Texas who shares the largest border with mainland Mexico, projects demands for tighter immigration control onto the Real ID Act in hopes of weeding out unlawful identity. - As Real ID exists, neither state will see deliverance.

Case in point, Eliot Spitzer propelled his downward spiral by conceding to Enhanced Drivers License standards for New York State, granting issuance to undocumented alien drivers. -A very public backlash soon overwhelmed him. The historical debate now competes over what put Spitzer out of office faster: undocumented immigrant ID concessions,

outing Federal banking bubble shenanigans, or his overinvestment in the NYSE [New York Sex Exchange].

-While [Washington state passed more privacy laws](#) to cover their haste to incorporate RFID in licenses.

Senator Kay Bailey Hutchison's [R-TX] office alluded to a separate hearing and discussion about Real ID, apart from yesterday's hearing addressing immigration regulation. This might include border fence legislation ; the crossroads of citizenship, U.S. identity and current U.S. labor demands. -

The PASS Act's notion of States creating pilot programs to explore better performing identity security pursues a manageable direction for state governments. -Napolitano mentioned the Mississippi program available to 13 states to test certain technologies. - The prospective dark side for States is the predatory corporate prescription of surveillance products endorsed by the federal government; whether they actually perform or not. Smart states who rejected Real ID outright, like Idaho & Montana, may shop for better technologies on their own. -DHS consultant, Stewart Baker, stuck to regulated mandates and for States pay their own way for secured licenses. - Napolitano pointed out States made recommendations for secured licenses on their own of what will work for them.

What didn't surprise was the fact that National Sheriff's Association leader, [Leroy Baca](#), of [LA County Sherrif's Department](#) supports whatever work is put in front of them to do. The PASS Act was no exception. The police will surveil whatever the government wants, as long as it's the law and they're ordered to protect it. - What did surprise was the fact that there really wasn't a national standard to provide citizenship to attain a license prior to Real ID. Amid the echoing redundancy in Real ID regulations, it was miraculous that this fact managed to surface. - At least 10 states, mostly on the Canadian border, had not required proof of lawful residence in the U.S. in order to attain a license. Many police officers and citizens alike have taken for granted that in order to attain a State issued identification, a cardholder has jumped through necessary hoops to prove identity. If not, then -you don't complete the American rite of passage. -Again, Ari Schwartz exposed that internal fraud on the part of license administrators is one of the chief causes of identity theft.

I think the word "immigration" was not mentioned once, with the exception of Senator Akaka's questions to CDT's Ari Schwartz over the E-verify program. -The contrasts seemed an acceptable rabbit trail to explore during the hearing, according to on-site reps for CATO Institute and the ACLU.

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Things took a sharp turn with Senator Roland Burris', -starkly strange and awkward questions about propelling National ID cards and the needs of TSA directed chummily at Secretary Napolitano. -Many were as unsure of Burris' questions as they were answers given by Napolitano.

A surefire disappointment was Gov. Jim Douglas, Vermont Governor, toadie convenience proponent, who pulled his Enhanced Drivers License out of the pie, as the fabled little Jack Horner of Real ID Governors. - He gets no pat on the head from privacy advocates who are aware of arbitrary RFID scamming and ongoing data collection efforts in other EDL states, like Washington.-

CDT's, Ari Schwartz recovered and revealed much of the lost ark of privacy, carrying the silent concerns of privacy and civil liberties advocates in the hearing audience. -The "machine readable zones" on licenses were still played down, as no one was courageous enough to mention or even inquire about RFID tags, biometric or any other manifestly WHTI compliant technologies. - We believe that is the tradeoff absorbed in the PASS Act.

The PASS Act does not survive most privacy analysts tests against this compromise. It is not far enough away from Real ID. -In fact, it passes for Real ID and that is the problem.-

We can only assure publicans of one thing: everything will be okay if they repeal Real ID. -

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Author's Bio: Sheila Dean is the blog editor for BeatTheChip.org and presides over 5-11 Campaign: Americans [Texans] Against Real ID's. Sheila has been involved most recently with media activism for World Can't Wait, The Los Angeles National Impeachment Center, Dennis Kucinich, Author Michael Weinstein, David Swanson, Ron Paul, and Focus The Nation, a national green teach-in event for Santa Monica College and UCLA. In a former life, she was a broadcast consultant, a radio promoter, and music director for college and non-commercial radio formats. She worked with hip-hop, electronic and inspirational recordings. She graduated from the University of North Florida with a Bachelors in Mass Communications, with a focus in Public Relations and a minor in Music History. She currently lives in Austin, TX with her partner of over a year, John P. Edwards, a VFX supervisor.

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