

To: Chair Mike Machado and Members, Senate Budget Subcommittee 4
Chair Pedro Nava and Members, Assembly Budget Subcommittee 5

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Dt: May 16, 2006

Re: **Department of Motor Vehicles, Implementation of the Real ID Act**
Governor's Budget May Revision 2006-07, p. 99-100

The May Revision proposes \$18.8 million and 36.4 positions to begin the planning and implementation of the federal Real ID Act.

This request is just the very tip of the iceberg. The Real ID is an unfunded federal mandate that could cost Californians between \$500 million and \$1 billion. The DMV preliminarily estimates that the costs to implement the Real ID range "from 274.6 million to \$500.9 million over a six year period."¹ In addition, the DMV estimates another \$253 million for related IT projects. On the other hand, at its annual meeting in August 2005, the National Conference of State Legislatures (NCSL) estimated the national costs to implement the Real ID act at between \$9-13 billion. Using this estimate, Californians could be paying in excess of \$1 billion.²

Recommendation: Rather than spending Californians' Motor Vehicle Account funds on implementing an ill-conceived, unfunded federal mandate that was attached to a "must-pass" Iraq War/Tsunami relief appropriation measure without review or hearings, the organizations listed above respectfully urge the Legislature and Governor Arnold Schwarzenegger to ask Congress to revisit and carefully review each provision of the Real ID Act. We urge the Legislature not to authorize appropriations until Congress has reviewed the costs and burdens and taken steps to address the threats it poses to constitutionally protected rights.

During its review of the Real ID Act, Congress should consider the following issues: (1) the need to roll back the May 2008 implementation date; (2) the costs to the states to implement; (3) the administrative burden

¹ Department of Motor Vehicles initial cost estimates for REAL ID. Attachment to Senate Subcommittee 4 Agenda, The Federal REAL ID Act and Implications for California, February 23, 2006.

² "State rights, authority threatened," *The Boston Globe*, August 16, 2005.

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placed on the states and the burdens placed on individuals to comply; (4) the potential to lead to discrimination; and (5) the weaknesses of the Act as an anti-terrorism measure.

Background: Recognizing the substantial problems presented by Real ID, representatives across the political spectrum have expressed opposition to the Act. Republican and Democratic Governors from states as diverse as Arkansas, Pennsylvania and New Mexico have expressed serious concerns about Real ID. Governor Mike Huckabee (R-AR) said “Congress is now asking the states to make every driver's license a national ID card, or passport. It's absurd. The cost to the states will be staggering. Congress did not allocate enough money to implement it.”³ Opponents of the Act also include the National Conference of State Legislatures, the Council of State Governments, the American Conservative Union, the Center for National Security Studies, Consumer Action, the Leadership Conference on Civil Rights, the Liberty Coalition, the National Coalition Against Domestic Violence, the National Taxpayers Union, the U.S. Bill of Rights Foundation, and U.S. Committee for Refugees and Immigrants.

Summary of the Real ID Act: The Real ID Act requires the national standardization of all driver's licenses including the verification of all supporting documentation with the issuing agency (a current photo ID, actual birth certificate, proof of Social Security account number, proof of principal residence, and other documentation), the scanning and storage of all those documents, and the granting of access to all states of the personal information gathered for all Californians.

Without actually making our country any safer, the Real ID Act strengthens the ability of government and private companies to track ordinary citizens, brings us one step closer to a “show us your papers” society by creating a de facto national ID system that also requires that the information on the driver's license be machine readable, and creates a very tempting target for identity thieves and hackers by creating a 50-state interlocking database with our personal information that can be accessed anywhere in the country.

The Real ID Act creates an implementation nightmare for the DMV and all Californians who will face longer waits and lines at the DMV while internet and mail renewals will have to be put on hold while all 24 million California drivers provide the documentation required and it is verified and scanned into the DMV databases. The Real ID Act makes no allowances for the safety and privacy of victims of domestic violence and stalking and law enforcement officers to use mailing addresses rather than their actual addresses on their driver's licenses. Because the Real ID requirements are so stringent it is possible that some people – who might not have been issued or have lost their birth certificates – will not be able to comply: some elderly people, Hurricane Katrina, some Native Americans, and some people who were born at home in rural areas. Finally, Real ID puts immigrants and citizens who do not “look American” at risk for discrimination because they may be scrutinized and asked for documents that other people are not required to present without authority to do so.

Conclusion: The organizations signing onto this memo believe it is inimical to the democratic process to impose legislation of such far-reaching consequences and unknown costs with no public debate. Indeed, the general public is unaware of the changes the Real ID Act will bring and may wonder why they were never consulted.

³ *Questions for Mike Huckabee, The Skinny on Politics*, "New York Times Magazine," Deborah Solomon, August 7, 2005.