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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
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REPRESENTATIVE OF THE 182ND DISTRICT

COMMITTEES

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CONVENER, THE WOMEN OF THE PENNSYLVANIA
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COMMON SENSE FIREARMS SAFETY
COMMUNITY COLLEGE
LIFE SCIENCES AND BIOTECHNOLOGY
SUBSTANCE ABUSE

May 7, 2007

Department of Homeland Security
Attn: NAC 1-12037
Washington, D.C. 20528

Facsimile: 866-466-5370

RE: DHS Docket Number DHS-2006-0030, Real ID Rulemaking

To Whom It May Concern:

We are writing to comment on the Department of Homeland Security's proposed rules implementing the Real ID Act of 2005. 72 Federal Register 10820. We comment not only on the proposed rules but also on the Real ID Act itself because we believe that the Real ID Act is fundamentally unworkable. We urge the Department of Homeland Security to withdraw the proposed rules and seek federal legislative action to fix the Real ID Act itself.

The Real ID Act places the burden for creating the new drivers' license system on the states and their citizens. Completely inadequate provisions have been made to pay for the implementation of the new system, to minimize the administrative burdens on states and individuals, or to protect privacy. Since the passage of the Real ID Act, the federal government has massively failed to provide the states with the resources they will need to properly implement this act. Worst of all, the Department of Homeland Security has failed to show what benefit, if any, this new system will provide for truly safeguarding the security of our nation.

Below we discuss some of our major concerns. The problems we discuss are not new. The National Governors Association, National Conference of state Legislatures and American Association of Motor Vehicle Administrators have raised these very same concerns. Yet, the Department of Homeland Security has consistently minimized or dismissed the issues raised by these organizations.

The Department of Homeland Security's history of unwillingness and inability to fix these problems demonstrates that the Real ID Act is hopelessly flawed. We believe that the Real ID Act should be set aside and replaced by an effort similar to that adopted in the Intelligence Reform and Terrorism Prevention Act of 2004. That act established a negotiated rulemaking process that brought together key stakeholders (including lawmakers, state and federal officials, and advocacy groups) in the same room in order to hammer out workable solutions to the shared problem of drivers' license security. Such an approach is embodied in two pieces of legislation that have been introduced in this session of Congress: S. 717 (the Akaka-Sununu bill) and H.R. 1117 (the Allen bill).

May 7, 2007
Real ID
page two

Another unfunded mandate.

Implementing the requirements of the Real ID Act will be extraordinarily expensive. The proposed rules do not make it any easier for Pennsylvania to deal with this unfunded mandate from the federal government.

The Department of Homeland Security estimates that the states will pay more than \$14 billion over the next ten years to implement the Real ID Act. Individuals will also be expected to incur significant costs in order to secure the necessary documentation. In Pennsylvania, the estimates for what it will cost to implement the Act run as high as \$100 million. Asking the citizens of Pennsylvania to absorb these costs at the same time we are facing a severe crisis in transportation funding is unacceptable.

Many of the additional costs flow from the need to hire additional state personnel to implement the Act. According to the recommendations of the National Governors Association, National Conference of State Legislatures, and the American Association of Motor Vehicle Administrators, implementation of the Real ID Act will result in a 75% increase in annual visits to state motor vehicle departments. This will require the hiring of 22,000 employees and the opening of 3,700 new facilities nationwide.

While we might try to cover these extraordinary new expenses as part of existing budgets, Pennsylvania's finances are tight. There is little doubt that many of the costs will have to be passed on to our constituents. We are already hearing complaints about the higher fees that will be assessed thanks to the Real ID Act.

We are also concerned that the money spent on implementing the Real ID Act may not be the best use of scarce resources. Pennsylvania should not be forced to spend millions of dollars to make these mandated changes too quickly and with such little regard for the recent changes that the Pennsylvania Department of Transportation has already begun implementing in order to protect licenses.

We believe that Pennsylvania can make substantially similar, if not better, improvements to our licensing system than those set forth in the Real ID Act, at a fraction of the cost, if we are allowed to work collaboratively with other stakeholders to find flexible methods of meeting the common goal of improving drivers' license security.

Another attack on federalism

States have traditionally exercised authority in the field of drivers licensing. The Real ID Act unfairly and unnecessarily intrudes on that authority. The proposed rules do nothing to reverse this usurpation of power. State and local officials should continue to handle drivers licensing as a state and local issue and continue to have the ability to address specific local concerns and individual needs. Our offices are inundated with requests for help with problems associate with drivers' licenses. We should not be put in a position where we can not work easily with the Pennsylvania Department of Transportation to address the needs of our constituents. Unfortunately, the Real ID Act and the proposed regulations may make this part of our constituent service virtually impossible to satisfactorily perform now that the federal government has invaded this arena.

May 7, 2007

Real ID

page three

Adverse impacts on Pennsylvanians

The Pennsylvania Department of Transportation (PennDOT) has made significant improvements in customer service. In a recent press release Governor Ed Rendell stated that: "wait times for driver's license customers at PennDOT have been significantly reduced. The state transportation agency now serves 97 percent of its customers within 30 minutes. And, expanding the use of the Internet has made it easier and less expensive for Pennsylvanians to renew their driver's licenses and vehicle registration, file their taxes and receive refunds."

Under the Real ID Act those improvements will be rolled back. Everybody will be required to apply in person in order to renew a drivers' license. This will put an end to the gains cited by Governor Rendell. Applicants will need to produce a host of documents – including birth certificates, Social Security cards, and proof of address.

This will be inconvenient, time consuming and costly for hundreds of thousands of Pennsylvanians. The requirements apply to everyone. Long time drivers, particularly the elderly, who may be unable to obtain the necessary documents, will be caught in the bureaucratic maze. The poor may have neither the time nor the money to secure all the documentation. This means longer lines and more hassles for the people we represent.

We recommend that the Department of Homeland Security take a long and hard look at all of the problems that will be encountered by average, hard-working, tax-paying citizens before any further steps are taken to move forward with implementation of the Real ID Act.

A Recipe for Identity Theft

We suspect that identity thieves really love the Real ID Act because it makes important personal documents more susceptible to becoming the tools of criminals.

Thanks to the onerous requirements of the Real ID Act, copies of Social Security cards and birth certificates along with information about address and in some cases bank account information will be stored in one place. These documents are exactly what a criminal needs to steal someone's identity. Since these documents are all housed in a single location, they will be at risk of being taken by hackers, burglars or rogue employees.

This problem is compounded by the fact that the Real ID Act calls for the creation of a national database that will be accessible to millions of federal, state and local government employees throughout the country. Such a centralized database will become an obvious target for the most sophisticated of identity thieves who will hack into the database or pay a corrupt official or employee for access.

We fear that no matter what security measures are put in place, the Real ID licenses will be forged. Since the Real ID licenses will be perceived as more reliable than current licenses, the incentives for obtaining a fraudulent license will increase and the consequences for victims of identity theft will be much greater.

Conclusion

We support making our citizens more secure and over the last few years have enacted numerous laws that enhance the safety of Pennsylvanians and the capacity of law enforcement to do its job. We have sought to be tough and smart when it comes to fighting crime. We know that the Real ID Act is not an answer to our security concerns and needs.

The fact is that there is no proof that a Real ID license would have prevented 9/11. Most of the hijackers were in this country legally and were able to obtain legitimate driver's licenses. Each of the terrorists had a document that allowed them to fly – a passport!

Terrorists like those involved in 9/11 will inevitably find ways of obtaining fraudulent documents. They are creative and will find ways to evade the Real ID Act. The Act will not solve this problem and it will add incentives for those seeking to obtain, create and/or sell counterfeit licenses.

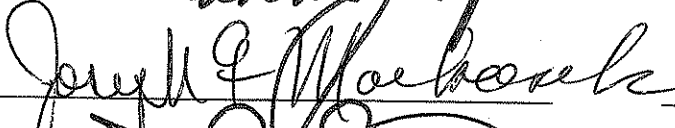
On the other hand, it will be regular, law-abiding Americans, like the people we represent, who will face the hardships, costs, and difficulties of the Real ID Act.

For all of the reasons stated in this letter, we urge the Department of Homeland Security to work with Congress to create a law that is workable and represents a collaborative and realistic effort to protect our security.

Sincerely,



Babette Josephs



Joseph Markosek



James Roebuck

Roe



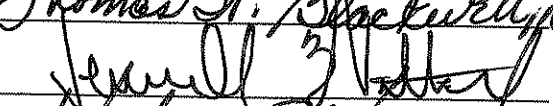
Michael O'Brien




Frank Dermody



Thomas Blackwell



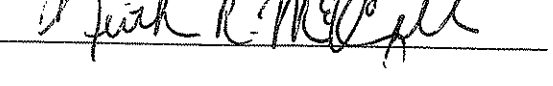
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