

# Executive Memorandum

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## The Real Importance of REAL ID: A Strategy for Saving the Secure Driver's License Initiative

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The 9/11 Commission made the case that state driver's licenses need to become a more secure credential. Congress acted—twice, passing laws to establish national standards. Now this common-sense initiative is under attack and may never be implemented. Congress and the Administration must act decisively to make the REAL ID program a reality. They need a strategy that encourages states with the capacity to implement REAL ID to do so quickly, demonstrating its viability and value. Once REAL ID is underway, momentum will build for other states to join; their citizens will not want to be left out of a program that materially contributes to their safety, their prosperity, and the protection of individual freedoms.

**Why REAL ID?** Identity is one of the cornerstones of a free society. Many transactions, from cashing a check to boarding a plane, are predicated on an assumption that free citizens in a free society should be free to act as they choose under the rule of law. That is why criminals and terrorists work so assiduously to obtain identity instruments or the “breeder documents” (such as birth certificates) that are used to obtain identification cards. Billions of dollars is lost each year due to identity theft, the fraudulent obtaining of government benefits, and other criminal activities. In addition, the 9/11 hijackers

obtained 17 driver's licenses and 13 state-issued identifications. Some had duplicate driver's licenses.

This is unacceptable. Any costs involved in implementing reasonably secure standard identification cards will be more than recouped by the

contribution that secure IDs make to facilitating travel and commerce while combating criminal exploitation of the freedoms of a free society.

**What Is Required?** The 9/11 Commission concluded that “the federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses.” Congress acted.

Both the Intelligence Reform and Terrorism Prevention Act of 2004 and the REAL ID Act of 2005 required national standards including:

- Requiring individuals obtaining driver's licenses or personal identification cards to present docu-

- National standards for driver's licenses will combat crime, thwart terrorists, discourage employment of undocumented workers, and better protect the privacy of individuals.
- Congress needs to appropriate the funds to “kick-start” the REAL ID program, and the Administration should encourage the states to implement national standards.

This paper, in its entirety, can be found at:  
[www.heritage.org/research/homelanddefense/em1024.cfm](http://www.heritage.org/research/homelanddefense/em1024.cfm)

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mentation to establish identity, including U.S. nationality or lawful immigration status, and then verifying the validity of the documents.

- Establishing physical security features for ID cards to prevent tampering, counterfeiting, or fraud.
- Implementing security plans for state ID card issuance and computer systems, including employee background checks.
- Ensuring that states share information to combat fraud and other criminal activity.

**What Is the Problem?** In the time since Congress acted, concerted efforts to undermine this program have included calling for further deferral of its implementation, demanding that the federal government spend tens of billions of dollars to upgrade state issuance facilities, trying to eliminate the requirement that citizenship or legal immigration status be validated, or even killing the whole program because of privacy concerns. None of these criticisms is warranted.

- Further postponing implementation will only encourage states to avoid making the investments needed to implement the law. Implementation has already been delayed until the end of 2009. This provides more than enough time to establish regulations to implement REAL ID and for states to undertake and fund the programs needed for them to do their part.
- Expecting the federal government to foot the bill for states that continually fail to provide their citizens secure IDs is wrong.
- Eliminating the requirement for states to certify citizenship or lawful residence status undermines the purpose of REAL ID.
- Raising the specter of privacy concerns is disingenuous. The law does not give government more access to personal information, nor does it create a national data base. In fact, the law *adds* privacy protections by requiring more security and background checks for government employees who handle personal data.

**What Is the Answer?** Congress and the Administration need a strategy to jump-start REAL ID. Specifically, they should:

- **Not expect** states to use funds from homeland security grants to implement REAL ID: That is just “robbing Peter to pay Paul.” Homeland security grants are meant to help build a national preparedness and response system. Congress should therefore appropriate specific funds for REAL ID, with the federal government paying its fair share of the costs of implementation.
- **Focus** federal dollars on the states closest to implementing REAL ID. This will show that the initiative can work and demonstrate the benefits of the program.
- **Work** with states that want to ensure that their driver’s licenses meet federal standards under the Western Hemisphere Travel Initiative so that they can be used instead of passports for travel between the U.S., Canada, and Mexico. This will make REAL ID even more beneficial for states whose citizens frequently drive across the border.

**What Is Right for America?** REAL ID is the right answer at the right time. The alternatives are stark. One is to continue to live in the “wild West,” where documents are counterfeited or exploited at will, costing the economy billions, disrupting the lives of millions, and putting all at greater risk. The other is a national identity card that will cost many times the expense of implementing REAL ID and that really will be an additional intrusion into the lives of all Americans. Compared to the options of doing nothing or putting “Big Brother” in charge, REAL ID offers a sensible and sound program for creating the secure identity documents that are needed to help keep American safe, free, and prosperous.

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