



Summary of ACLU Concerns with Real ID Regulations

- The DHS proposal to delay implementation fails to address the fundamental problems with the Act. Real ID remains a misguided policy that will waste money and create significant problems, without improving security.
- Real ID will cost even more than anticipated. DHS concedes that the cost to the states will range from \$10.7 billion to \$14.6 billion, and adds that individuals will have to cover an additional \$7.8 billion in costs, raising the price tag for Real ID to a whopping \$23 billion.
- Real ID is a federal takeover of the state DMVs. The regulations dictate details of DMV operations in a range of areas. Everything from the color of the card background to the fonts used on the card's face must conform to the federal standard, requiring states to overhaul their systems completely.
- The regulations are built on 'vaporware' databases. Sharing all the information in state databases with all other states is one of the most difficult challenges of Real ID. DHS abdicates responsibility and leaves it to the states to figure it out. Many of the major verification systems envisioned by DHS, including verifying passports and foreign documents, don't exist. The birth certificate verification database is still in its infancy.
- DHS punts on privacy. On the danger of license data being scanned and sold by third parties, which will contribute to massive identity theft, the regulations state, "DHS believes that it would be outside its authority to address this issue within this rulemaking," and encourages the states to come up with a solution.
- The DHS verification requirements are even more onerous than the act requires. In many cases, DHS did not ease burdens on states and individuals, but in fact increased them. Verification of all identity documents will be required not just to obtain a Real ID, but also for renewal. Proof of address must be shown with not just one document, but two. Birth certificates must be verified with state vital records offices, and the regulations provide flexibility only for extraordinary circumstances.
- The exemptions leave a security hole that terrorists could drive a truck through. Because many Americans will not have source documents, DHS has acknowledged it needs an exemption allowing individuals to bypass many of the states' verification and document requirements. Unfortunately, this will also allow identity thieves and terrorists to exploit loopholes in the system, and obtain Real IDs. This simply demonstrates the fundamental security flaws that underlie Real ID.