

Legislative/Regulatory Alert

To: Chief Motor Vehicle Administrators
Chief Law Enforcement Officers

FR: Neil Schuster, President & CEO

DATE: June 15, 2009

RE: PASS ID Introduced in U.S. Senate



On June 15, 2009, Hawaii Sen. Daniel Akaka, Ohio Sen. George Voinovich, Montana Sen. Max Baucus, Delaware Sen. Thomas Carper, Vermont Sen. Patrick Leahy and Montana Sen. Jon Tester introduced “Providing for Additional Security in States’ Identification Act of 2009” (PASS ID). This legislation would amend the REAL ID Act to enhance the security and integrity of driver’s licenses and identification cards (DL/IDs) while offering flexibility for states and reducing the costs of implementation. This proposal would:

- Fulfill the 9/11 Commission recommendation for the “federal government to set standards for sources of identification”
- Help facilitate the participation of all jurisdictions by allowing states that have already taken steps to comply REAL ID to proceed and allow states with anti-REAL ID laws on the books to come into compliance in a reasonable timeframe
- Enhance the security and integrity of all licenses and ID cards while retaining state flexibility
- Address critical privacy concerns and cost drivers

Since its enactment in 2005, states have maintained that the timelines and requirements of REAL ID are unrealistic and that the costs of complying with the act far outweigh existing sources of funding. Currently, 11 states have enacted legislation prohibiting full compliance with the REAL ID requirements and at least seven others have anti-REAL ID legislation pending in their legislatures.

The significant difference between REAL ID and PASS ID include:

- Eliminating fees for existing federally run databases that states must use to issue DL/IDs.
- Requiring the use of SAVE (to verify immigration status) and SSOLV (to verify social security information) but eliminating the development of new data systems that raise privacy and fiscal concerns without providing a measurable increase in security.
- Strengthening privacy protections by requiring procedures to prevent the unauthorized access to or sharing of information, as well as requiring public notice of privacy policies and the establishment of a redress process for individuals who believe their personal information should be amended in records systems.
- Correlating timelines for issuance and full implementation to the completion of final regulations. By eliminating unworkable requirements of the existing law, PASS ID would allow states to begin issuing compliant DL/IDs faster than the current timetable.

AAMVA has provided its members multiple opportunities to review draft legislation and provide feedback to NGA. Many of your suggestions and comments have been incorporated. PASS ID will still present challenges and operational obstacles to jurisdictions, but it is clear that even with its flaws, PASS ID represents a better opportunity for states to comply at a lower cost and a lower operational burden than REAL ID. The Department of Homeland Security (DHS) has indicated a desire to support the legislation and we expect it to become law.

Assuming the House of Representative passes the legislation and the President signs it into law, AAMVA plans to work to address the jurisdictions' remaining concerns and questions as part of the rulemaking process.

More information will be provided to members and posted to the AAMVA website as it becomes available.