



Providing for Additional Security in States' Identification Act of 2009 (PASS ID)

Summary: The Providing for Additional Security in States' Identification Act of 2009 (PASS ID) would amend the REAL ID Act to enhance the security and integrity of driver's licenses and identification cards (DL/IDs) while maintaining 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 –
 - Allow states that support REAL ID and have already taken steps to comply to proceed
 - 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

History: 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, 13 states have enacted legislation prohibiting full compliance with the requirements of REAL ID and eight others have enacted joint resolutions in opposition to REAL ID. Without the participation of all states, REAL ID will have minimal impact on the security of DL/IDs.

To address the shortcomings of REAL ID, the National Governors Association (NGA) worked with states to develop a legislative proposal to address the major privacy and cost concerns in order to allow all states to participate in a secure DL/ID system. The NGA recommendations form the basis of the PASS ID Act.

Summary of PASS ID Changes

Cost reduction – The PASS ID Act eliminates fees associated with the use of existing federally run databases that states must use to issue DL/IDs. By allowing states to innovate to meet other requirements, as well as eliminating the requirement to use three electronic verification systems that do not yet exist, the legislation will significantly reduce states' compliance cost and lessen the burden of unfunded mandates.

Electronic Verification – Currently, only two of the electronic systems states must utilize under Real ID exist and are nationally deployed: SAVE to verify immigration status and SSOLV to verify social security information. PASS ID would require the use of these systems but eliminate the need to develop costly new data systems that raise significant privacy and fiscal concerns without providing a measurable increase in security. The current work to develop an electronic database to share DL/ID information among states would be continued under a demonstration project. This demonstration project will allow states to examine the privacy, cost and governance issues involved in the development and use of such a system prior to their voluntary participation.

Privacy – This legislation strengthens 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. As discussed above, PASS ID would also eliminate the requirement to develop new electronic verification systems.

Enrollment – Recognizing the importance of regulations, PASS ID ties timelines for issuance and full implementation to the completion of final regulations. In addition, by eliminating unworkable requirements of the existing law, PASS ID would allow states to begin issuing compliant DL/IDs faster than the current timetable.

Support

The PASS ID Act is supported by the Secretary of Homeland Security and the following national organizations:

- National Governors Association (NGA)
- National Council of State Legislatures (NCSL)
- American Association of Motor Vehicle Administrators (AAMVA)
- National Sheriffs' Association (NSA)
- Federal Law Enforcement Officers Association (FLEOA)
- Center for Democracy and Technology (CDT)
- Major Cities Chiefs Association (MCC)
- National Association of Police Organizations (NAPO)
- Airport Law Enforcement Agencies Network (ALEAN)

