

Policy Analysis

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REAL ID

A State-by-State Update

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EXECUTIVE SUMMARY

In 2005, Congress passed a law seeking to create a national identification (ID) system by weaving together the states' driver-licensing systems. According to the federal government's plan, within three years state motor-vehicle bureaus would begin issuing driver's licenses and identification cards according to federal standards, and data about drivers would be shared among governments nationwide.

States across the country rejected this unfunded federal surveillance mandate. Half the state legislatures in the country passed resolutions objecting to the REAL ID Act or bills outright barring their states from complying. Almost a decade later, there is no national ID, but Congress continues to funnel money into the federal govern-

ment's national ID project. The federal government has spent more than a quarter billion dollars on REAL ID.

Although REAL ID is moribund, a state-by-state review reveals that some states' legislatures have backtracked on their opposition to the national ID law, and in some states motor vehicle bureaus are quietly moving forward with REAL ID compliance—contrary to state policy. Surprisingly, in some states, motor vehicle bureaucrats are working to undercut state policy opposing REAL ID and the national ID system.

If the United States is to avoid having a national ID, all states should cease implementation of REAL ID, the federal government should stop funding REAL ID efforts, and Congress should repeal this unwanted national ID law.

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INTRODUCTION

In 2005, Congress passed a law seeking to establish and steer all Americans into a national ID system. According to the federal government’s plan, within three years state motor vehicle bureaus would begin issuing driver’s licenses and identification cards according to federal standards. Each applicant for a driver’s license or ID would be subjected to “mandatory facial image capture,” and each department of motor vehicles (DMV) would retain digital images of identity-source documents as well. Driver’s licenses and identity cards would include a “common machine-readable technology,” and each state would provide all other states electronic access to information contained in its motor vehicle database. The United States national ID law is called the REAL ID Act.

In short order, the “REAL ID Rebellion” was on. State legislatures across the country rejected this unfunded federal surveillance mandate, both because of the incursion on their residents’ privacy and because of the expense. Half the state legislatures in the country passed resolutions objecting to REAL ID or bills outright barring their states from complying.

But in many states today, motor vehicle bureaus are quietly moving forward with REAL ID compliance. In fact, some state bureaucrats are moving forward with REAL ID compliance even though their legislatures barred them from implementing the national ID law. Meanwhile, Congress continues to funnel money into the national ID project, even though unwanted programs like REAL ID are ripe for zeroing out of the federal budget.

The REAL ID law will probably never be fully implemented, and for the good of the country it should not be. But to ensure that outcome, all states should cease implementation—especially the ones where that is already state policy. The federal government should stop funding REAL ID efforts, and Congress should repeal this moribund, unwanted national ID law.

A SHORT HISTORY OF REAL ID

The REAL ID Act’s effort to produce a national ID was one of a thousand security ships that sailed after the terror attacks of September 11, 2001. Like many, it had no destination. Congress did not consider the complexities or costs of producing a national ID, or the offense that a national ID gives to American values. Nor did Congress consider its ineffectiveness as a security tool.

Time and time again, the federal government has had to push back implementation deadlines after states refused to comply with federal dictates. The course of this national ID program has been aimless, but the federal government has wasted thousands of bureaucratic hours and spent hundreds of millions of dollars on it.

REAL ID sailed through Congress in May of 2005 as part of a military spending bill. At about the midpoint of the 2005 fiscal year, the military had been spending heavily, and an \$82 billion spending bill to provide the military more money and to fund aid efforts after a devastating tsunami in Asia was clearly going to pass. Opposition to it, even principled responses to important details, could easily be spun as “not supporting the troops.”

Consistent with usual practice, the bill came before the Rules Committee on its way to the floor of the House of Representatives. But the committee added a curious note to the rule governing debate on the bill. The committee instructed the Clerk of the House to append the text of a different bill at the end, once the spending bill had passed the House.¹ The added language was the REAL ID Act.² The REAL ID Act would not be open to amendment or separate consideration on the floor of the House, although another version of the bill had passed earlier on a test vote. The Senate passed the military spending bill unamended days later, and President George W. Bush signed it a day after that.³

The REAL ID Act sought to strengthen each step in the process by which people are identified using ID cards, and it would tie

state IDs together as a national ID. Compliant states would take more care to see that they get accurate information from licensees. State processes would make forgery of cards harder. And “mandatory facial image capture” would slightly strengthen confirmation that an ID belongs to the person holding it while taking a step toward machine-readable biometrics.

REAL ID is a national ID system. First, it is national in scope. Real ID sought to knit together diverse state systems into a system that is uniform with respect to its data elements and behind-the-scenes information sharing. Second, it is used for identification. A common parry to charges against REAL ID is that the Social Security system had already created a national ID. This is not true, as the Social Security number only ties together a name and a number. It doesn’t tie a name or number to an individual through even a weak biometric, as driver’s licenses and ID cards do. Finally, under REAL ID, a national ID is legally or practically required. With the prevalence of state-issued IDs in society, and specifically the requirement to have one to drive a car in this large country, a government-issued license or identification card is practically required, even if carrying and displaying ID at an official’s command is not yet required by law.

The gambit REAL ID used to try and coerce state compliance was a clever one, although it has not proven to work. REAL ID barred federal agencies from accepting licenses and IDs from states that are not meeting the requirements of the law. This meant that agents of the Transportation Security Administration (TSA) would not accept the licenses and ID cards of travelers from resistant states. State leaders, fearing this form of retribution, were supposed to fall in line. The law set a deadline for compliance three years after its passage, in May of 2008.

Nothing went well for REAL ID. It took until March of 2007—nearly two years—for the Department of Homeland Security (DHS) to even propose regulations in the *Federal Register* that would detail how states should comply with the law.⁴ Timely compliance being impos-

sible, the DHS made December 31, 2009 a new deadline, which was available to any state that asked for an extension by October 1, 2007.

State legislatures had begun to consider what REAL ID meant for them and their residents, however, and they were bridling at the prospect of spending hard-earned taxpayer dollars on developing a domestic surveillance system. In New Hampshire, a bill to bar state compliance produced one of the first shots in what became known as the “REAL ID Rebellion.”

Speaking in favor of a New Hampshire ban on REAL ID compliance in April 2006, state representative Neal Kurk gave an electric speech in which he harkened to Patrick Henry’s “Give me Liberty or Give Me Death” speech, saying: “I don’t believe the people of New Hampshire elected us to help the federal government create a national identification card. We care more for our liberties than to meekly hand over to the federal government the potential to enumerate, track, identify, and eventually control.”⁵

In January 2007, Maine became the first state in the union to reject REAL ID, passing a resolution refusing to implement the law and calling on Congress to repeal it. States across the country followed Maine’s lead.⁶

In late January 2008, DHS published final regulations in the *Federal Register*, telling states what they would have to do if they were to implement REAL ID.⁷ Because the statutory deadline was just months away, DHS also produced a new, nonstatutory deadline scheme: If states requested it by March 31, they would automatically get an extension to December 31, 2009. If by October, 2009, states showed that they were achieving the milestones laid out in a “material compliance checklist,” they could get extensions to May 11, 2011.⁸

But when the deadline for requesting an extension rolled around on October 1, 2009, several state leaders did not think they could ask for one in good conscience, as their states had no plans to participate in REAL ID. The DHS menaced these state leaders with the prospect that TSA agents might refuse their residents access to travel, but the state officials did not back down.

“REAL ID is a national ID system.”

“Federal officials, not state officials, would be blamed if the TSA started denying Americans the right to travel.”

Montana Democratic governor Brian Schweitzer and his attorney general sent DHS a letter stating that Montana would not implement REAL ID but describing the steps it had taken independently to improve its driver licensing. The DHS Secretary Michael Chertoff interpreted that as a request for extension and granted it. “I sent them a horse,” Schweitzer told a reporter, “and if they want to call it a zebra, that’s up to them.”⁹

South Carolina’s Republican governor, Mark Sanford, sent Chertoff a scathing critique of the REAL ID program on the last possible day to ask for an extension. Because he noted his state’s independent actions on licensing, Chertoff treated his letter as an extension request and granted it.¹⁰ Maine was the last state to receive an extension—days beyond the DHS’s deadline—after dickering between Governor John Baldacci, a Democrat, and DHS officials.¹¹

The next deadline was the “material compliance” deadline of October 11, 2009. States would have to show significant progress toward implementing REAL ID or be denied a further extension to May, 2011. The threat, again, was that TSA might refuse the IDs of travelers from recalcitrant states starting on January 1, 2010.

But states weren’t doing very much to comply, and it was increasingly clear that federal officials, not state officials, would be blamed if the TSA started denying Americans the right to travel. In late September, the DHS published a notice in the *Federal Register* that extended the deadline for requesting an extension by a month and a half.¹² And at the end of December 2011, DHS published another announcement. “[A] large majority of States and territories—46 of 56—have informed DHS that they will not be able to meet the REAL ID material compliance deadline,” it said. It added:

To avoid the unnecessary disruption of commercial air travel over the upcoming holiday season that would result if Federal agencies cannot accept State-issued identification cards from travelers beginning January 1, 2010, the Secretary of Homeland Security . . . is staying the

material compliance deadline of January 1, 2010, until further notice. Although the material compliance date has been stayed, the full compliance date of May 11, 2011, remains in effect.¹³

Fifteen months later, with that May 2011 deadline looming, the Department of Homeland Security again caved on its threat to disrupt air travel. In March 2011, it published a *Federal Register* notice changing the material compliance deadline to January 15, 2013.¹⁴

When January 2013 arrived, it was clear once again that states were not going to meet a REAL ID deadline. Indeed, in December 2012, DHS listed only 13 states as being compliant and meeting REAL ID standards.¹⁵ By December 2013, DHS’s latest listing of “materially compliant” jurisdictions had only grown to 21.¹⁶

At this point, the *Federal Register* notices stopped. The DHS put its best face on an essentially abandoned effort to force REAL ID compliance by releasing some documents on its website claiming the existence of a new enforcement schedule. Enforcement would be phased in starting in April 2014, with access to the Department of Homeland Security’s own headquarters in Washington, D.C., becoming unavailable to those trying to identify themselves with an ID from a noncompliant state.

The DHS’s game defense of REAL ID said, “forty-one states and territories are either fully compliant with the REAL ID standards or have made sufficient progress to qualify for an extension.”¹⁷ But “fully compliant” actually means compliant with the pared-back “material compliance checklist” that DHS devised in 2008. The only achievement of the rest is getting yet another extension. Fifteen jurisdictions have not bothered to comply with DHS’s six-year-old interim goals or even get an extension. The weak threat of TSA enforcement has been put off, according to these documents, to no sooner than 2016, and enforcement will be preceded by a “review and evaluation” period.¹⁸

REAL ID is dead, but it is walking dead. Yet in many states, officials are quietly moving forward with the federal government’s nation-

al ID project, which could spring to life again. Part of the reason they continue to work on the project is the flow of federal dollars still going to REAL ID.

THE MONEY

When the Department of Homeland Security issued its proposed REAL ID regulations in March of 2007, the rule, as required by law, was accompanied by an economic analysis. That analysis estimated that the cost of implementing REAL ID would be about \$17 billion—roughly \$50 for every man, woman, and child in the United States. About \$11 billion of these costs would come directly from state governments, according to the estimate, and the other \$6 billion would be borne by the public in the costs of navigating the new bureaucracy and the red tape needed just to get a driver's license.

The amount of money states have spent so far is unknown, and it is probably nothing like \$17 billion. But Congress continues to pour money into REAL ID in a way that does

nothing to make REAL ID a success, yet keeps REAL ID alive by encouraging state officials and groups like the American Association of Motor Vehicle Administrators (AAMVA) to soak up federal taxpayer dollars.

REAL ID spending is hard to track, and it is getting harder. Beginning in 2012, REAL ID grants to states have been folded into the State Homeland Security Grant Program (SHSGP), which makes outlays more obscure.¹⁹ But the DHS reports that it has spent over a quarter billion dollars on REAL ID since the 2008 fiscal year.²⁰ REAL ID spending joins spending on other identification and tracking systems such as E-Verify and US-VISIT/the Office of Biometric Identity Management (OBIM) that together constitute around \$300 to \$500 million in spending per year.

Today, although REAL ID is dead, some states and state bureaucrats are still working to produce a national ID, while others, such as Illinois, Idaho, Massachusetts, and Nevada, are solidly declining to implement the national ID system (although Idaho has moved to

Table 1
Federal Spending on REAL ID and other Identification and Tracking Programs

Fiscal Year	State Homeland Security Grant Program (SHSGP)	REAL ID-specific funds	E-Verify	US-VISIT/Office of Biometric Identity Management (OBIM)
2008	\$950 million	\$50 million	\$60 million	\$475 million
2009	\$950 million	\$50 million	\$100 million	\$300 million
2010	\$950 million	\$50 million	\$137 million	\$373 million
2011	\$1.29 billion	\$45 million	\$103 million	\$334 million
2012	\$830 million		\$102 million	\$306 million
2013	\$968 million		\$111.9 million	\$232 million
2014	\$466 million		\$114 million	\$227 million

Source: Author's calculations, using data from each year's budget/DHS appropriations bills.

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implement E-Verify, a different program with national ID implications).²¹ Utah is in the unusual position of having firmly refused REAL ID, but taking every step the Department of Homeland Security wants toward building the national ID. And then there are states that have reversed course: Colorado, Hawaii, Nebraska, and South Dakota stood against REAL ID when it first came out, but have turned around since then and moved toward compliance with the national ID law.

The astounding cases are Louisiana and Missouri. In the Bayou State, officials from the motor vehicle bureaucracy are working to reverse state policy opposing the national ID law, treating the legislature and governor as impediments to their national ID plans. In Missouri, bureaucrats were caught red-handed implementing the terms of REAL ID despite Missouri law saying they could not. This prompted a state government attorney to exclaim, “To me, this issue is becoming less about Real ID and more about a government agency doing whatever the hell they wanted to do.”

The review below briefly assesses the status of REAL ID in each state. It is a window onto the willingness of some states to produce a national ID, and of some state bureaucrats to override their legislatures.

REAL ID COMPLIANCE: STATE-BY-STATE

The state-by-state status of REAL ID reflects an interesting tug-of-war between states and the federal government, between state leaders and state bureaucrats, and between the centralizing forces of surveillance and control and decentralized American liberty. A majority of states still do not meet federal standards, according to the Department of Homeland Security’s December 2013 assessment, but the ongoing compliance efforts in many states show the potential for REAL ID’s revival and the establishment of a national ID. Several states today are issuing “gold star” licenses that signal compliance, and some of these states do not permit their residents to acquire non-

compliant licenses, an option that the REAL ID law permits. The national ID project may appear dormant, but it is quietly advancing in states across the country.

Alabama

The state of Alabama has proven to be one of the more enthusiastic in its embrace of the REAL ID program. It was an early adopter of federal standards. Alabama’s REAL ID—compliant drivers’ licenses go by the name of “Star ID” (Secure, Trusted and Reliable ID), and were first issued as part of a pilot program in Autauga, Chilton, and Montgomery counties on October 3, 2011.²² Statewide implementation followed in early 2012, and Alabama was listed as being compliant with the benchmarks of the REAL ID Act in DHS’s December 2013 listing.

Alaska

Alaska has gone in the opposite direction from Alabama and became one of the earliest states to reject participation in the REAL ID program. A 2008 bill banning compliance with federal REAL ID standards passed both houses of the legislature with large majorities and became law in late June 2008. Refreshingly, members of both the state Democratic and Republican parties cited concerns over privacy, the protection of civil liberties, and state prerogatives in the face of federal power.²³

In 2013, HB 69 reaffirmed the ban on the implementation of REAL ID, as well as a host of other federal power grabs.²⁴ In terms of compliance with the benchmarks laid out by DHS, Alaska meets 10 or fewer. The state maintains a driver’s license database (as all states do), but access is heavily restricted, with biometric data tightly controlled.

Arizona

Arizona banned compliance with the REAL ID Act on June 17, 2008. In an ironic twist, the ban was signed by then-Governor Janet Napolitano, who, as President Barack Obama’s Secretary of Homeland Security, headed the department charged with implementing the legislation. In recent years, the state govern-

ment under Secretary Napolitano's successor, Jan Brewer, has continued to decline to participate in REAL ID, with subsequent legislation relating to identification (most notably, 2010's controversial SB1070) restating the state's noncompliance.²⁵

Arkansas

Arkansas was not judged to be in full compliance with the provisions of the REAL ID Act during the DHS's last assessment period at the start of 2013. However, Arkansas has been active in working toward full implementation, and the state expects to fully comply.

In many ways, parts of the Arkansas licensing system are even more stringent than the requirements set out by REAL ID. The state maintains a facial ID database as part of their broader DMV database and, prior to issuance of a new license, it runs an applicant's picture through the database twice. The first scan compares the applicant's picture to pictures of anyone already in the database with the same combination of first and last names. Assuming a pass on the first scan, the picture is then run by the full database, in order to prevent one applicant applying for multiple licenses under multiple names.

Assuming that Arkansas does meet full REAL ID compliance standards in time, the state's biometrics-heavy licensing system will actually be *more* rigorous than the federal government's standards.

California

The most populous state in the union, California issues more licenses per year and has more licensed drivers than any other jurisdiction in the United States. For November 2012 (the month with the most recent publically accessible data), the federal Department of Transportation records 23,856,600 California licensees, roughly 8 million more than those who hold licenses from Texas, the second most populous state.

Unlike the rather gung-ho Lone Star State, California falls somewhere in the middle when it comes to implementation of REAL ID stan-

dards. While judged to not yet meet federal standards during the winter 2013 assessment period, DHS's 2012 report to Congress on state compliance found California to have met 15 of the so-called benchmarks for compliance. It did not, however, list California as one of the states committed to meeting all of the benchmarks.

California's DMV has stated that it will continue to work with and engage in dialogue with DHS in order to address three "key areas of concern" with REAL ID: concerns related to "federal funding; development of electronic verification systems; and the lack of privacy protection of personally identifiable information."²⁶ California's sheer population size and the scale of their licensing system ensures that the state has great weight when it comes to imposing national ID standards, and it thus has the weight to actually press its "areas of concern" with DHS—if it chooses to do so.

Colorado

Colorado's legislature passed HJR1047, a nonbinding resolution against REAL ID, in 2007. However, the state already had many of the Act's requirements in place *prior* to 2007: legal presence requirements, Social Security and ID verification, and so forth. Despite the legislature's opposition to the national ID law, the state DMV began implementing REAL ID requirements, and in April 2011²⁷ the state began to issue compliant IDs.²⁸ In December 2012, the state was deemed fully compliant with DHS's REAL ID milestones.

Connecticut

Unlike most of its New England neighbors, Connecticut has been among the stronger proponents of adopting REAL ID standards—to the point that it was one of the states deemed fully compliant with the milestones by DHS in 2013. The state's program goes by the name "Select CT ID," and the DMV has engaged in a sustained English and Spanish language public relations campaign to increase awareness of the new regulations since 2011.²⁹

Connecticut's roll-out of compliant licenses has been, and is set to remain, slower than

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other “materially compliant” states, however. The state operates on a six-year license renewal cycle, and drivers are able to request a non-compliant license through at least 2017 when applying for their first renewal.³⁰ (Non-compliant IDs are marked with “Not for Federal Identification Purposes” above the driver’s picture.) The state tells applicants that the licenses will likely not be accepted by federal offices and airports after 2017.

While the rollout is slower than other compliant states, Connecticut is still moving forward. For example, the state DMV boasts a “state-of-the-art” facial recognition software system.³¹

Delaware

Early in 2013, DHS deemed Delaware one of the compliant states, the state having met the department’s milestones. The state’s compliant ID has been in circulation since July 1, 2010.

As one of the smallest jurisdictions in the United States, Delaware, with 716,109 licensed drivers in 2011, also has a relatively small number of licenses in circulation. Delaware DMV director Jennifer Cohan noted in 2010 that the state and driver pool’s size relative to other states gave them an advantage in quickly implementing REAL ID standards and complying with DHS’s milestones. Of course, the state had a bit of help in that regard: namely, \$1 million in grants that the DMV received from the federal government.³²

As in Connecticut, Delaware allows drivers to opt-out of federally compliant licenses and obtain specifically marked noncompliant IDs. That might not be readily apparent to most drivers, however: the state DMV’s website contains only brief mention of noncompliant IDs, with the info buried among much more substantial information on the “benefits” and ease of obtaining a compliant ID.³³

Florida

As of September 1, 2013, Florida was compliant with DHS’s REAL ID benchmarks. The state’s first IDs to meet the act’s standards were issued on January 1, 2010, and the state Department of Highways and Vehicles³⁴ esti-

mates that nearly 50 percent of the licenses in Florida are “gold star,” or REAL ID compliant, licenses. With 13,882,423 licensed drivers, the second-largest compliant state after Texas has nearly 7 million people carrying a national ID.

Unlike some other compliant states, Florida’s compliance with REAL ID is not merely administrative, but statutory: REAL ID requirements are written into the Florida Code,³⁵ albeit without any mention of the overlying federal statute. Any attempt to undo REAL ID in Florida would require legislative action. Current legislative efforts concerning REAL ID in the Florida legislature deal with how to give compliant IDs to prisoners and ex-convicts,³⁶ as well as a bill to help further distinguish between gold star and non-gold-star licenses.³⁷

Georgia

Georgia was in a slightly anomalous position relative to other states when REAL ID standards were first rolled out: its ID standards were nearly fully compliant with DHS benchmarks from the outset. This was a by-product of legislative efforts at the state level to deny illegal immigrants state-issued driver’s licenses and identification. Since the early part of the last decade, Georgia residents had already been required to provide extensive documentation and information to the state Department of Driver Services in order to prove residency, identification, and citizenship. Implementing REAL ID standards wasn’t particularly hard in Georgia, and the state rolled out their gold star licenses on July 7, 2012.³⁸ All drivers will be required to acquire one as their current licenses expire, with no option to opt out and receive noncompliant licenses as people can do in Connecticut and Delaware.³⁹

The state has publicized compliance through radio and print, and it helpfully links⁴⁰ on its website to pro-compliance information from the American Association of Motor Vehicle Administrators (AAMVA), the DMV administrators’ trade group.⁴¹ The site treats AAMVA—a prominent and vocal proponent of REAL ID—as an unbiased source of information.

Finally, in a bit of a strange coda to Georgia's REAL ID issue, there is title 40, chapter 5, article 1, section 4, subsection 1 of the Code of the State of Georgia.⁴² This authorizes the governor to order a delay in compliance with REAL ID until DHS certifies that the law will not compromise the "economic privacy or biological sanctity" of any resident of Georgia. Unfortunately, it has never been used and, with full compliance in place, is unlikely to be used in the near future.

Hawaii

Hawaii—like Colorado—has a legislature that denounced REAL ID when the law first passed but now embraces it. In April 2007, the Hawaii legislature passed a joint resolution opposing the creation of a national ID and urging Congress to repeal the REAL ID Act. Hawaii was one of the first states to oppose REAL ID.

Ironically, for a state with a large number of immigrants and many children and grandchildren of immigrants, Hawaii's first steps toward REAL ID were in a law that imposes strict identification requirements to obtain a driver's license. This law, HB 134, was designed to prevent illegal immigrants from acquiring licenses by requiring a birth certificate (or other proof of citizenship), proof of residency, and a run past various federal databases to certify citizenship.⁴³

These are requirements of REAL ID, and they have been in place since May 5, 2010, when then-governor Linda Lingle signed them into law—ignoring the legislature's previous resolution against the federal law.

Hawaii's movement toward REAL ID compliance was not exactly under the radar. The bill that brought the state very close to full compliance was explicitly stated by State Representative Blake Oshiro, its primary sponsor, and Honolulu's DMV administrator, Dennis Kamimura, to be a REAL ID compliance bill.⁴⁴ Both men cited Hawaii's low number of illegal immigrants and even lower number of illegal immigrants with licenses, but it reversed the legislature's earlier position opposing the national ID law. Oshiro stated, "It's about compliance, not necessarily a real problem we have or don't have."⁴⁵

As of December, 2013, DHS considers Hawaii to have met the department's benchmarks.

Idaho

In contrast to Hawaii, Idaho, the next state on the list, is refreshingly and overtly opposed to the imposition of the federal law's requirements. Idaho's ban on any participation in the REAL ID program is, in fact, one of the strongest in the nation, and the second to go into effect.

The legislative ban, HB606 of the Idaho Legislature's 2007 regular session, prohibits the state's Transportation Board and Transportation Department from implementing the provisions of the REAL ID Act. It inserts the anti-REAL ID findings of the legislature into the state code. And it orders regular reporting to the governor and the state's Constitutional Defense Council of any federal attempts to impose REAL ID on the state. Idaho's ban is simple, clear, and effective.⁴⁶

However, while Idaho has so far refused participation in REAL ID, it has joined DHS's RIDE program as the third state to do so. RIDE is an add-on to the E-Verify system, which presents its own set of identification and privacy headaches.⁴⁷ This is disappointing for a state that has been at the forefront of opposition to REAL ID. It may be that Idahoans do not yet recognize the national-ID-based threats to privacy in E-Verify, "internal enforcement" of immigration law, and an expanding DHS bureaucracy.

Illinois

Illinois is largely noncompliant with the REAL ID Act, with the most recent DHS state-by-state assessment noting that the Land of Lincoln meets 10 or fewer of the department's 18 compliance benchmarks. The state legislature passed a resolution against participation in April 2007.

By and large, Illinois has stayed on the course of noncompliance. A 2011 bill in the state House of Representatives that would have created a category of REAL ID-compliant IDs failed to advance out of committee, despite having Deputy Majority Leader Rep-

“Idaho’s ban on any participation in the REAL ID program is one of the strongest in the nation.”

“Iowa has been very open about its embrace of the REAL ID program.”

representative Lou Lang as its primary sponsor.⁴⁸ A January 2013 bill that passed into law authorized driver’s licenses for temporary foreign residents of the state, using consular identification or a foreign passport as a category of identifiers for issuance.⁴⁹ This contravenes the requirements of the REAL ID Act (which does not accept consular IDs), and shows that Illinois intends to serve its people rather than a federal mandate.

Indiana

Indiana has the dubious distinction of being a poster child state for REAL ID compliance, going far enough to win an award from AAMVA for “improved customer satisfaction” after implementing compliance benchmarks.⁵⁰ The pro-REAL ID organization has touted Indiana as a success story, and encouraged other states to follow the example of the Hoosiers. How did this come to pass?

Unlike in many other states, compliance did not seem to be particularly controversial in the legislature. The bills to ban REAL ID or criticize participation via the legislature died in committee, and movements toward compliance began in late 2007, relatively early compared to other states. Facial recognition software was instituted at all state offices of the Bureau of Motor Vehicles (BMV), allowing the state to capture biometric facial images of drivers. Social Security checks, document verification, and the other REAL ID markers followed, with the state issuing its first fully compliant licenses in January 2010.⁵¹

The AAMVA and allied groups, such as the Center for Immigration Studies,⁵² touted Indiana’s program, using anecdotes about crackdowns on fraud and identity theft—and ignoring the state’s steady accumulation of personal information. At the same time, the state’s BMV and office of the governor have carefully avoided any mention of REAL ID itself. The BMV’s website, too, contains no mention of REAL ID, beyond a single vague allusion to “federal requirements” as part of their similarly named “SecureID” program. Indiana is “all in” for the federal government’s national ID.

Iowa

Unlike Indiana, Iowa has been very open about its embrace of the REAL ID program. The state maintains a detailed website devoted to informing Iowans about REAL ID and why it is good for them, due to threats to public safety from ill-defined terrorism.⁵³ Representative Steve King, an Iowa Republican prominent in the House and one of the state’s most visible politicians on the national scene, was an original cosponsor of the REAL ID Act. In 2005, he touted the idea that driver’s licenses had become “de facto national identification cards.”⁵⁴

Deemed compliant with DHS’s milestones in December 2012, Iowa began issuing REAL ID-compliant cards a month later, in January 2013.⁵⁵ Opposition within the state legislature has been lacking, especially when compared to states like Idaho or Arizona. The last bill in the legislature to attempt to roll back compliance and participation, HF237, died in committee at the end of the state legislature’s last session.⁵⁶

Kansas

Kansas has rolled out REAL ID with little fanfare, due, in part, to the fact that the state’s licensing and identification laws already met several of the requirements of the REAL ID Act prior to passage of the law in 2005. Since 2003, Kansas has required the collection, verification, and recording of Social Security numbers from applicants for drivers’ licenses.⁵⁷ The state also required documentation proving identity, place of birth, and citizenship status—all of which dovetail with REAL ID’s requirements.⁵⁸ Unsurprisingly, Kansas was certified by DHS as meeting the required benchmarks in February of 2013.

Kentucky

Kentucky was one of the REAL ID program’s two “initial test grant states” in 2005, receiving \$3,000,000 from the federal government in January 2006.⁵⁹ However, Kentucky was not named as one of the fully compliant states in late 2012/early 2013. The state’s implementation of the full standards has been slow, and it is currently unclear when it will meet the act’s benchmarks.

Louisiana

Louisiana's recent experience with the REAL ID Act is a fascinating example of a state bureaucracy working on federal priorities contrary to the wishes of the legislature.

In 2008, Louisiana's legislature passed a bill prohibiting compliance with REAL ID and blocking the state DMV from placing the gold star of REAL ID compliance on licenses. Governor Jindal signed the bill, and the prohibition passed into law.

All the same, the state's commissioner of the Office of Motor Vehicles, Stephen Campbell, is attempting to bring his state into REAL ID-compliance. Reporting by the *Baton Rouge Advocate* shows that one of Campbell's priorities is to reverse the decisions made by Louisiana's elected representatives.⁶⁰ A multimillion dollar revamp of the state's driver licensing system will nearly "satisfy the Real ID with the exception of the legislative ban on Real ID," Campbell said, noting that he "look[s] for the legislature to modify that ban."

Anti-REAL ID figures haven't been quiet, though: Louisiana state senator Jonathan Perry—a vocal critic—has passed legislation that forced the establishment of a 12-member panel to study the issue.⁶¹ Perhaps the panel will remind the state's bureaucracy that they, the elected representatives of the people, set policy, and not vice versa.

Maine

Maine was one of the earliest states to refuse compliance with REAL ID, with the state legislature passing a resolution of noncompliance on January 25, 2007. The state has largely remained outside the REAL ID track since then, despite former Governor John Baldacci instituting Social Security-number collection as part of state licensing in 2008. In a March 2008 letter to then-DHS secretary Michael Chertoff, Baldacci asked for a waiver for Maine due to the state meeting 10 of the 18 benchmarks.⁶²

The legislature has stayed hostile to the national ID law. Some Maine state representatives went as far as to repeal some of Balda-

cci's moves toward REAL ID with a 2011 bill, LD1068.⁶³ It was signed by current Governor Paul LePage, in May 2011, and rolled Maine back to only eight points of compliance with DHS's REAL ID benchmarks.

Maryland

Maryland has been certified as compliant with DHS's REAL ID benchmarks. While the state did not see widespread opposition to implementation of the law in the way that Maine or Idaho did, it faced hiccups on the way to its current compliant status.

The most prominent issue regarded cost.⁶⁴ Under the requirements of the REAL ID Act, states are required to use higher-quality materials in printing their licenses than those currently used by many jurisdictions. Most states choose between Teslin (used already by many states) or polycarbonate, a more expensive material. Maryland originally opted for a bid for polycarbonate from a Danville, Virginia, subsidiary of CBN, the Canadian firm now notorious for botching the Obamacare website. Its bid was \$38 million higher than the lowest of the six bids submitted to the state. The state's lack of explanation for accepting the highest bid did not satisfy the other vendors, and they successfully appealed to the state's contracting authority.⁶⁵ While REAL ID is in place in Maryland, the state has been forced to reopen the bidding process.

Like several other states, Maryland will maintain a two-tier licensing system, issuing both compliant and noncompliant licenses. However, all Maryland drivers legally present in the United States (that is, citizens, permanent residents, and those on work visas) will be required to have a compliant ID when they renew their licenses. Noncompliant licenses are only available to those without proof of a valid Social Security number and legal presence status.⁶⁶

Massachusetts

Massachusetts is a noncompliant state, meeting only 12 of the 18 so-called benchmarks for compliance with the law. The lack of

“Maryland will maintain a two-tier licensing system, issuing both compliant and noncompliant licenses.”

“Missouri legislators have caught state bureaucrats implementing REAL ID contrary to the law.”

participation is not due to legislation, however, but the refusal of Governor Deval Patrick’s administration to comply with the federal national ID regime.

The governor is declining to participate in the national ID law in spite of the determined efforts of Republican state senators, the Coalition for Secure Drivers Licenses, and the Center for Immigration Studies. A March 2013 letter to the governor from four state senators demanded that the governor order state agencies to comply, stating that lack of participation risked making Massachusetts a “magnet state for criminals and others seeking to fraudulently obtain driver’s licenses.”⁶⁷ This bit of hyperbole was pushed and circulated by the Coalition following a public-records request by the group for information from the state on participation. Fortunately, the governor has ignored them, and Massachusetts remains outside of REAL ID.

Michigan

While Michigan was not certified as compliant with all of DHS’s REAL ID benchmarks as of December 2013, the state is actively working toward implementation. As of the last major update to the state’s driver’s licenses in April 2011, the state’s cards contain several features that form part of the REAL ID package, in line with 2008 legislation to ease the transition to implementation: bar-codes, laser perforation, black-light signifiers, and other markers.⁶⁸

Additionally, the state offers “enhanced driver’s licenses” under the Western Hemisphere Travel Initiative. These licenses are similar in design to REAL ID-compliant licenses, with the addition of RFID chips that make data about drivers easy to gather from a distance at border crossings into Canada and Mexico. They are issued in conformance with federal standards, and are similar in required information for issuance, material standards, and design.⁶⁹ Currently optional, EDLs are another avenue toward a national ID.

Minnesota

Minnesota is a noncompliant state. The legislature banned participation in REAL ID,

and the state has declined to meet DHS’s milestones. The bill to ban participation passed both houses of the state legislature with only one dissenting vote, and was signed into law by then-governor Tim Pawlenty on May 18, 2009. Unlike Louisiana, Minnesota’s ban has been near total: the state’s IDs have not incorporated the majority of REAL ID benchmarks.⁷⁰

Mississippi

Mississippi has not complied fully with the provisions of the REAL ID Act and has not met DHS’s benchmarks for compliance. Despite that, Mississippi is DHS’s lead state in a consortium studying how to integrate state and federal information databases. Through the Federal Emergency Management Agency, DHS has awarded at least \$63 million dollars to Mississippi for the purpose of building the back end of its national ID system. The big rewards despite noncompliance may be attributable to having a top appropriator, Thad Cochran, serving Mississippi in the Senate.

Missouri

Missouri is a noncompliant state with a hard legislative ban in place, but legislators have caught state bureaucrats implementing REAL ID contrary to the law. In 2013, Missouri’s state auditor’s office found that the Department of Revenue (which administers the state’s motor vehicle department) broke the law by making electronic copies of drivers’ source identity documents and by upgrading licenses’ security features consistent with REAL ID.⁷¹

Hearings were convened in the state legislature and a committee of inquiry was established, with members of the legislature, the attorney general’s office, members of county governments, and other agencies participating. The state’s licensing officials were compelled to testify, including DMV Director Jackie Bemboom, who was questioned about departmental policies and letters sent to the U.S. Department of Homeland Security seeming to indicate a policy of compliance in fact, if not in name.⁷²

One committee member, Stoddard County prosecuting attorney Russell Oliver, was

blunt, stating, “To me, this issue is becoming less about Real ID and more about a government agency doing whatever the hell they wanted to do.”⁷³

The committee released its findings in a short but comprehensive report. The findings were damning of the office of Governor Jay Nixon and of the Department of Revenue for introducing new security standards into licenses that mirrored REAL ID. The report cited the executive branch’s willful avoidance of the state’s ban on compliance with REAL ID standards,⁷⁴ noting several officials’ view that they could change licensing procedures to match REAL ID so long as those changes were nominally made for purposes other than implementing the Act. This backdoor compliance, the report says, is illegal under even the loosest interpretation of Missouri’s law.⁷⁵

The report further criticized state officials for releasing drivers’ information to the Social Security Administration, for creating and retaining electronic records of sensitive documents, for problems with a contractor responsible for the distribution of licenses, and more.⁷⁶ It recommended new oversight for the Department of Revenue, removing funding for document capture, and further tightening privacy protections to ensure that the state bureaucracy actually complies with Missouri law.

Montana

Montana banned REAL ID compliance in early 2008 with unanimous votes in both chambers of the state legislature, and the state has largely avoided the backdoor compliance problems of Louisiana and Missouri. The only move toward compliance that the state has made since was a 2011 law that implemented a proof of legal presence requirement similar to the one required under the REAL ID Act.⁷⁷

Nebraska

Nebraska was deemed compliant with REAL ID by DHS in 2013, a reversal on the state’s initial stance. Like several other states, Nebraska’s unicameral legislature passed a nonbinding resolution opposing REAL ID

in early 2007. This resolution, LR 28, was not a formal ban, but it asked the U.S. Congress and Nebraska’s senators and representatives to rethink their support for the legislation. It stated the strong opposition of the state’s legislature to the federal licensing standards.⁷⁸

The major bill to adopt REAL ID in toto, LB 229, stalled and died in the legislature.⁷⁹ However, REAL ID provisions later introduced in separate parts did not draw the opposition given to the omnibus bill. In 2009, LB261 introduced machine-readable licenses, scannable barcodes, and data encoding on licenses, but the state already engaged in document scanning and Social Security verification.⁸⁰ While the state originally opposed it, proponents of REAL ID compliance seem to have succeeded in bringing Nebraska into the national ID system piecemeal.

Nevada

Nevada is one of the more interesting test cases in the national fight against REAL ID. The state has a strong history of Mountain West libertarianism, and it was one of the first states to pass a resolution against REAL ID with 2007’s AJR6.⁸¹ A bill to repeal AJR6 and begin implementation of REAL ID standards in the state died in the state assembly at the end of the 2009 legislative session without coming to the floor for a vote.⁸²

Rather than accept defeat in the legislature, then-Governor Jim Gibbons issued an executive order mandating the implementation of REAL ID by the state’s DMV.⁸³ The order was draconian, and it removed even the failed legislation’s opt-out clause, which would have allowed uneasy Nevadans to acquire license stamped “not for federal purposes” if they chose.

A coalition of the Nevada ACLU, the Clark County Republican Party, gun rights groups, and libertarian groups maintained a steady push against the executive order. They were successful.⁸⁴ The emergency executive order was not upheld by a state legislative commission at the end of its 120-day expiration date, and REAL ID was again blocked in Nevada. The national ID’s proponents have made little headway in the state since.

“Montana banned REAL ID compliance in early 2008 with unanimous votes in both chambers of the state legislature.”

“REAL ID cannot be fully implemented under New Hampshire law.”

New Hampshire

The site of one of the first shots in the REAL ID Rebellion, New Hampshire was also one of the earlier states to come out formally against REAL ID. The state legislature passed, and the governor signed, a ban on implementation on June 27, 2007.⁸⁵ The state meets only 11 of DHS’s compliance benchmarks eight years after passage of the federal law and six years after the passage of the state’s formal ban.

REAL ID cannot be fully implemented under New Hampshire law, even without the explicit ban. The state’s statutory licensing requirements and privacy standards conflict with REAL ID standards and would prevent compliance on their own. Specifically, the state’s code prohibits the release of drivers’ personal information to the federal government except for official purposes and only on a case-by-case basis.⁸⁶ That would require each driver’s information to be released only in response to a specific request for their personal information; large data dumps are prohibited. Additionally, the broader capture and release of information contained on state driver’s licenses is prohibited without the state’s permission.⁸⁷

The ban on information sharing was championed by former State Representative Seth Cohn, who sponsored the bill to put the provisions into law.⁸⁸ He and Representative Neal Kurk have been some of the most vocal state legislators opposing REAL ID, national ID standards, and the government’s employment verification system, E-Verify.⁸⁹

New Jersey

New Jersey presents an interesting case in terms of REAL ID implementation. Unlike its neighbors to the north in New York and New England, the Garden State had embraced REAL ID, with both Democratic and Republican governors broadly supportive or, at the very least, not opposing implementation.

A lawsuit by the state’s branch of the ACLU stopped New Jersey’s entrance into the national ID system in October 2012, however.⁹⁰ The ACLU’s suit cited the lack of proper public notification of changes to licensing rules,

lack of security for sensitive information in the state’s Motor Vehicle Commission (MVC) databases, and the unnecessary burden placed on New Jersey residents by forcing them to use one of the forms of ID mandated by the REAL ID act in order to prove their identity.⁹¹

The MVC agreed to drop implementation of its REAL ID–compliant license, TRU-ID, in order to end the suit, thus ending the state’s bid to be compliant with the federal law. However, the successful resolution of the lawsuit does not formally ban implementation of REAL ID in the state, and the MVC can attempt to bring it forward again in some form in the future. If so, expect to see the absurdity that accompanied the original TRU-ID rollout (such as the ban on smiling in drivers’ license pictures) to return.⁹²

New Mexico

New Mexico is currently noncompliant with the provisions of the REAL ID Act by the reckoning of DHS, as it does not meet several of the major benchmarks. The state’s practice of issuing standard New Mexico driver’s licenses to undocumented migrants prohibits the state’s licenses from meeting DHS’s milestones as currently formulated.

Governor Susana Martinez opposes giving licenses to illegal immigrants. In 2012, she sent a letter to then-DHS Secretary Janet Napolitano stating her opposition to the practice and her support for implementing REAL ID in New Mexico.⁹³ Unsurprisingly, the issue is a volatile one in New Mexico, as it ties directly in to current debates over undocumented migrants. In addition to the governor, Republican politicians support altering the law allowing undocumented immigrants to obtain driver’s licenses (and, unintentionally, opening the door to REAL ID implementation), while local Democratic politicians, Latino groups, and the Catholic Church in New Mexico have supported maintaining New Mexico’s licensing law as it is.⁹⁴

A 2012 bill to create a two-tiered system (with separate, special licenses for undocumented migrants) died in the State Senate. A

similar bill for the 2013 session, SB 521, also died in the Senate.⁹⁵ The passage of a similar bill in the future would not instantly impose REAL ID in New Mexico, but it would smooth the way for Governor Martinez and other proponents of New Mexico's participation in the national ID program.

New York

New York is not considered REAL ID compliant. The state was rated by DHS as only meeting "11 to 14" of the department's benchmarks for compliance in 2012. The last push for implementation by a major state figure was during the term of disgraced ex-Governor Elliot Spitzer, a proponent of REAL ID.⁹⁶ New York faces the same debate about the high cost of materials for REAL ID licenses that Maryland does. Governor Cuomo's selection of the most expensive bid, at \$38 million and 40 percent over the lowest bidder who also met the required specifications of the request for tender, has raised eyebrows and prompted an investigation from State Comptroller Thomas DiNapoli.⁹⁷

Ironically, while the Empire State is not compliant with the provisions of the REAL ID Act, it is compliant with the federal government's Western Hemisphere Travel Initiative (WHTI) program, allowing the state to issue federally approved enhanced driver's licenses. These licenses are similar to those issued by Michigan, providing New York State with an optional licensing program that is uncomfortably similar to REAL ID in terms of information gathered, materials used, and design standards.⁹⁸

North Carolina

North Carolina meets most of the benchmarks for REAL ID compliance, although the DHS did not name the state as compliant as of December 2013. The state meets two of the major benchmarks—capture and verification of Social Security information, and verification of lawful status—and is actively working to put in place a system for the verification of birth certificates and other documents, according to a relatively recent report from DHS

(touted by AAMVA, unsurprisingly).⁹⁹

The most recent major attempt to stop participation in the federal program stalled in North Carolina's legislature.¹⁰⁰ Barring another attempt soon, North Carolina will move closer to full implementation.

North Dakota

North Dakota is a noncompliant state. The state legislature passed a concurrent resolution in April 2007 (SCR 4040) arguing against the REAL ID Act and urging Congress to repeal a bill that will "inconvenience the people of North Dakota without the proffered attendant benefits of protection from terrorism."¹⁰¹

Since then, the state has adopted some REAL ID standards, but not all. The state's licensing procedures require verification of a Social Security number and verification of identifying documents—as per the law's requirements—but numbers are not stored, and electronic copies of documents are not made under the state's practices. Even with some of the REAL ID milestones met, the state still falls short: it did not meet certification requirements as of September 2013.

Ohio

Ohio was named compliant with REAL ID's milestones in December 2012. The state had planned to begin its rollout of the new, REAL ID-compliant "Safe ID" in January 2014 (complete with an extensive new website touting the new licenses), with drivers over the age of 50 considered exempt until December 2014.

However, Ohio has backed off from continuing with REAL ID. Citing privacy concerns, concerns over storing copies of personal documents, and unease over the mandatory use of facial recognition software, state officials decided to reverse Ohio's course and back away from compliance with the REAL ID Act.¹⁰²

State Department of Public Safety spokesman Joe Andrews noted in an interview that the state already considered its licenses to be secure, and that further "upgrades" could endanger the rights of Ohioans. "People have concerns we are trampling their rights if we do

“State officials decided to reverse Ohio's course and back away from compliance with the REAL ID Act.”

“Oklahoma is one of the most staunchly anti-REAL ID states in the nation.”

this,” Andrews stated in an interview with the *Columbus Dispatch*.¹⁰³

Ohio is the first state to have been considered by DHS to have met its milestones for REAL ID and then to have withdrawn from compliance. Hopefully it will not be the last.

Oklahoma

Unlike its neighbors Kansas and Texas, Oklahoma is one of the most staunchly anti-REAL ID states in the nation. The state legislature passed a ban on participation in November 2007 and since then both the legislature and the executive agencies of the state have largely respected the law.¹⁰⁴

There are one or two post-ban REAL ID issues in Oklahoma. The first is a cosmetic remodeling of Oklahoma’s licenses in 2012.¹⁰⁵ This involved a change in font and a shifting of the license picture from the right side of the license to the left. The picture shift set off alarm bells in the state’s anti-REAL ID community, and for good reason: the primary proponent of left-side pictures is none other than the AAMVA, the pro-REAL ID interest group, who include it as part of their suggested standard design for cards.¹⁰⁶

The second REAL ID issue concerns the lawsuit against the state of Oklahoma by Kaye Beach, an anti-REAL ID activist in that state.¹⁰⁷ Beach has sued the state for requiring biometric data as part of their (noncompliant) driver’s licenses, and her suit is moving slowly through the courts. While Oklahoma is, again, not REAL ID compliant, the ongoing suit presents an interesting test case in terms of pushing back against onerous state-level driver licensing requirements.

Oregon

Oregon passed anti-compliance legislation in June 2009. The DHS considers the state noncompliant, and has ranked it in its lowest category for compliance with REAL ID benchmarks. Still, Oregon has met some of the benchmarks for REAL ID without straying into the territory of full compliance.

Currently, the Oregon DMV employs a facial recognition verification system that runs

applicants’ photos by a central database, and it verifies Social Security numbers. The state requires proof of U.S. citizenship and place of residence, and has a central issuance system that delays issuing of a card until the document, Social Security, and facial recognition checks have all been met.¹⁰⁸

With all of this technology in place, why then doesn’t Oregon meet compliance standards for REAL ID? Noncompliance and non-participation largely comes down to privacy protections written into Oregon’s Code. Section 801.063 requires strict privacy measures and bars unwanted and unwarranted disclosure of DMV information. It prevents participation in “multistate or federal” shared database programs until privacy standards are met.¹⁰⁹

In essence, Oregon is a hero for standing up to DHS’s power grab and federal power grabs in general when it comes to personal data. The state’s example should be a model for other jurisdictions across the country.

Pennsylvania

Pennsylvania is the most recent state to reject compliance with REAL ID and to stop further cooperation with DHS on implementing standards. On May 8, 2012, Governor Tom Corbett signed legislation stating: “Neither the Governor nor the Department of Transportation or any other Commonwealth agency shall participate in the REAL ID Act of 2005 or regulations promulgated thereunder.”¹¹⁰

Unsurprisingly, Pennsylvania and Governor Corbett’s rejection of REAL ID set off the pro-compliance crowd. The Center for Immigration Studies went as far as suggesting that the governor had failed to properly appreciate the “smoke from Shanksville on 9/11,” the site of the downing of Flight 93 on September 11, 2001. Pennsylvania was failing to play its role in “keeping bad guys from getting driver’s licenses,” the group argued.¹¹¹ “Pennsylvania residents,” the center said, “may be the next victims thanks to their governor’s decision.”

Happily, shrill and baseless fear-mongering of this type has lost its political salience over the years since the 9/11 attacks. Research and

common sense show that a national ID is not a cost-effective security tool, and it comes at a high cost in dollars and threats to the privacy and civil liberties of law-abiding Americans.

Rhode Island

Rhode Island is, like the majority of New England states, currently noncompliant with the provisions of the REAL ID Act. However, the state's licensing regime requires some things that dovetail with DHS's milestones for compliance. The state requires hard-copy proof of a Social Security number, verification of the Social Security number, verification of identifying documents, and valid proof of residency.¹¹²

More worryingly, the state DMV also employs the full array of facial recognition and biometric software, including a facial ID database. The DMV claims that the facial database is used mainly for combating fraud in licensing, but it is also used for law enforcement and investigations.¹¹³ Nothing prevents this. Rhode Island's code (specifically, Title 31, Chapter 10, Section 26-i,j,k,l) allows for the digitization and storage of physical information, Social Security numbers, and tax numbers, and limits access to nongovernmental entities in most circumstances; there are no statutory limits on data usage by governmental entities.¹¹⁴

REAL ID is not yet in place in Rhode Island. Unfortunately, it could easily become a national ID state.

South Carolina

South Carolina is not meeting DHS's compliance benchmarks. It passed a legislative ban on participation with REAL ID in the legislature, as SB 449, in 2007.¹¹⁵ The blunt wording of the ban makes compliance difficult, and the state has largely avoided implementing REAL ID-like changes to its licenses.

The most recent changes to South Carolina's driver's licenses and ID cards in 2010 incorporated new security features such as holograms and etching, but steered clear of REAL ID's documentation, verification, and expensive material requirements.¹¹⁶

South Dakota

Despite the legislature having passed a strongly worded anti-REAL ID resolution in 2008, South Dakota is now fully compliant with the REAL ID Act's requirements, and it was named a compliant state by DHS in December 2012.¹¹⁷

The state's turnaround was fairly rapid. The relevant sections of South Dakota's code dealing with licensing and identification were amended in 2009 by SB17¹¹⁸ to institute the retention of electronic copies of documents,¹¹⁹ evidence of lawful presence,¹²⁰ and Social Security number verification.¹²¹ The bill, SB17, was introduced at the request of the Department of Public Safety, and passed 48–21 in the House and 33–1 in the Senate. Arguments put forward in the short hearings on the bill centered, unsurprisingly, on “public safety,” and the bill passed both houses of the legislature easily.

Not everyone is happy with the state's adoption of REAL ID standards. State Representative Lance Russell, one of the 21 nays to 2009's law, has continued to criticize the law's increased burden on citizens, including huge backlogs at state DMVs.

“The fact that our driver's license laws are so onerous has created a situation that's both unnecessary and just plain punitive toward the people of South Dakota, especially when a number of other states are not implementing this program,” Russell said, in an interview with a reporter from the *Argus Leader* (Sioux Falls). “I think we are reaping what we've sown on this.”¹²²

If South Dakota's other elected officials had listened to Representative Russell, the state would not be burdened with REAL ID's onerous requirements.

Tennessee

Tennessee was deemed compliant with the provisions of the REAL ID Act in December 2012. A resolution against participation (SJR248) passed in 2007, but the language was so loosely worded as to allow for participation if the federal government picked up associated costs and if re-

“Not everyone is happy with South Dakota's adoption of REAL ID standards.”

“Texas is not yet REAL ID compliant, but the state is actively working toward implementation.”

quirements were determined to not be in violation of the state and federal constitutions.¹²³ Unfortunately, the state bureaucracy proceeded to meet the REAL ID milestones.

Two attempts to fully ban compliance with the federal program stalled in the state legislature. The first, 2009’s SB1934, was passed by the state Senate but died in the state House of Representatives.¹²⁴ The second bill, SB1934’s House counterpart, HB1426, died in the House Transportation Committee.¹²⁵

As Tennesseans face the difficulties of getting REAL ID-compliant licenses, their political leaders may reconsider allowing state compliance. Ohio’s recent example of rolling back REAL ID compliance raises the hope that Tennessee could follow.

Texas

After California, no jurisdiction in the United States has more licensed drivers than the state of Texas, with roughly 15 million issued licenses. Texas is not yet REAL ID compliant, but the state is actively working toward implementation and meeting the benchmarks, despite a few hiccups along the way.

The major hiccups, so far, have been the long time taken to pass bills to bring the state fully into compliance with REAL ID standards, helped by the Texas’ legislature’s short sessions and the relative weakness of the governor’s office when it comes to rulemaking. Unlike in several other states, there have not been any executive mandates.

The first bill, 2011’s Special Session of the Legislature’s SB 9, was primarily a bill targeting illegal immigrants, but which included REAL ID components.¹²⁶ It would have required hard-copy proof of citizenship status at the time of licensing application and required the Texas DMV to maintain copies of those documents. The bill passed the state Senate but died in the House of Representatives. However, the text of SB9 was incorporated by amendment into SB1, which passed during the same session of the legislature. Additionally, SB1 incorporated proof of residency and proof of ID requirements.¹²⁷

Combined with preexisting licensing requirements under Texas law, SB1 shifted the state markedly closer to full implementation of REAL ID’s benchmarks. A bill to bring the state up to full compliance, HB3199, was not voted on before the end of the most recent regular legislative session of the Texas House and Senate.¹²⁸ It was not revived during any of the three subsequent special sessions called by Governor Rick Perry.

Texas’s legislature will not sit again until January 13, 2015, barring the calling of a special session by the governor. If privacy activists and other opponents of REAL ID in Texas are serious about stopping the federal government’s national ID power grab, they have eight months to organize. HB3199 will be back in some form, and they should get ready.

Utah

Utah was deemed to have met DHS’s REAL ID milestones as of September 2013. However, Title 53, Chapter 3, Section 104.5 of the Code of the State of Utah explicitly prohibits the state from participating in the implementation of REAL ID. The federal government says Utah is compliant; Utah says, statutorily, that participation is illegal and that the state is not compliant. What, then, is going on in Utah?

The Utah House of Representatives had previously passed two resolutions against REAL ID and mandatory licensing standards (one in 2007¹²⁹ and one in 2009¹³⁰). However, the first bill to ban Utah’s participation in the program failed in the state Senate in 2009.¹³¹ The second ban bill passed in May, 2010.¹³²

However, ban or no ban, Utah has stringent laws relating to licensing and IDs. Independent of REAL ID, Utah has required proof of identification, proof of legal residence, Social Security number and number confirmation, and two proofs of residence to establish Utah residency. These requirements are just as strict as REAL ID’s milestones, and the documents are vetted in a similar manner. The state’s ban on complying with REAL ID would prohibit information sharing with other jurisdictions for REAL ID purposes.

As with many things related to REAL ID, the respective governments' positions are murky. Utah prohibits participation in any federal REAL ID program but maintains licensing standards nearly as strict as those under the Act. The DHS considers the state to have met the milestones for compliance—without actually being compliant. Whatever the case, Utah is poised to become a national ID state when and if the political winds blow strongly enough that way.

Vermont

Vermont is, along with Connecticut, the only other state in New England to be compliant with REAL ID. Much like its neighbor, New York, Vermont already offered optional, RFID-chipped enhanced driver's licenses that could be used for cross-border travel into Canada or Mexico. As such, much of the imaging, verification, and database technologies were already in place in the state, even if they were not mandatory and not widely used. This includes facial recognition software.¹³³

Vermont was certified as being compliant with REAL ID standards as of September 2013. The state's formal rollout of "gold star" IDs began on January 1, 2014. All new applicants will be issued REAL ID-compliant licenses/IDs, while current holders will receive theirs upon renewal.¹³⁴ Vermont is only offering a single-tier system: all Vermont IDs will be REAL ID compliant, without the option to receive a non-gold-star license marked "not for federal purposes."

Virginia

Virginia is in the position of having passed laws that both move the state toward and away from compliance with REAL ID. In 2009, SB1046 established REAL ID-like requirements for proof of identity, Social Security, legal status, and legal presence in the state of Virginia, bringing the state in line with several of DHS's benchmarks.¹³⁵ At the same time, another 2009 law, HB1587, blocked participation in REAL ID should participation "compromise the economic privacy or biometric data of any resident of the Commonwealth."¹³⁶

The sentiments of the ban are noble, but the actual enacting language is vague. Who, for example, is to determine what counts as compromising economic or biometric privacy? Virginia has yet to move forward on fully implementing REAL ID since the 2009 laws came into effect, but the provisions of SB1046 brought the state very close to full implementation and DHS's milestones. It would not be a huge step for Virginia to become a national ID state.

Washington

Washington was one of the first states to legislatively prohibit participation in REAL ID, with the June 13, 2007, passage of SB5087.¹³⁷ The bill blocked the state from participating in REAL ID until a long list of financial and privacy metrics were met by the federal government. In this sense, the law was similar to the Virginia anti-REAL ID bill, but with one major difference: Washington's law included hard compliance and certification requirements from various state officers, who would need to certify that metrics had been met before compliance could even be discussed.

While REAL ID is effectively dead in Washington, it is one of the four states that issues enhanced driver's licenses for border crossings. As in the case of Vermont, the imaging, verification, and database technologies are already there, even if they're only being used currently for a relatively small, optional program. It bears keeping an eye on, even if Washington has otherwise very strong protections against REAL ID and is in favor of privacy.

West Virginia

West Virginia is a compliant state, deemed so by DHS in December 2012. A 2008 bill to ban compliance passed the state Senate but died in the state House of Delegates;¹³⁸ a largely similar bill in 2012 died in committee.¹³⁹ The state began to issue gold-star licenses in early 2012, albeit in a two-tier system (with noncompliant licenses available for those who opted out).

At a 2012 hearing before a state legislative committee on licensing, the state DMV's deputy commissioner, Steve Barnes, spoke re-

“Washington was one of the first states to legislatively prohibit participation in REAL ID.”

“Opponents of a U.S. national ID system must remain vigilant.”

markably candidly about implementation of REAL ID in West Virginia.¹⁴⁰ Barnes noted that after the 2005 passage of the REAL ID Act, the state quickly decided that it would comply, receiving \$2 million from DHS in return to aid with compliance. Notably, Barnes also noted that the state’s compliance was easy, as licensing requirements already mandated several of REAL ID’s milestones (legal presence requirements, proof of Social Security number, and so on). It wasn’t a huge leap for the state to implement the remaining milestones,¹⁴¹ and West Virginia is currently a national ID state.

Wisconsin

Relative to some other states, Wisconsin has had a smooth rollout and integration of REAL ID. In 2007, when several other states were banning participation, the Wisconsin Assembly and Senate budget committees incorporated authorization language for REAL ID participation and licensing standards in that year’s budget act. The bill passed, and REAL ID standards have been part of Wisconsin law since.¹⁴²

Wisconsin began issuing REAL ID compliant cards on January 14, 2013.

Wyoming

Wyoming is another compliant state. A 2007 resolution against participation passed the state House of Representatives but died in the state Senate. A successful 2009 bill, SF0038, meanwhile amended Wyoming’s laws to allow the state to comply with the REAL ID Act’s standards and requirements.¹⁴³ Licenses and IDs meeting REAL ID standards began to roll out in June of 2011, and the state was deemed fully compliant in December 2012, as part of the first wave of compliant states.

A 2012 bill to ban participation and repeal the 2009 act failed in committee, and REAL ID compliance remains in place in Wyoming despite the state’s otherwise strong libertarian streak.¹⁴⁴

CONCLUSION

Cryptographer and security guru Bruce Schneier has written, “It’s bad civic hygiene to build technologies that could someday be used to facilitate a police state.”¹⁴⁵ Implementing REAL ID would be bad civic hygiene. Its offer of better immigration enforcement and its false offer of improved national security come at a price denominated in risks: risk to privacy, risk to civil liberties, and the ever-present risk of government growth. A national ID system could be used to administer more and more intimate tracking and control of all Americans’ lives.

The varied experiences of states with REAL ID are interesting evidence of the value that federalism provides our governmental system. States are not units of federal administration, but unique and independent governments. If a national ID is to be created, it has to pass muster in a variegated political system. Ours is not a country that sets to marching in one direction at a single leader’s command or as the federal government dictates. Rather, each state brings its own experiences to bear in its interactions with the Department of Homeland Security, with federal and state legislation, and with federal and state bureaucracies. Taken together, these 50 individual experiences with REAL ID reveal broader, common themes. A national ID is not something that Americans are ready to accept, and it is not something they will let be created under their noses.

But that does not mean that the proponents of a national ID will not continue to try. Some states, such as Alabama and Wyoming, have fully embraced REAL ID, while others—New Hampshire and Washington—have rejected it. Some have gone from noncompliance to compliance, while, most encouragingly, Ohio has rolled back its compliance with the national ID program. Federally, REAL ID is moribund, if not dead. However, the state-by-state status check reveals that it is by no means dead at the state level, and so opponents of a U.S. national ID system must remain vigilant.

APPENDIX A : LIST OF STATE ANTI-REAL ID BILLS AND RESOLUTIONS

Alaska

Bill Number: HB 69

Signed Into Law: 6/20/2013

Summary: “An Act prohibiting state and municipal agencies from using assets to implement or aid in the implementation of the requirements of certain federal statutes, regulations, rules, and orders that are applied to infringe on a person’s right to bear arms or right to due process or that implement or aid in the implementation of the federal REAL ID Act of 2005.”

Bill Number: SB 202

Signed Into Law: 5/28/2008

Summary: Prohibits state implementation of the federal REAL ID Act of 2005.

Arizona

Bill Number: HB 2426

Signed Into Law: 7/13/2009

Summary: Prohibits state and local compliance with the federal REAL ID Act of 2005. Additionally, the law requires the state department of transportation to notify the governor and legislature of any attempts by the federal Department of Homeland Security to force Arizona’s compliance.

Bill Number: HB 2677

Signed Into Law: 6/17/2008

Summary: Prohibits state and local compliance with the federal REAL ID Act of 2005. Requires state agencies to report to the governor any attempts by the federal Department of Homeland Security to force Arizona’s compliance.

Colorado

Resolution Number: HJR 1047

Passage: 5/4/2007

Summary: The joint resolution states the Colorado general assembly’s support for the War on Terror, but states that that does not include the curtailing of rights and liberties at home. It states the assembly’s opposition to implementing any or all parts of the REAL ID Act that violate the constitutions of the United States and Colorado, and urges Congress to repeal the REAL ID Act.

Hawaii

Resolution Number: SCR 31

Passage: 4/25/2007

Summary: The Senate Concurrent Resolution states the opposition of the Hawaii Legislature to a national ID card and to the REAL ID Act of 2005. Additionally, it urges Congress to repeal the REAL ID Act.

Resolution Number: SR 13

Passage: 3/13/2007

Summary: The Senate Resolution states the opposition of the Hawaii Senate to a nation-

al ID card and to the REAL ID Act of 2005. Additionally, it urges Congress to repeal the REAL ID Act. This resolution was followed shortly after passage by a concurrent resolution that expressed the sense of both houses of the legislature.

Idaho

Bill Number: HB 606

Signed Into Law: 4/9/2008

Summary: Prohibits the state and state agencies from complying with the federal REAL ID Act of 2005, and orders the state Department of Transportation to report any attempts by the federal Department of Homeland Security to secure Idaho's compliance.

Resolution Number: HJM 3

Passage: 3/9/2007

Summary: The joint resolution states Idaho's support for making the country safe in the face of terrorism, but not at the expense of the rights and liberties of Americans. It states the legislature's opposition to portions of the REAL ID Act that violate the constitutions of Idaho and the United States, resolves that the legislature will not appropriate any funds to support REAL ID, and urges Congress to repeal the law.

Illinois

Resolution Number: HJR 27

Passage: 5/22/2007

Summary: This joint resolution states the Illinois legislature's opposition to any portions of the REAL ID Act that violate the constitutions of Illinois and the United States. It urges Illinois' congressional delegation to work to get the REAL ID Act repealed.

Louisiana

Bill Number: HB 715

Signed Into Law: 7/7/2008

Summary: This law states the opposition of the state of Louisiana to the federal REAL ID Act of 2005, on the grounds that it violates the constitutions of the state of Louisiana and of the United States, as well as violating the privacy of American citizens. It prohibits state agencies from implementing the provisions of the REAL ID Act, and orders officials to report to the governor any efforts by the federal government to secure or force Louisiana's compliance.

Maine

Bill Number: HP 831

Signed Into Law: 6/7/2007

Summary: This law prohibits the state of Maine from complying with the REAL ID Act of 2005. Furthermore, it explicitly prohibits the state's secretary of state from amending Maine's driver's license and ID card regulations and application processes in such a manner as to comply with the REAL ID Act.

Resolution Number: SP 113

Passage: 1/25/2007

Summary: This joint resolution states the opposition of Maine's legislature to the federal REAL ID Act, and urges Congress to repeal the law as soon as possible.

Michigan

Resolution Number: HR 176

Passage: 10/29/2007

Summary: This resolution states the opposition of the Michigan House of Representatives to the REAL ID Act of 2005 and it urges Congress to repeal the law. Additionally, it states the House's resolve to not appropriate funds for the purpose of implementing REAL ID.

Minnesota

Bill Number: HB 988

Signed Into Law: 5/19/2009

Summary: This law prohibits Minnesota's commissioner of public safety and other officials with authority over licensing and identification standards from taking any action or planning to take any action to implement the REAL ID Act of 2005. It largely codifies a 2008 executive order to the same effect issued by then-Governor Tim Pawlenty.

Executive Order Number: EO 08-08

Issued: 5/17/2008

Summary: This order prohibited the commissioner of public safety and other licensing officials from implementing REAL ID standards without legislative action and approval. It was superseded by 2009's HB 988.

Missouri

Bill Number: HB 361

Signed Into Law: 7/13/2009

Summary: This law created stricter licensing requirements for Missouri, including verification of lawful presence. However, it also prohibited the state agencies from further compliance with the REAL ID Act and ordered the destruction of biometric data held by the DMV. It also prohibited the DMV from selling or sharing any data except under certain circumstances.

Montana

Bill Number: HB 287

Signed Into Law: 4/17/2007

Summary: This law stated Montana's opposition to the REAL ID Act of 2005, and it ordered the state's department of justice and other officials responsible for licensing not to comply with the act. Additionally, it ordered officials to report to the governor any attempts by the federal government to force Montana's compliance.

Nebraska

Resolution Number: LR 28

Passage: 5/30/2007

Summary: This resolution states the opposition of Nebraska's legislature to the REAL ID Act, and it strongly urges Congress to repeal the law due to its violations of civil liberties and the Constitution.

New Hampshire

Bill Number: HB 685

Signed Into Law: 6/13/2007

Summary: This law states New Hampshire's opposition to the federal REAL ID Act on

the grounds of its “repugnance” to the constitutions of New Hampshire and the United States. It prohibits the state from participating in REAL ID or any national ID program, as well as prohibiting the state from adopting any other federal regulations or AAMVA recommendations designed to ensure compliance. It additionally prohibits the state from expanding the motor vehicle data that it shares with other states and the federal government, and it prohibits any new sharing of data without the approval of the legislature.

North Dakota

Resolution Number: SCR 4040

Passage: 1/7/2007

Summary: This joint resolution states the opposition of North Dakota’s legislature to the REAL ID Act on grounds of cost and violations of privacy and liberty. It urges Congress to repeal the Act in its entirety.

Oklahoma

Bill Number: SB 464

Signed Into Law: 5/23/2007

Summary: This bill prohibits the state of Oklahoma and its state agencies from complying with the REAL ID Act of 2005. The bill prevents agencies from collecting, obtaining, or retaining data for purposes of the REAL ID Act, and orders them to delete any biometric data previously collected for licensing purposes.

Oregon

Bill Number: SB 536

Signed Into Law: 1/1/2010

Summary: This law cites the cost and risks to liberties from the REAL ID Act and prohibits the expenditure of funds to implement REAL ID standards until the federal government ensures a far higher level of privacy protections for citizens’ data than is currently in place under existing law. While not an explicit ban, it prohibits the state from complying unless the federal government fundamentally overhauls the REAL ID Act. It is a de facto ban on compliance.

Pennsylvania

Bill Number: SB 354

Signed Into Law: 5/8/2012

Summary: This law prohibits the office of the governor, the department of transportation, or any other agency of the Commonwealth of Pennsylvania from complying with any provision of the REAL ID Act of 2005 or any federal regulation designed to implement it.

South Carolina

Bill Number: SB 449

Signed Into Law: 6/13/2007

Summary: This law states South Carolina’s opposition to the REAL ID Act due to its violation of the state and federal constitutions. It prohibits state agencies from complying with the provisions of the act.

Utah

Bill Number: HB 234

Signed Into Law: 3/26/2010

Summary: This law prohibits the state government from complying with the REAL ID Act, and orders state agencies to notify the governor of any efforts by the federal government to force Utah's compliance.

Virginia

Bill Number: HB 1587

Signed Into Law: 3/30/2009

Summary: This law prohibits the office of the governor or any other offices or agencies of the Commonwealth of Virginia from complying with any provision of the REAL ID Act that they determine violates the "economic privacy, biometric data, or biometric samples" of any resident. The exact determination mechanism is unclear.

Washington

Bill Number: SB 5087

Signed Into Law: 4/18/2007

Summary: This law prohibits Washington state from complying unless the federal government significantly improves privacy standards for information, alters the REAL ID Act to better protect privacy, and increases the amount of funding for state overhauls to licensing systems and databases. It also authorizes the state attorney general to challenge the REAL ID Act as currently written.

APPENDIX B : DEPARTMENT OF HOMELAND SECURITY MATERIAL COMPLIANCE CHECKLIST

DEPARTMENT OF HOMELAND SECURITY

OMB No. 1601-NEW; Expires MM/DD/YYYY

DHS REAL ID Material Compliance Checklist

The REAL ID Act of 2005 establishes minimum standards for State-issued drivers' licenses and identification cards that Federal agencies can accept for official purposes on or after May 11, 2008. (See Public Law 109-13, 119 Stat. 231, 302 (May 11, 2005) (codified at 49 U.S.C. 30301 note) (the Act)). DHS will grant an extension to States that demonstrate that they have achieved certain milestones towards compliance with the Act and the final rule. States unable to demonstrate this progress will not be able to receive an extension. DHS has identified eighteen milestones that States must certify they have met in order to obtain an extension of the compliance deadline beyond December 31, 2009. In order to demonstrate material compliance, please complete and submit this form by October 11, 2009 to:

DHS
REAL ID Program Office
Department of Homeland Security
Washington, DC 20528

No.	Section	Does the State	Yes, is met	No, will meet by [date]	Special Instructions
1	§ 37.11(a)	Subject each applicant to a mandatory facial image capture and retain such image even if a driver license (DL) or identification card (ID) is not issued			
2	§ 37.11(b)	Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct, and retain this declaration pursuant to § 37.31.			
3	§ 37.11(c)(1)	Require an individual to present at least one of the source documents listed in subsections (i) through (x) when establishing identity			
4	§ 37.11(d)-(g)	Require documentation of: <ul style="list-style-type: none"> • Date of birth • Social Security Number • Address of principal residence • Evidence of lawful status 			

No.	Section	Does the State	Yes, is met	No, will meet by [date]	Special Instructions
5	§ 37.11(h)	Have a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3) (if States choose to have such a process)			
6	§ 37.13(a)	Make reasonable efforts to ensure that the applicant does not have more than one DL or ID already issued by that State under a different identity			Describe measures taken
7	§ 37.13(b)(1)	Verify lawful status through SAVE or another method approved by DHS			If not through SAVE, describe method
8	§ 37.13(b)(2)	Verify Social Security account numbers with the Social Security Administration or another method approved by DHS			If not through SSOLV, describe method
9	§ 37.15(b)	Issue DL and IDs that contain Level 1, 2 and 3 integrated security features			
10	§ 37.17(a)-(l)	Surface (front and back) of cards include the following printed information in Latin alpha-numeric characters: <ul style="list-style-type: none"> • Full legal name • Date of birth • Gender • Unique DL/ID number • Full facial digital photograph • Address of principal residence [with exceptions] • Signature [with exceptions] • Date of transaction • Expiration date • State or territory of issuance 			
11	§ 37.17(n)	Commit to mark materially compliant DL and IDs with a DHS-approved security marking			
12	§ 37.21	Issue temporary or limited-term licenses to all individuals with temporary lawful status and tie license validity to the end of lawful status			
13	§ 37.41	Have a documented security plan for DMV operations in accordance with the requirements set forth in § 37.41			

continued

No.	Section	Does the State	Yes, is met	No, will meet by [date]	Special Instructions
14	§ 37.41(b)(2)	Have protections in place to ensure the security of personally identifiable information			
15	§ 37.41(b)(5) (i)-(ii)	Require all employees handling source documents or issuing DLs or IDs to attend and complete the AAMVA approved (or equivalent) fraudulent document recognition training and security awareness training			
16	§ 37.45	Conduct name-based and fingerprint-based criminal history and employment eligibility checks on all employees in covered positions or an alternative procedure approved by DHS			
17	§ 37.51(b)(1)	Commit to be in material compliance with Subparts A through D no later than January 1, 2010 or within 90 days of submission of this document, whichever date is earlier			
18	§ 37.71(b)(1)	Clearly state on the face of non-compliant DLs or IDs that the card is not acceptable for official purposes, except for licenses renewed or reissued under § 37.27			

PAPERWORK REDUCTION ACT

This information will be used to determine what States are in compliance with the mandatory minimum requirements set forth in the REAL ID Act (49 U.S.C. 30301 note). The total burden hour estimate for this item will be approximately 80 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. DHS may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

DHS Form Number 411 (1/08)

NOTES

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