

### Testimony supporting S.B. 366 (Senator Cohenour)

I'm a member of a Washington, DC nonprofit, nonpartisan organization, the Coalition for a Secure Driver's License. So naturally, I support S.B. 366.

REAL ID was enacted in 2005 as part of Public Law 109-13 to fulfill a recommendation of the commission investigating the 9/11 terrorist attacks. There've been several attempts to overturn it, but all have failed, and today's political dynamics make repeal highly unlikely. **It's the law of the land**, and the repeated implementation delays are ending—the administrative rules for REAL ID will be in full force starting October 1, 2020.

Here's that recommendation from the 2004 final report of the 9/11 Commission:

"Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

That "secure identification should begin ..." is a commonsense goal. And that's what REAL ID is about, setting national thresholds for the rigor of **state**-issued credentials—driver's licenses and state IDs. I'll henceforth refer to both as "licenses." Here are some of the resulting rules and criteria:

- Licenses must meet REAL ID requirements if they're to be used for "official [federal] purposes," such as entering secured federal facilities and boarding airliners. (They're **not** needed, for example, to visit Congressional district offices.)
- Nobody may have more than one REAL ID-compliant license.
- Applicants for compliant licenses must be legally present in the U.S., meaning: citizen; lawful permanent resident; foreign student, businessperson, or tourist ... But not an illegal alien.
- Licenses issued to those here temporarily must have expiration dates consistent with the terms of their visas.
- The state employees involved in issuing licenses must pass security criteria (especially the absence of felonies and of excessive credit problems).
- The actual licenses must have features that make them very difficult to alter and to counterfeit from scratch.

Opponents claim REAL ID amounts to a "national ID." But it's not—states continue to issue their own licenses while satisfying nationally-uniform security thresholds. And there's no national database. Instead, states communicate with each other (e.g. to make sure an applicant has no REAL ID-compliant license in another state) via such means as the "State to State" system run by the American Association of Motor Vehicle Administrators.

In conclusion, it's time for Montana to "get with the program." If S.B. 366 is enacted **and** the state then makes serious progress toward full implementation, it's my understanding—from the organization I mentioned—that the Department of Homeland Security **may** allow noncompliant licenses to be used for awhile past the current deadline of January 21, 2018—so there wouldn't have to be a **total** turnover of Montana's license "stock" by then. But if S.B. 366 dies, we'll definitely need passports or equivalent for airline travel by next January 22nd.

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REAL ID Act: <https://www.dhs.gov/xlibrary/assets/real-id-act-text.pdf>

9/11 Commission Report: <https://9-11commission.gov/report/911Report.pdf> [See page 390.]

REAL ID FAQs: <https://www.dhs.gov/real-id-public-faqs>