

**Statement of F. James Sensenbrenner, Jr.**  
**Chairman, Subcommittee on Crime, Terrorism and Homeland Security**  
**Hearing on Secure Identification: The REAL ID Act's Minimum**  
**Standards for Driver's Licenses and Identification Cards**  
**March 21, 2012**

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Today's hearing examines whether the Department of Homeland Security is taking its responsibility seriously to help ensure that all states and territories have the resources and guidance they need in order to comply with the secure identity document standards put in place by the REAL ID Act of 2005.

I authored REAL ID based on the necessity to help ensure the security of driver's licenses and other state-issued identification cards.

Just as the September 11 hijackers exploited loopholes in our U.S. immigration system, they also exploited loopholes in state driver's license systems. The terrorists moved freely throughout the United States prior to September 11, 2001. They took flying lessons, purchased airline tickets, and rented cars, apartments and condos. They were able

to do these things because, as the 9/11 Commission found, the 19 hijackers had at least 30 pieces of identification – most fraudulently obtained. They ultimately used those identification documents to board the airplanes with which they murdered over 3,000 innocent Americans.

The September 11 attacks forced us to acknowledge the weaknesses in the driver’s licenses and identification document issuance processes. At that time, most states did not even verify the true identity of the person before issuing the most universally accepted form of identification in America, the driver’s license.

The 9/11 Commission recognized the importance of secure identification to prevent terrorist activity. They stated that “members of Al Qaeda clearly valued freedom of movement as critical to their ability to plan and carry out the attacks prior to September 11<sup>th</sup>.” In addition, the Commission noted, “if terrorist travel options are reduced, they may be forced to rely on means of interaction which can be more easily

monitored and to resort to travel documents that are more easily detectable.”

The REAL ID Act established minimum standards for state issued driver’s licenses and identity documents that are used for federal purposes – such as to enter a federal building or nuclear power plant or to board an airplane. States are free to issue and to accept non-REAL ID compliant IDs, so long as they clearly marked “not for identification purposes.”

Despite the REAL ID Act’s enactment, DHS is hindering implementation by the states. Specifically, I am concerned about the clear lack of commitment by the Department to enforcing the REAL ID standards. Every effort has been made by the Secretary of Homeland Security to create confusion as to whether the law will remain in place. Secretary Napolitano boldly stated her intent at first to repeal REAL ID,

then to repeal and replace REAL ID, and she seems now to simply ignore it.

DHS has not allocated adequate resources to fully implement REAL ID. The Office of State Issued Identification Support is within the Office of Policy – which makes little sense. And it doesn't have enough staff to adequately verify compliance packages submitted by the states or provide adequate guidance to the states regarding compliance.

And perhaps even more telling of the lack of commitment is the fact that for FY 2012 DHS didn't even bother to publish grant guidance or allocate money for REAL ID grants.

Additionally, I am concerned that DHS has not yet coordinated with the Federal Protective Service, Transportation Security Administration or any other relevant federal agency regarding enforcement of the upcoming January 2013, state implementation

deadline. It seems that DHS has not taken any steps to prepare for the deadline or alert the traveling public regarding the coming deadline.

Despite a lack of guidance and communication from DHS, many states are moving forward with identification security reforms based on guidance provided by the prior administration. In fact, according to DHS, six states have submitted full compliance certification packages. Twenty-two other states are materially compliant, are issuing compliant documents or are committed to compliance. Twelve states or territories are committed to meeting 15 of 18 REAL ID benchmarks. And four additional states have enhanced driver's license programs comparable to REAL ID guidelines.

States need to understand that the January 2013 deadline, will in fact be the final deadline. They need to understand that secure identification is a DHS priority. And they need to know that DHS is serious about helping them get to full implementation.

I certainly hope that DHS will not abrogate one of its responsibilities to Americans by once again extending the deadline.

It is now my pleasure to recognize for his opening statement the Ranking Member of the Subcommittee, Congressman Bobby Scott of Virginia.

**[Ranking Member Scott delivers opening statement]**

The Chairman of the Full Committee, Mr. Smith of Texas, is now recognized for his opening statement.

**[Chairman Smith delivers opening statement]**

The Chairman Emeritus from Detroit, Ranking Member John Conyers, is recognized for his opening remarks.

**[Ranking Member Conyers delivers opening statement]**

Without objection, other Members' opening statements will be made a part of the record.

I ask unanimous consent to submit for the record materials from the Center for Immigration Studies, the National Association for Public Health Statistics and Information Systems, Document Security Alliance, the Fraternal Order of Police, and the Coalition for a Secure Driver's License. And without objection, the Chair will be authorized to declare recesses during votes on the House floor.