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Public Hearing on
Topic: Intergovernmental Affairs Committee
University of Pittsburgh
William Pitt Union (ballroom)
3959 Fifth Avenue
Pittsburgh, Pennsylvania

Date: Thursday, March 13, 2008

Reporter:

Donna M. McMullen, RMR

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3 Majority Chairman
4 Philadelphia County (Part)
5 181th District

6 Representative Jim Marshall
7 Beaver County (Part)
8 14th District

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15 Joyce Frigm
16 Executive Director
17 to Minority Chairman Representative David J. Steil

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19 Legislative Assistant
20 to the Office of Representative W. Curtis Thomas

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P R O C E E D I N G S

(10:08 a.m.)

THE CHAIRPERSON: Good morning.

THE AUDIENCE: Good morning.

THE CHAIRPERSON: You can do better than that. Good morning.

THE AUDIENCE: Good morning.

THE CHAIRPERSON: Come on, you can do better than that. Good morning.

THE AUDIENCE: Good morning.

THE CHAIRPERSON: Thank you. My name is W. Curtis Thomas, and I am the Majority Chairman of the Pennsylvania House of Representatives Intergovernmental Affairs Committee. I am pleased this morning to have with me Representative Marshall from Beaver County, who is representing the Minority Chair of the Pennsylvania House Intergovernmental Affairs Committee.

And I have a statement that I would like to share with you, but before I do that it is important that we take note of a few things.

No. 1, please join me in giving an

1 Allegheny County thank you to Mr. Charles E.
2 McLaughlin, Government Relations, University of
3 Pittsburgh, for opening the doors this morning.

4 THE AUDIENCE: (APPLAUSE).

5 THE CHAIRPERSON: Now, they tell me
6 Allegheny County is the star of the west now so we
7 can't just give, you know, one of them okay, thank
8 you's. We have to add something to it. Let's
9 give Mr. McLaughlin a warm thank you for opening
10 the doors to this ballroom.

11 THE AUDIENCE: (APPLAUSE).

12 THE CHAIRPERSON: That's better. Let
13 me also ask you to join me in acknowledging Miss
14 Shirley Stanford, who is one of our stellar
15 teachers and her students from Wilkinsburg High
16 School.

17 THE AUDIENCE: (APPLAUSE).

18 THE CHAIRPERSON: Let me ask the
19 students to rise.

20 THE AUDIENCE: (APPLAUSE).

21 THE CHAIRPERSON: Representative
22 Marshall will tell you that we are sitting here
23 today waiting for you to step up, and all you have
24 to do is stay in school, work hard, keep your eyes

1 on the prize and always give 150 percent of your
2 best works to any project. So we are here today
3 waiting for you tomorrow.

4 Let me also acknowledge my staff.
5 Being the Majority Chair -- and I kind of get
6 credit for all of this -- but I have some people
7 who really do hard work and do an excellent job.

8 First, Miss Patricia Custis, Executive
9 Director, House Affairs Committee.

10 THE AUDIENCE: (APPLAUSE).

11 THE CHAIRPERSON: Miss Allison Acevedo,
12 Legislative Specialist.

13 THE AUDIENCE: (APPLAUSE).

14 THE CHAIRPERSON: Mr. Seitu Stephens,
15 Research Analyst on the committee, and I did see
16 Cornell Brown.

17 THE AUDIENCE: (APPLAUSE).

18 THE CHAIRPERSON: Where is Joyce Frigm?
19 When she comes we want to acknowledge her. She is
20 the Executive Director for the House Governmental
21 Affairs Committee on the Minority side working for
22 Representative Dave Steil, who is the Minority
23 Chair.

24 I think we've pretty much covered

1 everyone. If I've overlooked anyone charge it to
2 my head and not my heart, and just let Miss Custis
3 know that you're here, and we will appropriately
4 acknowledge you.

5 This is the third of a series of public
6 hearings that we have been holding, the
7 Intergovernmental Affairs Committee. We started
8 it off in the City of Harrisburg, moved from
9 Dauphin County to Philadelphia County, and today
10 we're here in Pittsburgh. Next month we will be
11 in Scranton, Pennsylvania, and we will close out
12 our series of hearings in Erie, Pennsylvania.

13 And these hearings are designed to do
14 two things: One, to educate the public at large
15 about a Federal law, the REAL Identification Act
16 of 2005. We want to educate people about the REAL
17 ID Act because at some point, at some point, the
18 act, the law in its current form or in some
19 amended form is going to impact each and every one
20 of us. Young people, if you have not reached the
21 age where you can apply for a driver's license or
22 reach the age where you need some official
23 identification, you're going to be affected by the
24 REAL ID Act ID Act at some point. So we're all go

1 to be affected.

2 So one of the first purposes of these
3 hearings is to educate the public at large.
4 Secondly, the second purpose of these hearings is
5 to empower the public at large. Every day people,
6 elected officials, appointed officials,
7 institutions, community groups, the religious
8 community, we want to empower the public at large.
9 And when I say empower the public at large we want
10 to provide sufficient information so that at some
11 point you step up to the plate and say to the
12 Commonwealth of Pennsylvania, to the Pennsylvania
13 House of Representatives and to the state whether
14 we should be dealing with this REAL ID Act ID Act
15 and so how should we be dealing with it.

16 So education and empowerment are the
17 two purposes for these hearings.

18 In May of 2005, Congress enacted the
19 REAL ID Law to address concerns regarding creation
20 of fraudulent identification documents and
21 terrorism. The Department of Homeland Security
22 released final regulations regarding the REAL ID
23 Act on January 11, 2008.

24 For states that have not requested an

1 extension, compliance with the Act can occur as
2 early as May 11 of this year, but must be phased
3 in for everyone in this country no later than
4 December 1, 2017.

5 The Act will impact the lives of at
6 least 240 million Americans, including over
7 9 million who live in the Commonwealth of
8 Pennsylvania. The Act outlines nationwide
9 standards for state driver's licenses and
10 identification cards used for an official purpose,
11 which is defined as entry into Federal facilities,
12 boarding commercial airlines, and entering nuclear
13 power plants.

14 The REAL ID Act is a Federal law.
15 Federal law, not state law. Federal law. The
16 Federal government, though, has allocated only
17 \$90 million to assist states with implementation
18 of the Act.

19 The Department of Homeland Security
20 estimates that the cost to put REAL ID in place
21 will be about \$3.9 billion. A study by the
22 National Conference of State Legislatures, the
23 National Governors' Association, and the American
24 Association of Motor Vehicles estimates states

1 will need to spend at least \$11 billion over five
2 years to meet REAL ID requirements.

3 Implementing REAL ID will cause
4 operational and fiscal challenges for
5 Pennsylvanians and our state government. And if
6 you think about it for a minute, we have 102 Photo
7 I.D. Centers in Pennsylvania. So 102 Photo I.D.
8 Centers will have responsibility for issuing
9 licenses and other identification for over about
10 9 million people. 9 million people in the 102
11 locations.

12 The Pennsylvania Department of
13 Transportation estimated in 2007 that REAL ID will
14 cost at least 85 million to implement in
15 Pennsylvania. In order to obtain REAL ID driver's
16 licenses and identification cards, individuals
17 would need to make in-person visits and bring
18 documents such as Social Security cards, birth
19 certificates and proof of address to PennDOT.
20 Renewing licenses in person will be extremely
21 burdensome for people, especially the poor, the
22 elderly and individuals born in other countries
23 who may have a difficult time accessing personal
24 documents like birth certificates.

1 Although states are not required to
2 implement REAL ID, any state choosing to opt out
3 or not comply will cause monumental inconvenience
4 to its residents. Residents who currently use a
5 driver's license as their primary form of
6 identification to board airplanes or to enter
7 secure Federal facilities would be unable to do
8 so. They would be left to use passports or some
9 other identification for these official purposes.

10 Pennsylvania residents, legislators and
11 other policymakers must take notice about REAL ID.
12 Meeting the requirements of the Act will disrupt
13 the lives of many Pennsylvanians and Americans.
14 Legislators must educate the public about
15 gathering personal documents needed to process
16 REAL ID cards and about implementation of
17 procedures for renewing driver's licenses and
18 identification cards. Residents also need a forum
19 to voice concerns about the REAL ID Act and
20 regulations.

21 Our right to travel within the United
22 States has the potential to be significantly
23 impacted by the REAL ID Act. People who do not
24 have REAL ID compliant licenses and identification

1 cards may be unable to board airlines for basic
2 travel.

3 PennDOT has requested and received an
4 extension to comply with REAL ID Act provisions
5 until December 31, 2009. Between now and the
6 extension deadline a decision will be made about
7 Pennsylvanian's compliance with the Act.
8 Legislators, advocates and other policymakers in
9 Pennsylvania must work with PennDOT to evaluate
10 the consequences and costs to the government and
11 to residents of Pennsylvania to meet REAL ID
12 requirement and determine whether our state should
13 comply with the Act. Part of this evaluation
14 involves education about REAL ID.

15 These hearings will serve to educate
16 government officials and empower residents about
17 the possible impact of REAL ID. We hope that
18 legislators and other participants in these
19 hearings will learn more about REAL ID and how the
20 Act and regulations will affect Pennsylvanians.

21 And I'd like to turn to Representative
22 Marshall and Joyce Frigm and see if they have a
23 statement they'd like to make before we get
24 started.

1 REPRESENTATIVE MARSHALL: Thank you.
2 Thank you, Chairman Thomas. At this time I'll
3 forego a statement and go right into testimony so
4 that we can expedite this hearing. Thank you,
5 sir.

6 THE CHAIRPERSON: Thank you. Our first
7 panelist, we have Jeremy Meadows, who is Senior
8 Policy Director from the National Conference of
9 State Legislatures. We have the Pennsylvania
10 Department of Transportation, Kurt Myers, who is
11 Deputy Secretary for the Safety Administration.
12 And we have Neil Berro, who is the Director of
13 Community Relations and Spokesman for the
14 Coalition for a Secure Driver's License. They
15 will start off in whatever order they decide.
16 Jeremy, do you want to go first?

17 MR. JEREMY MEADOWS: Thank you,
18 Mr. Chairman. Majority Chairman Thomas, Minority
19 Chairman Steil, Representative Marshall, honorable
20 remembers of House Committee on Intergovernmental
21 Affairs, thank you for the invitation to speak
22 with you again today about REAL ID.

23 I'm Jeremy Meadows, and I lobby
24 transportation issues on your behalf in

1 Washington, D.C. for the National Conference of
2 State Legislatures.

3 As you know, NCSL is your association.
4 All 50 state legislatures are members, and we are
5 proud to count all 7,400 elected legislators as
6 well as all of the 30,000 plus legislative staff
7 who help you with your work as our members.

8 NCSL was created in 1975 with three
9 primary goals: To foster interstate communication
10 among state legislators. NCSL was created with
11 the goals to foster interstate communication among
12 state legislators and staff on issues of common
13 concern; to strengthen the capacity of statute
14 legislatures to play their appropriate and
15 laudable constitutional roles; and finally to
16 lobby on behalf of state legislatures and states
17 writ large in Washington, D.C.

18 For NCSL to lobby an issue, state
19 legislators from three-quarters of the state must
20 agree on a position. You and your elected
21 colleagues determine not just what NCSL's lobbying
22 priorities should be, but what message you want us
23 to deliver to Congress and the Federal
24 Administration on your behalf. Since 2006, you

1 have debated and set NCSL's policy on REAL ID, and
2 even the U.S. Department of Homeland Security
3 credits your engagement for dramatically altering
4 the REAL ID final regulations.

5 In my testimony today I would like to
6 give you a brief history of REAL ID, share with
7 you some quick impressions of the final
8 regulations, provide a snapshot of NCSL's work on
9 REAL ID and developments in Congress to date, and
10 note what actions states took in 2007 and have
11 taken so far in 2008 on REAL ID.

12 But make no mistake, REAL ID is not the
13 only impetus for improving the security and
14 reliability of state-issued credentials. States
15 have been moving to improve systems and ID
16 documents since even before September 11th.
17 Indeed, DHS recognizes in the REAL ID final
18 regulations that many states have made significant
19 progress in improving the integrity of their
20 licenses. I look forward to your questions and
21 discussion following.

22 When the 9/11 Commission issued its
23 final report it suggested that: "Secure
24 identification should begin in United States. The

1 Federal government should set standards for the
2 issuance of birth certificates and sources of
3 identification, such as driver's licenses. Fraud
4 in identification documents is no longer just a
5 problem of theft. At many entry points to
6 vulnerable facilities, including gates for
7 boarding aircraft, sources of identification are
8 the last opportunity to insure that people are who
9 they say they are and to check whether they are
10 terrorists."

11 Congress acted to realize the
12 Commission's recommendation, and in December, 2004
13 President George W. Bush signed into law the
14 National Intelligence Reform Act of 2004. The
15 law, among other things, required U.S. Secretary
16 of Transportation to establish a negotiated
17 rulemaking process to devise minimum standards for
18 state-issued driver's licenses and identification
19 cards.

20 The group, including state officials,
21 privacy advocates, information technology experts,
22 Federal transportation and homeland security
23 officials, and others, assembled to undertake the
24 negotiated rulemaking process met once before the

1 process was stopped by REAL ID. REAL ID mandates
2 that states issue compliant state driver's
3 licenses and identification cards only to lawfully
4 present individuals, pursuant to Federal minimum
5 standards defined by prescriptive Federal
6 regulations and utilizing multiple interstate or
7 national databases. If states do not comply,
8 their ID's will not be accepted for Federal
9 purposes, which as you noted, includes boarding
10 commercial aircraft, entering Federal buildings,
11 entering nuclear power plants, or for other
12 purposes to be designated by the Secretary of
13 Homeland Security.

14 The REAL ID Act of 2005 sailed through
15 Congress and landed on the President's desk,
16 without a hearing in either house, as part of the
17 Emergency Supplemental Appropriation for Defense,
18 the Global War on Terror, and Tsunami Relief of
19 2005.

20 It was signed into law on May 11, 2005
21 and nearly three years later, just 120 days before
22 the statutory implementation date, on January 11,
23 2008, DHS issued the final regulations to guide
24 states' implementation of the Act. These rules

1 were officially published in the Federal Register
2 on January 29, 2008.

3 The good news is the final rules seem
4 to offer much more flexibility for states than was
5 originally proposed in a draft regulations, which
6 were issued on March 1, 2007 and on which comments
7 were accepted through May 8, 2007. Based on this
8 flexibility, DHS re-estimated the ten-year cost to
9 the states at just under \$4 billion, down \$10
10 billion from the original \$14 billion estimate.

11 In September, 2006, NCSL joined with
12 the National Governors Association and the
13 American Association of Motor Vehicle
14 Administrators to estimate the five-year cost of
15 REAL ID at \$11 billion.

16 The final rules still require states to
17 insure that all applicants are legally present in
18 the country and to verify an applicants' documents
19 using electronic databases (some of which are
20 still under development). States are required to
21 store copies of these documents and to make their
22 Department of Motor Vehicle databases available to
23 all other states. States must conduct background
24 checks on certain DMV staff and secure the

1 facilities where licenses are produced and where
2 information and materials are stored.

3 So then what flexibility produces a
4 \$10 billion cost savings? The new rules are much
5 less prescriptive allowing states to develop their
6 own security plans and to self-certify compliance
7 with most of the requirements. Gone are the rigid
8 prescriptions for the security features of the
9 identification card itself, replaced by several
10 options from which states can choose. And, as
11 state ease into issuing REAL ID's they will now be
12 able to do so over six years starting with people
13 born after 1964.

14 States can request an extension of the
15 May 11, 2008 deadline, which will be valid through
16 December 31, 2009. If a state takes steps toward
17 complying, a second extension can be requested,
18 which will run through May 10, 2011. During these
19 periods, licenses from states with extensions will
20 be accepted by DHS for official purposes, such as
21 passing through airport security and through
22 Federal buildings. States must begin issuing REAL
23 ID's on May 11, 2011 and are expected to enroll
24 everyone born after 1964 by 2014, completing the

1 entire enrollment process by December 1, 2017.

2 The bad news is that privacy is still
3 an issue and costs remain a major concern, with
4 money from Washington being barely a trickle.
5 Until the President's latest budget proposal, the
6 administration and the Department of Homeland
7 Security had never requested funding for state
8 costs in the President's budgets.

9 DHS has authorized states to use State
10 Homeland Security Grant Program funds for REAL ID,
11 but this money is largely already spoken for by
12 other homeland security priorities. Congress has
13 appropriated only \$90 million since fiscal year
14 2006 leaving states to absorb the difference or
15 pass on the cost to residents. Adding insult to
16 injury, DHS has issued grant guidelines for the
17 bulk of the \$90 million that Congress set aside
18 for state costs that require states to collaborate
19 on the development of the state-to-state hub.

20 Many governors and legislators feel this hub
21 should be a Federal expense and should not soak up
22 scarce dollars for state implementation nor
23 supplant for state priorities.

24 The President's budget proposal for

1 fiscal year 2009 zeroes out the grant program for
2 states that Congress created for fiscal year 2008
3 and instead makes make REAL ID one of the eligible
4 programs for a new \$110 billion National Security
5 and Terrorism Prevention Grant Program, while at
6 the same time slashing the SHSGP Program by
7 78 percent. Bill Pound, NCSL's Executive
8 Director, has said that REAL ID represents Federal
9 standards, and they deserve Federal dollars.

10 At the Nashville Annual Meeting in
11 2006, state legislators adopted a policy calling
12 on Congress to "fix and fund" REAL ID by
13 December 31, 2007 or NCSL would call for the
14 repeal of the Act. The "fixes" needed were
15 derived from the previously referenced September,
16 2006 study conducted by NCSL, NGA, and AAMVA to
17 determine the cost of REAL ID and the elements
18 states needed to see in the implementing rules to
19 make REAL ID operable. Fixes included changed and
20 more lenient timelines, measures that allow states
21 to manage the lines of DMV's, as well as
22 connectivity and verification system issues. That
23 September, 2006 report estimated that state costs,
24 which became NCSL's fund request, had over

1 \$11 billion for the first five years.

2 Before the close of the 109th Congress
3 in December, 2006, United States Senators Akaka of
4 Hawaii and Sununu of New Hampshire introduced
5 legislation that repealed REAL ID and returned to
6 the negotiated rulemaking process that preceded
7 it. When the 110th Congress dawned in 2007,
8 Senators Akaka and Sununu were joined by Senators
9 Leahy, Baucus and Tester to reintroduce their
10 'Repeal and replace' legislation.

11 Senator Akaka invited NCSL to testify
12 before his Senate Homeland Security and
13 Governmental Affairs Subcommittee on Oversight; and
14 then NCSL President and Texas State Senator
15 Leticia Van de Putte represented NCSL on the
16 March, 2007 panel. Congressman Allen of Maine
17 introduced similar legislation in the U.S. House.
18 And Senator Collins of Maine introduced
19 legislation to delay the implementation of the
20 REAL ID and to require the Department of Homeland
21 Security to take into account the concerns and
22 challenges associated with states' compliance.

23 Some other bills have been introduced
24 suggesting more stringent means for encouraging

1 states to comply with REAL ID. There has also
2 been legislative language that attempted to expand
3 the use of REAL ID's. Some bills have called for
4 states to use REAL ID's for voter registration
5 purposes and one immigration bill item linked REAL
6 ID to employment eligibility.

7 Thus far the only action taken in the
8 110th Congress has been to provide \$50 million for
9 state REAL ID implementation costs and in the
10 Court Security Improvement Act to exempt Federal
11 Judges from REAL ID's address of principle
12 residence requirements in order to provide
13 increased protection.

14 I want to note as well that just
15 yesterday Senators Akaka, Baucus, Tester and Snowe
16 were joined by Senators Sununu to send a letter to
17 Secretary Chertoff asking him to allow all states
18 to delay the May 11, 2008 deadline, not just those
19 that have applied for the extension.

20 When the long-awaited draft regulations
21 were issued in the spring of 2007, NCSL analyzed
22 the regulations and provided state legislators
23 with short one- to four-page briefs on various
24 aspects of the rules, which were extremely

1 prescriptive and inflexible. NCSL again joined
2 with NGA and AAMVA to submit comments before the
3 May 8, 2007 deadline. NCSL has been testifying
4 regularly before state legislative Committees and
5 providing briefings on REAL ID.

6 NCSL's "Fix and Fund" policy were
7 renewed at the 2007 Annual Meeting in Boston with
8 additional language regarding privacy protections
9 and specification that NCSL sought "fixes" and at
10 least \$1 billion for state start-up costs by the
11 December 31, 2007 deadline.

12 In October, 2007, DHS began to advise
13 stakeholders that the final regulations were
14 imminent and that they had heard the comments of
15 states. In fact, Richard Barth, DHS Assistant
16 Secretary for Policy Development, briefed NCSL's
17 officers in October, recorded a podcast for the
18 NCSL website in November, and spoke to NCSL's Fall
19 Forum in Phoenix.

20 At the Fall Forum, NCSL's "Fix and
21 Fund" policy was further modified so that if the
22 December 31, 2007 deadline was not met, NCSL would
23 call for the repeal of REAL ID and for a return to
24 the negotiated rulemaking process that preceded

1 the Federal mandates.

2 Now that the final rules have been
3 issued, NCSL is analyzing the rules and
4 disseminating briefs and summaries. NCSL is also
5 assessing the "fixes" attained in the final
6 regulations while working with NGA to secure the
7 \$1 billion in start-up costs in fiscal year 2008
8 supplemental appropriation. We continue to assess
9 how that's to carry forward in NCSL's lobbying
10 costs.

11 And you can access all of NCSL's
12 information on REAL ID at our website:
13 Ncsl.org/realid.

14 In 2007, 44 states considered
15 approximately 145 bills or resolutions related to
16 REAL ID. Legislation passed in 25. Twenty-one
17 states passed measures that either prohibited
18 state compliance with the act or urged Congress to
19 amend or repeal it. Maine, Montana, New
20 Hampshire, Oklahoma, South Carolina and Washington
21 passed laws that strictly prohibit state agencies
22 from complying. Idaho appropriated zero dollars
23 for its implementation in 2008, and legislative
24 chambers in 15 states passed resolutions or

1 memorials that urged Congress to amend or repeal
2 REAL ID or indicated the state's intent to
3 noncomply. Georgia lawmakers authorized the
4 governor to delay implementation unless certain
5 conditions are met, including DHS safeguards for
6 privacy.

7 Only Indiana and Nevada expressively
8 decided to bring their states closer to
9 compliance, though the Ohio General Assembly
10 directed the Department of Public Safety to
11 request an extension for REAL ID and Tennessee
12 appropriated funds for REAL ID implementation.

13 As of March 10th of this year, 37 bills
14 have been introduced in 19 states regarding REAL
15 ID. Several move states toward compliance while
16 others prohibit compliance, notably Pennsylvania
17 Senate Bill 1220, introduced by Senator
18 Mike Folmer as a companion bill to Representative
19 Sam Rohrer's House Bill 1351, which is before this
20 committee.

21 DHS originally indicated that
22 requesting the first of the two possible deadline
23 extensions would not commit states to implementing
24 REAL ID. DHS' web page, updated as of March 3rd,

1 shows 47 of 51 jurisdictions having requested and
2 received these initial extensions. Maine,
3 Montana, New Hampshire and South Carolina have not
4 yet been granted extensions. New Hampshire has
5 submitted a letter requesting an extension that
6 explicitly states that New Hampshire will not
7 comply with REAL ID. Word from several states,
8 particularly Montana, New Hampshire, South
9 Carolina, is that they will not be reversing their
10 position with REAL ID, but they have requested
11 extensions to delay the travel troubles of their
12 residents. However, several articles published
13 around the country the weekend of March 1st quoted
14 DHS spokespeople as saying that states' requests
15 for extensions are "good faith" indications of the
16 state's intent to comply. How DHS responds to New
17 Hampshire's request could be telling for other
18 states and may set the tone for how states will
19 ultimately react to the final rules and the
20 DHS-estimated price tag of \$4 billion.

21 In closing, NCSL's policy process will
22 continue to determine NCSL's posture on REAL ID,
23 and I encourage you to be involved in the process
24 so that your and Pennsylvania's interests are

1 factored into the debate. NCSL's Transportation
2 Committee, which has jurisdiction for REAL ID
3 policy, will next meet NCSL's Spring Forum this
4 April in Washington, D.C. I and my colleagues
5 will continue to monitor state reactions, as well
6 as developments on Capitol Hill or within DHS, and
7 we look forward to remaining a resource to you as
8 you consider Pennsylvania's best course of action.

9 Thank you for the opportunity to
10 appear, and I look forward to your questions.

11 Thank you, Mr. Chairman.

12 THE CHAIRPERSON: Thank you.

13 Mr. Myers.

14 MR. KURT MYERS: Thank you,
15 Mr. Chairman. On behalf of Secretary of
16 Transportation, Allen Biehler, I appreciate the
17 opportunity to testify today on the REAL ID Act of
18 2005.

19 As I stated in my testimony at the past
20 two House Intergovernmental Affairs Committee
21 Public Hearings in Harrisburg and in Philadelphia,
22 PennDOT acknowledges the concept and principles of
23 the REAL ID Act of 2005 and recognizes the
24 fundamental importance of establishing the

1 property identity.

2 THE AUDIENCE: No one can hear you back
3 here. It's really hard. We can't really hear.

4 MR. KURT MYERS: How's that? Is that
5 better?

6 THE CHAIRPERSON: Can you hear him now?

7 MR. KURT MYERS: Can you hear me? I'll
8 get as close to the microphone as I can. I'll
9 start just a little bit back so that we can rego
10 over what I already said.

11 As I state in my testimony at the past
12 two House Intergovernmental Hearings, Affairs
13 Committee Harrisburg in Harrisburg and
14 Philadelphia, PennDOT acknowledges the concept and
15 principles of the REAL ID Act of 2005 and
16 recognizes the fundamental importance of
17 establishing the proper identity when issuing a
18 driver's license or photo identification card.
19 PennDOT is committed to enhancing the security of
20 our products, processes and facilities in a
21 continuing effort to safeguard the integrity of
22 our driver's licensing and identification card
23 systems. With this commitment, PennDOT recognizes
24 the importance of maintaining the customer's

1 expectation that personal data will be secured and
2 privacy maintained.

3 The REAL ID Act is a Federal effort to
4 enhance the integrity and security of state-issued
5 driver's licenses and photo identification cards,
6 which is intended to aid in fighting terrorism and
7 further mitigating the risk of fraud. As you
8 know, the U.S. Department of Homeland Security
9 released the final REAL ID regulations on Friday,
10 January 11, 2008. PennDOT immediately began an
11 in-depth analysis of the 284-page document. And I
12 can assure you that my staff continues to meet
13 internally on a daily basis to review the
14 regulations, identify and discuss potential
15 options, the costs of those options and the impact
16 to the citizens of the Commonwealth.

17 Through contact with the U.S.
18 Department of Homeland Security's REAL ID Program
19 Office, Director Darrell Williams, PennDOT has
20 been able to obtain some clarification as to the
21 requirements of REAL ID set forth in the
22 regulations. However, U.S. DHS has received
23 questions from many jurisdictions, including
24 Pennsylvania, requiring answers in order to

1 complete a full analysis of the customer and cost
2 impact of REAL ID. U.S. DHS will need time to
3 respond to these questions.

4 Regardless of whether Pennsylvania
5 decides to implement the REAL ID Act, PennDOT is
6 and will remain committed to enhancing the
7 security of our products, processes, systems and
8 facilities and maintaining the privacy of customer
9 data. In fact, as an example, PennDOT recently
10 completed an upgrade of its photo technology and
11 equipment at its Photo License Centers around the
12 Commonwealth. With this upgrade, all driver's
13 license products, including photo identification
14 cards, are outfitted with a new overlay and
15 security features. These new overlays and
16 security features help to mitigate the risk for
17 fraud.

18 PennDOT, also as part of this upgrade,
19 is now issuing temporary driver's licenses and
20 photo identification cards to individuals who have
21 never held a Pennsylvania driver's license or
22 photo I.D., such as the new driver or new
23 resident. The temporary product is valid for 15
24 days. During that 15-day period PennDOT uses

1 state-of-the-art facial recognition technology to
2 validate that the applicant does not have more
3 than one driver's license or photo ID card already
4 issued under a different identity. PennDOT is
5 also using this technology to conduct facial
6 recognition checks of all images we have stored in
7 our data base to determine if multiple records
8 exist for one individual. After a comprehensive
9 review has been completed and if it is determined
10 that the individual has more than one record those
11 driving records are cancelled. The facial
12 recognition check is an anti-fraud measure which
13 aids in further mitigating the risk of identity
14 theft.

15 If Pennsylvania decides to implement
16 the REAL ID Act, individuals born on or after
17 December 1, 1964, approximately 4.1 million
18 driver's license and photo I.D. cardholders must
19 have a REAL ID driver's license or photo
20 identification card by December 1, 2014 for
21 official Federal purposes as defined by the final
22 regulations. Individuals born before December 1,
23 1964, or approximately 5.4 million driver's
24 license and photo ID cardholders, must have a REAL

1 ID driver's license or photo identification card
2 by December 1, 2017 for official Federal purposes
3 as defined in the final regulations.

4 In regard to funding, currently REAL ID
5 funds are very limited. However, funds are
6 available through a grant application process or a
7 redirection of up to 20 percent of Pennsylvania's
8 Homeland Security committed funds. In
9 consultation with Pennsylvania's office of
10 Homeland Security, we calculate that 20 percent
11 equates to approximately \$9 million. However,
12 these dollars are already committed to other
13 Homeland Security efforts in Pennsylvania.

14 Grant programs totaling \$81 million are
15 available for all states through U.S. DHS. This
16 is clearly a limited amount of funding considering
17 the potential costs of implementing the REAL ID
18 Act in multiple states, the District of Columbia
19 and U.S. territories.

20 Pennsylvania had notified the State of
21 North Carolina and the American Association of
22 Motor Vehicle Administrators of its intent to
23 participate as part of the grant application to
24 the United States Department of Homeland Security

1 for the development of REAL ID-specified
2 electronic verification systems. However, we were
3 recently notified that North Carolina has decided
4 not to pursue their grant application with the
5 Department of Homeland Security. As such,
6 Pennsylvania is currently looking into other
7 opportunities to apply for a grant. The deadline
8 to apply for grants is extended from March 7th to
9 April 4th, 2008. While Pennsylvania is looking
10 into other grant opportunities, keep in mind that
11 our participation in any grant opportunity does
12 not permit the Commonwealth to participate in REAL
13 ID.

14 On a related note -- and I think this
15 is very significant. This just occurred last
16 week -- the National Governor's Association has
17 formed a REAL ID committee to look at a number of
18 areas, including funding of REAL ID by the Federal
19 government. And Governor Rendell is serving on
20 this committee.

21 The Administration continues to study
22 this issue to develop recommendations that balance
23 four critical factors: Security of our citizens
24 and our country, privacy of our citizens,

1 convenience to our citizens, and costs to
2 implement and maintain the REAL ID program.

3 With that, I'll conclude my prepared
4 statement and be happy to take any questions.

5 THE CHAIRPERSON: Thank you, Mr. Myers.

6 THE AUDIENCE: Excuse me. I wanted to
7 ask you --

8 THE CHAIRPERSON: Well, wait a minute.
9 I'm running the meeting.

10 THE AUDIENCE: Is it possible for me to
11 ask questions?

12 THE CHAIRPERSON: Yes. The procedure,
13 what's going to happen, we're going to hear from
14 our three panelists, then we're going to open it
15 up for questions, and about 15 minutes before we
16 close the hearing today we will hear from each and
17 every one of you.

18 I would like to ask that when
19 Miss Custis comes back that if you have written
20 testimony or have verbal comments that you would
21 like to make -- this is Miss Custis here
22 (Indicating) -- please let her know so that we
23 could have some idea of how many people will be
24 testifying. Mr. Berro.

1 MR. NEIL BERRO: Thank you.

2 THE CHAIRPERSON: Can you hear him in
3 the back?

4 MR. NEIL BERRO: I'll do my best.
5 Thank you, Mr. Chairman, and good morning. My
6 name is Neil Berro, and I'm the spokesman for the
7 Coalition for a Secure Driver's License, CSDL.
8 We're a proud not-for-profit organization with
9 offices in New York City and in Washington D. C.
10 and members in each of our 50 states. Our central
11 objective is to educate the public, as well as
12 state and local government officials, about why it
13 is important to establish and maintain high
14 security standards for drivers' licenses and other
15 identity documents.

16 In my testimony today, I will describe
17 in summary the benefits of a secured driver's
18 license and consequently the benefits of complying
19 with the Federal REAL ID regulations. I'll offer
20 my view on how Pennsylvania stands in relation to
21 other states with regard to progress on securing
22 the state-issued driver's license and benefits
23 Pennsylvania stands to gain from other states'
24 compliance with REAL ID regulations. I will

1 explain critically why secure drivers' licenses
2 are a key factor in combating identity fraud.

3 The main focus, indeed, of my testimony
4 will be how higher standards for drivers' licenses
5 and state-issued ID's will have a constructive
6 effect on Pennsylvania's problems with ID theft
7 and consequent identity-related fraud provided
8 Pennsylvania maintains its tough law enforcement
9 practices with regard to identity thieves.

10 Compliance with REAL ID regulations
11 will improve physical security in the cards people
12 carry. Secure interstate processes for identity
13 authentication, some of which are available now,
14 will allow states to validate source documents
15 from other states and from the Federal government.
16 These factors, combined with increased internal
17 controls and privacy protection for data storage
18 will: Help prevent identity theft, keep reckless
19 and drunk drivers from getting licenses through
20 fraud, prevent deadbeat dads from hiding under
21 assumed names, prevent Welfare and Medicare theft
22 by denying crooks multiple licenses in multiple
23 states, and expose sexual predators and other
24 criminals attempting to acquire false identities

1 by defrauding state motor vehicle administrators.

2 REAL ID compliance will also lead to
3 all states issuing counterfeit-resistant cards, as
4 Pennsylvania does now, with improved security
5 features to make it much more difficult to alter
6 driver licenses and make it much easier for
7 merchants to recognize fake ID's. Strong physical
8 security for drivers' licenses will: Reduce
9 underage purchase of alcohol and tobacco, reduce
10 financial fraud and credit card fraud, help to
11 stop methamphetamine precursor sales for illegal
12 purposes and put a damper on the counterfeit ID
13 rings that cater to meth addicts.

14 We believe the overwhelming majority of
15 U.S. citizens and legal residents support our
16 view. In a 2007 poll, the Information Technology
17 Association of America, ITAA, found that
18 82 percent of adults favor secure drivers'
19 licenses. The poll also found that 85 percent of
20 Americans believe that secure drivers' licenses
21 improve Homeland Security and reduce fraud and
22 identity theft. And similar polling has found
23 much the same particularly the Zogby taken less
24 than year ago.

1 Because Pennsylvania has, in fact,
2 among the most rigorous and complete processes for
3 authenticating the identity of driver's license
4 applicants, a good part of the benefit you will
5 derive from REAL ID standards will come about
6 because other states will have to clean up their
7 act. It will be hard for you to imagine how many
8 states have low standards for identity
9 authentication and a handful have no standards for
10 determining lawful presence in the United States
11 while others have no requirement for proof of
12 legal residence in their states. Until the
13 Governor of Oregon, for example, recently
14 intervened under his executive authority, that
15 state had neither a requirement for proof of
16 lawful presence nor for residency in the state.
17 In short, Oregon's loose driver license rules were
18 a dream come true for human smugglers, sexual
19 predators, illegal aliens, and just about every
20 other kind of criminal. While Oregon has in
21 February of 2008 imposed new, more stringent
22 requirements, the police and motor vehicle
23 officials in other states have to contend with
24 literally millions of people possessing Oregon

1 driver licenses that are not now from Oregon,
2 never were from Oregon, and may well have an
3 Oregon license with someone else's name. For
4 another eight years, indeed, until current, valid
5 licenses expire other states will have to contend
6 with people who obtained Oregon driver's license
7 before Oregon moved to higher standards, many of
8 whom are actually completely different from the
9 name on the driver's license.

10 Pennsylvania's neighboring state
11 Maryland is notorious as a magnet state for people
12 seeking drivers' licenses and state-issued ID's.
13 And it's good news for Pennsylvania that
14 Maryland's Governor recently agreed to comply with
15 REAL ID lawful presence and minimum identity
16 standards within two years. That means that until
17 two years from now Pennsylvania law enforcement
18 and motor vehicle administrators should not accept
19 Maryland drivers' licenses as foolproof identity
20 documents.

21 Other states have recognized the risk
22 in accepting Oregon and Maryland drivers' licenses
23 as identity documents. Arizona, Colorado and
24 Nevada all refuse to accept Oregon drivers'

1 license for identification purposes, not only at
2 their motor vehicle offices, but also at state
3 universities and for public benefits.

4 While I don't have an estimate for the
5 street value of a valid Pennsylvania license --

6 THE CHAIRPERSON: Could you speak up a
7 little?

8 MR. NEIL BERRO: While I don't have an
9 estimate for the street value of a valid
10 Pennsylvania license, it's probably a great deal
11 higher than some of its neighboring states where
12 driving license processes are a great deal less
13 stringent.

14 Pennsylvania is also alert to the risk
15 of its citizens from criminal gangs seeking
16 drivers' licenses through fraud. The ongoing
17 investigation by the Pennsylvania Attorney
18 General's Office has indicted 36 people for
19 obtaining valid Pennsylvania driver's licenses
20 using stolen identities and fraudulent documents.

21 As Pennsylvania has increased the
22 quality and counterfeit resistance of drivers'
23 licenses issued by the state, crooks have
24 recognized that they won't be able to pass fake

1 drivers' licenses successfully. What these crooks
2 were trying to achieve was to create whole new
3 identities for themselves using validly-issued
4 Pennsylvania drivers' licenses as their key tool.
5 I applaud these anti-fraud efforts by Pennsylvania
6 and urge the legislature to consult with the
7 Attorney General and the state motor vehicle
8 officials to see if additional legal tools are
9 needed to prevent driver's license fraud.

10 According to the Federal Trade
11 Commission (FTC), Americans are more likely to be
12 victims of identity theft than any other type of
13 crime. The FTC's 2006 Identity Theft Survey
14 indicated that nearly 4 percent of Americans were
15 victims of identity theft in 2005. Other studies
16 suggest the number of U.S. victims range between 5
17 and 8 million per year, but it's not surprising
18 that people aren't happy about how little
19 government has done to reduce their vulnerability
20 to this particular crime.

21 The Federal Trade Commission's
22 publication just released its Consumer Fraud and
23 Identity Theft Complaint Data January through
24 December, 2007 Report. For the eighth year in a

1 row identity theft is the number one consumer
2 complaint category. Of the more than 800,000
3 total complaints received by the FTC in 2007,
4 roughly a quarter million or 32 percent of the
5 total derived from identity theft. That report
6 ranked Pennsylvania fourteenth out of fifty in the
7 number of identity theft complaints. Please note
8 that according to the same survey report
9 65 percent of identify thefts are never reported
10 to the police so, in fact, it's very likely that
11 the number of actual identity theft incidents is
12 much higher.

13 According to the not-for-profit
14 Identity Theft Resource Center, identity theft is
15 a crime in which an imposter obtains key pieces
16 of personal identifying information (PII), such as
17 Social Security numbers and driver's license
18 numbers and uses them for their own personal gain.
19 This is identity theft. It can start with a lost
20 or stolen wallet, pilfered mail, a data breach,
21 computer virus, phishing, a scam, or paper
22 documents thrown out by you or a business
23 (Dumpster diving). This crime varies widely and
24 can include check fraud, credit card fraud,

1 financial identity theft, criminal identity theft,
2 governmental identity theft and identity fraud.

3 The point is identity theft
4 increasingly involves drivers' licenses.
5 Counterfeit licenses created with stolen personal
6 information or valid drivers' licenses obtained by
7 defrauding the Department of Motor Vehicles (DMV).
8 Part of the problem derives from careless clerks
9 and tellers at business establishments and banks.
10 But, as identity thieves have gotten more
11 sophisticated and banks have gotten more careful,
12 DMV offices are now a central target for identity
13 fraud because crooks now need REAL ID's, not fake
14 ID's because banks and some retail stores in some
15 western states now use document verification
16 equipment, drivers' license scanners or commercial
17 verification services to check out the validity of
18 ID cards, including drivers' licenses. The crooks
19 need actual driver's licenses to perpetuate their
20 fraud. So they target DMV's and use stolen
21 identity and fraud to get driver's license issued
22 in someone else's name.

23 There's no question that the risk of
24 identity theft has increased dramatically over the

1 past ten years. Many blame the internet and
2 related lapses in business and government computer
3 security. However, the Department of Justice and
4 the FTC reports indicate that many identity
5 thieves use old-fashioned, nontechnical methods to
6 acquire personal information, such as dumpster
7 diving, mailbox theft, and simply stealing wallets
8 and purses as a first step in large-scale identify
9 fraud. Identity theft is the first step in
10 identity fraud. Crooks usually steal other
11 people's identities with the purpose of defrauding
12 businesses, such as banks, telephone companies out
13 of money. In addition, certain types of drug
14 addicts pursue identity theft and fraud to support
15 their habits.

16 A 2007 intelligence bulletin from the
17 U.S. Department of Justice makes a conclusive case
18 that increased identity theft is partly due to the
19 methamphetamine pandemic.

20 According to the Department of Justice,
21 National Drug Intelligence Center, methamphetamine
22 abusers and distributors are increasingly engaging
23 in identity theft.

24 In addition to using ID theft for an

1 assortment of criminal fraud to raise cash, among
2 which is obtaining mortgages in victims' names
3 they, quote, supply criminal fugitives with drug
4 trafficking organizations with fresh identities in
5 order to evade law enforcement, incarceration or
6 even deportation.

7 What the report doesn't include, but
8 other studies reveal, is that a fake driver's
9 license or fraudulently obtained driver's license
10 is a key factor in as many as 35 percent of these
11 cases.

12 A just released study which used Secret
13 Service case files and identity theft and fraud
14 federal investigations analyzed how drivers'
15 licenses have actually been used by criminals
16 convicted in Federal courts. Among the findings
17 the study found that ID thieves actually use
18 stolen identity information to manufacture and
19 sell fraudulent ID's to others as well as to apply
20 for loans to purchase vehicles. Quote, the
21 offenders manufactured and sold driver's licenses
22 and Social Security cards often to match stolen
23 credit cards. They sold counterfeit and
24 fraudulent identification documents, credit card

1 numbers, and fraudulently obtained personally
2 identifying information, unquote.

3 Pennsylvania has higher driver's
4 license standards than many other states and
5 issues a counterfeit resistant document to its
6 drivers. However, to stay ahead of identity
7 thieves and identity card counterfeiters
8 Pennsylvania will need to continue to push the
9 envelope and raise security standards year after
10 year.

11 For Pennsylvania lawmakers the new REAL
12 ID standards should be viewed as a floor, not as a
13 ceiling. While those new regulations will
14 establish a new minimal baseline, Pennsylvania
15 will find its citizens are best protected by
16 establishing its standards and physical card
17 security well above that minimum, to keep identity
18 thieves from abusing Pennsylvania driver's
19 license.

20 Gentlemen and ladies, Homeland Security
21 and public safety need to be your main concern.
22 However, as my testimony has pointed out,
23 protection against foreign terrorists is not the
24 only benefit from Pennsylvania's compliance with

1 the DHS regulations for Public Law 109-13,
2 otherwise known as REAL ID. The most important
3 benefit will be to assure the public that state
4 officials zealously guard the integrity of the
5 most common identity document, the state-issued
6 driver's license, and that it will be accepted by
7 the Federal government and all other states as
8 proof of the bearer's identity as well as
9 eligibility to drive.

10 As other states comply with REAL ID and
11 as the information hub this will allow the
12 Pennsylvania driver's licensing authorities to
13 securely verify that the personal identity
14 information presented actually belongs to the
15 personal standing in front of the counter.

16 Citizens will be able to be better protected
17 against identity theft and fraud. Compliance with
18 the Federal driver's license security standards
19 will also finally lead to realizing the goal of
20 one driver, one license for passenger car drivers
21 as well as preventing identity thieves from
22 getting a license in someone else's name. This is
23 a logical extension of the highly successful one
24 driver, one license rule for commercial truck

1 drivers, which Pennsylvania authorities have
2 strongly supported and which has improved safety
3 on Pennsylvania highways.

4 In closing, the integrity of
5 Pennsylvania elections will be preserved because
6 insuring only lawful residents have licenses will
7 reduce voter fraud and insuring the state DMV
8 records don't include illegal aliens and people
9 with multiple licenses in multiple states will
10 make it easier for state election officials to
11 confirm the eligibility of those registering to
12 vote.

13 Lives will be saved from authenticating
14 the identity of drivers' license applicants by
15 keeping drunks and reckless drivers from getting
16 new licenses under assumed or changed names.
17 Young lives will be saved because secure licenses
18 and confirmation of the identity of applicants
19 helps prevent underage drinking and smoking.
20 Secure licensing procedures also help protect
21 against identity theft, help cops find deadbeat
22 dads and unmask sexual predators using fraudulent
23 identities to hide from arrest warrants. Thanks
24 so how much.

1 THE CHAIRPERSON: Thank you. Now, I'd
2 like to ask if it's possible if we could move your
3 table this way so that you would be facing our
4 audience rather. I think that might be
5 contributing to the people back not being able to
6 hear.

7 We want to be out of here at 12. We
8 want to give some attention to people in the
9 audience who have comments that they would like to
10 make, so we're going to proceed with this question
11 and answer period. We're going to turn to
12 Representative Marshall to see if he has any
13 questions. When he finishes, then we will open it
14 up for the audience who might have questions, but
15 we don't want everybody to speak at once.
16 Representative Marshall.

17 REPRESENTATIVE MARSHALL: Thank you,
18 Mr. Chairman, and thank you for your hard work and
19 dedication to the people of this Commonwealth for
20 bringing issues like this out for public hearings.

21 I appreciate the testimony of the
22 gentlemen today. We have your written testimony
23 with us that we can go back to.

24 At this time I don't have questions for

1 you. I would like the opportunity for the
2 audience to bring questions to you.

3 THE CHAIRPERSON: Okay. Yes. Do you
4 want to give us your name to start?

5 MR. MIKE NEELY: Sure. My name is Mike
6 Neely from Rochester in Beaver County.

7 I understand that the REAL ID Act
8 legislation is a result of recommendations from
9 the 9/11 Commission. I have here an editorial
10 from January 2 by Lee Hamilton and Thomas Kean,
11 who were the Chairman of the 9/11 Commission and
12 say that the official 9/11 Report was based on
13 false information. In other words, fraud was
14 perpetrated against the 9/11 Commission by
15 elements in the Federal government.

16 So, in other words, we're supposed to
17 believe that we have to carry our papers, to show
18 our papers as the Germans did during Hitler's day
19 to the man in the form of a plastic card, based on
20 a lie (indicating). And it's right here by the
21 head of the Commission. And I'll be doggone if
22 I'm going to do that, a threat, under a threat of
23 terrorism when the only terrorists I'm worried
24 about are the ones in Washington, D.C.

1 THE AUDIENCE: (APPLAUSE).

2 THE CHAIRPERSON: Thank you. Yes.

3 MS. SHANEA STEPNEY: Good morning,
4 ladies and gentleman. My name is Shanea Stepney,
5 and I am a student at Wilkinsburg High School.

6 If I may say, in my hand, I hold at
7 least four different ways of identification,
8 including a birth certificate, a driver's license
9 (Indicating), a school ID (indicating), and my
10 Social Security card (indicating). This is only
11 four of the different ways, at least 100 ways we
12 can use to identify ourselves.

13 And my question to you is if this card
14 is going to portray the same information that
15 these objects in my hand carry, how safe are we
16 going to be? Are we putting ourselves at risk for
17 people to get around the system, to hack into the
18 government system and take our information?
19 People lose their license, people lose this stuff,
20 and we're not guaranteed that they're going to
21 keep this card. If this card is lost how are we
22 guaranteed that our information's going to be safe
23 if it's out there in the open? Are we setting
24 ourselves up for failure, or are we trying to save

1 ourselves as a nation?

2 THE CHAIRPERSON: That's an excellent
3 question. Mr. Myers.

4 THE AUDIENCE: (APPLAUSE).

5 MR. KURT MYERS: It's a great question,
6 and you're absolutely right that what we call in
7 the department and the standpoint of the documents
8 that you're talking about, we call them source
9 documents: The Social Security card, the birth
10 certificate. They're all the things that we use
11 when you first come in after you've taken your
12 driver's test and you've passed it and you get
13 that moment to get your driver's license, it's all
14 those documents that we look at to make sure that
15 you are who you say you are.

16 Currently what occurs is that we look
17 at the birth certificate that's issued from the
18 jurisdiction that you were born in, and we do a
19 visual verification of it. We make a
20 determination based upon our employees, who are on
21 the front lines. They make a determination as to
22 whether or not that document is real or not. The
23 same thing goes with the Social Security card.
24 However, we also do a verification for the Social

1 Security Administration. It's an electronic
2 verification to validate that the card that you
3 presented to us is, in fact, an accurate number
4 and it does belong to you as an individual.

5 You know, one of the things about REAL
6 ID and what the government, the Federal government
7 was attempting to do, which, quite frankly at this
8 point in time, they have not done, is to develop
9 these verification systems.

10 The fact of the matter is, as I said
11 earlier, the verification systems within REAL ID
12 require that there is a verification system, an
13 electronic verification for birth certificates.
14 That system is not fully operational. The point
15 of fact is it exists in some states, but is not
16 fully functional from the standpoint that if you
17 were coming into Pennsylvania from California, as
18 an example, we don't have the ability here to be
19 able to validate that that is a California birth
20 certificate electronically.

21 We can, as I said earlier, do that with
22 the Social Security card. We can also do that
23 with immigration papers. We have the capability
24 in a system that's called SOLVE to electronically

1 verify.

2 One of the other areas that is required
3 in REAL ID is a system for passports to be able to
4 determine whether or not a passport is a real
5 passport through an electronic verification
6 system. That system has not even been started
7 yet, so one of the issues we as a state -- and I
8 want to be clear about this because I know that
9 the Chairman talked about this earlier, but I want
10 to be very clear: Pennsylvania has not committed
11 to participating in REAL ID. Let me also be clear
12 that we ask for and received an extension to the
13 December 31, 2009 date. In our letter asking for
14 that extension we simply said that we were
15 requesting the extension for the ability to take
16 additional time -- if you remember my testimony --
17 it was documents over 284 pages long. The
18 regulations are a part of that document. It's 284
19 pages. Trust me, it's not like reading a good
20 novel. It takes some time to get through, and
21 there's a lot of things that have to be clear when
22 you go through the document itself.

23 But we made it clear to the Department
24 of Homeland Security in asking for our extension

1 that we were asking for it simply to have more
2 time to be able to evaluate the impacts to
3 Pennsylvanians, the citizens of the Commonwealth,
4 what the cost is going to be. I mentioned earlier
5 as well in my testimony that Governor Rendell will
6 be serving on a committee, National Governors'
7 Association to look at REAL ID.

8 But primarily their focus will be on
9 the funding of REAL ID because right now, as
10 pointed out in earlier testimony, there's only
11 \$90 million set aside for all of the states.
12 Washington, D.C. plus a number of territories that
13 are expected to implement REAL ID.

14 So I think your questions are -- it's
15 an excellent question. It is a concern from the
16 standpoint of the motor vehicle community when we
17 look at documents and make sure that the person
18 who's standing in front of us is who they say they
19 are.

20 REAL ID in some respects has tried to
21 address some of those issues, but they've
22 addressed it in words only because the systems
23 don't exist today, and they have to be built if
24 you're going to be able to use them.

1 THE CHAIRPERSON: Okay. Did that
2 answer your question?

3 MS. SHANEA STEPNEY: Kind of, but not
4 really. I'm still at the point where...

5 THE CHAIRPERSON: Stand up.

6 MS. SHANEA STEPNEY: Again, you're, I
7 mean you're talking about the funding it takes for
8 this program, right? And to me America is already
9 in enough debt because they don't think before
10 they implement a plan like this. It's one person
11 thinks it's okay, a group of people thinks it's
12 okay, and then they expect the nation to think
13 it's okay?

14 I mean, you said it yourself, banks are
15 being more careful, the government is cracking
16 down, but these people, killers, stalkers,
17 hackers, they're not your average person anymore.
18 They're getting smarter every single day. What if
19 they find a way around your system? You know, the
20 whole nation is then at a risk because of one
21 little piece of plastic (indicating) that's
22 supposed to put a tag on us like we're dogs or
23 like, you know, the government has to keep track
24 of us.

1 THE AUDIENCE: (APPLAUSE).

2 THE CHAIRPERSON: Let me thank you for
3 your comment, for your question, and I think one
4 of the things that you can probably take back with
5 you, and, that is, that Pennsylvania needs to have
6 the resources so they can put in place systems to
7 minimize, not eliminate hackers and other people
8 getting into the system. Also we need resources
9 to make sure that if Pennsylvania complies that
10 they are using original documents to determine who
11 the person is and get some other information about
12 the person, because without the original
13 documents, then you would not be able to issue a
14 license or identification card.

15 So I think that's one of the points
16 that occurred that I am trying to make and, that
17 is, Pennsylvania has been hesitant because we do
18 not have the resources necessary to provide the
19 kind of prudent oversight that you have suggested.
20 Yes.

21 MR. PAUL McCARTHY: I'm Paul McCarthy.
22 I'm from the south side of Pittsburgh. I'm a
23 veteran. I volunteered for Vietnam when I was
24 17-years old.

1 My concern is real safety of the
2 nation. When I look in the history books I look
3 how the French handled Hitler -- a grave
4 mistake -- with millions of dollars on the line.
5 Francs at that time. They built tunnels, they put
6 railroads underground, they built bunkers, and all
7 Hitler did was circumvent it.

8 Her point is very valid. Are we
9 wasting this effort? Are we feeling warm and
10 fuzzy by this effort? First of all, many people
11 question the validity of our national government
12 since the 2000 election. You're saying we have to
13 store papers for seven years. Well, what about
14 the most important papers that aren't being
15 documented? The record of vote. When you store
16 these electronically and you don't mandate a paper
17 ballet record, then there's something of
18 credibility in our government. And then when you
19 push these bogus programs on you, from the duct
20 tape on the windows with the plastic down to this
21 ridiculous program. I mean, everybody has a
22 fingerprint. We've heard fingerprints for
23 decades. Well, when you go to get an ID why don't
24 they take a fingerprint? You know, I mean,

1 Congress of United States is certainly an area
2 that I would encourage you, with your strong
3 feelings, that you reach out to your congressman
4 and let them know your feelings in reference to
5 this Federal program.

6 THE CHAIRPERSON: For our young people,
7 how many congressmen do we have representing
8 Pennsylvania? How many congressmen represent the
9 Commonwealth of Pennsylvania? Mr. Myers asked
10 that we reach out to our congressmen. Who are
11 they? How many are there?

12 THE AUDIENCE: 256.

13 THE CHAIRPERSON: We have 19
14 congressional representatives from Pennsylvania,
15 and we have how many in United States Senators?

16 THE AUDIENCE: Two.

17 THE CHAIRPERSON: Two, okay. So if
18 we're going to communicate with the Federal
19 government, as Mr. Myers suggested, we need to
20 communicate through those 19 congressional
21 representatives who come from Pennsylvania and the
22 two United States Senators. Go ahead.

23 MS. CECILY RANDOLPH: Good morning. My
24 name is Cecily Randolph. I'm from Pittsburgh

1 originally.

2 THE CHAIRPERSON: Speak up a little
3 bit.

4 MS. CECILY RANDOLPH: I'm sorry. I'm
5 from Pittsburgh originally.

6 My question is, how do we expect to
7 fund this if we haven't gotten anything from the
8 Federal government? I'm concerned about that. I
9 think that either, just like this young lady said,
10 that we're either going to pull the money out of
11 the public's pocket or either going to pull it
12 from more programs that are already underfunded.

13 And as a social worker, because I am a
14 social worker, I think that we're already
15 underfunding a lot of programs. And this really
16 concerns me that we're applying dollars that could
17 be used in some other way, shape or form.

18 And then my other question is I
19 personally know of plenty of people who their ID
20 was stolen, not physically, but it was stolen in
21 ways that they were never requested to show ID.
22 They were never required to be in person anywhere,
23 and their credit is completely destroyed.

24 So I don't really think this REAL ID

1 program will change anything for those Americans
2 who never, you know, are required to be personally
3 in an office somewhere to show someone ID. I just
4 don't think this is worth our time and effort.

5 THE CHAIRPERSON: It's a good point.

6 THE AUDIENCE: (APPLAUSE).

7 THE CHAIRPERSON: And I think
8 Mr. Meadows, in fact, Jeremy Meadows from NCSL
9 will share with you and has gone on record in not
10 complying with the REAL ID Act because they do not
11 believe that the standards as outlined by Homeland
12 Security will provide anymore safety than they
13 currently provide.

14 So they say REAL ID Program as being
15 unnecessary and may be even foolish. Jeremy.

16 MR. JEREMY MEADOWS: Thank you,
17 Mr. Chairman. In terms of the cost question, as I
18 noted in my testimony, NCSL joined NGA and AAMVA
19 to estimate that it would cost \$11 billion over
20 five years to implement REAL ID as a nationwide
21 cost estimate.

22 When the Department of Homeland
23 Security issued their final regulations they
24 estimated that it would cost \$4 billion over ten

1 years. Whether it's 4 billion or 11 billion, it's
2 still obviously a big number. The Department of
3 Homeland Security's process assumes that the
4 states will basically pass this cost through to
5 license owners, that each state will have to
6 increase their driver's license fee in order to
7 recoup the cost of implementing REAL ID. That's
8 one of the assumptions in the regs. And I believe
9 the department estimated that it would be on a
10 nationwide basis an \$8 increase per license
11 holder. That's a nationwide average. It will
12 obviously be different per state. As an example,
13 I've been told that Oklahoma, which implemented
14 and has taken a number of the steps that we
15 require or expect by REAL ID has actually going to
16 triple their driver's license fee.

17 And to respond to the Chairman's
18 comment, there are currently three states that
19 have not requested the initial extension: Maine,
20 Montana, and South Carolina because the state
21 legislatures in those states have indicated the
22 state is not going to comply, that they don't
23 think that the Federal government is prepared to
24 protect the privacy concerns, the verification

1 data of systems, and then the cost of REAL ID is
2 not commensurate with the protections that from
3 terrorism or other ills that would be derived from
4 REAL ID.

5 So those three states in particular are
6 still pulling out, if you will, and have not
7 requested the extension. But there is a lot of
8 concern about whether or not residents in those
9 states will be impeded from traveling or entering
10 Federal buildings in contrast to other states that
11 have requested the extension, but yet don't intend
12 to comply.

13 Pennsylvania, obviously, has not yet
14 made a decision, but having requested the
15 extension your driver's license will still be
16 valid for air travel.

17 I want to note as well that other
18 identification documents will still be accepted by
19 the Federal government for official purposes, even
20 if you live in South Carolina or Maine and don't
21 get the extension or don't implement REAL ID. A
22 U.S. passport remains valid for air travel,
23 entering Federal buildings, a veterans' ID remains
24 valid, military ID, Federal employment ID. All

1 they went outside a 7-11, in the parking lot, and
2 using an ID counterfeit ring obtained driver's
3 licenses from illegal aliens.

4 The fact is, this type of lax standard
5 among the states in terms of 245 million driver's
6 licenses, some states have strict standards, and
7 we've indicated on numerous examples that
8 Pennsylvania falls in a tighter tier and has for
9 some time. Other states, including your nearby
10 neighbor, Maryland, have been frightfully lax in
11 this regard.

12 The question is this: Most of us in
13 this room, who are of age, have either a driver's
14 license or a state-issued ID. Do we want that
15 document to be secure or do we want it not to be
16 secure? And the other question I would leave the
17 audience with is this, because I believe we have
18 the same concerns, the same issues about making
19 sure that America the way we want it to be remains
20 so. But I would leave you with this question:
21 If, in fact, 9/11 was not the end of possible
22 terrorism in the United States, it could be argued
23 that the greatest threat to our civil liberties,
24 the greatest threat to our freedoms, the greatest

1 threat to our future is the destruction of
2 (Audience making noise) is the destruction of,
3 (Audience making noise), its destruction -- it
4 is -- you know, I'm sorry, I thought that people
5 were allowed to speak in this country.

6 THE CHAIRPERSON: Neil, please. If we
7 can't do anything else we can respect one another,
8 and whether we agree or disagree at least let him
9 share his opinion. And when the time comes you
10 can share yours. But it's a beautiful university.
11 We're not going to turn this into a shouting
12 match. Okay, is that all right?

13 MR. NEIL BERRO: Thank you. You know,
14 it is precisely because we all share a commitment
15 to what America represents and what it can be that
16 the preservation of our liberties and freedoms
17 require making sure that we have some enhanced
18 level of safe and security as represented by this
19 step.

20 THE AUDIENCE: I'm not sure if you
21 could --

22 THE CHAIRPERSON: Thank you, thank you,
23 Neil. We have a lot of hands up and so that we do
24 not overlook anyone I know that this young lady

1 right here has had her hand up for some time now,
2 so the people who want to, who have a question or
3 have a quick comment, why don't you stand so we
4 will know -- the young lady here and then the
5 young lady here over here in the jacket, and we're
6 going to try to get around to everybody within the
7 next few minutes.

8 And for the young people, I hope you're
9 taking notes because I have a challenge I'm going
10 to issue to you at the end of all of this. Yes.

11 MS. LATISHA WASHINGTON: Latisha
12 Washington.

13 THE CHAIRPERSON: Yes. Tell us your
14 name.

15 MS. LATISHA WASHINGTON: My name is
16 Latisha Washington. I am a student at Wilkinsburg
17 High School, and I'm not really giving a question.
18 I'm giving advice to y'all. I know a whole lot of
19 people that are involved in technology and
20 computers and are real computer experts and that
21 know how to work their way around the system,
22 mostly like all the hackers that y'all probably
23 all know. And I know a person who has a machine.
24 You could take a credit card or an ID to this

1 machine and, you know how you have a zip drive and
2 how it stores information? You scan this card,
3 and it stores all your information on this
4 computer. You could get a blank card, scan it to
5 the same thing that you had it on, and it will put
6 all your information on that blank card. And
7 people can do this, and they can put their
8 pictures on it. They could put the same name as
9 the other ID and say that it's theirs.

10 So if people can do this, then wouldn't
11 you think that if we had these cards made they
12 could do the same thing? Because if they're
13 already having fake ID's now they can do the same
14 thing to another ID.

15 THE CHAIRPERSON: Well, part of the
16 reason that we're having this conversation is
17 because in Pennsylvania, I think as Mr. Myers will
18 tell you, they're looking to use something called
19 digital imaging, which provides a certain level of
20 security. Some states are talking about using the
21 retina of your eyes (indicating). Other states
22 are talking about fingerprints. But every state,
23 if provided with the resources, that decide to
24 sign onto this is going to try and come up with

1 some methodology that minimizes, if not limits,
2 the kind of breaches or the kind of intervention
3 that you're suggesting. Yes, there is some good
4 people out there who will take advantage of the
5 system if it's not done correctly.

6 Yes.

7 MS. JONI RABINOWITZ: Yes. My name is
8 Joni Rabinowitz, and I live in Pittsburgh. And I
9 wanted to raise a question that I haven't heard
10 discussed yet, and, that is, who's making money
11 off of selling these programs to the government?
12 I remember a couple of years ago -- I fly quite a
13 bit -- and a couple remember of years ago I
14 remember a gadget that they came up with at the
15 airport, which is not only you taking off your
16 shoes, but you walk into some kind of little booth
17 and they do some kind of thing with your body. I
18 don't know what they look at, and then you walk
19 out. It slows up the line another couple of
20 minutes. I don't know whatever happened to that,
21 but I guarantee if it had gone into effect it
22 would be costing -- some company would be making
23 millions of dollars off of this. And I want
24 people to understand here that anymore when the

1 government makes these programs the government
2 does not do them. The government does not create
3 these things. They will be contracting this to
4 some company that thought it up to sell it to the
5 government. And I wonder how many of the people
6 that are pushing this actually have an interest in
7 that company.

8 The second thing that I want to say is
9 I am personally more concerned about my credit
10 card and my Social Security number than I am about
11 my driver's license.

12 The third thing that I want to say is I
13 am part of a movement who's trying to fight photo
14 ID to be required for voter registration and
15 voting, and there are states that -- we're losing
16 this fight and to me that is something like the
17 poll tax. Everybody's not going to be able to get
18 it. There's millions of people out there that
19 aren't even part of this system, and they still
20 need to have a basic ID.

21 So the bottom line is we're using a
22 bomb here to kill a mosquito, and it's not
23 necessary.

24 THE AUDIENCE: (APPLAUSE).

1 THE AUDIENCE: Chairman, can I respond?

2 THE CHAIRPERSON: Wait a minute. Do
3 any of our panelists, along with Representative
4 Marshall, want to respond to that?

5 MR. JEREMY MEADOWS: Just very briefly,
6 I will note that on the voter ID issue there was
7 language introduced in the U.S. Senate that would
8 have linked REAL ID to voter registration and made
9 it a requirement.

10 NCSL does oppose any expansion of REAL
11 ID use beyond what's already enumerated in the
12 Act. And that amendment did fail. But I'm not
13 trying to stoke fires, but that discussion is
14 taking place.

15 MS. JONI RABINOWITZ: I know that it's
16 taking place, and I know that we're out there
17 trying to find all kind of solutions to problems
18 that don't even exist, and my point is that
19 somebody up there is making millions of dollars
20 off of it and still not solving any problems.

21 THE CHAIRPERSON: Let me also suggest
22 to you --

23 THE AUDIENCE: (APPLAUSE).

24 THE CHAIRPERSON: -- at least within

1 the Pennsylvania House of Representatives Babette
2 Josephs and Representative Matthew Baker are the
3 two chairs of the House State Government
4 Committee, and that issue of photo ID with respect
5 to voter participation is an issue that's at the
6 top of their list, so you might want to reach out
7 to them.

8 We're going to go one side to the other
9 and see if we can cover everything. Let me go to
10 the end over here.

11 MR. GREG TOPPER: I'm the Greg, and I'm
12 here, I live here in Pittsburgh.

13 THE COURT REPORTER: What's your last
14 name?

15 MR. GREG TOPPER: Topper. I think
16 somebody should tell Homeland Security that
17 there's a company out there that will insure my
18 identity for about six bucks a month, and they
19 guarantee it, and I think it's backed with a
20 million dollar insurance policy. But that's not
21 my question.

22 My question is exactly who did build
23 the security into the cards? What company was
24 hired to do that? Kind of a follow-up on hers?

1 MR. KURT MYERS: I'm assuming you're
2 addressing that question to me. The contractor
3 that Pennsylvania uses is a company by the name of
4 Viisage. There are a couple of companies that are
5 in the business of driver's licensing production.
6 Viisage is one of them, Data Card is another
7 company. We've had them as our contractor since
8 2001. In 2006 we signed an extension of the
9 contract until I believe it is 2013. So they are
10 the company that we do business with in
11 Pennsylvania.

12 MR. GREG TOPPER: Could you tell us how
13 much was spent on it already?

14 MR. KURT MYERS: Well, the extension,
15 which is for the purposes of producing -- and
16 there's been a lot of misinformation about this,
17 so I appreciate the question so I can clarify it
18 for everybody in the audience.

19 There's been a lot of misinformation
20 about this. The contract that we have with
21 Viisage is a seven and a half year contract. As I
22 said, it began in July of 2006. That contract is
23 approximately estimated over a seven and a half
24 year period of time to be approximately

1 \$45 million. That is for the purposes of
2 producing all of our driver's licenses in
3 Pennsylvania, all of our ID cards.

4 MS. JONI RABINOWITZ: \$45 million?

5 MR. KURT MYERS: I know. Very good.
6 Right, right.

7 MS. JONI RABINOWITZ: We could build
8 schools with that money.

9 THE CHAIRPERSON: Every time somebody
10 does that you minimize the time for somebody else
11 that's going to have to either ask a question or
12 make a comment. So please respect, let's respect
13 one another.

14 MR. KURT MYERS: So this is an
15 estimate. It's approximately \$45 million over
16 that period of time. And it's on a per card basis
17 how things get charged. And we issue somewhere in
18 the range of two to three million driver's
19 licenses, new driver's licenses, ID cards on a
20 yearly basis. So that's not only the card
21 issuance obviously, but it's also the maintenance
22 of systems and things of that.

23 THE CHAIRPERSON: Thank you. Right
24 here.

1 MR. FLOYD GREEN: Floyd Green from
2 Butler County. My question is --

3 THE CHAIRPERSON: I didn't hear your
4 name.

5 MR. FLOYD GREEN: Floyd Green.

6 THE CHAIRPERSON: Butler County?

7 MR. FLOYD GREEN: Butler County. My
8 question is to Neil Berro. On page five of your
9 testimony you had said that there's ongoing
10 investigation by the Attorney General's Office
11 that indicated 36 people obtained invalid
12 Pennsylvania driver's license.

13 Over how long of a period of time is
14 this ongoing investigation?

15 MR. NEIL BERRO: I don't recall. I'd
16 have to find the original article. The article
17 came out, the article came out about a month or so
18 ago.

19 MR. FLOYD GREEN: Okay. And then on
20 page seven you said there was increasingly or
21 identity theft and identity fraud both
22 increasingly involved driver's license.

23 MR. NEIL BERRO: Umm-hmm.

24 MR. FLOYD GREEN: What's it up to now,

1 about 37?

2 MR. NEIL BERRO: About 35 percent.

3 MR. FLOYD GREEN: 35 percent?

4 MR. NEIL BERRO: Umm-hmm.

5 MR. FLOYD GREEN: Okay. And my second
6 point is this: The new REAL IDs are going to have
7 a RFID chip in it?

8 MR. NEIL BERRO: No.

9 MR. FLOYD GREEN: No?

10 MR. NEIL BERRO: No, every state -- do
11 you want to take it?

12 MR. KURT MYERS: The REAL ID does not
13 require a chip, and we've given no consideration
14 to putting a chip in our ours. There is some
15 confusion with another product, which is called an
16 enhanced driver's license, that is being looked
17 at. New York state as well as Vermont, Washington
18 state, those do have a chip in them. It is for
19 the purposes of crossing the Canadian border
20 primarily. It's to make the process easier than
21 what it is today. As you know now, you're
22 required to have a passport. So those states are
23 working on that, but we in Pennsylvania are not
24 looking at a chip for a driver's license.

1 MR. FLOYD GREEN: I've heard they are
2 hackable.

3 MR. KURT MYERS: No, the states will
4 have the option to enhance the technology over the
5 minimum standard, but there is no RFID chip
6 required in the final regulations, and what Kurt
7 just referred to, the Western Hemisphere Travel
8 Initiative has a very, very significant impact on
9 those border states where nearby residents want to
10 pass as quickly through, and that enhanced driver
11 license is a separate entity from the REAL ID
12 driver's license.

13 THE CHAIRPERSON: And you might want to
14 connect with your congressional rep because, as he
15 just mentioned, there's a separate Federal statute
16 governing identification standards for people who
17 want to travel from country to country.

18 MR. NEIL BERRO: And in a broad
19 overview of that question, other questions and
20 comments, I have heard many, many times that this
21 is a national ID. In fact, this is the firewall
22 to a national ID. This document, which is under
23 the purview of the states and state issuance, if
24 this program does not go forward, who knows -- we

1 do not -- who knows what will happen in the future
2 with regard to the federally-issued national ID.
3 But this is a state program, which is why, which
4 is why these hearings are taking place. These
5 hearings are taking place in the Commonwealth, as
6 they are in 49 other states, because as our
7 representative from NCSL points out, the states
8 have to ascertain whether they will participate or
9 not participate.

10 And one clarification regarding
11 non-participating states: One of the main
12 opportunities that DHS has is that if, in fact,
13 you don't come from a state that is non-compliant
14 with this, it has been said repeatedly you won't
15 be able to board aircraft.

16 Just to clarify it, you will have to,
17 in all likelihood, go through a second round of
18 screening if you're from a state that chooses not
19 to comply, but you will be able in all likelihood
20 to get on. It's just going to be more of a
21 hassle, unless you choose to use something like
22 your passport. And the problem with the passport
23 is it's much more expensive than a driver's
24 license and only about 30 percent of the American

1 people own a passport. That's why the driver's
2 license, the driver's license with 245 million
3 such documents is such a critical linchpin of
4 commonly accepted identification that we all carry
5 in our wallets.

6 THE CHAIRPERSON: Okay. It's almost
7 11:45. We still have people who came to make some
8 specific comments, and we want to try to get
9 through it, everybody, so, please, if your
10 questions can be specific or comment specific then
11 we can get to everyone. The gentleman in the
12 back.

13 MR. CHRIS WALTZ: My name is Chris
14 Waltz. I'm from Gibsonia.

15 THE CHAIRPERSON: Pardon me?

16 MR. CHRIS WALTZ: From Gibsonia,
17 Pennsylvania. I wanted to ask Neil Berro if that
18 actually is his name. I didn't see an
19 identification or not.

20 I just wanted to ask him on page 9, it
21 says: The offenders manufactured and sold
22 driver's licenses and Social Security cards often
23 to match stolen credit cards.

24 Just a quick example, my wife had her

1 credit card stolen in Georgia. It was used just
2 to go on to the point of the lady over there used
3 at a rental center, didn't have to show
4 identification at all, just show numbers, and it
5 was over a thousand dollars worth of merchandise
6 delivered to her house, no hassle, and her
7 identity was stolen, without a driver's license,
8 Social Security card ever being shown.

9 And another point I also want to
10 address, you continue to mention that Pa. Has a
11 great license. Why should we, why should we have
12 to suffer because we are at the top level of our
13 license and have to go under a Federal program
14 when we just sat there and stated one minute ago
15 that this is a state program? No, this is a state
16 program that is implemented under a Federal
17 program.

18 THE CHAIRPERSON: Let me clear the
19 record. Pennsylvania has not decided to
20 implement. Implementation does not start for any
21 state that desires to comply until May 11th of
22 this year. Pennsylvania immediately sought an
23 extension, so it has no obligation to implement at
24 least until December of 2009. You and I will

1 provide some guidance on what Pennsylvania should
2 do.

3 MR. CHRIS WALTZ: But, again, sir, on
4 your point saying you should go through your state
5 representatives and your state senators, here's my
6 point: My state representative is Jason Altmire.
7 I voted for him to end the war, to stop funding
8 the war, yet he didn't listen to me, so why should
9 I go through him to say, you know what, I don't
10 want this REAL ID card. Is he going to listen to
11 me? He's going to vote how he chooses to vote
12 regardless of what my intention is.

13 THE CHAIRPERSON: He's one of 19. If
14 he don't vote the way you want him to vote the
15 other 18 might. The point being is that we all
16 have the ability to participate in this
17 conversation. That's why we're having these
18 hearings.

19 MR. NEIL BERRO: May I respond since he
20 asked me a question?

21 THE CHAIRPERSON: If it's quick.

22 MR. NEIL BERRO: The Federal government
23 is not issuing these licenses, the Federal
24 government is not collecting information about

1 license holders, and it's not requiring states to
2 transmit license holder information to the Federal
3 government. And by the way, state driver's
4 license processes have been governed by Federal
5 law since the 1950's, and states have been
6 required to collect similar data to what is
7 required in the new standards.

8 However, in the past the exclusive
9 purpose was to insure that only qualified drivers
10 held licenses.

11 Let's just simply put it this way: We
12 all share many of the same concerns. The fact
13 that your state has good, tough standards, as I
14 pointed out in my testimony, this in the reality
15 of the identity theft example that you cite, the
16 reality of the identity theft examples that others
17 in this room are familiar with, that's why the
18 numbers are so high. You have to maintain
19 competitive, secure standards. You have your
20 driver's license. You had your driver's license.
21 You will have your driver's license. I contend
22 you want to have that document secure.

23 THE CHAIRPERSON: Wait a minute. The
24 young man there.

1 MR. GODFREY McCRAY: My name is Godfrey
2 McCray from Wilkinsburg High School. All of you
3 repeatedly say go to your representative. How can
4 we go to our representative on a subject about
5 something that we're going to have to pay for one
6 way or another because there's no real funding?

7 And, two, our representatives didn't
8 have any say so in the bill in the first place.
9 They skipped over their head and went straight to
10 the President. So how are you expecting us to go
11 behind y'all and get behind your vehicle?

12 THE CHAIRPERSON: Well, let me again
13 clarify, we are the state representatives. This
14 is a Federal law which was passed and signed into
15 law by Congress and the President. Now, the good
16 part about 2008, for you young people that will be
17 18 years of age before the General Election or
18 before the primary, you can participate in
19 deciding who becomes the next President. And that
20 person can decide we don't want REAL ID. We want
21 something else, and they can set the tone for a
22 different conversation. So we are the State Reps.
23 It is your Congressional rep who took part in
24 passing the REAL ID Act of 2005. Pardon me?

1 MR. GODFREY McCRAY: But the bill went
2 over their head and went straight to the
3 President. Which one of those three stated that
4 it went over their head and went straight to the
5 President?

6 THE CHAIRPERSON: Well, the three
7 panelists, one is Jeremy Meadows, who represents
8 the National Conference of State Legislatures, he
9 is not a congressional rep, nor is he a state rep.
10 Next is Kurt Myers, who is Deputy Secretary of the
11 Pennsylvania Department of Transportation. He
12 came out to hear from you about the REAL ID Act
13 once you understood what that Federal law is. And
14 Neil is with the coalition for secure documents.
15 He is concerned about whatever documents is out
16 there, that those documents are secured so that we
17 do not have what this young lady predicted, some
18 good computer hack that goes in and takes your
19 information and uses it, okay.

20 So we don't have any State Reps over
21 here. Representative Marshall is the only other
22 representative that's here, but we're the State
23 Reps. We're not your Congressional reps. We want
24 to hear from you so that we can communicate with

1 those congressional reps.

2 Yes, the young lady over here.

3 MS. RUTH JENKINS: My name is Ruth
4 Jenkins, and I'm from Pittsburgh. I received a
5 letter from my bank last year saying that my
6 personal information was sold actually, but it was
7 taken by an employee. So what we're doing is we
8 have all these corporations, we have government
9 institutions who are taking and storing all this
10 information about us, as you will with REAL ID,
11 they're going to store those reader documents.

12 So anyone who has access to that
13 information, any person working for the state, any
14 one of the persons that work for the company who's
15 going to service it, they have access to the
16 information. You don't even need a hacker. All
17 you have to do is buy someone off. It's not that
18 hard.

19 So my information was stolen from a
20 bank, my banking account information, my
21 transaction information was stolen because of an
22 employee. I don't think we're making anything
23 more secure. I think we're spending a lot of
24 money. Unless you know how to change human

1 nature, it's not going to work. What we're doing
2 is we're just collecting too much information from
3 all different sources, and now we have data mining
4 capabilities where we can gather this information
5 up, and within the government all these different
6 agencies have to share information and even with
7 the 50 states. This is a Federal program that the
8 states are going to implement, but they have to be
9 able to communicate with all the other states. So
10 really like somebody in Alabama or whatever can
11 access my information to verify it, so they can
12 access it.

13 I just think we're just creating a
14 monster. It doesn't make any sense why we're
15 doing this and why we keep giving up more and more
16 of our personal information. It's being stored,
17 and we have no idea all of the hundreds of
18 thousands of people who have access to it, and
19 they can do whatever they want. They can
20 manipulate it, they can create new identities from
21 the information that will be permanently stored on
22 a computer system somewhere. Some people will
23 have access to. You don't even need to have a
24 hacker.

1 I just don't think it's worth it. I
2 don't think it's safe. I don't think it's going
3 to make us safer. I think it's just a waste of
4 time, and it's an invasion of our privacy. I
5 think we're giving up too many of our rights, too
6 much of our privacy to just nameless, faceless
7 things, to the bureaucrats, to agencies, to
8 companies, to corporations, and they in turn sell
9 this information. This is what my information was
10 sold. It was taken, stolen. The person was
11 trained. They knew what they did. It was wrong.
12 They did it anyways, and they sold it.

13 REPRESENTATIVE MARSHALL: Thank you
14 very much. Let's move to the next person, please.
15 The gentleman in the red shirt, please.

16 MR. RICK HURT: My name is Rick Hurt
17 from Butler County. I've traveled a lot, was in
18 the military, and I can tell you from having a
19 military ID card, which is a Federal ID card, I am
20 stopped more than anybody in this room probably
21 and checked. So you tell me that's going to work?
22 I don't agree with your ID card plan.

23 The first thing we need to do is secure
24 the borders of this country, both sides, if we

1 don't do that, we hesitate, and that is up to
2 everybody, including you guys, to push that issue.

3 A REAL ID card sounds like a great
4 plan, but it really isn't. My ID card doesn't
5 even get me where I need to go, and you have a
6 Federal ID card, no. That's not the right -- I
7 have had to show orders. I went on trip with five
8 individuals. Out of the five of us we are dressed
9 in military. We all have ID cards. We'll have to
10 produce them. Three of us were checked. It's
11 security. Tell me why they would check three of
12 us with a Federal ID card.

13 It doesn't make any sense what you're
14 saying about the ID card is the answer. Secure
15 the borders first and then work on other issues.

16 THE AUDIENCE: (APPLAUSE).

17 MR. ERIC WILLIAMS: Eric Williams, the
18 City of Pittsburgh. I wanted to address a couple
19 of red herrings brought up by Mr. Berro. It was
20 stated that this is going to improve our safety
21 regarding intelligence against terrorists and
22 whatnot. The supposed driver's license selling
23 ring and what have you.

24 The real problem was that the Federal

1 agencies had the information that they needed to
2 stop the 9/11 attacks, but were so bogged down in
3 back-loaded work that they couldn't actually deal
4 with it. Fixing the driver's license is not going
5 to fix the problems up top, it's only going to
6 make it cost more down at the bottom.

7 Furthermore, there's the old saying
8 that locks are for honest people, okay. There's
9 no such thing as ID that cannot be forged. And if
10 you are going to make these more relied upon,
11 supposedly more secure, more technologically
12 sophisticated, in actuality you are breeding a new
13 market for more sophisticated counterfeiters, the
14 same thing happens with money. When people
15 counterfeit money somebody can come up with a
16 better mousetrap and catch the guy that
17 counterfeits the money, and that just means that
18 someone comes up with a smarter mousetrap to
19 figure out how to beat that system. So what's
20 going to end up actually happening is that down at
21 the front lines where there was a list of things
22 that you're supposed to do, this is to help us
23 stop minors from buying cigarettes, this is
24 supposed to stop drunk drivers. I mean it slices

1 dices and makes Julienne fries. Meanwhile, when
2 somebody is faced with saying, one of the new
3 tough counterfeit dollar bills, I challenge any
4 retail worker -- and I work retail -- to actually
5 identify a counterfeit versus a real.

6 So I don't see how this is going to
7 help at these lower levels. All of these issues
8 about how it might help us stop underage smoking
9 or things like that are simply herrings to try to
10 sell a product nobody wants to buy.

11 THE AUDIENCE: (APPLAUSE).

12 MS. KERRY HAHN: My name is Kerry Hahn.
13 I also do not buy the concept that REAL ID is
14 going to help make our vote count because it's not
15 because of me walking in there with my ID that I
16 have a counterfeit ID and I'm not voting properly.
17 The problem is bureaucracy has developed in these
18 Diebold machines that are counting our votes, more
19 bureaucracy, we're not getting our votes counted,
20 and it isn't because people have invalid ID's.
21 It's nothing to do with it.

22 THE CHAIRPERSON: At least as of right
23 now there's nothing in the REAL ID Act which says
24 that compliance with the Act is going to be used

1 to validate or verify voter registration. There's
2 no relationship right now. Yes, and we have two
3 minutes.

4 MS. URIA BROCK: My name is Uria Brock,
5 and I'm student at Wilkinsburg High School. And
6 my question, well, my main concern, is that this
7 lady brought it up, security. What's being done
8 that once these REAL ID cards are formed, what's
9 going to secure them because we've already seen,
10 like she said, there's people inside that can get
11 this information out and the hackers, you can stop
12 hacking, so you're going to lock our information
13 up in a big building and terrorists, just like
14 9/11, are going to come in and hit the building,
15 and there goes our information. They did the same
16 thing with locking all of our money up in the Twin
17 Towers, the Federal locking it up. What's going
18 to protect this from terrorists coming in and
19 knocking down all this information that we're
20 going to put all this money into building that?
21 How exactly can you protect this information from
22 leaking out? Is there any way that this
23 information can truly not get out?

24 THE CHAIRPERSON: One way is to listen

1 to some of the suggestions that you
2 beautiful-minded young people have. I mean you
3 have some suggestions that government can use and
4 protect information that we have. The gentleman.
5 Thank you.

6 MR. ERIC RANDOLPH: My name is Eric
7 Randolph. I'm a teacher at the University of
8 Pittsburgh. I'm throwing my thought to you not as
9 a matter of representation as the University of
10 Pittsburgh. I want to ask you, when you say when
11 Pennsylvania has not yet to comply, what do you
12 mean? Like do you mean us as Pennsylvanians or do
13 you mean you?

14 THE CHAIRPERSON: Well, what I mean is
15 Pennsylvania as a state is not certain whether it
16 is going to comply or not comply with the Federal
17 REAL Identification Act of 2005.

18 MR. ERIC RANDOLPH: But is that
19 statement based on the people or is that statement
20 based on our state people?

21 THE CHAIRPERSON: Well, it's based on a
22 couple of things: No. 1, the Commonwealth of
23 Pennsylvania, Executive Branch, has yet to decide
24 on how much cost will be associated with the

1 implementation if they decided. They have yet to
2 decide how they are going to do this and your
3 legislators in the Pennsylvania House and Senate
4 basically said we need to hear from you.

5 MR. ERIC RANDOLPH: Well, the thing
6 that's really interesting to me is how can you
7 look for funding or anything if you haven't talked
8 to the people?

9 THE CHAIRPERSON: Well, that's why
10 we're here.

11 MR. ERIC RANDOLPH: You can't even push
12 forward to even talk about funding if you haven't
13 talked to people. Funding shouldn't even be on
14 the board, it shouldn't be thought about yet. You
15 haven't talked to your people yet.

16 THE CHAIRPERSON: That's why we're
17 here. I appreciate that.

18 MR. ERIC RANDOLPH: One more question.
19 You were talking about how you were starting this
20 (Indicating) because you were trying to protect
21 us. Well, what's really interesting is the tone
22 of your voice sounds like you understand that
23 something else is coming from Federal, that's
24 coming down from Federal, and you're trying to

1 gauge a control over the ID that's going on. It's
2 really interesting. You're trying to stop
3 something before it gets started by planning the
4 REAL ID. So not to put you on the spot, but
5 what's your thought on that?

6 MR. NEIL BERRO: We're often asked
7 about this whole business of there's a lot of
8 concern and fear about a national ID card, and the
9 fact is if the state-issued system succeeds it is
10 the true firewall against any Washington-delivered
11 national ID card.

12 MR. ERIC RANDOLPH: So what you're
13 saying what is if the state did the REAL ID the
14 Federal government couldn't change the REAL ID.
15 Is that what you're saying?

16 MR. NEIL BERRO: No, I mean, there's
17 always within the --

18 MR. ERIC RANDOLPH: But you're using
19 firewall as a state firewall Federal.

20 THE AUDIENCE: The Constitution is the
21 firewall.

22 THE AUDIENCE: It's supposed to be the
23 firewall.

24 THE CHAIRPERSON: The next time that

1 happens we're going to have to adjourn. We've got
2 to respect one another. Are you finished?

3 MR. ERIC RANDOLPH: Not yet. In
4 response, because I understand what you're saying,
5 but in response to you, yes, the constitution's
6 supposed to be a firewall, but even in
7 Pennsylvania, Oakland and the north side with
8 eminent domain, the constitution don't work. So
9 what you're saying about the Constitution, haven't
10 seen it done.

11 THE CHAIRPERSON: Okay. Yes.

12 MR. KERRY HAYES: My name is Kerry
13 Hayes. I'm with Penn Action, and I live in
14 Pittsburgh.

15 THE CHAIRPERSON: You're with who, Penn
16 Action?

17 MR. KERRY HAYES: Penn Action. Three
18 of the major shareholders of the company receiving
19 this contract are George Tenant, Louie Freeh and
20 Admiral Lay, who all had Federal jobs before
21 entering the private sector with L-1, which is
22 Viisage's subsidiary. So how is that not a
23 conflict of interest?

24 My second question is, when are you

1 going to address this gentleman's question about
2 how the 9/11 Commission Report, which is not an
3 end-all source.

4 And, finally, I would like a source for
5 this gentleman who said the Circle K terrorist
6 incident was how hijackers were able to acquire
7 ID's. And also what your comment is to several
8 major media sources out of Britain and elsewhere
9 who have said many of these terrorists have been
10 seen since 9/11.

11 THE CHAIRPERSON: Okay. You asked five
12 questions.

13 MR. KERRY HAYES: It was four.

14 THE CHAIRPERSON: I'm going to let him
15 answer one, and then we're going to try and get
16 through these three people so that we can then
17 hear from people who said they have a specific
18 comment they wanted to make. The University of
19 Pittsburgh has been gracious. I don't want to
20 overstate my welcome.

21 THE AUDIENCE: My name is Erin. I
22 drove all the way down here from Beaver County,
23 and I would just like to call on behalf -- I
24 really don't think -- I know you were saying that

1 you're going to put programs in that are going to
2 eliminate this, but it just can't be done. That's
3 just a fantasy. I mean think about it, software,
4 we're constantly updating Windows every day, we
5 are downloading patches, put patches to keep
6 hackers from getting in. Why do you think Norton
7 releases new virus programs every day? Because
8 the hackers, like you've been saying, they adapt,
9 just like bodily viruses. They mutate. They
10 figure out other ways to make us sick, just like
11 the hackers do.

12 Also, I wanted to know, has anybody
13 brought up the idea that this kind of is taking
14 power away from the state? I mean it's kind of
15 argumentative saying, okay, state, this is what
16 you're going to do and this is what we want to
17 happen. It's a federal ID instead of a state ID.
18 Why isn't the driver's license enough? I mean
19 it's just going to prevent us from getting on to
20 airplanes. And like she was saying, anybody can
21 get this plastic and make their own makeshift one
22 at home. And people at the airport, they're just
23 every day people, and their going to look at. If
24 it's made well enough they're not going to know

1 the difference. And it's just going to keep
2 people who have had their ID lost or something,
3 it's going to keep them from getting to where they
4 need to go.

5 THE CHAIRPERSON: The law provides that
6 any state that does not want to comply does not
7 have to comply, and the only thing the law is
8 interested in if Pennsylvania has decided they
9 don't want to comply that Pennsylvanians at least
10 understand the consequences of non-compliance.
11 There's no effort to force Pennsylvania to do
12 something it does not want to do. Yes.

13 MR. JIM SHEETS: Thank you. Jim
14 Sheets, S-H-E-E-T-S. Jim Sheets, Dravosburg,
15 Pennsylvania. I want to make a real quick comment
16 here. We've heard all this about that we need
17 more funding and resources and things, and this
18 can be done and that can be done. But, you know,
19 when you look at the problem, I don't know if the
20 legislators here or the government hand picks the
21 problem because every time government gets
22 involved in things it's disastrous. We all know
23 that. Their solution to anything is when
24 something doesn't work throw more money into it.

1 And we've seen how that's come out wrong throwing
2 more money into like education and things like
3 that that hasn't panned out.

4 But, so I don't know about you,
5 throwing more money into the situation is going
6 to, you know, really solves the problem and fixes
7 it once and for all.

8 Also, when you have people that I had a
9 friend many, many years ago, he said he used to
10 steal people's identity that was deceased, used
11 their names and stuff. Go bankrupt, run up credit
12 in their names and go bankrupt, and he did that
13 for a good many years until he passed away.

14 So, how is this going to address the
15 situations like that? And furthermore if it
16 doesn't work how much more is Governor Rendell
17 going to raise your taxes?

18 THE CHAIRPERSON: Good point. Yes,
19 real quickly.

20 MR. LANE GRATH: Hi. My name is Lane
21 Grath and I'm from Sewickley. And I just think
22 it's pretty clear the message is we Pennsylvanians
23 don't want the REAL ID Act. So what is the most
24 effective and efficient way that we don't comply

1 with the REAL ID Act? This is the State Rep. How
2 do we make sure we don't get it?

3 THE CHAIRPERSON: As soon as we are
4 finished we are going to give you three additives
5 if you want an outcome. Yes.

6 MR. JEFF BLACK: Hello. My name is
7 Jeff Black. I'm Pittsburgh First City Campaign,
8 and I'm a resident here in Oakland. I'm going to
9 ask some questions here for the next 90 seconds,
10 which are very frightening to ask, but like Cindy
11 Sheehan said, the government knows where I am.
12 I'm not paying my taxes this year. They can come
13 arrest me, and we'll talk about it. And that's
14 the first time I've said that and much less to
15 people and the entire government of the United
16 States.

17 The context here is -- and these are
18 all universal truths, a hundred percent
19 verifiable -- that -- one of my questions for the
20 end of this is, Mr. Chairperson, Mr. Thomas, would
21 you please ask the room if any single
22 representative of a government entity, government
23 representative, for example, where is the Office
24 of the Mayor today? Where is the Office of the

1 County Executive? They have absolutely every
2 responsibility to be here and no right not to be
3 here. In the same context, KDKA-TV, WTAE-TV,
4 WPXI-TV are all subsidiaries of General Electric,
5 Westinghouse, Viacom. The context is that the
6 website, the corporation dot.com and the website
7 infowars.com show that the average corporation,
8 not the worse corporation, is a clinical
9 psychopath? That includes -- and I speak with
10 absolute respect to you, Mr. Berro, and I'll
11 repeat that gentleman's question if indeed that is
12 your real name. My name is Jeff Black from
13 Oakland.

14 You have spoken today some patently
15 untrue, disingenuous falsehoods. One of the
16 questions that did not come up today -- and I
17 speak to the young woman here, a high school
18 student who spoke from her heart -- and all three
19 of you did.

20 Is it not true that it is going all
21 over the main stream media on the internet that
22 there is go be to be a global positioning
23 satellite trackable chip in some of these REAL ID
24 licenses or all of them, with which every purchase

1 you ever make, every movement you make on this
2 planet as a human being?

3 So the universal truth is when your
4 young people find out that yes, they are going to
5 be tracked like dogs -- and I'm a 39-year old, and
6 I don't want to be tracked like a dog than any
7 other American.

8 It's a universal truth in closing that
9 Ron Paul and Dennis Kucinich and John Edwards, who
10 have said that the system was broken and corrupt,
11 and they are honorable people. It is a universal
12 truth formally that Barack Obama when he comes is
13 going to be asked why he's a formal, non-indicted
14 conspirator in a Chicago police coverup.

15 THE CHAIRPERSON: I've got to cut you
16 off. The only issue, as I said in the beginning,
17 we are here to, one, educate you and hopefully
18 empower you as to how you're going to respond to
19 the REAL ID Act of 2005. Thank you. You've given
20 us enough.

21 MR. JEFF BLACK: Please address every
22 person here that you have in this hall. Please do
23 not leave this room until every question is
24 answered.

1 THE CHAIRPERSON: Yes, your the last
2 question.

3 MR. LEE CORNELL: I'm Lee Cornell from
4 Titusville, Pennsylvania. I've got a couple
5 issues here that I had picked up on.

6 THE CHAIRPERSON: Well, it's after 12
7 so we can only take one.

8 MS. JONI RABINOWITZ: Well, let's stay
9 a little longer.

10 MR. LEE CORNELL: Well, the thing about
11 Mission Creep, our Social Security cards are
12 supposed to never be used as a form of
13 identification. Now we have to have our Social
14 Security card to do anything.

15 My concern is that I believe for a fact
16 this will turn into way more than what's being
17 stated, what's being told us right now.

18 Eventually we'll have to have some type of an ID
19 card, which will be a de facto identification card
20 of the United States, the states will have very
21 little say in it because it will be a federally
22 topped down thing. And we are making the states
23 become subservant to a Federal government that was
24 created by the states, and you folks in your

1 position are our representatives, and we are
2 saying no, we do not want this. We want you to
3 tell the Federal government to take a hike, go
4 back to where they're from and leave us alone.

5 THE AUDIENCE: (Applause).

6 THE CHAIRPERSON: Aaron Bollinger, do
7 you want to stand for a minute? Paul McCarthy?
8 Okay, we've heard from you.

9 MR. PAUL McCARTHY: Not what I wanted
10 to say in closing.

11 THE CHAIRPERSON: Eric Randolph, we've
12 heard from you. Don Smith? Okay, Don, do you
13 want to come up? Cecily Randolph, you spoke.

14 And before we leave you with some
15 closing instructions, we wanted to hear from these
16 two individuals who have not spoken and who
17 indicated earlier on they have a quick comment
18 because the Government Relations person from the
19 University of Pittsburgh is here watching me, and
20 I'm trying to look over the other way, but I know
21 the time has kind of run out.

22 MR. AARON BOLLINGER: I'll keep it
23 short, Chairman. I thank you. You're making a
24 Herculean effort to bring this information all

1 over the state to people to understand REAL ID.
2 In the first hearing in this committee PennDOT
3 official, Kurt Myers, was asked a question about
4 the state constitution and REAL ID. He replied
5 that it was not a constitutional expert.

6 As a follow-up question I would have
7 for him is since that last meeting have you read
8 the Pennsylvania constitution?

9 MR. KURT MYERS: I think that the
10 comments here are a relationship to REAL ID.

11 MR. AARON BOLLINGER: Yes or no?

12 MR. KURT MYERS: No, Mr. Bollinger I
13 don't think there is any relationship.

14 THE CHAIRPERSON: The answer's no, so
15 is that it enough?

16 MR. AARON BOLLINGER: Well, the other
17 thing that I wanted to say is that, again, the
18 second thank you for you bringing this information
19 to the public all over this state.

20 Did PennDOT take the initiative to come
21 around to the state and let people know they were
22 going to begin with high-resolution photographs
23 with biometric image taking when you get your
24 driver's license? Is there an informed consent

1 among the public that you're doing that, sir?

2 THE CHAIRPERSON: Can I answer that?

3 No. 1, PennDOT has joined us at each of those
4 public hearings sharing information with the
5 public at large.

6 Secondly, PennDOT has made it very
7 clear that they have not signed onto the REAL ID.

8 MR. AARON BOLLINGER: But they are
9 doing biometric photography.

10 THE CHAIRPERSON: No, they are doing
11 some biometric, visual imaging. They're doing
12 some things already, but we have yet to determine
13 whether what they are doing is in compliance with
14 what the REAL ID Act wants, so there are a lot of
15 states -- in New Jersey they have some particular
16 technical digital imaging that they're doing, but
17 it's quite possible that if New Jersey decides to
18 comply with the REAL ID Act, Homeland Security can
19 say to New Jersey what you've been doing is
20 unacceptable. You must do something else.

21 So we can't really say that PennDOT is
22 doing something that is in compliance with the
23 REAL ID Act.

24 MR. AARON BOLLINGER: That was not even

1 my question. But has the public been made aware
2 that they are being biometrically photographed,
3 that image is not just stuck on the card and put
4 in your wallet, but it's going into a massive data
5 base; that according to the contract between
6 Viisage and PennDOT there is a new communication
7 system going in, and that information is going to
8 be transferred to Billerica, Massachusetts, the
9 home office of Viisage. It's in your contract
10 Mr. Myers. It's in there. We've read it.

11 THE CHAIRPERSON: Okay. And I don't
12 want to go through back and forth. If you drive,
13 you have a driver's license, there's a place for
14 renewal. When you go to renew you will become
15 familiar with what system PennDOT is using, and as
16 an American citizen you have a choice to decide
17 whether you want to comply with this system. If
18 you go to PennDOT to renew your license and
19 PennDOT says, well, I got to cut off one of your
20 fingers in order to issue a new license, you have
21 a choice of saying to PennDOT, keep your system.
22 I don't want your license.

23 MR. AARON BOLLINGER: But the people
24 didn't know that was in place.

1 THE CHAIRPERSON: The people know that
2 when they go to renew their license there is some
3 system in place for processing that license. Now,
4 whether it's biometric or whether it's something
5 else, they know that each time they go to renew
6 their license.

7 And as we said earlier on, we are here
8 to educate and to hear from you on how
9 Pennsylvania should respond to the REAL ID Act.
10 Thank you. Next. Yes.

11 MR. DON SMITH: My name is Don Smith
12 from down in the Waynesburg area. And some of the
13 people in the audience here have touched on the
14 main point that I think most people came here for.
15 Most of the officials here have completely missed
16 the forest for looking at the details. This is
17 not about expense, it's not about the validity and
18 being able to validate things. It's about whether
19 or not people will be numbered and labeled as only
20 by the government.

21 And if you look back into history of
22 from where this entire concept of licensing came
23 from, the gentleman over here mentioned that when
24 the Social Security Act was passed Congressman

1 McFadden of Pennsylvania was the one who got into
2 the function of the law that the ID was a number
3 and account and was never to be used for any
4 purpose but for Social Security purposes. The
5 reason was to prevent people numbering which stop
6 and hit number of doing it at the time.

7 The driver's license, which has evolved
8 into a generalized ID card, again, back in the
9 1930's, there is several court rulings that stated
10 the driver's license is for driving uses only and
11 may never be used as an ID card or other purposes.

12 We have since evolved into violating
13 all of the principles. We carry driver's license
14 because we're told we have to have it. It's got
15 the Social Security number on it, et cetera. It
16 has become the government ID card, that none of
17 these things were supposed to be.

18 The point is not whether we can afford
19 it, not whether it is minimally intrusive, not
20 whether it's counterfeit or super secure, the
21 point is shall we be listed as government chattel.
22 As somebody said, I'm not a dog. I don't want to
23 be licensed. That's what it basically boils down
24 to. That's why most people are here today who

1 don't want a further furthering of a licensing
2 process and the furthering we hear you preach.

3 THE CHAIRPERSON: Thank you.

4 THE AUDIENCE: (APPLAUSE).

5 THE CHAIRPERSON: From the ACLU of
6 Pittsburgh.

7 MS. PAMELA IRWIN: Hi. Thank you for
8 holding this hearing. And I also want to thank
9 everybody that's here in the audience for coming.
10 This is obviously a very important issue. It's
11 one of biggest civil liberty issues that our
12 country has faced in quite a long time.

13 I want to be quick. I've got some
14 information that I'm going to leave with all of
15 you that will give a little longer explanation of
16 the American Civil Liberties Union's problems with
17 the REAL ID Act.

18 We are completely opposed to the REAL
19 ID Act. We do believe it is absolutely
20 unconstitutional. We've filed lawsuits against
21 it.

22 One of the things I mostly want to
23 address, the whole concept that this is not a
24 Federal identification card and that it is not

1 going to become a Federal identification card, and
2 it will become a firewall against a Federal card.

3 I don't know what the whole concept of
4 saying, well, the Federal government doesn't
5 require states to share this information with
6 them, that is simply not the case. If the Federal
7 government wants to look at any of the information
8 contained in these REAL ID data bases they will
9 absolutely be allowed to do so, and I really want
10 to make that clear to everybody. There will be no
11 point in having this if the Federal government
12 could not look at all of the information that is
13 contained in this data base. That is simply not
14 the case.

15 As a matter of fact, the Federal
16 government is going to require states and PennDOT
17 to pay them for the purpose of verifying certain
18 documents with them.

19 Another thing with regard to PennDOT, I
20 looked at the budget for PennDOT. It started off
21 at 85 million. It then went up to 100 million.
22 It's a good start for a budget, but personally, I
23 mean, even not being an expert in these issues, I
24 was able to quickly look at that and see

1 significant things that were missed in that
2 budget. For example, under REAL ID, because of
3 the very real increased risk of identity theft DMV
4 employees who have access to this data base will
5 have to undergo criminal background checks and
6 will also have to undergo credit checks. That is
7 going to cost a great deal of money. In addition,
8 they will have to be hired first and then go
9 through these background checks, and PennDOT will
10 have to pay them while they are undergoing those
11 background checks in spite of the fact that they
12 are not going be able to do the job that they were
13 hired because they do not yet have the security
14 clearance. That's just one of the kind of misses
15 that I saw in that budget that I realize you guys
16 had to put together very quickly.

17 Another issue is with regard to whether
18 or not it's going to become a national
19 identification card. I'm going to give you a
20 quote that is directly from the regulations for
21 the REAL ID card. The Act states REAL ID shall be
22 required not only for activity, like boarding
23 aircraft, but also for -- and this is a quote --
24 any other purposes that the Secretary of Homeland

1 Security shall determine. The provision allows
2 the Department of Homeland Security to expand
3 unilaterally the scope of identity requirements
4 under this act.

5 So any notion that this is anything
6 other than a national identification card is
7 absolutely a distinction without a difference.

8 Probably hopefully the last thing I'm
9 going to address with you is the recent changes to
10 the regulations that came up with REAL ID.
11 Amazingly under the latest regulations for REAL
12 ID, because there is so many states that have
13 rebelled against, it the Department of Homeland
14 Security has created alternatives for documents
15 that may be used to board aircraft and enter
16 Federal buildings and so forth.

17 One of the documents that can be a
18 substitute is a valid foreign passport. Every one
19 of the 9/11 hijackers had a valid foreign
20 passport. The REAL ID Act does absolutely nothing
21 to stop terrorism. It's not going to make any
22 difference at all.

23 I'm also going to leave you with a
24 document that discusses the fuzzy, it's called

1 Fuzzy Math and the Real Cost of REAL ID. It's the
2 position of the Department of Homeland Security
3 drastically downgraded the cost of REAL ID
4 primarily because so many states raised a fuss
5 about how much this is going to cost, \$23 billion.

6 I'm going to give you a document that's
7 going to explain the fact that the Department of
8 Homeland Security has absolutely no basis for the
9 cutting those costs, and it's simply wishful
10 thinking on their part, a completely unfactual way
11 to appease state governments who raise objections
12 over the cost.

13 To the people in the audience and also
14 to the people on the panel, I want to say we've
15 talked a lot about what can be done to stop REAL
16 ID in Pennsylvania. I would encourage the members
17 of the House of Representatives who are here to
18 support House Bill 1351 to opt Pennsylvania out of
19 REAL ID. I would encourage every one to call your
20 representative and to tell them to vote yes on
21 House Bill 1351 to opt out Pennsylvania out of
22 REAL ID. Senate Bill 1220, the same thing. Also,
23 call your state Senators and tell them to support
24 Senate Bill 1220. Call five or ten of your

1 friends and family. Tell your neighbors. Support
2 House Bill 1351, Senate Bill 1220, and if you need
3 any other information on it visit the aclupa dot
4 org forward slash REAL ID, and you can get more
5 information or you can also give us a call at the
6 office.

7 THE AUDIENCE: (APPLAUSE).

8 THE CHAIRPERSON: Good. Let me thank
9 you each of you for taking the time to come here
10 today. We really appreciate your comments and
11 appreciate your recommendations. Be assured that
12 those comments and recommendations would not fall
13 on deaf ears.

14 And I indicated that at the close of
15 this I wanted to do a couple of things. Three
16 things that you can do. One, secure a list of the
17 19 congressional representatives, the 19 people
18 who represent Pennsylvania in Washington. You can
19 secure that list from Patricia Custis from the
20 Intergovernmental Affairs Committee. We will get
21 the list to you. But you should contact those 19
22 individuals who represent Pennsylvania. You
23 should also contact the two Senators from
24 Pennsylvania. The Honorable Arlen Specter and the

1 Honorable Robert Casey, Jr. They are our two
2 Senators.

3 Thirdly, if you're not registered to
4 vote, register before March 24. If you're not
5 registered to vote or if you will be 18 before the
6 election make sure that you register to vote
7 because based on who becomes President next year,
8 who is sworn in on January 20th, that individual
9 can say the heck with the REAL ID Act. We want to
10 take another look at it, and so I'm going to make
11 some recommendations to Congress and ask Congress
12 to reconsider. That can happen in a heartbeat
13 with the next Commander in Chief after he or she
14 is sworn in January 20th.

15 So those are the three things that you
16 can do to have some real influence on the outcome
17 of this conversation. You can always communicate
18 with myself as the Chair of the House
19 Intergovernmental Committee, communicate with
20 Representative Marshall or any one of the members
21 of the House Intergovernmental Affairs Committee.

22 Somebody mentioned we didn't have any
23 media or television down here. Well, we're here
24 trying to work through a very complex issue. I

1 assure you that if we were in here fighting with
2 each other we wouldn't have some TV and other
3 media coverage.

4 Last, to our young people from
5 Wilkinsburg, let's give them another big round of
6 applause.

7 THE AUDIENCE: (APPLAUSE).

8 THE CHAIRPERSON: I have a challenge
9 for you. I would like you to, based on where you
10 are on this conversation, I would like for you to
11 write a paper, no more than a couple pages, either
12 on why Pennsylvania should comply with the REAL ID
13 Act or why Pennsylvania should not comply. And
14 make sure that you speak to it if you take the
15 position that Pennsylvania should comply, we want
16 some specific reasons as to why we should comply
17 and how we should deal with the compliance. And
18 several of you, those of you who believe
19 Pennsylvania should not comply, I want you to turn
20 those papers in to your instructor, Miss Stanford.
21 Stand up for a minute, Miss Shirley Stanford. Get
22 Miss Stanford and Allison Acevedo from my office
23 and the school are going to evaluate those papers.
24 The best paper dealing with why Pennsylvania

1 should comply, you will receive a \$100 Savings
2 Bond for the best paper on why Pennsylvania should
3 not comply. You will also receive a \$100 Saving
4 Bond as both a thank you and incentive to put
5 forth your best. And Representative Marshall and
6 I, I guess we'll finally wait to judge and to deal
7 with it. Professor just a real last question.

8 MR. ERIC RANDOLPH: Now, there's 19
9 representatives that we have to go chase after in
10 order so that they can hear what we need to say.
11 You guys care because you're here, but why aren't
12 our 19 representatives here?

13 THE CHAIRPERSON: Well, the good thing
14 about it at least for the 19 house members, they
15 are up for re-election, so you don't have to go
16 chasing them this year.

17 MR. ERIC RANDOLPH: Okay.

18 THE CHAIRPERSON: They're up for
19 re-election. Now, the Senators, you have to wait
20 a while, but not those 19 reps. And if you check
21 your mail I'm sure you will be getting something
22 from the Congressman or Congresswoman that
23 represents you. They like to have your support.

24 MR. HAGAN SMITH: Hagan Smith from

1 Butler County. I'm the Chairman of the Liberty
2 and Justice Association. Thank you.

3 Ladies and gentleman, I want to address
4 you from the Liberty and Justice Association.
5 What you've heard here and from this table over
6 here with all due respect to all these
7 gentlemen -- you've been respectful, I believe --
8 what you've heard is demagoguery. You haven't
9 heard about the constitution rule of law in
10 American. You are the power. You are the ones
11 who possess the power in America to change
12 government, to tell government what to do. You
13 have done it through the constitution. The two
14 constitutions, every one of them is supposed to be
15 sworn to. Every one of them is committing perjury
16 here today.

17 I ask that you inform them of that.
18 The constitution does not permit the REAL ID Act.
19 It does not permit them to interfere with your
20 God-given rights in any manner. You should not
21 permit it. You should stand up and tell them no.
22 Take that driver's license and give it to them.
23 Don't even bother with them.

24 THE CHAIRPERSON: I'm going to have to

1 cut you off.

2 THE AUDIENCE: (APPLAUSE).

3 THE CHAIRPERSON: Is there anybody here
4 today that believes that Representative Marshall
5 or myself is sitting up there committing perjury?

6 MR. ERIC RANDOLPH: I should say not
7 knowingly.

8 THE CHAIRPERSON: I saw a few hands. I
9 could be in my district taking care of different
10 matters, and Representative Marshall is here, and
11 I'm sure our panelists have a lot of work that
12 they can do.

13 We took the responsibility to come out
14 and do these hearings across Pennsylvania so that
15 you would at least be aware and be in a position
16 to respond. And let me assure you that at the end
17 of the day we are going to be governed by your
18 input here in Pittsburgh, Scranton, Erie,
19 Philadelphia, and in Harrisburg. That's why after
20 each of these hearings we put together a package
21 which highlights both testimony and comments made
22 from the beautiful residents of the Commonwealth
23 of Pennsylvania.

24 I know it's easy to think that there's

1 some conspiracy going on, but there is no
2 conspiracy going on. The only thing that is going
3 on is a commitment to provide you with
4 information.

5 In closing, Mr. McLaughlin, are you
6 still here? Let's thank Mr. McLaughlin.

7 THE AUDIENCE: (APPLAUSE).

8 THE CHAIRPERSON: If you would like to
9 participate in the upcoming hearing in Scranton
10 please let Miss Custis know and Representative
11 Marshall.

12 REPRESENTATIVE MARSHALL: Mr. Chairman,
13 thank you.

14 To address the three or four people
15 today that said I committed perjury, had they been
16 paying any attention at all, they would realize
17 the only comment I made was that I would not make
18 a comment so that I would give the time for the
19 audience to participate.

20 I'd like to thank the members of the
21 audience here because it's your government. It's
22 the people's government, and I'm working for you.
23 When my district tells me their feeling on REAL ID
24 that's how I vote. You can watch my vote, and you

1 can see it on my website.

2 So, again, thank you for the audience
3 participating in your government.

4 THE CHAIRPERSON: Representative
5 Marshall.

6 (THEREUPON, proceedings concluded at 12:28
7 p.m.)

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COURT REPORTER'S CERTIFICATE

I hereby certify that I, Donna M. McMullen, RMR, Notary Public, reported in stenotype the record of proceedings in the above-entitled matter, and that this copy is a full, true, and accurate transcript of my said stenotype notes.

Court Reporter, RMR

dated: March 31, 2008