The real id act of 2005: united states congress essay

The Real ID Act By: Adnan Lulu Jacob Patterson Eric Tabor Jonathan Garcia BCIS 502 New Mexico State University Introduction What is the Real ID Act of 2005? The Real ID Act of 2005 is Division B of an act of the United States Congress titled Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Wikipedia). The Real ID Act has been talked about for many of years but with the terrorist attack on September 11, 2001, more politicians thought now is the time to really push it again.

The Real ID Act is intended to deter terrorism and make America safer. The Real ID Act will implement the following: 1. Establish national standards for state-issued driver's licenses and non-driver's identification cards. 2.

Waive laws that interfere with construction of physical barriers at the borders. 3. Update and tighten the laws on application for asylum and deportation of aliens for terrorist activity. 4.

Introduce rules covering " delivery bonds" (like bail bonds but for aliens who have been released pending hearings); 5. Fund some reports and pilot projects related to border security; and Change visa limits for temporary workers, nurses, and Australian citizens. (Wikipedia) September 11, 2001 should not have spawned the Real ID Act to be taken into action. The Real ID Act of 2005 is going to be hard to implement.

The Real ID Act of 2005 requires the states to do a lot of the work. To get around the first obstacle the federal government is going to have to control of the project. The federal government is going to have to be the project manager. The Real ID Act of 2005 also requires the linking of the driver

license to a database, but the Real ID Act does not make this a requirement. This is going to be one enormous ERP software rollout. SAP or Oracle will definitely have to be involved or at least consulted with for this project.

This is going to be a bumpy rollout unless everyone agrees to it and the federal government makes a few changes to the Real ID Act. The United States current population is around 303, 409, 698. This is a huge database that will continue to grow with the population. A lot of the states have already rejected The Real ID Act. The Real ID Act does not give specific guidance on how to implement it. The individual state may choose what to implement.

Each state is allowed to choose whether to use biometrics, fingerprints, iris images, or any other biometric data. The state may even choose other biometric data to obtain a license. The Real ID Act does not specify the use of Radio Frequency Identification Technology (RFID). This has also been left up to the individual states. The Real ID Act does specify the use of a 2-D barcode that is already used in 46 states.

The U. S. Department of Homeland Security (DHS) is working on the encryption method of the data stored on the card. The only requirement made by the Real ID Act is the 2-D barcode, and 46 out of 50 states already do this. The Real ID Act dictates that all states must comply by May 2008.

Why fight something that you are already doing? The Real ID Act does propose a rule that does not specify precise designs or layouts of state issued licenses. Instead, DHS is proposing minimum standards that will appear on the face of the card. The proposed regulation would require each

of the following on the face of REAL IDs; space available for 39 characters for full legal name; address of principal residence; digital photograph; gender; date of birth; signature, document number; and machine readable technology. Additionally, temporary REAL IDs would need to clearly state that they are temporary. Non-REAL IDs issued by compliant States would need to clearly state on their face that they are not acceptable for Federal official purposes and use a unique design or color that clearly distinguishes them from REAL ID licenses.

Passports are going to be outfitted with Radio Frequency Identification Technology (RFID). Should the states have to comply with the Real ID Act? Who is going to fund the changes required by this act? How is the driver license going to be encrypted to protect the citizens of the United States personal information? Is this really a good thing or a bad one, only you can decide? History The Real ID Act of 2005 is going to be hard to implement. The Real ID Act of 2005 requires the states to do a lot of the work. To get around the first obstacle the federal government is going to have to control of the project.

The federal government is going to have to be the project manager. The Real ID Act of 2005 also requires the linking of the driver license to a database. This is going to be one enormous ERP software rollout. SAP or Oracle will definitely have to be involved or at least consulted with for this project. This is going to be a bumpy rollout unless everyone agrees to it.

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Division A is titled Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, and Division B is titled Real ID Act of 2005. The first part of the bill is an act that will help provide funds for intelligence operations and ongoing military in the areas of terror, such as Iraq and Afghanistan (H. R. 1268).

This act includes other international activities, for instance tsunami relief and reconstruction. Title I under division B of this act consists of amendments to federal laws to protect against terrorist entries and improve security for drivers' licenses' and personal identification cards (8 USC 1101). This act had begun its development into a bill after the catastrophe of September 11 2001. In the winter of the year 2004, arguments were brought to the attention of congress during the passing of the legislation for implementing the bipartisan 9-11 commission. The debates were opened due to the certain provisions that were deemed to be ineffectual to the public security and safety of the U.

S. itizens and anti-immigrant. After many hearings after and extensive debates the measures considered to be the harshest were removed from being part of the final legislation, leaving Rep. Sensenbrenner and others very unpleased with the concluded results.

Rep. Sensenbrenner was the most disappointed because of his great contributions to the provisions that were argued to be anti-immigrant and ruthless procedures that would be distasteful to the public. Nevertheless,

Rep. Sensenbrenner hastily reintroduced the provisions that were removed the following year, which were passed February 10 2005. The same provisions in the following month were joined into a bill that would be introduced as " must sign" legislation piece that would supply funds for the U. S.

military efforts in Afghanistan and Iraq, which was passed without any debate or hearings by the House. The Houses votes were recorded to be 388 Ayes, 43 Nays, and 3 Present/Not Voting. However, the Real ID Act was not included in the bill when it was passed into the Senate for passing, voting by Senate was 99 Ayes, 0 Nays, 1 Present/Not Voting (GovTrack. us, H. R. 1268– 109th Congress (2005)).

The bill afterwards went to the Conference Committee, where enthusiast of the Act spoke out robustly for the provisions to be included into the bill. The debates during this session where favorable for the Act to be included into the bill, while overturning others that were insalubrious suggestion, such as the development of private police that would enforce immigration laws. Even so, with the great efforts in making this bill most valuable for the citizens of the United States, many of the other troubling provisions were not removed. The bill, with the Real ID Act, was finally approved and became part of the law after President George W.

Bush signed it on May 11, 2005. The Real ID Act had no potential of being implemented into the law without the tricks of the few politicians that were in favor of it. The act was not passed as easy as it looks to have been. Throughout the lifespan of the act there were many concerns of its passage,

reaching the conclusion that for it to be passed by both the House and Senate it was placed before another bill, which was in support and aid of the U. S. soldiers overseas that are fighting against the war on terror.

On October 7, 2005 Alabama was the first State to initiate and enact the new law (www. realnightmare. org). The implementation of the act turned to be chaotic and disruptive to the residents of the State, halting its enactment until further notice. New fees, delays, name corrections and other complications caused a great concern by the residents and DPS officials to place a great time period before following through and might be deemed troublesome in other areas in the future.

Other states such as Maine, Montana, Georgia, Massachusetts, Washington and others have completely refused to implement this law and have strongly suggested to U. S. Congress to abolish it (http://news. zdnet. com). There is great hope that many other states will follow with the opposition of the act.

Positive Aspects The Real ID Act, regardless of whether or not it may be a good piece of legislation, was written with good intention and brings to the surface a few issues that need to be addressed. Security concerns still maintain a top priority in our government and this act points out flaws dealing with our immigration practices, the United States border, and United States citizens' personal identification documents. The terrorists responsible for the events that occurred on September 11, 2001 were able to exploit the U. S. legal system in ways the Real ID Act is designed to correct.

The terrorists sought asylum as refugees and obtained six forms of official government issued identification each. Section 103 of this act clearly defines

what the U. S. overnment considers to be terrorist-related activities and Section 101 corrects the loophole that previously allowed terrorists to protect themselves from deportation through the use of the refugee status. Section 101 places a harder burden of proof on the immigrant applicant while reserving the right for approval to immigration judge and provides that if the applicant achieves refugee status but begins to engage in terrorist-related activities, the refugee will be removed from the United States. Section 102 and 302 are aimed at improving border security, specifically but not limited to the stretch of land shared by California and Mexico.

The Secretary of Homeland Security will be granted all necessary power to expedite security improvements if a situation arises. The foundation of a pilot program designed for the implementation of ground surveillance technologies to be used along the border is also written into the act. A potential timeline is given that allows the program to run for one year while assessing various factors, including cost, utility, effectiveness, liability, safety, and privacy concerns related to the use of video camera, sensor, and motion detection technologies along the border. The section that gave this act is defined under Title Two, which provides for improved security pertaining to drivers' licenses and personal identification cards.

Currently, there are no requirements set forth for the acceptance of a document for federal use. The guidelines written under Title Two, Section 202, paragraph B of the Real ID Act will require all cards issued by the State to include the following information: 1. The person's full legal name. 2. The person's date of birth. 3.

The person's gender. 4. The person's driver's license or identification card number. . A digital photograph of the person. 6.

The person's address of principle residence. 7. The person's signature. 8. Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes. 9.

A common machine-readable technology, with defined minimum data elements. If the card does not contain all of the required information then it will not be accepted by a Federal agency such as the TSA. All of the measures written within the Real ID Act as designed to boost security. While no piece of legislation is perfect, this piece manages to bring up many aspects of security that have gone thus far unaddressed or weakly approached. This act takes a strong strand that allows the States with good security measures to continue what they are doing and forces the States with poor security measures to update their ways without requiring a blanket change of all documents. Negative Aspects Identity theft has become a large problem in the United States over the last five years and will become a nightmare once the Real ID act goes into effect.

It usually takes a couple of months to repair identity theft damage. During the time it takes to restore your credit, you cannot take out loans, get a credit card, or refinance your house. It is difficult for victims because they have to prove the transactions completed under their name are not legitimate. Real IDs will make it harder for identity theft victims to prove their innocence because Real IDs will emit a perception that they are more secure and difficult to obtain. According to unrealid.

com, the Real ID act is projected to cost the United States $23 billion dollars (or $100 per citizen), which is just an estimate. The $23 billion estimate that congress isn't paying for includes: fees on individuals applying for new licenses, DMV expansions and payrolls, upgrading the information technology systems that administer the licenses, and many other fees and expenses. Not only will the Real ID act be expensive, it will be time consuming- one of the main reasons being the new document requirements necessary as proof to obtain a new license. The required documents that will be needed to verify include a photo identity document, proof of date of birth, proof of social security number, proof of address and proof of citizenship. This will result in slower service, longer lines, and repeated visits to the DMV.

Currently, United States citizens are issued a state ID or driver's license to be identified. This ID contains simple information about its holder, such as first and last name, home address, date of birth, height, weight and an ID number which is used as a primary key instead of a social security number to identify the card holder. Once implemented, the Real IDs will be used to store more than the current state issued IDs. Birth Certificates, social security numbers, credit history, and other important documents and user information will be stored on each Real ID. It will be like combining multiple databases and interlinking them all into one enormous database to make it easier to access one's information.

Real ID's will be gold mines to hackers trying to access individual's information for identity theft purposes. Since 9/11, the United States has been trying to fight terrorism in many ways. The government promises that the new IDs will be an effective way to stop terrorism because they are more

difficult to counterfeit. Terrorists were able to bypass national security on many levels during the 9/11 attacks so any determined terrorist will find a way to create fraudulent documents and will be able to forge the Real Ids.

Privacy issues are also affected with the implementation of Real IDs, especially since Congress is also considering putting a RFID chip into the ID cards. A RFID chip is like the magnetic strip in current identification cards. When swiped, all of an individual's information is read from their ID card and is presented to the person who swiped it. RFID takes this technology a step further, allowing easy location of an object. GS1.

rg, an organization that supplies RFID chips to buyers, states on its website that RFID chips can be used to track and locate an object using radio frequencies from miles away. With RFID chips placed into the Real IDs, the government or companies that have an RFID chip locator will be able to track the location of your ID, which will more than likely be in your wallet or purse wherever you are. The Real ID Act was signed by President Bush in May 2005. Congressman Sensenbrenner wrote the bill and senate slipped it into another bill that was designed to aid those fighting the war on terror and to aid tsunami relief victims.

So far, 12 states have opted out of national ID and many more are on their way. ACLU. org released results from a recent poll given to Americans. 32% " strongly oppose" the establishment of new licenses that will store personal information in a database that is shared by states and the federal government while 26% support the idea.

69% " strongly oppose" private-sector uses of these licenses to collect and share information while 5% are supportive. Conclusion The National Conference of State Legislatures website has a countdown to when real id will go into effect. It reads 166 days, 7 hours, 20 minutes, and three seconds at this time. On March 1, 2007, the U. S.

Department of Homeland Security (DHS) released draft regulations to implement the requirements of the Real ID (ncsl). States and other interested parties will have 60 days to comment on the draft regulations before Department of Homeland Security issues final regulations (ncsl). To date, Congress has appropriated only $40 million to assist states with the implementation, of which only $6 million has been obligated (ncsl). The President's FY2008 budget proposal did not include any funds for states to implement the requirements of the Real ID (ncsl).

According to a study conducted by National Conference of State Legislatures (NCSL), the National Governors Association and the American Association of Motor Vehicle Administrators, the act will cost states more than $11 billion to implement over five years and will have a major impact on services to the public (ncsl). In addition, DHS estimates the cost of the implementation of the real id will exceed $23 billion. In chapter 11 of the MIS text we studied about project management. This is a costly project with a lot of moving parts to implement. It is going to take a huge database just to store all of the information.

Our personal preference is SAP for this project. The video that we are showing is biased against real id but it captures the fears of most people.

This paper shows the pros and cons of implementing real id along with what the Real ID Act really spells out as concrete yes and no. There are lots of mis-conceptions about the Real ID Act. The Real ID Act is not changing the use of the driver license; it is not requiring a microchip with the use radio frequency identification technology, it is not creating a national identification card, it is not making a lot of demands at all. It does propose a rule that does not specify precise designs or layouts of state issued licenses.

Instead, DHS is proposing minimum standards that will appear on the face of the card. The proposed regulation would require each of the following on the face of REAL IDs; space available for 39 characters for full legal name; address of principal residence; digital photograph; gender; date of birth; signature, document number; and machine readable technology. Additionally, temporary REAL IDs would need to clearly state that they are temporary. Non-REAL IDs issued by compliant States would need to clearly state on their face that they are not acceptable for Federal official purposes and use a unique design or color that clearly distinguishes them from REAL ID licenses.

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