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Congress of the United States
House of Representatives
Washington, DC 20515-1901

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March 24, 2008

The Honorable Michael Chertoff
Secretary of Homeland Security
Department of Homeland Security, Office of the Secretary
Washington, DC 20528

Dear Secretary Chertoff:

I am writing to express my strong reservations about the Department of Homeland Security's (DHS) continued implementation of the REAL ID Act's federal mandate for state driver's licensing requirements.

DHS insists that beginning May 11, 2008, it will subject U.S. citizens to secondary screenings if they attempt to board an airplane or enter a federal building with a driver's license or other identification documents issued by certain states. Under the REAL ID Act, in order to avoid these secondary screenings and possibly denial of access, citizens must present identification documents from states that are in compliance with the Act's requirements.

However, as you know, not a single state has fully complied with the requirements mandated by the REAL ID Act, and DHS has issued waivers to states across the country so that their residents may board planes and enter federal facilities as of May 11. Moreover, these waivers appear to have been inconsistently issued, granted both to states that have agreed to move towards compliance as well as to states which have enacted legislation prohibiting state officials from implementing the REAL ID Act's requirements. In addition, Montana, which has a law prohibiting compliance, was granted a waiver without seeking one, while New Hampshire, which sought a waiver despite intentions not to comply, was denied.

Further, without a single state in compliance, the May 11 deadline is arbitrary in terms of actually strengthening our national security. I recognize that you feel bound by REAL ID's statutory language to continuing moving forward with implementation. However, I believe that your agency has recognized that REAL ID will not work in its current form. On January 11, 2008, DHS tacitly acknowledged this when they issued final rules directing states on how to implement REAL ID. These rules pushed back full implementation until December, 2017, *sixteen* years after September 11, 2001. By issuing delay after delay, your agency seems to acknowledge that REAL ID is unworkable as written.

We must ensure that our identity documents are secure, so that we can check to see if individuals are who they claim to be. In addition, identity documents can be used to check names against lists of individuals suspected of terrorist activity. However, REAL ID will not

necessarily enhance these capabilities. For example, though it is often cited that many of the 9/11 hijackers carried state driver's licenses, is it not also true that those terrorists who held unexpired visas issued by the U.S. government would have been able to obtain state driver's licenses even if the REAL ID Act had been in place in 2001?

State and local governments, private institutions, and individuals in communities small and large across our country and in my state of Maine have taken to heart the mantra that "homeland security begins with hometown security." They have organized neighborhood watches, take note of suspicious behavior on public transportation, and have established detailed plans to manage emergency situations. However, the responsibility to stop terrorists from entering the U.S. falls to the federal government, and in particular, to DHS. I believe that this should remain your highest priority, rather than the harassment of law-abiding U.S. citizens who happen to live in certain states.

Identity documents are an important part of our national security. REAL ID will not enhance security at airports and federal facilities if it takes another decade to implement. To achieve better security, we should be creating standards for driver's licenses that we can implement as soon as possible. To achieve this, I have introduced H.R. 1117, the Repeal REAL ID and Identification Security Enhancement Act. My bill repeals REAL ID's driver's license requirements and establishes a negotiated rulemaking process that will bring together DHS, the Department of Transportation, states, and experts in privacy, civil liberties, and constitutional rights to establish national driver's license standards that will protect both national security and the privacy of American citizens.

I opposed the REAL ID Act from the beginning, in part because it was clear to me that it is unworkable and will do nothing to keep us safe. Simply put, it is a bad statute. I will continue to advocate in Congress for repeal of this law and implementation of a measure that will actually enhance our national security. In light of the inconsistencies in which DHS has applied the law, I respectfully request that DHS reconsider its decision to implement the May 11 deadline.

Thank you in advance for your consideration of my concerns. I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Tom Allen". The signature is written in a cursive, slightly slanted style.

Tom Allen
Member of Congress

THA:msw