

111TH CONGRESS

2ND SESSION

H.R. \_\_\_\_\_ Repealing the REAL ID Act of 2005, and for other purposes.-----IN  
THE HOUSE OF REPRESENTATIVES-----

A BILL Repealing the REAL ID Act of 2005, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the

"The American Identity Preservation Act"

SEC. 2. FINDINGS AND PURPOSE. Congress finds the following:

(a) The REAL ID Act of 2005 was enacted by the United States Congress as part of a broad supplemental appropriations package relating to homeland security issues, with no established debate;

(b) The Act requires all 50 states to validate primary documents used to obtain a driver's license or identification card and to issue licenses and ID cards in a uniform, federally approved format if the licenses and cards are to be accepted as identity documents by the federal government;

(c) The total cost for the initial implementation of the new regulations has been estimated to be \$9.9 billion, though to date Congress has appropriated only a fraction for the effort;

(d) Given the expense of the program and the minor Congressional contribution, the REAL ID Act is effectively an unfunded mandate,

(e) As federally approved identification is required for a United States citizen to board a commercial airplane, make transactions with a federally licensed financial institution, enter a federal building, or apply for federally supported public assistance, such as Social Security;

(f) In addition to unease about expense provisions of the REAL ID Act raise concerns about data security and possible identity theft;

(g) The Act requires statewide databases to be integrated and shared with the federal government, but does not establish clear security standards for the network nor designate an entity to control access to the system

(h) The proposed rule making may be based on poorly enforced, established immigration policy, and obscured facts as 9-11 hijackers obtained VISAs and were present in the U.S. legally

(i) The use of biometrics, RFID, and other regulated surveillance technologies have not proven effective for expediting traffic across U.S. borders, or delivered consistent accuracy in proving bonafide identity of adopters of the technologies;

(j) The U.S. people would suffer unreasonable search and seizure against the 4th Amendment according to Real ID mandates and regulations requiring one-to-many uses of biometrics, RFID microchips, and facial recognition technologies;

- (k) These ambiguities in the legislation make it more likely that information about a driver's license or ID card holder could be illegally accessed through another state's less secure system, creating a vulnerability where none currently exists and increasing the likelihood of the very threat the program was designed to minimize;
  
- (l) Some states' officials have pointed out that their computer systems are not even capable of verifying documentation as required by the Act;
  
- (m) The negative implications of the federal regulations are raising concerns nationwide, with 43 states currently considering legislation questioning, opposing, or refusing to carry out the requirements of the REAL ID Act; and
  
- (n) Considering the obvious fiscal consequence to U.S. States and the considerable flaws inherent in the federal requirements, it is incumbent on U.S. States to act likewise.

### SEC. 3. REPEAL, RESCISSION OF FUNDS.

- (a) Title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note) is repealed, except that section 206 of such title, repealing section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 49 USC 30301 note), remains in effect.
  
- (b) Any funds appropriated for, but not yet spent on, implementation of Title II of the REAL ID Act of 2005 are rescinded. Any such funds already transferred to states and not spent by them shall be retained by those states and used for the security priorities they choose.