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Lawmakers Demand Governor and PennDOT Cease and Desist Unauthorized Implementation of REAL ID Act and Collection of PA Citizens' Biometric Data

HARRISBURG—A bipartisan coalition of state lawmakers led by Representative Sam Rohrer (R-Berks) publicly confronted both Governor Ed Rendell and PennDOT during a Capitol press conference today regarding their controversial actions to begin implementing Real ID driver's license technology and collecting biometric data (i.e. fingerprints, face prints, retinal scans, or DNA) of Pennsylvania citizens without legislative approval.

"Today we are here to draw a non-negotiable line in the sand to reveal the significant findings and to re-make public our demand to both the Rendell administration and PennDOT to cease and desist from implementing any provision of the federal government's REAL ID program, or more accurately, a 'national insecurity' personal identification collection scheme without public knowledge, legislative approval or constitutional authority," said Rohrer. "Due to these very real and significant dangers to our most cherished constitutional freedoms and personal privacy, REAL ID must be immediately and effectively opposed. If the Pennsylvania legislature fails to act now, the machinery already set into motion by our state government's Executive Branch and Department of Transportation will prove impossible to stop later."

Touted as a counterterrorism measure by the 9-11 Commission, President Bush signed into law the REAL ID Act of 2005 to establish national standards for state-issued drivers' licenses, require all motor vehicle departments to keep copies of personal identity documents and force states to link their databases of individual driver information both nationally and internationally.

If left unchecked, the REAL ID Act of 2005 could begin impacting the everyday activities of Pennsylvania citizens as early as 2011. On Jan. 1 of that year, countless American citizens will be required to present a REAL ID compliant, state-issued driver's license or other approved form of photo identification in order to visit a national park, enter a court house or even to board an airplane.

In conjunction with Gordon Denlinger (R-Lancaster), John Siptroth (D-Monroe/Pike), and Tom Yewcic (D-Cambria/Somerset), Rohrer has exchanged written communication with the governor over the past several weeks to urge both the administration and PennDOT to cease and desist with any further collection or conversion of Pennsylvanians' biometric data.

Most notably, today's press conference exposed the unauthorized **\$45 million two-year state contract** with privately owned **Viisage Technology** to create facial recognition templates from PA driver's license photos. Initiated under the guise of eliminating duplicate licenses, the personal biometric information of all new and renewing Pennsylvania drivers' license applicants is already being stored in a database updated by Viisage, even though they have not been informed of this "non-evasive" process.

"Although the governor has promptly responded to each of our communications, his request for additional time to gather further information regarding the impact of REAL ID is unquestionably not the answer the people of Pennsylvania want to hear," said Rohrer. "Most likely the governor's attempt to buy more time not to act will logically be viewed as yet another smoke screen or stall tactic to keep the wheels in motion to implement REAL ID in Pennsylvania with or without legislative approval."

Furthermore, the lawmakers urged PennDOT to convert all currently stored database images to a non-biometric standard which is sufficient for personal identification and verification and, most importantly, does not infringe upon significant privacy and other related constitutional interests directly linked to the current FaceEXPLORER driver identification program.

"Having no formal statutory directive, some may say that our activist executive branch and PennDOT have only done what they perhaps thought they should do – which would be to move forward with REAL ID implementation," said Rohrer. "Now, however, the people are speaking. For example, there was a time not long ago that this legislature did not know that small technology improvement line-items in the larger PennDOT budget reflected contracts and agreements that pushed all of Pennsylvania toward Real ID. We do know it now, and we, the original sponsors of House Bill 1351, are demanding immediate Legislative action so that the most personal information of Pennsylvania citizens whether it be fingerprints, retinal scans, or DNA never falls prey to the very real national and international dangers of identity theft, global tracking and beyond Orwellian science fiction government surveillance."

With the strongest REAL ID repeal language introduced in the nation to date, immediate passage of Rohrer's legislation (House Bill 1351) would strictly prohibit the governor, the Department of Transportation or any other state agency from complying with any:

1. Provision of the REAL ID Act of 2005, or the provision of any other federal law, regulation or policy that requires compliance with the REAL ID Act of 2005.
2. Federal law, regulation, or policy that would compromise the economic privacy or biometric data for any Pennsylvania resident.

Finally, House Bill 1351 would grant either the governor or the state attorney general the authority to file an action in the appropriate court of jurisdiction to challenge the constitutionality or legality of the REAL ID Act of 2005.

For more information, view Representative Rohrer's special **REAL ID Alert** newsletter at SamRohrer.com.

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