

STATEMENT OF HENRY A. WAXMAN
H.R. 418, THE “REAL ID” ACT
February 8, 2005

Mr. Speaker, I rise today to raise serious concerns with some of the provisions in H.R. 418 that have not been thoroughly considered, in large part because the bill was not considered by our committee.

No matter what your views are on immigration, states rights, or a national ID, you should carefully review the driver’s license requirements of H.R. 418. Simply stated, the bill imposes costly new requirements on states that simply cannot be achieved in the three years allowed by the bill. And while states may attempt to comply, the bill’s unreasonable deadlines and inadequate funding will create confusion and frustrate the public.

Congress previously recognized that states should play an integral role in implementing new driver’s license standards. That’s why the 9/11 legislation that we passed just two months ago directed the Department of Homeland Security to consult with the states first and then issue appropriate regulations. H.R. 418 repeals this sound regulatory approach and leaves states without a voice.

One of the biggest problem areas is that the bill requires state DMVs to verify “the issuance, validity, and completeness of” birth

certificates with issuing agencies. Currently, birth certificates are not issued or maintained in a uniform manner. States, counties, cities, and localities all across the country issue birth certificates; in fact, experts estimate that up to 14,000 jurisdictions within the United States currently issue birth certificates. Many of these jurisdictions do not have automated records, but keep paper copies at the local courthouse. Even if they were to begin automating records of new births, they would still need to automate millions of pre-existing birth certificates.

H.R. 418 also requires states to verify “the issuance, validity, and completeness of” various other documents with various federal agencies that do not yet have fully automated systems in place.

These requirements will be expensive and time-consuming. Ultimately, the databases may be built that will allow states to conduct rapid verifications of these birth certificates and other documents. But in most states and localities, they don’t currently exist. And the experts say it will take a whole lot longer than three years to create them.

That is why the bill is opposed by the states. It is opposed by the National Governor’s Association, the National Conference of State Legislatures, and even the DMV trade association, the American Association of Motor Vehicle Administrators.

The best timeline estimate from state DMVs is that it will take 10 to 12 years for all of the required automation to occur.

Yet H.R. 418 requires verification within just three years.

In the meantime, what will happen? States will not be able to issue same-day driver's licenses, the public will be frustrated, and homeland security will not be advanced.

In addition, the unworkable nature of the driver's license provisions in this bill, I am deeply concerned about section 102 of this legislation. This section provides the Secretary of Homeland Security with the authority to waive any law for the purposes of building immigration barriers along the border. I don't understand why we need to provide the Administration with unilateral authority to waive labor laws, state and local laws, environmental laws, tax codes, and criminal laws. This doesn't just apply in San Diego. It applies throughout the nation.

I am sad to say that this bill creates a dangerous new precedent. The federal government has never before had unilateral authority to waive child labor laws, civil rights laws, and environmental laws. For

Republican members who want to reign in the unchecked authority of the federal government, they might want to carefully examine this provision, which expands it enormously.

I urge my colleagues to oppose this legislation.