

SB

189

Duane Zarnock
269 5008

Regulation

24-LS0920\S

CS FOR SENATE BILL NO. 189(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/8/06

Referred: Judiciary, Finance

Sponsor(s): SENATORS HUGGINS, Therriault

(V) non immigrant visitor states
(e) Treaty alien renewable indefinitely 2 years
(h) specialty occupations 6 yrs. of requests
(L) intercompany transferees (1)

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to issuance of identification cards and to issuance of driver's licenses;
2 and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 18.65.310 is amended by adding new subsections to read:

5 (h) The department may not issue an identification card under (a) of this
6 section to a person who has not presented to the department valid documentary
7 evidence that the person is a citizen of the United States, a national of the United
8 States, a legal permanent resident of the United States, or a conditional resident alien
9 of the United States. *Asylees + refugees*

10 (i) Notwithstanding (h) of this section, the department may issue an
11 identification card to a person who presents in person valid, documentary evidence of
12 the person's legal status and presence in the United States. The identification card
13 authorized under this subsection is valid only during the period of the time of the
14 person's authorized stay in the United States and must clearly indicate that expiration

1 date. If the period of authorized stay is indefinite, the expiration date for the
 2 identification card is one year from the date of issue. The identification card
 3 authorized under this subsection may be renewed only upon presentation of valid,
 4 documentary evidence that the status by which the person qualified for the temporary
 5 identification card has been extended by the proper United States government
 6 authority. The department may by regulation specify what is valid, documentary
 7 evidence under this subsection except that the department may not specify that a
 8 matricula consular card is valid, documentary evidence.

9 * Sec. 2. AS 28.15.031(b) is amended to read:

10 (b) The department may not issue an original or duplicate driver's license to,
 11 nor renew or reinstate the driver's license of, a person

12 (1) whose license is suspended, [OR] revoked, or cancelled, or who is
 13 disqualified from obtaining a license, except as otherwise provided in this chapter;

14 (2) who fails to appear in court for the adjudication of a certain
 15 vehicle, driver, or traffic offense when the person's appearance is required by statute,
 16 regulation, or court rule;

17 (3) who is an habitual user of alcohol or another drug to such a degree
 18 that the person is incapable of safely driving a motor vehicle;

19 (4) [REPEALED]

20 (5) when the department, based upon medical evidence, has
 21 determined that, because of the person's physical or mental disability, the person is not
 22 able to drive a motor vehicle safely;

23 (5) [(6)] who is unable to understand official traffic control devices as
 24 displayed in this state or who does not have a fair knowledge of traffic laws and
 25 regulations, as demonstrated by an examination;

26 (6) [(7)] who has knowingly made a false statement in the person's
 27 application for a license or has committed fraud in connection with the person's
 28 application for, or in obtaining or attempting to obtain, a license, or who has not
 29 applied under oath on the form provided for the purpose of obtaining or attempting to
 30 obtain a license or permit;

31 (7) [OR (8)] who is required under AS 28.20 to furnish proof of

1 financial responsibility and who has not done so; or

2 (8) who has not presented to the department

3 (A) valid documentary evidence that the person is a citizen
4 of the United States, a national of the United States, a legal permanent
5 resident of the United States, or a conditional resident alien of the United
6 States; a person who is seeking a renewal of, duplicate of, or change of
7 legal name on a license is presumed to meet the requirements of this
8 subparagraph if the license has not expired or been cancelled, suspended,
9 or revoked and the person has not been disqualified from obtaining a
10 license; if the department has been notified by a local, state, or federal
11 government agency that the person seeking a renewal of, duplicate of, or
12 change of legal name on a license is not a citizen of the United States or is
13 not legally in the United States, then the presumption available in this
14 paragraph does not apply; the department may by regulation specify what
15 is valid, documentary evidence under this subparagraph except that the
16 department may not specify that a matricula consular card is valid,
17 documentary evidence; or

18 (B) in person valid, documentary evidence of the person's
19 legal status and presence in the United States; a license issued under this
20 subparagraph may be renewed only upon presentation of valid,
21 documentary evidence that the status by which the person qualified for
22 the license has been extended by the proper United States government
23 authority; a change of name for a license issued under this subparagraph
24 may be made only upon presentation of valid, documentary evidence that
25 the person's name has been changed with regard to the status by which
26 the person qualified for the license; a duplicate license for a license issued
27 under this subparagraph may be issued only upon presentation of valid,
28 documentary evidence that the person's status by which the person
29 qualified for the license remains valid and in effect; the department may
30 by regulation specify what is valid, documentary evidence under this
31 subsection except that the department may not specify that a matricula

1 consular card is valid, documentary evidence.

2 * Sec. 3. AS 28.15.101(a) is amended to read:

3 (a) Except as otherwise provided in this chapter and in (d) of this section, a
4 driver's license expires on the licensee's birthday in the fifth year following issuance of
5 the license. A license may be renewed within one year of its expiration upon proper
6 application, payment of the required fee, and except when a license is renewed under
7 (c) of this section, successful completion of a test of the licensee's eyesight.

8 * Sec. 4. AS 28.15.101 is amended by adding a new subsection to read:

9 (d) A driver's license issued under AS 28.15.031(b)(8)(B) is valid only during
10 the period of the time the person is authorized to stay in the United States and must
11 clearly indicate the expiration date. If the period of authorized stay is indefinite, the
12 expiration date of the license is one year from the date of issue.

13 * Sec. 5. This Act takes effect January 1, 2007.

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No.: D-20	Page No.: 1
	Effective: October 13, 2005	
Subject:	Supersedes: D-20	Dated: 6/1/00
IDENTIFICATION AND PROOF OF DATE OF BIRTH	Form No.:	
Statute: AS 28.15.061	Regulation: 13 AAC 08.330(b)	

[Alterations](#) | [Foreign](#) | [Lost AK](#) | [Lost OOS](#) | [Primary ID](#) | [Secondary ID](#)

ORIGINAL ALASKA DRIVER'S LICENSE or IDENTIFICATION CARD

Every person who makes an original application for a driver's license or permit must furnish documentary proof of his/her date of birth (See Primary Identification Documents) and at least one form of identification to verify his/her name (See Secondary Identification Documents). IF A PERSON HAS A VALID PHOTO DRIVER'S LICENSE ISSUED BY A STATE DMV, NO OTHER IDENTIFICATION IS REQUIRED.

CERTIFICATION BY CORRECTIONS, PROBATION OR ALASKA CHILDREN'S SERVICES IS NOT ACCEPTABLE.

PRIMARY IDENTIFICATION DOCUMENTS

1. An original or certified copy of a United States or Canadian birth certificate. The certificate must have a raised seal and be issued by an authorized government agency such as the Bureau of Vital Statistics or State Board of Health. Hospital issued certificates and baptismal certificates are not acceptable.
2. Canadian Department of Indian Affairs issued identification card. (Tribal issued card is not acceptable. A U.S. issued Department of Indian Affairs card is not acceptable.)
3. Court order which must contain the individual's full name, date of birth and court seal. Some examples include an adoption document, a name change document, gender change document, etc. It does not include an abstract of criminal or civil conviction.
4. Drivers license/permit issued by a State/Canadian DMV. Cannot be expired over one year.
5. Identification card issued by a State or Canadian DMV. Cannot be expired over one year.
6. Microfilm/copy of a drivers license issued by a State or Canadian DMV, provided it has been certified by DMV.
7. Microfilm/copy of an identification card that has been certified by the issuing DMV.
8. Military identification card for active duty, retiree or reservist. (Service member only. Dependent military ID's are not acceptable as a primary document.)
9. Passport - U.S. or Canadian.
10. Report of Birth Abroad by a Citizen of the United States, issued by a U.S. consular officer.
11. The following Immigration and Naturalization Service (INS) documents are acceptable. The document must be an original and expired documents are unacceptable:
 - Certificate of Naturalization (N-550, N-570, or N-578)
 - Certificate of Citizenship (N-560, N-561, or N-645)

- Northern Marianas Card
- American Indian Card
- United States Citizen Identification Card (I-179 or I-197)
- Resident Alien Card or Permanent Resident Card (I-551)
- Temporary Resident Card (I-688)
- Arrival-Departure Record (In a valid foreign passport) (I-94)
- Valid foreign passport containing an I-551 stamp
- Re-entry Permit (I-327)
- Refugee Travel Document (I-571)
- Employment Authorization Card or Employment Authorization Document (I-688A, I-688B, or I-766)
- Arrival-departure Record stamped "Refugee" (I-94) (Refugee's I94 will not likely be in a foreign passport)
- Canadian Immigration Record and Visa or Record of Landing (IMM 100).

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SECONDARY IDENTIFICATION DOCUMENTS

1. All primary documents
2. Bureau of Indian Affairs card or an Indian Treaty Card. (Some tribal cards are more reliable than the BIA card. DMV's can make their own determination.)
3. Driver license or ID card that has been expired over a year.
4. Court order that does not contain the applicant's date of birth.
5. Photographic employer identification card.
6. Foreign birth certificate.*
7. Foreign passport.*
8. Health insurance card [Blue Cross/Shield, Kaiser, Aetna, or a Health Maintenance Organization (HMO)].
9. Internal Revenue Service (IRS) or state tax form. A W-2 form is not acceptable.
10. Marriage license or certificate.
11. Individual's medical records from a doctor or a hospital.
12. Military dependent identification.
13. Military discharge or separation papers. (DD214)
14. Parent or guardian affidavit for minors, only. The parent or guardian must appear in person and prove their identity and submit a certified or notarized affidavit regarding the child's identity.
15. Gun permit.
16. Pilot's license.
17. Certified school record or transcript.
18. Social Security card (D-17). A metal card is not acceptable.
19. Photographic school identification card.
20. Vehicle title. A vehicle registration is not acceptable.
21. Welfare card.
22. Prison release document.

*See the following page for further information on foreign documents.

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LOST ALASKA DRIVER LICENSE/PERMIT/I.D. CARD REQUIREMENTS:

- Two items from either the primary or secondary identification document list. In offices with ALVIN terminals the information on the computer may be used in place of one of the items provided the person can verify address, date of birth, place of birth, Social Security number and the physical description matches.
- Offices without computer terminals must contact a terminal office to verify that the status of the license is clear, in addition to the requirement of two items.
- In extreme cases, you may request a photo of the applicant from the Department of Public Safety, OL Photos. Examples of extreme cases are when an applicant is the victim of a house fire or when all identification documents have been lost or stolen. In these cases, request the photo by e-mail or by calling OLPHOTOS. Appendix D) Please include the full name of the applicant and their license or identification number, as well as the SSN and DOB, if available.

NOTE: Rent receipts, credit cards, and similar type documents are not to be used as proof of identity for issuance of an *original* driver license or ID card. They may be used for issuance of a duplicate OL or ID as a **last resort** and in conjunction with the ALVIN record.

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LOST OUT-OF-STATE LICENSE/PERMIT REQUIREMENTS:

- Furnish documentary proof of his/her identity and date of birth, the same as for an original license. Obtain verification of their license status from the state the applicant is currently licensed in.
- A PDPS check is required to verify eligibility.

ALTERATIONS

Any document that contains an alteration that changes the name, date of birth, or other pertinent information will not be accepted.

FOREIGN DOCUMENTS

Any primary or secondary document that is in a language other than English must be translated into English and must be accompanied by a Certificate of Accuracy of Translation by the person translating the document(s). DMV will accept the self-certification of anyone who certifies they have the competency to translate.

Cross Reference:

Appendix I DMV Addresses
D-073 Class D - Basic Driver License

NEXT SOP

13 AAC 08.330. Requirements of applicant

(a) All applications for driver's licenses must be made on the form provided by the department. The application will include questions concerning a person's eligibility for a license, including the existence of physical or mental conditions which may impair the ability of the person to operate a motor vehicle safely. If the answers to these questions indicate the existence of a physical or mental disability which may affect the safe operation of a motor vehicle by an applicant, the department will, in its discretion, require an examination of the person by a licensed physician, psychiatrist, optometrist, or other competent medical authority before issuance of a driver's license. The expense of the examination must be paid by the applicant. The results of an examination within the previous six months will suffice unless the condition has commenced or changed since that examination.

(b) A person who makes an original application for a driver's license must furnish documentary proof of the person's date of birth, and one form of identification to verify the person's name. The proof of date of birth may consist of one of the following:

- (1) an original or certified copy of the person's birth certificate;
- (2) an out-of-state driver's license;
- (3) a passport; or
- (4) other evidence of comparable validity. The form of identification may consist of items such as identification card; social security card; credit card; life insurance policy; or any other evidence of comparable validity.

(c) The department will, in its discretion, require that a previously issued driver's license be surrendered to the department at the time of issuance or renewal of an Alaska driver license.

(d) If an applicant's driving privileges are under suspension or revocation in another jurisdiction, the applicant must obtain written proof from that jurisdiction showing that the suspension or revocation has terminated before issuance of an Alaska license.

(e) Any applicant for an original license or renewal of a license expired more than one year must take vision, knowledge, and road tests. The road test will, in the department's discretion, be waived if applicant possesses a valid license issued by another jurisdiction. Tests will be conducted as follows:

- (1) the vision test will be conducted at the time the applicant applies for a driver's license;
- (2) the knowledge test will be conducted when the applicant applies for a driver's license. If not passed the first time, it may be retaken the following day; if not passed the second time, third and subsequent tests will be, in the department's discretion, administered at weekly intervals;
- (3) the first road test will be, in the department's discretion, conducted the day the applicant satisfactorily meets all other requirements; a second road test will be conducted one week after the first test if the department finds it necessary.

(f) An applicant for renewal of an Alaska driver's license must take the vision test, and must meet requirements set out in 13 AAC 08.340(d).

History: Eff. 5/2/81, Register 78; am 8/9/81, Register 91; am 10/2/92, Register 123; am 4/2/94, Register 129

Authority: AS 28.05.011

AS 28.05.031

AS 28.05.081

13 AAC 08.335. Driver license renewal extension for active duty military personnel

Except as otherwise provided in this chapter, a non-commercial driver's license issued under this chapter to a person who is an active duty member of the United States armed forces and stationed outside the state expires upon the earlier of the following dates:

- (1) 90 days after discharge from active duty of the United States armed forces; or
- (2) 90 days after the person's return to the state.

History: Eff. 6/15/97, Register 142

Authority: AS 28.05.011

AS 28.15.101 (b)

13 AAC 08.340. Medical standards

(a) A person who has an uncontrolled seizure disorder or other uncontrolled episodes of loss of conscious control will not be licensed. The department will, in its discretion, grant a license to a person who has a seizure disorder or history of other episodes of loss of conscious control after receiving a statement from the applicant's physician that the applicant has been seizure- and episode-free for six months, has the condition under control, and can safely operate a motor vehicle. If a seizure or episode of loss of conscious control occurs after issuance of a license, the license must be surrendered to the department.

(b) Persons with any other condition which is characterized by or may result in loss of control or lapse of consciousness, including but not limited to cerebral strokes and cardiovascular and hypertension disorders, will not be licensed unless a physician's statement is received stating that the applicant or licensee has the condition under control and can safely operate a motor vehicle.

(c) The department will, in its discretion, require an annual physical examination to insure that a licensee's physical condition remains under control.

(d) An applicant must meet the following visual standards:

(1) a person with vision of 20/40 or greater in each eye or both eyes together will receive a license without restrictions in regard to corrective lenses, unless medical or other problems affecting vision

exist;

(2) a person with vision of 20/40 or greater in each eye or both eyes together only with use of corrective lenses will be restricted to driving with corrective lenses;

(3) a person with the best possible corrections in both eyes together of less than 20/40 but greater than 20/100 will be required to be examined by an optometrist or other eye specialist; if the report states that the person's vision cannot be improved, all data will be reviewed by the department; after review, the department will, in its discretion, issue a license with restrictions which may include driving limitations as to time of day, type of vehicle, specific area, speed, and other limitations considered necessary by the department;

(4) a person whose best possible corrections in both eyes together of less than 20/100 will not be licensed;

(5) a person with vision in only one eye will be licensed if vision in the good eye meets the standards of the department; the department, will, in its discretion, impose restrictions requiring outside rearview mirrors, one mounted on each side of the vehicle, on persons with vision in only one eye;

(6) a person with color blindness will not be denied a license for that reason;

(7) a person wearing telescopic or compound lenses whose field of vision is less than 60 percent will not be licensed unless he or she is able to meet the requirements for visual acuity without the aid of the lenses; if field of vision is between 60 percent, and 90 percent, outside rearview mirrors will, in the department's discretion, be required;

(8) a person with a progressive eye disease or condition such as cataract, glaucoma, iritis, nystagmus, or other disease affecting vision or visual fields will not be licensed unless his or her physician states that the condition will not affect his or her ability to drive safely; if licensed, future periodic vision reports must be submitted to the department by his or her physician until the condition is cured or stabilized.

(e) Persons who are deaf, hard of hearing, or wear hearing aids will not be denied a driver's license for that reason. However, the driver's license issued to such individuals will, in the department's discretion, contain a restriction requiring outside rearview mirrors, one mounted on each side of vehicle.

(f) A habitual user of alcohol will not be licensed. A "habitual user of alcohol" is anyone with three or more convictions for driving while intoxicated or other alcohol-related driving offenses within the immediately preceding five-year period. The person must keep the drinking problem under control for one year before being eligible for re-evaluation to determine if driving privileges can be reinstated. Verification of control of the drinking problem can be provided by a physician, an Alcoholics Anonymous sponsor, or three notarized affidavits by persons who know the person well regarding his drinking habits.

(g) A person who is a habitual user of drugs to a degree which renders him incapable of safely driving a motor vehicle will not be licensed. When evidence is received which shows that a person's driving may be impaired by habitual use of drugs, a license will not be issued or renewed unless a physician licensed to practice medicine in Alaska submits a statement that the licensee's use of drugs will not impair the person's safe operation of a motor vehicle.

History: Eff. 5/2/81, Register 78; am 8/9/84, Register 91

Authority: AS 28.05.011

AS 28.15.031

AS 28.15.081

13 AAC 08.350. Re-examination requirements

(a) If the department has good cause to believe that a licensee is physically or mentally incompetent to operate a motor vehicle safely, or is otherwise not qualified to be licensed, the department will, in its discretion, require the licensee to submit to a physical, mental or driver's examination to determine the licensee's fitness to operate a motor vehicle safely. If the department determines from the results of any examinations that the licensee is unfit to operate a motor vehicle safely, the department will either cancel the licensee's privileges to operate a motor vehicle in this state or issue a restricted license.

(b) A licensee who suffers permanent loss of a hand, arm, foot, leg, or eye must report to the department before operating a motor vehicle. The department will, in its discretion, require a re-examination of driving ability and restrict the license to operation of vehicles with special equipment.

(c) The department will, in its discretion, require re-examination of a licensee based on a request from a criminal justice agency, physician, or member of the general public. The request must state the need for a re-evaluation by providing specific information pertaining to the person's operation of a motor vehicle or physical condition. Requests must be in writing, and may not be anonymous. Requests will be treated with confidentiality if requested by the person submitting the report.

(d) When the department is notified by means of a request under (c) of this section that a licensee might not be qualified to operate a motor vehicle safely, the department will, in its discretion, require the licensee to be re-examined. The department will notify the licensee what examinations are necessary. The licensee may retain his or her driver's license if examinations are satisfactorily completed.

(e) The department will, in its discretion, cancel or suspend the license of a person who refuses to submit to re-examination.

History: Eff. 5/2/81, Register 78

Authority: AS 28.05.011

AS 28.15.091

13 AAC 08.355. Special driver's license (hardship license)

(a) Because of death, incapacitating illness or injury or other unique conditions in the immediate family, a special driver's license will, in the department's discretion, be issued to a person between 14 and 16 years of age who must drive a motor vehicle to

- (1) prevent financial hardship for the person's family; or
- (2) transport an ill or disabled family member.

(b) A special license issued under this provision will expire on the licensee's date of birth as provided in

AS 28.15.101 (a), or sooner if the reasons for issuing the special license are not longer sufficient.

(c) A letter requesting a special license must be signed by the applicant's parent or guardian, specify the conditions of hardship, and indicate for what period of time the special license is necessary.

(d) An applicant for a special license must meet all requirements for a regular driver's license, with the exception of age.

History: Eff. 8/9/84, Register 91

Authority: AS 28.05.011 (5)

AS 28.15.041 (a)

AS 28.15.051 (e)

AS 28.15.081



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Charlie Huggins
Current Version: Proposed Substitute
Contact: Deb Grundmann, 465-3878

Fact Sheet for: Senate Bill 189

Short Title: REQUIREMENTS FOR DRIVER'S LICENSE/I.D.

Summary:

- Requires anyone applying for a state of Alaska driver's license or ID card to be a U.S. citizen or be legally authorized to be in the U.S. under federal law.
- Prevents individuals with time limited legal status from obtaining a driver's license or ID card with an expiration date later than the allowable length of stay, and if the authorized stay is indefinite, the ID expires one year from date of issue.

Benefits:

- Ensures that state issued driver's licenses or ID cards are only provided to individuals allowed to be in the United States.
- Encourages non-U.S. citizens to keep their legal permission to be in the United States current.
- Brings Alaska laws into compliance with the new federal Real ID Act that requires states to see proper documentation before any state can issue driver's licenses and ID cards.

Background:

- On May 11, 2005, President George W. Bush signed the Real ID Act. It requires every state to see proof of U.S. citizenship or documents granting legal permission to be in the country before issuing driver's licenses and ID cards. SB 189 brings state statutes into compliance with the federal law. It increases homeland security by making it more difficult for potential terrorists to obtain state issued driver's licenses and identification cards.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 189(STA)
 (S) Publish Date: 2/8/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to issuance of Identification Cards and RDU Division of Motor Vehicles
and the issuance of Driver's Licenses' ..." Component: Motor Vehicles
 Sponsor: Sen. Huggins
 Requester: (S) State Affairs Component No.: 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	20.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	20.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Rcpt Svcs	20.0	0.0	0.0	0.0	0.0	0.0
TOTAL	20.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill is designed to bring Alaska into compliance with the new federal Real ID Act. While all of the details of the Act are currently being created through the rulemaking committee, this bill includes the 2 major components of the Act: all DL/ID applicants must be either US citizens or be able to establish their legal presence; and those persons with 'time-limited' legal status may not receive a DL/ID with an expiration date later than the allowable length of stay.

The cost associated in FY 07 is to make major changes in our database (ALVIN) to accept these new expiration dates and other verification fields. Other costs may be associated with the Real ID Act that will not be noted until later.

Prepared by: Duane Bannock, Director Phone: 269 5008
 Division: Motor Vehicles Date/Time: 1/31/06 8:00 AM
 Approved by: Mike Tibbles, Deputy Commissioner Date: 1/31/2006
 Agency: Department of Administration

May 6, 2006

Mandate for ID Meets Resistance From States

By **PAM BELLUCK**

Reacting to the Sept. 11 attacks, Congress passed the Real ID law last year, intending to make it tougher for terrorists to obtain driver's licenses and for people without proper identification to board planes or enter federal buildings.

But with the deadline for setting up the law two years away, states are frustrated.

They say the law — which requires states to use sources like birth certificates and national immigration databases to verify that people applying for or renewing driver's licenses are American citizens or legal residents — will be too expensive and difficult to put in place by the May 2008 deadline. Another issue is the privacy impact of the requirement that states share, through databases, the personal information needed for a driver's license.

Concerns are so great that last week, the National Governors Association, the National Conference of State Legislatures and the American Association of Motor Vehicle Administrators issued a report saying that the states have not been given the time or money to comply with the law and that they need at least another eight years.

Two states have considered resolutions calling for the law to be repealed, the New York City Council passed a resolution opposing it and New Hampshire is considering opting out entirely.

"It's absolutely absurd," said Gov. **Mike Huckabee** of Arkansas, chairman of the National Governors Association, which takes a stand on issues only when it has a broad consensus. "The time frame is unrealistic; the lack of funding is inexcusable."

Another concern, Mr. Huckabee, a Republican, said, is "whether this is a role that you really want to turn over to an entry-level, front-line, desk person at the D.M.V."

"If we're at a point that we need a national ID card, then let's do that," Mr. Huckabee said. "But let's not act like we're addressing this at a federal level and then blame the states if they mess it up. There's not a governor in America that wants that responsibility."

Some of the law's defenders, noting that some of the Sept. 11 hijackers had driver's licenses, say the states' complaints are unfounded.

"We passed a very workable, reasonable, common-sense piece of legislation," said Jeff Lungren, a spokesman for the law's main sponsor, Representative F. James Sensenbrenner Jr., the Wisconsin Republican who heads the House Judiciary Committee. "The American people will not stand for and should not have to allow for some state bureaucracies that do not want to try and address this gaping security hole we have."

But critics among state lawmakers say problems with the law outweigh its value against terrorists and illegal immigrants. Grumbling has been loud in New Hampshire, where the House overwhelmingly passed a bill to opt out of Real ID, and the Senate voted Thursday to form a commission to study it. The chambers will reconcile their bills in coming weeks. Gov. John Lynch, a Democrat, supports rejecting Real ID.

"There are unanswered concerns about privacy," said Pamela Walsh, a spokeswoman for Mr. Lynch. "There are a lot of questions about cost to states for implementing this, and there are the potential unintended consequences of turning our Department of Motor Vehicle workers into agents for the Department of Homeland Security."

Many states raised objections before the law was enacted, and some say there was too little debate about the law, which was attached to a large Iraq spending bill.

The National Conference of State Legislatures says that no state is currently in complete compliance with the law because the Department of Homeland Security will not issue rules for putting it in place until later this year. A few states have introduced preliminary legislation to achieve compliance, but most are waiting for the rules to be issued.

Governor Lynch and others hope New Hampshire's action, along with complaints from other states, will encourage Congress to "look at how to revise" the law, Ms. Walsh said.

Resolutions were introduced in Kentucky and Washington State urging repeal of the law. Neither made it to a full vote, but the sponsors want to try again.

"We'll be back," said Representative Toby Nixon, a Republican who sponsored the Washington resolution.

Mr. Nixon said that the law would cost his state \$50 million a year and that linking data from each state would create "effectively a national citizenship database."

"I can just hear the black helicopters arriving now," he said.

The sponsor of Kentucky's resolution, Representative Kathy W. Stein, a Democrat, said: "New Hampshire — is their state slogan 'Live Free or Die'? We're more of a guns, God, gays and gynecology state. But this is one of those issues where the extreme left, which I'm always characterized as, and the extreme right meet."

Indeed, in New Hampshire, those testifying in favor of rejecting Real ID included the Cato Institute and the

American Civil Liberties Union.

In Virginia, a governor's commission said that "Congress must further act" to strengthen Real ID's privacy protections, limit paperwork and increase financing. It said Virginia's start-up costs could be up to \$169 million, with annual costs of up to \$63 million. That compares with \$40 million in federal money allocated for all states combined, said Jarrod Agen, a spokesman for the Department of Homeland Security.

Mr. Agen said his department was considering states' concerns in writing the rules. But financing, timing and other major issues could be changed only by Congress. The law's Congressional supporters say that is unlikely.

"The bill will not be opened up," said Representative Dana Rohrabacher, Republican of California, adding that if a state rejects Real ID, its residents will need passports to take domestic flights. "Any state that's opting out is opting out in doing their part in solving these national challenges, and I don't have any sympathy for them."

Mr. Lungren, the aide to Mr. Sensenbrenner, said complaints that Real ID could imperil privacy or lead to a national identification card were "not even worth responding to," because states would share information through electronic queries to one another, not a central database.

Mr. Lungren, citing a Congressional Budget Office estimate of a \$100 million total cost, said states' estimates were "baseless" and "pie in the sky." And he called states' concerns about the 2008 deadline "completely ridiculous."

Real ID has defenders at the state level, even in New Hampshire.

The Senate president, Theodore L. Gatsas, a Republican, supports Real ID, saying the state already adheres to many of its requirements, is slated for a \$3 million federal grant to set it up, and "I'd hate to see the people from New Hampshire heading to Florida in the week of vacation and not be able to get on the plane."

The state's two congressmen, both Republicans, support Real ID, as does Senator Judd Gregg, a Republican. Senator John E. Sununu, also a Republican, opposes it.

It has clearly touched a nerve in a state where independence is so valued that New Hampshire's Constitution includes a "right of revolution."

Supporters of New Hampshire's bill include Senator Margaret Wood Hassan, a Democrat, who said that she worried that Real ID could lead to a national ID card and that "the more you centralize data, the easier it is for someone to break into it."

Representative Neal M. Kurk, a Republican who quoted Patrick Henry in a speech that helped sway the House, and who is so privacy-conscious he refused to disclose his occupation or age in an interview, said that Real ID would not demonstrably improve security because terrorists would find ways to get the cards, and that the law

would mean too many compromises.

"If you say you can't board a plane without a Real ID driver's license, it's not that far of a stretch to say you can't do other things unless you have this type of identification," like get a job, he said. "It reminds us all of '1984' and more importantly, 'Papers, please,' in the Nazi era."

Supporters of New Hampshire's bill staged a rally with Nazi regalia and fake checkpoints.

The cause has also been embraced by some evangelical Christians, who say Real ID sets the stage for a number for each citizen, which, according to the Book of Revelation, presages the Apocalypse.

Some New Hampshire residents showed sympathy for the uprising.

"I'm really against the federal government getting any more information from me," said Jeffrey Rabinowitz, 41, of Franklin.

But Rachel Waterman, 25, called Real ID "a good idea," adding, "I don't see the big deal."

Most people sounded like Betsey Andrews Parker, 33, of Dover.

"So I'll use a passport," Ms. Parker said. "Real ID is a back door to national ID."

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AP Associated Press Gov. Lynch says he will sign bill opposing Real ID

April 26, 2006

CONCORD, N.H. -- Democratic Gov. John Lynch said Wednesday that if the Legislature passes it, he will sign a bill that would bar the state from adopting strict new federal standards for drivers' licenses.

The bill passed the House last month and a Senate committee recommended it unanimously Wednesday, with no discussion. The bill is expected to go to the full Senate in two weeks.

"The governor has serious concerns about the unanswered questions about privacy, cost and the consequences of turning motor vehicle workers into de facto agents of Homeland Security," his spokeswoman Pamela Walsh said.

The bill has put New Hampshire at the forefront of opposition to the Real ID Act of 2005, an anti-terrorism bill which critics say would effectively create a national identification card.

Real ID grew out of recommendations by the Sept. 11 Commission, which studied the terrorist attacks and how to prevent a recurrence.

Congress passed Real ID last year to deter terrorists from getting fake IDs. It requires states by 2008 to verify birth certificates, Social Security numbers, passports and immigration status when people get driver's licenses.

The licenses must be machine-readable and state databases with driver information and photos will also be linked in what opponents have called a national database.

State Rep. Neal Kurk, R-Weare, has drawn national attention for his opposition to Real ID.

"It's a feel-good device: It's intended to make us think that we're going to be safe and ... our borders are secure, but they're not," Kurk said in an interview earlier this week. ■

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http://www.boston.com/news/local/new_hampshire/articles/2006/04/26/committee_endorses_anti_real_id_bill/

Good Morning,

My name is Noel D'Souza and I am a permanent US resident living here in Juneau. I oppose this bill because I have experienced living under these regulations.

I first came to the United States as a technology worker in 1999. I originally lived on the East Coast and I earned my first driver's license there. I learned how to drive from scratch. I also had to renew my license each time my immigration status was extended or changed.

During my time in the United States, my immigration status has changed many, many times. I had to return to the DMV at least once a year, sometimes twice, and it took 3 to 4 hours each time.

One time, these rules created a very bad situation for me. I submitted a form to INS and they took over ~~one~~^{two} months to process it. I was still allowed to be here, but the DMV refused to renew my license until I received the papers from INS. My license was expired and I was not able to drive for a half of a year. This made it extremely difficult for me to get to work and to support my family. I had to ask my friends for rides to go anywhere. The whole situation was really not necessary.

INS requires more paperwork than you would believe. I can't count how many forms I have filed with them. Sometimes they are quick, but they are usually very, very slow.

I am asking you to vote against this bill to prevent the kind of situation I had.

Thank you.

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 – Fax
Senator_Charlie_Huggins@legis.state.ak.us



State Capitol, Room 417
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878
www.akrepublicans.org/huggins/

Charlie Huggins Senator

March 17, 2006

Sponsor Statement

CSSB 189 – “An Act relating to issuance of identification cards and to issuance of driver’s licenses.”

On May 11, 2005 President Bush signed into law the REAL ID Act. Provisions of this legislation improved security for drivers’ licenses and personal identification cards as well as set uniform standards for state driver’s licenses and identification cards. CSSB 189 is designed to bring Alaska into compliance with the new federal Real ID Act.

Proper documentation shall be provided to the Division of Motor Vehicles that establishes that an applicant is either a U.S. citizen or legally present in the United States for the purposes of issuing an identification card or drivers license.

As required by the REAL ID Act, CSSB 189 establishes that in order to issue temporary licenses or temporary ID cards, that will be acceptable to the federal government for identification purposes, there must be an expiration date of the identification card or driver license to coincide with the length of stay in the United States. If the period of authorized stay is indefinite, the expiration date of the license is one year from the date of issue.

A federal agency may not accept a driver’s license or personal identification card after May 11, 2008, unless the state has been certified by the U.S. Department of Homeland Security in consultation with the U.S. Department of Transportation to meet the requirements of the law.

CSSB 189 is needed to enhance the security of the driver’s license and identification card due to increasing problems of identity theft and fraud. Driver’s licenses and state issued identification cards have been used as proof of identity more often than proof of one’s ability to drive safely. Holding one of these credentials provides access to an ever-increasing number of privileges and services, from obtaining credit to cashing checks, buying or leasing cars and boarding airplanes.

Alaskans deserve the right to be assured motorists driving with Alaska driver’s licenses are legally in the United States and we know their identities.

Contact Information – Deborah Grundmann 465-4711

Questions from (H) State Affairs committee 4/4/2006

Where does DMV receive authority to refuse to issue a Driver's License to an illegal alien?

Beginning in AS 28.15.011, for a person to drive they must have "...a valid Alaska driver's license issued under the provisions of this chapter..."

Next, application must be made as required in AS 28.15.061 (a) and that application must include: name, date and place of birth, sex, address (mailing and residence), social security number as well as "...other information that the department may reasonably require to determine the applicants identity..."

The authority for this "other information" is found in 13 AAC 08.310 Application of regulations. "Under the authority granted the department by AS 28, 13 AAC 08310 - 13 AAC 08.400 provide standards for issuance of original driver's license..."

To reasonably determine that identity, the DMV refers to 13 AAC 08.330; Requirements of applicant. The applicant "...must furnish documentary proof of the person's date of birth, and one form of identification to verify the person's name." Section (b)(1 - 4) call for a birth certificate, an out-of-state-DL and passport. Section (b) (4) allows "other evidence of comparable validity" These items are developed by the DMV and will be found in our Standard Operating Procedures. (see below written policy)

AS 28.15.11 states "Upon successful completion of the application and all required examinations and upon payment of the required fee, the department shall issue to every qualified applicant a driver's license..."

It is presumed that an applicant who does not meet the identity standard by failing to provide two of these acceptable documents has not successfully completed the application process.

In summary: The Alaska Statutes and the Alaska Administrative Code give the DMV the authority to determine exactly what documents may be used to verify the applicants identity. In the past recent history, the DMV has relied on and has accepted only documents held by a person who is either a US Citizen or has established presence in America legally. This history includes not only this current administration, but others as well.

After carefully reviewing the comments and questions from the (H) State Affairs meeting of April 4th, 2005 I would surmise that if the Committee concurs with Rep. Gruenberg's opinion that DMV today does not have the authority to deny an application for a driver's license to an illegal alien, then I believe that underscores the point and purpose of HB 290 and it's importance to Alaska.

Testimony by Mara Kimmel opposing SB 189

- SB 189 will cost the state untold dollars
 - Training for document review
 - Renewal and record keeping cost very high because must keep track of expirations of federal visas, etc.
- SB 189 wrongly serves to deputize DMV personnel to act to enforce federal civil laws, which is like asking them to enforce federal tax laws
- SB 189 puts front line DMV workers in position of making legal determinations over what constitutes "legal status"
 - Something lawyers and judges with years of training have a very hard time agreeing to
 - Our immigration system is disorderly, and not every legal immigrant has the same immigration document to prove status.
 - Visas and immigration statuses can be proved by myriad documents and do not have simple expiration dates. Many noncitizens are still lawfully in the country even though their immigration document may have expired.
 - DHS is hopelessly behind on processing immigration applications and changes in or extensions of status. Many noncitizens won't be able to obtain or prove their lawful immigration status.
- People will not stop driving. It will only force them out onto the road without insurance at great cost to all of us
- What about people in AK who are fleeing persecution or violence who are eligible for lawful status but don't yet have it. Bill language is unclear on these types of folks.
- According to the National Congress of State Legislators and the American Association of Motor Vehicle Administrators, several problems exist with the REAL ID act, the act that is purportedly giving rise to the current bill before you:
 - Even with the most advantageous construction of the regulations, according to the survey responses, the Act could increase equivalent visits to State Motor Vehicle agencies by over 75% annually.
 - Implementing REAL ID requirements will require additional staff, facilities, training and equipment, including the development, expansion and deployment of the five verification systems required by the Act.
 - Because driver licensing is a state function, each jurisdiction will face the challenges of implementation from a different demographic, operational, legislative, technological and fiscal status. Regulations must therefore provide maximum flexibility to ensure compliance can be achieved.
 - There is simply not sufficient time to implement the requirements as defined by the statute. The absence of timely regulations, systems and resources will

ultimately overwhelm all good intentions and desire for swift implementation, and must be acknowledged and addressed.

- Implementation costs will be significant and potentially problematic. We must adequately and accurately determine the level of resources needed to meet federal standards before we adopt any legislation designed to conform with the REAL ID act.

I urge you, as NCSL has stated, to go slowly and to be fully prepared with information regarding the cost of this bill and the means to implement it. The bill before you accounts for neither and will result in handcuffing the state to a costly, unworkable, unproven federal mandate.

**Testimony to House State Affairs Committee re: SB 189
Anastasia Mironova**

Good Morning,

My name is Anastasia Mironova and I am a foreign student. I graduated in 2004 from UAA with a degree in Mathematics and a degree in Computer Science. I am currently working towards my PhD in Computer Science. I have done research under a grant from the National Institutes of Health. This summer, I will be a research scientist intern at ConocoPhillips. As you can guess, I oppose this bill.

I will first tell you about my experience as a foreign student in the United States, and then I will tell you about my specific experiences getting a driver's license in Alaska.

Student Experience

My actual educational experience here has been great. I've had many, many opportunities that I probably would not have had in Russia. I even had a scientific paper published while I was still an undergraduate, thanks to an incredible professor at UAA. I am grateful for the opportunity to be here. I am critical about many parts of this country's immigration procedures, but please do not misinterpret it as lack of gratitude.

I originally came under a Rotary exchange program. I was lucky to get here, especially because the U.S. consulates approve only half of Russian student visa applicants.

My visa wasn't issued for the full length of my degree program. It's now expired, but I am allowed to stay as long as I am in school with a current I-20 enrollment document. Since I arrived, I have had **eight** of these forms.

I have never violated an immigration law. Yet, I am photographed and fingerprinted (along with every other foreign student) whenever I enter the country. My student status and even my class schedule are tracked very closely in a federal computer system named SEVIS. Have you ever been fingerprinted at any border? It feels like being arrested. I understand the needs for security, but these measures seem plenty sufficient to me. You don't need to add any more.

Because of U.S. visa regulations, I can only travel within North America in my current status. I haven't been able to see my mother in three years. She lives alone on \$100 a month. If I go home, there is only a 50/50 chance that the consulate would issue me a new visa to return here. I miss my mom more than you can imagine, but I can't take the chance that I would have to drop my PhD. It can take a large sacrifice to study here.

Driver's License

I will now tell you about my experiences with my Alaska driver's license.

I spent the first two years here without an Alaska ID or driver's license, because I didn't need them for any reason. I opened a bank account with my passport before I had a social security number. I flew domestically in the US with my passport. I never had problems with it.

The **only** reason I got an Alaska license was so I could get reasonable insurance prices after I bought a car. My Russian license doesn't expire until the year 2063.

The Alaska DMV wouldn't let me take the driver's test the first time because my car wasn't insured. But it was nearly impossible to find insurance without having a US license. It was a "Catch-22."

I eventually found some very expensive insurance that insured me with my Russian driver's license. I drove here for several months with that, but it got so expensive that I went in again to try and obtain an Alaska license. I was successful that time.

Now, under this new law: I have had **eight** I-20 student enrollment forms issued to me since I arrived in this country. There is **no way** I would have returned to the DMV eight times to renew my license. The shortest I-20 was valid for only **thirty-seven** days. I hope you realize how ridiculous and a waste of everyone's time and money it is to renew my license twice in 5 weeks.

Honestly, I would not have obtained an Alaska license in the first place if I knew that I would have to deal with that. Many of my fellow foreign students would feel the same way. That level of bureaucracy reminds me of Russia.

(Paperwork Nightmare)

I have one more experience I would like to tell you about. On one flight I had back to the US, an American Airlines agent didn't understand the immigration documents that permitted me to return, even though I brought a copy of the federal law with me. Keep in mind that she is trained to interpret these documents and does it every day.

She made me talk on the phone with an INS agent, and that agent even seemed totally unfamiliar with the specific rules for my case! After a couple hours of arguing, I managed to get on the plane with the understanding that I would be "dealt with in New York." I was more scared than you can imagine on that flight. When I landed, the border agent was fortunately better trained and stamped me right in.

My question for you is: If a federal immigration agent can be unfamiliar with the details of these regulations, then how will the DMV handle it?

I have had an excellent academic experience in America, and the people here have been very warm and welcoming to me. I appreciate the great things this country has to offer. However, the current US immigration policies discourage foreign students. The federal

paperwork and mandatory registration and bureaucracy that I already have to deal with are extreme. We don't need something more.

The people here are friendly to me, but the government treats me with suspicion and makes me feel unwelcome. Unfortunately, I am very familiar with one other government that treated all foreigners with the same level of suspicion that your government gives me. It's a place I knew very well called the Soviet Union. America should not be following that same path.

Thank you for listening to my testimony today.

... --- ... --- ...

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

- Benjamin Franklin

> ----- Original Message -----

>

> Tuesday, April 25, 2006 8:27:40 AM

> Message

> From: Angela Kelly

> Subject: Re: Fwd(2): Re: Customer Service Feedback]

> To: Joe Sprague

> Cc: Janelle Miller

> Holly Geiger Zimmerman

>

> Joe -

>

> We are required to follow the TSA security regulations as outlined by

> the TSA Contact Center below. To answer Mr. Bannock's question

> directly, an expired driver's license is not considered valid.

> However, as the TSA stated below, we would not restrict the customer

> from traveling domestically.

>

> I hope this helps answer Mr. Bannock's question.

>

> Angela

>

>

>

> Joe Sprague on Monday, April 24, 2006 at 9:18 PM -0800 wrote:

>> Ladies,

>>

>> The question below comes from the travel columnist for the Anchorage

>> Daily News. Do you have any additional information we can share to

>> answer his question about IDs?

>>

>> Thanks!

>>

>> Joe

>>

>> ----- Original Message -----

>>
>> Sunday, April 23, 2006 5:36:12 PM
>> Message
>> From: Scott McMurren <zoom@gci.net>
>> Subject: Fwd: Re: Customer Service Feedback]
>> To: Joe Sprague
>>

>>> Hi Joe--Hey, what's Alaska's policy for those folks who do not show
>>> ID?

>>
>> Recently, the 9th Circuit Court ruled that folks do not need to show
>> ID if they submit to secondary search.

>>
>> The story I get from the front lines of Alaska Airlines is that
>> what's good enough for the TSA is good enough for them. That's why
>> you do not have to show ID at the gate, etc.

>> Can you give me a snapshot about how Alaska handles this, etc.?

>> I asked Corky Caldwell, the Fed. Security Director here in Alaska,
>> the same thing. Please advise. More later, s

>>>
>>> ----- Original Message -----
>>> Subject: Re: Customer Service Feedback

>>> Date: Fri, 15 Jul 2005 04:16:46 -0400
>>> From: TSA-Contact Center <Tsa-ContactCenter@dhs.gov>
>>> <mailto:Tsa-ContactCenter@dhs.gov>
>>> To: duane_bannock@admin.state.ak.us

>>> Thank you for your request for information regarding the
>>> presentation of identification. The Transportation Security
>>> Administration (TSA) requires air carriers to request a valid form
>>> of identification from commercial airline ticket holders over the
>>> age of 18.

>>> Part of TSA's requirements are that air carriers request a valid
>>> form of identification from ticket holders. While an air carrier is
>>> required to request identification, the actual presentation of
>>> identification by the passenger is not absolutely required, and
>>> there is currently no prohibition against allowing someone on an
>>> aircraft without such identification.
>>> However, the absence of identification may result in having
>>> additional security measures taken against that person, in order to
>>> provide an adequate level of security protection.

>>> Security requirements issued by the TSA establish a security minimum
>>> for adoption by air carriers and airports. Air carriers and
>>> airports may exceed those minimum standards by implementing more
>>> stringent security requirements. Refusal to allow a passenger
>>> without photo identification to board the aircraft is an example of
>>> such differences and is at the discretion of an individual air
>>> carrier.

>>> The TSA currently does not require air carriers to request a valid
>>> form of identification from commercial airline ticket holders under
>>> the age of 18 and we have no plans to require this in the
>>> foreseeable future.

>>> ID checks are part of the security measures TSA imposes to ensure
>>> that passengers will not endanger the flight. They are not intended
>>> to carry out other law enforcement functions, which are the purview
>>> of other agencies.

>>> We encourage you to visit our website at <http://www.tsa.dot.gov> for
>>> additional information about TSA. All travelers, and particularly

>>> those who travel infrequently, are encouraged to visit the section
>>> on travel tips before their trip. The website has information about
>>> prohibited and permitted items, the screening process and
>>> procedures, and guidance for special considerations, that may assist
>>> in preparing for air travel. You can go directly to these tips at
>>> <http://www.TSATravelTips.us>.

>>> We hope this information is helpful.

>>> TSA Contact Center

>>> -----Original Message-----

>>> From: Duane A Bannock
>>> Sent: Friday, July 15, 2005 01:30 AM
>>> To: TSA-Contact Center
>>> Subject: Re: Customer Service Feedback

>>> Thanks, but you didn't answer the question Is a Alaska Driver's
>>> License that is expired by one-month a valid form of ID?
>>> Duane Bannock
>>> Director,
>>> Alaska Division of Motor Vehicles
>>> 907 269 5008

>>> ----- Original Message -----

>>> From: TSA-Contact Center <Tsa-ContactCenter@dhs.gov>
>>> <<mailto:Tsa-ContactCenter@dhs.gov>>
>>> Date: Thursday, July 14, 2005 9:25 pm
>>> Subject: Re: Customer Service Feedback

>>>> Thank you for your request for information regarding the
>>>> presentation of identification. The Transportation Security
>>>> Administration (TSA) requires air carriers to request a valid form
>>>> of identification from commercial airline ticket holders over the
>>>> age of 18.

>>>> Part of TSA's requirements are that air carriers request a valid
>>>> form of identification from ticket holders. While an air carrier
>>>> is required to request identification, the actual presentation of
>>>> identification by the passenger is not absolutely required, and
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>>>> aircraft without such identification. However, the absence of
>>>> identification may result in having additional security measures
>>>> taken against that person, in order to provide an adequate level of
>>>> security protection.

>>>> Security requirements issued by the TSA establish a security
>>>> minimum for adoption by air carriers and airports. Air carriers
>>>> and airports may exceed those minimum standards by implementing
>>>> more stringent security requirements. Refusal to allow a passenger
>>>> without photo identification to board the aircraft is an example of
>>>> such differences and is at the discretion of an individual air
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>>>> The TSA currently does not require air carriers to request a valid
>>>> form of identification from commercial airline ticket holders under
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>>>> ID checks are part of the security measures TSA imposes to ensure
>>>> that passengers will not endanger the flight. They are not
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>>>> the purview of other agencies.

>>>> We encourage you to visit our website at <http://www.tsa.dot.gov> for
>>>> additional information about TSA. All travelers, and particularly
>>>> those who travel infrequently, are encouraged to visit the section

>>>> on travel tips before their trip. The website has information
>>>> about prohibited and permitted items, the screening process and
>>>> procedures, and guidance for special considerations, that may
>>>> assist in preparing for air travel. You can go directly to these
>>>> tips at <http://www.TSATravelTips.us>.

>>>>
>>>> We hope this information is helpful.

>>>>
>>>> TSA Contact Center

>>>>
>>>>

>>>> -----Original Message-----

>>>> From: duane_bannock@admin.state.ak.us
>>>> Sent: Thursday, July 14, 2005 6:03 PM
>>>> To: TSA-Contact Center
>>>> Subject: Customer Service Feedback

>>>>
>>>> You have received this email from the TSA website Customer Service.

>>>>
>>>> Name:
>>>> Duane Bannock

>>>>
>>>> Category:
>>>> All Other Inquiries

>>>>
>>>> Message:
>>>> Enter Message I am the Director of the Motor Vehicle Division for
>>>> Alaska. Will TSA accept a 'slightly' expired Alaska driver's
>>>> license as vaild ID? Is there a time limit? Thank you, Duane 907
>>>> 269 5008

>>>>
>>>> Email:
>>>> duane_bannock@admin.state.ak.us

>>>>
>>>> _____
>>>> Date and Time of message: 07/14/2005 04:58:04 PM

>>>>

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>>> ----- End of Forwarded Message

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>> Message has been checked for viruses by AAG MailScan

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> Message has been checked for viruses by AAG MailScan

----- End of Forwarded Message

THE IDENTITY PROJECT

REAL ID A REAL BAD IDEA FOR ALASKA

I am honored to testify before the House Committee on State Affairs regarding SB 189. The material below is a thumbnail sketch of the issues involved in the Federal Real ID program and what it means to Alaskans.

The Identity Project ("IDP") is a non-partisan organization that exists to uphold the freedom to exist, wander, and live anonymously within our own country if we so choose. We believe all Americans have the fundamental right to exist without seeking or getting permission of the government, to live without constantly proving who we are or why we are here, to freely move around our country. IDP explores and defends these rights.

IDP questions the motives behind, and effectiveness of, identity based domestic security programs and asks whether the degradation of our civil liberties is justified.

The following material is to assist this committee in evaluating SB 189 and Real ID in general.

Bill Scannell
Communications Director
The Identity Project
<http://www.papersplease.org/>

THE IDENTITY PROJECT

What is Real ID

Real ID would force the states to standardize driver's licenses cards across the nation into a single national identity card and database. It does this by stipulating that state driver's licenses and state ID cards will not be accepted for "federal purposes" – including boarding an aircraft (see footnote 1) or entering a federal facility – unless they meet all of the law's numerous conditions, which include:

Standardized data elements and security features on the IDs

A "machine readable zone" that will allow for the easy capture of all the data on the ID by stores or anyone else with a reader

The construction of a 50-state, interlinked database making all the information in each person's file available to all the other states and to the federal government

A requirement that states verify the "issuance, validity and completeness" of every document presented at DMVs as part of an application for a Real ID card

The Real ID Act of 2005 would turn our state driver's licenses into a genuine national identity card and impose numerous new burdens on taxpayers, citizens, immigrants, and state governments – while doing nothing to protect against terrorism. As a result, it is stirring intense opposition from many groups across the political spectrum.

What is the status of Real ID?

The Real ID Act has been passed by Congress and signed into law by President Bush. But its acceptance in the states is far from assured. And the states have just three years – until 2008 – after enactment to come into compliance, or their citizens' driver's licenses will no longer be accepted for federal purposes. But the Department of Homeland Security (DHS) must first complete work creating regulations that spell out in more

1 Recent federal court litigation against the Department of Homeland Security and TSA has revealed that identification is **NOT** a federally imposed prerequisite for domestic air travel. Travelers have the option to be a "selectee." See *Gilmore v. Gonzales* 435 f.3d 1125, 1133 (9th Circuit 2006).

detail exactly what the states must do to make compliant IDs. Those regulations are not expected until the Fall of 2006 at the earliest.

If the battle in Congress is over and the legislation has been passed, why is it still controversial?

There are several reasons the Act remains controversial.

1. **The Act was not passed through a true democratic process.** It was slipped through Congress in May 2005 in a "must-pass" Iraq War/Tsunami relief supplemental bill, as part of a deal reached between the powerful Rep. James Sensenbrenner (R, Wis.) and the Congressional leadership. There was no time for sufficient consideration of the Act and its sweeping implications; in the Senate, there was not even a single hearing held on the Act. The result is that Real ID lacks the legitimacy that comes from having been studied, debated, considered, and directly voted upon by Americans' elected representatives.
2. **The game is not over, it has just moved into the states.** Although the Act was passed by Congress, Real ID cannot go into effect without a multitude of actions in the states. State legislatures must appropriate money and, in most cases, change state laws. State executives must remake or build anew all the administrative machinery required to comply with the Act's numerous mandates. And a lot of people at the state level do not like what they see.
3. **Broad interest-group opposition.** Opponents range from privacy and civil liberties organizations like the ACLU to conservative groups to immigration groups.
4. **It's a bad Act.** Most fundamentally, the Real ID Act has sparked opposition because it would not be good for our country.

The opposition to Real ID is broad and deep, and despite its passage by Congress, there remains an excellent chance that it will be reversed in part or in whole.

Why is Real ID bad for our country?

Simply put, Real ID would offer significant costs and disadvantages without any corresponding advantages by definitively turning driver's licenses into a form of national identity documents, Real ID would have a tremendously destructive impact on privacy.

The Act would impose significant administrative burdens and expenses on state governments, and would mean higher fees, longer lines, repeat visits to the DMV, and bureaucratic nightmares for individuals.

Yet, it would not be effective at increasing security against terrorism or bring any other benefits which would justify those costs.

What burdens would it impose on Alaska?

Real ID would significantly strain state governments. Among the most significant burdens:

It would require the states to remake their driver's licenses, restructure many of their computer databases and other systems, create an extensive new document-storage system, and considerably expanded their security measures.

It would require the states to set up an interstate data-sharing network, which would also require complex administrative, technical, and security measures.

It includes a devilishly difficult mandate that states verify the "issuance, validity and completeness" of every birth certificate, immigration document, utility bill, and any other document presented at DMVs as part of an application for a Real ID card.

Yet, it leaves the DMVs with no way to compel utility companies or other document issuers to cooperate with that verification.

It would require states to expand their DMV payrolls, initiate or expand employee training in such areas as security, document verification, and immigration law, and initiate or expand security clearance procedures for their workers.

What burdens would it impose on individuals?

Real ID would mean higher fees, inconveniences, and bureaucratic nightmares for individuals. **Higher fees** because the Act's mandates would cost states billions of dollars that Congress is not paying for, fees on individuals applying for driver's licenses would inevitably rise, perhaps steeply. State taxes might also go up. **Worse service** because of the new document requirements for individuals, the labor-intensive complexities involved in verifying those documents, and the need for DMVs to reprocess the bulk of the population that already has driver's licenses, individuals would be likely to confront slower service, longer lines, and the need for repeat visits to the DMV.

Bureaucratic problems. The complicated yet often ambiguous maze of requirements created by the Act would throw many unlucky individuals into a bureaucratic quagmire as they try to overcome inflexible verification requirements, bureaucratic errors or mismatches, lost documents, unique circumstances, or other problems. Some individuals, inevitably, would find themselves unable to obtain these new identity papers.

These kinds of problems would be significant for anyone. In addition, for many low-income workers for whom taking off time from work is difficult or expensive, the need for repeated trips to the DMV (and to other agencies such as registrar's offices in search of birth certificates) would be an even greater burden.

What about people who don't have driver's licenses? What about people who don't have birth certificates? What would happen to those who cannot get a Real ID?

It is unclear, but life would become tougher and tougher for them.

How much would Real ID cost?

The short answer is that at this point, no one knows. However, state officials in Washington State have put together an estimate for the Act's 5-year cost in their state, which they estimated to be \$251 million. Virginia officials also did an estimate, which they put at \$232 million. California officials have put the cost at over half a billion dollars for their state.

What would it cost Alaska?

That basic estimate indicates that Real ID's total cost to the states would be between **\$9.1 billion** and **\$12.8 billion**. This is of necessity a crude estimate of the Act's costs, but until a detailed, comprehensive study is performed that looks closely at the full range of known factors, this is the best we have.

Why do opponents call Real ID a tax increase?

The legislation that was rammed into law provided no money to pay the states' costs to comply, so those costs would ultimately be borne by the residents of each state – if not in the form of higher fees at the DMV, then in the form of higher taxes.

That is why Real ID is for all intents and purposes a hidden tax increase. If Congressional leaders want to impose a multi-billion-dollar “security tax” on the American citizens, they must do so only through well-established mechanisms and after a proper period of open debate and exploratory hearings that examine the costs and benefits of such a measure.

Congressional leaders must not impose an enormously expensive (and dubiously effective) security scheme while trying to weasel out of paying for such a scheme by sneaking its costs along to taxpayers through higher license fees and/or state tax increases.

How would Real ID hurt privacy?

Real ID would become a key infrastructure for, and dramatically accelerate, the surveillance society that is already being constructed in the United States. Once put in place, it would be used more and more for the routine tracking, monitoring, and regulation of individuals' movements and activities, it would be exploited by the private sector, and it would expose individuals to greater risk of identity theft and other security risks. Its centralized database would inevitably, over time, become the repository for more and more data on individuals, and would be drawn on for an ever-wider set of purposes.

How would Real ID create security and ID-theft risks?

The creation of a single interlinked database (as well as the requirement that each DMV store copies of all the birth certificates and other documents presented to it) would create a one-stop shop for identity thieves. Nearly 10 million people, or 5 percent of U.S. adults, were victims of identity theft in one year (2002) alone, according to a U.S. Federal Trade Commission study.

The security problems with creating concentrated databases have been repeatedly demonstrated over the years – most recently in the rash of cases where information held by commercial database companies has fallen into the hands of identity thieves or others. (See The Choicepoint ID Theft Case: What it Means) The government's record at information security is little better. And DMV employees around the country have repeatedly been caught in corruption schemes such as selling fraudulent licenses or data to identity thieves.

How is Real ID a true national identity card system?

Although individual states' driver's licenses may continue to exhibit cosmetic differences, under Real ID they would contain a standardized set of information collected by all 50 states, in standard format, encoded on a standardized "machine-readable" zone. And although individual states would still maintain their own databases, by requiring them to be interlinked, Real ID would bring into being what is, for all practical purposes, a single distributed database. In short, underneath each state's pretty designs they are really a single standardized national card. Local DMV offices may continue to appear to be state offices, but under Real ID they would become agents acting on behalf of the federal government, charged with administering what amounts to an internal passport without which no one will be able to function in America.

What's wrong with a national identity card?

The true problem is not the piece of plastic itself, but the construction of a larger network of identity papers, databases, status and identity checks and access control points – in short, what has been called an "internal passport." If the old driver's license represented a license to drive – the government's very specific permission to operate a vehicle on the public roadways – the fear is that the new documents will become tantamount to a license to leave your house.

National IDs would violate privacy by helping to consolidate data. There is an enormous and ever-increasing amount of data being collected about Americans today. One's grocery store, for example, might use a "loyalty card" to keep detailed records of what you buy, while Amazon keeps records of what you read, the airlines keep track of where you fly, and so on. This can be an invasion of privacy, but our privacy has actually been protected by

the fact that all this information still remains scattered across many different databases. But once the government, landlords, employers, or other powerful forces gain the ability to draw together all this information, our privacy will really be destroyed. And that is exactly what a national identity system would facilitate.

A national ID like Real ID would also facilitate tracking. When a police officer or security guard scans your ID card with his pocket bar-code reader, for example, it will likely create a permanent record of that check, including the time and your location. How long before office buildings, doctors' offices, gas stations, highway tolls, subways and buses incorporate the ID card into their security or payment systems for greater efficiency? The end result could be a situation where citizens' movements inside their own country are monitored and recorded through these "internal passports."

Why wouldn't a national ID card improve security?

ID documents do not reveal anything about evil intent. Even with a reliable list of terrorists, the authorities will miss anyone who is not previously known to be a threat. The only solution for that is improved intelligence and old-fashioned law enforcement techniques involving the investigation of known evidence. Even where a person is known to be a threat, determined terrorists will always be able to obtain fraudulent documents (either stolen or counterfeit or real documents bought from corrupt officials). Thousands of fraudulent driver's licenses, for example, have been issued through bribed state employees and identity-theft rings that include such employees.

What can be done about Real ID?

State legislators, interested citizens, and other individuals can join with the many governors and interest groups who oppose this legislation and force Congress to repeal and/or rework it. The **New Hampshire** legislature is on the forefront of this issue (see included Boston Globe article of April 26, 2006) and **Alaska now has the opportunity to weigh in**. In addition, if only a few states refuse to make Real ID-compliant driver's licenses for their citizens (an entirely lawful option), the system envisioned by its sponsors will be thrown into crisis, further pressuring Congress to revisit the issue, this time with proper democratic consideration and debate. If this does not happen, Real ID will – in however a chaotic and delayed fashion – go into effect and reshape the power structure of this nation in the most basic ways.

AP Associated Press Gov. Lynch says he will sign bill opposing Real ID

April 26, 2006

CONCORD, N.H. --Democratic Gov. John Lynch said Wednesday that if the Legislature passes it, he will sign a bill that would bar the state from adopting strict new federal standards for drivers' licenses.

The bill passed the House last month and a Senate committee recommended it unanimously Wednesday, with no discussion. The bill is expected to go to the full Senate in two weeks.

"The governor has serious concerns about the unanswered questions about privacy, cost and the consequences of turning motor vehicle workers into de facto agents of Homeland Security," his spokeswoman Pamela Walsh said.

The bill has put New Hampshire at the forefront of opposition to the Real ID Act of 2005, an anti-terrorism bill which critics say would effectively create a national identification card.

Real ID grew out of recommendations by the Sept. 11 Commission, which studied the terrorist attacks and how to prevent a recurrence.

Congress passed Real ID last year to deter terrorists from getting fake IDs. It requires states by 2008 to verify birth certificates, Social Security numbers, passports and immigration status when people get driver's licenses.

The licenses must be machine-readable and state databases with driver information and photos will also be linked in what opponents have called a national database.

State Rep. Neal Kurk, R-Weare, has drawn national attention for his opposition to Real ID.

"It's a feel-good device: It's intended to make us think that we're going to be safe and ... our borders are secure, but they're not," Kurk said in an interview earlier this week. ■

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http://www.boston.com/news/local/new_hampshire/articles/2006/04/26/committee_endorses_anti_real_id_bill/

Opposition Against SB 189 and HB 290
"Real ID Act" Implementation

By Matthew Kerr
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Opposition Reason Summary

This is a summary of the reasons I disagree with this proposed legislation. I am more than happy to elaborate on any of these points before or during the committee meeting.

Bigger Government

- DMV will build a database of everyone's personal identity documents
 - Do you want your (or your children's) birth certificates, passports, and social security cards centrally stored at the DMV? **I don't!**
 - Higher cost
- DMV will be tasked to interpret every possible situation of US immigration law
 - US Immigration can sometimes take a decade to adjudicate paperwork. How are we supposed to deal with it?
 - Higher cost
- Longer lines at DMV
 - Wasted time
 - Higher cost
- Makes a driver's license into something more than a driver's license
 - I don't want a national (or "nationally-standardized") ID. I want a driver's license.
- Extra police, court, and prosecution resources to handle cases where people might not actually be illegally present or committing a moving violation.
 - Wasted time
 - Higher cost
- Driver's licensing is a state matter. This makes it a federal matter.

Risks to Public

- Identity Theft
 - The federal Act opens up this database to electronic sharing with all other states and territories. **This multiplies your risk by over 50 times!**
 - "The chain is as strong as its weakest link"
 - I have over a decade of experience in database security and programming. **This violates almost every tenant of good computer security practice.**
 - There is no database in existence that is complete secure. Two primary ways of mitigating your risks are:
 - Don't store sensitive information that you don't need, and
 - Limit access to the minimum required (i.e., not fifty-plus open access points from the outside coming straight into your system!)
 - **Security breaches happens more often than you want to believe**
 - Page 7: A Georgia DMV employee downloaded a half-million DMV records before his arrest
 - Page 13: A UAF security breach released social security numbers for 6% of Alaska's population

- Page 15: Visa lost 200,000 credit card numbers due to a still-unknown security problem. That's 1/3 the population of this state.
 - Financial institutions have far more resources to spend on data security than most states do!
 - Of course, the same documents used for identity theft can be used for illegal immigration.
- Road Safety
 - By definition, this bill seeks to **reduce** the number of locally-licensed drivers on the road!
 - Driving standards and regulations in many countries are far below that of the USA.
 - Page 25: Fatality rates
 - Page 21: Russian instructions on how to properly tow a car with a rope
 - With this bill, even illegal immigrants would still be allowed to drive with their foreign licenses. It **won't** stop anyone from driving, even legally!
 - Auto insurance can only be easily obtained long-term with a domestic license
 - **Uninsured and unqualified drivers are a far greater danger to society (number of injuries) than terrorism or illegal immigration!**

Ineffective - Perhaps Counterproductive!

- Creates a perverse legal situation where someone could be prevented from passing a test and obtaining a local license, and would **only** be permitted to drive with their foreign license! AS 28.15.021(2)
- Foreigners already have valid ID (passports) and driver's licenses that are recognized here.
 - ADN Article: A Russian who totaled a state van lived here for 4 years without obtaining a driver's license.
- It encourages non-compliance with our licensing laws.
- In the case of a security breach (in any state), the personal documents of thousands of Alaskans would be a treasure trove for a potential terrorist or illegal immigrant.
 - A breach like this would **assist** potential illegal immigrants
 - The risk of a data breach is **far higher** than the chances this could somehow prevent a terrorist act or illegal immigration
- The bill does **not** create a realistic deterrent to illegal immigration or terrorism.

Enforcement Nightmare

- U.S. Immigration law is a **mess**.
- There are thousands of combinations of documents that can prove immigration status.
- Many forms of immigration status have no clearly defined end date!

- Foreign students routinely have their forms re-issued.
 - Page 46: This I-20 form – one of **eight** the student was issued – was valid for **only 37 days**. Requiring license renewal that often is a complete waste.
- There are gray areas.
 - “PRUCOL” individuals are either awaiting judicial action; aren’t accepted as deportees by their home country; or have been ruled by US courts as “not deportable” for some reason or other.
 - They’re not technically “legal,” but they are permitted to stay.
 - Are we going to prohibit them from driving for the rest of their lives?

No Public Support for Real ID Act

- Opposed by Gun Owners of America, the Cato Institute, Citizens Against Government Waste, and the ACLU.
 - How often do those groups all agree on something?
- Real ID was originally defeated in Congress.
 - It later passed without debate after being inserted into a defense appropriations bill.
- Search Google for “Real ID.” You will not see a single citizens’ group in favor of this legislation.
 - The first five pages of search results are mostly filled with groups and individuals against this bill.
- This is another form of government encroachment. No thanks; **I don’t want it.**

Yes, We Will Still Be Able To Fly.

- The rhetoric from the Feds is not completely accurate.
- The TSA says that you can fly with two forms of non-photo identification, one of which is government issued. (Page 29)
 - You could use a Costco card and your voter ID.
 - I’d rather have to do that than have my papers digitized and retained by yet another government agency.
- A partially-released FAA Security Directive shows that you can still fly without ID.
 - Security Directive 96-05, page 31
- Several airlines recently testified in a court case that it is possible to fly without ID
 - *Gilmore v. Gonzales*, 435 F.3d 1125 9th Cir. 2006, pages 1141, 1143
- **This month, I flew from Juneau to Anchorage without any form of ID whatsoever.**
- It’s very unlikely that the government could constitutionally require American citizens like us to use passports to travel out of our state.

Storing and Sharing Images of Personal Identity Documents is a Very Bad Idea

I have attached an article about a data security breach at the Georgia DMV; an ADN article about a DMV mishap in Alaska; a Fairbanks article about UAF's loss of social security numbers for 6% of Alaska's population; and two trade publication articles about data security at Visa and the IRS.

In April 2005, a Georgia DMV programmer downloaded records on up to a half-million people before being arrested.

Duane Bannock, the Alaska DMV director, testified during the House State Affairs committee that the DMV was in the process of administratively implementing technology to retain images of the identity documents used to obtain new licenses.

Part of the Real ID Act also coerces states into making their databases electronically accessible to all other jurisdictions.

As an expert with over a decade of experience in database programming and security, this is a recipe for disaster. It would only take a single security breach, anywhere in the US, to render actual copies of thousands of Alaskans' documents public -- to potential illegal immigrants, terrorists, and identity thieves.

There is an active underground market for private information like this.

- Governments don't have a good track record at securing personal data. Making it electronically sharable between states makes it worse. A security breach would assist the very activity we're trying to prevent.

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Ga. driver's license info put at risk

State employee accused of breaching database

Nancy Badertscher - Staff

Saturday, May 14, 2005

Georgia motorists are being advised to monitor their credit reports after a government computer programmer was charged with downloading state driver's license information to his home computers.

The Georgia Technology Authority said Friday that Asif Siddiqui, a 43-year-old Pakistani who worked for GTA, could have downloaded information on "hundreds of thousands" of drivers before he was arrested and fired late last month.

No fraud has been reported as a result of the breach.

Authorities said they do not know what Siddiqui might have done or planned to do with the names, addresses and driver's license numbers, some of which could be drivers' Social Security numbers.

The GBI, Attorney General's Office and GTA are trying to answer those questions as well as determine how many files were downloaded, said GTA Executive Director Tom Wade.

Checking personal credit reports can help determine whether a person's identity has been stolen and, for example, a credit card account opened without someone's knowledge or a bank account fraudulently accessed.

If authorities determine that drivers' information was distributed, they will be notified, said GTA spokeswoman Joyce Goldberg.

A new state law requires data collection companies to notify the public if there is a likelihood that sensitive information has been compromised. The General Assembly approved the measure earlier this year after Alpharetta-based ChoicePoint acknowledged that scammers had gained access to 145,000 consumer records in its databases.

Red flags raised

Siddiqui, 43, of Acworth, was arrested April 28 and fired the next day, Goldberg

said. He has been charged with two counts of computer trespass and one count of computer theft. All three charges are felonies, each punishable by up to 15 years and a \$50,000 fine, said Russ Willard, spokesman for Attorney General Thurbert Baker.

Siddiqui, who was at home out on bail Friday, referred a reporter seeking comment to Atlanta defense lawyer Ed Garland.

Garland said he expects authorities to conclude there is no "criminal case.

"He (Siddiqui) was totally authorized [to access the computer files], and nothing has been done to damage or destroy what was on it," he said.

Siddiqui had worked for GTA for four years and in state government for nine years.

GTA officials first became suspicious in early April when another employee said Siddiqui had logged onto a computer server that contained drivers' information, Wade said. "It raised some red flags" since Siddiqui had not been in a job that required him to access that data server for at least six months, Wade said.

An investigation showed Siddiqui had been downloading data from the server at night and on weekends several times beginning in March, Wade said. The server included some information on hundreds of thousands of Georgia's 6 million drivers, Goldberg said.

The GBI, which was called in April 21, searched Siddiqui's home and seized several computers, said spokeswoman Vicki Metz-Vickery.

Joel Gooch, who lives across the street from Siddiqui in a Cobb County subdivision, said about a dozen agents "got here about dark and were here until midnight." Siddiqui is reclusive, Gooch said.

No background check

In March 2004, Siddiqui filed a lawsuit against Homeland Security chief Tom Ridge and others accusing them of dragging their feet on his petition to become a U.S. citizen. The lawsuit said he had applied for citizenship in May 2003 and could not understand the hold-up. He later dropped the lawsuit without explanation.

Goldberg said Siddiqui told GTA officials when he was hired in 2001 that he is a Pakistani citizen. She said he was not required to submit to a pre-hiring background check.

"It's policy now, but, when he came on board ... it may not have been policy," Goldberg said.

She said officials also may not have felt the need to do a background check since he worked previously for the state Department of Human Resources and Department of Natural Resources as a computer programmer.

His employee performance reviews at GTA have all been positive, Goldberg said.

Wade said GTA officials are taking steps to tighten internal security and to make

access to sensitive data available on a "need-to-know" basis.

"We don't want this to tarnish the reputation of our employees," said Wade. "This is a bad apple -- apparently, allegedly."

Staff writer Clint Williams contributed to this report.

Find this article at:

http://www.ajc.com/stories/2001/01/06/epaper/editions/saturday/news_24584a3e537441f0001c.html

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Check the box to include the list of links referenced in the article.

"Computer mismatch entwines McCarthy man in DMV nightmare"

Anchorage Daily News

April 16, 2006

Computer mismatch entwines McCarthy man in DMV nightmare

A couple of facts about James Edwards of McCarthy:

He was born Jan. 7, 1931. He decided at age 18, after witnessing the behavior of others, that he'd never get drunk. He came to Alaska with the military in the 1940s, returned for good in 1960 and seldom leaves. He is white.

A couple of facts about James Edwards of Florida:

He was born Jan. 7, 1931. At some point in the mid-1980s, he was busted for drunken driving in South Carolina. He is black.

In December, the lives of the two men intersected when a nationwide computer system burped out the name of the southern James Edwards, whose license had been revoked by South Carolina.

The computer matched his name and date of birth with the northern James Edwards, who then received a certified letter from the state of Alaska saying his license was being revoked because of his troubles in South Carolina.

BETH BRAGG

COMMENT



"My gosh," our Jim Edwards said when he read the letter. "I'm going over to Anchorage pretty soon to get my tooth fixed and I need to drive."

That was part of what he said. The rest we'll leave to the imagination, because Edwards' mood quickly went from perplexed to indignant.

Though his driving record is squeaky clean, the letter from the Alaska Division of Motor Vehicles made it clear that Edwards, 75, would be considered guilty unless he cleared his own name. And that he'd be thrown in jail if caught driving with a revoked license.

"Please contact this office when you have cleared your out of state suspension," the letter said. Then in bold print: "You must refer all questions to the SOUTH CAROLINA Department/Division of Motor Vehicles."

In other words, don't call us.

"I tried, and they said, no, we're not talking to you," Edwards said.

So he called South Carolina, only to learn that both the phone number and case number given to him by Alaska DMV were incorrect.

After several days and several phone calls, Edwards finally spoke to a woman in South Carolina who determined that the DUI in question had been issued in 1986. To a black man from Florida.

Edwards asked the woman to fax the information to Alaska DMV. She did, and a couple days later Alaska DMV sent Edwards a copy of the fax.

And that's the last he has heard about any of this. The state has yet to tell him his record is clean or his license remains valid.

"You'd think they'd have the courtesy to give you the official clearance," he said.

But courtesy took a backseat through this whole affair. The letter from Alaska DMV is abrupt, harsh, presumes guilt and sends the "don't call us" message loud and clear.

Told of the mixup, Kerry Hennings of DMV was both surprised and apologetic.

"This is the first time I've heard of anyone who was mismatched," she said.

Alaska DMV last year sent out 1,100 letters like the one Edwards received. Usually, Hennings said, the nationwide Problem Driver Printer System requires three matches before identifying a driver — name, date of birth and Social Security number. In Edwards' case, there was no Social Security match.

But no matter how certain a match appears, DMV should be more helpful and less dismissive when a person calls to say the computer made a mis-

take, Hennings said she's sorry Edwards didn't get the help he needed.

"I wish he had called me. I would've researched it for him," she said. "I'd love to talk to him and apologize to him."

There's a bit of irony in all this, because Edwards is a man who barely needs a driver's license.

For more than 50 years he's lived outside McCarthy on the west side of the Kennicott River, far from any paved roads. He walks 3 1/2 miles to get his mail. When his needs require a city visit, Edwards prefers flying — he's got a 40-year-old Piper, a newer Cessna and two other planes built from kits — to driving.

"I've got an old '73 Dodge Power Wagon that I drive out of here about once every three years," he said. "It's 55 miles from here to the pavement, and you can't always drive it."

■ Beth Bragg's opinion column appears Wednesdays, Fridays and Sundays. Her e-mail address is bbragg@adn.com.

Adding the DMV and U.S. Immigration together will give you the pinnacle of government bureaucracy at its worst.

Fairbanks Daily News-Miner

Hacker taps into UAF database

By CHRIS TALBOTT

Staff Writer

Friday, April 21, 2006 - A hacker had access to the names, Social Security numbers and partial e-mail addresses of 38,941 current and former University of Alaska Fairbanks students, faculty and staff for nearly a year, according to officials.

It is unclear whether the files with the personal information were accessed, but officials have begun warning as many people on the list as possible to defend against identity theft. The list includes staff, faculty and students from at least as far back as 1995 and possibly further, according to Steve Smith, UA's chief information technology officer.

Officials sent e-mails to as many people as they could find current e-mail addresses for and will also mail out a letter of apology and warning. Smith said the unauthorized program discovered on a server at the Kuskokwim Campus in Bethel is designed to download large files such as movies and music and there is no reason to believe the sensitive files were accessed

"On the other hand, we cannot determine definitively at this time that the files were not touched by those who had access to them," he said.

Officials said there have been no reports of identity theft. And with a group this large--for perspective, its size is equal to about 6 percent of the state's population--Smith said they would have expected more than one report of potential fraud

The files and four similar ones recently found during a search of other university servers have been taken offline. Smith said the university's Computer Incident Response Team has conducted a security sweep and a consultant has been hired to help strengthen the walls around the university's computer network, which has thousands of users.

A police investigation in Fairbanks and Bethel and a forensic examination of the infiltrated server have turned up few clues and no leads. It is unclear whether the hacker came from outside or inside the university's computer system.

The names and personal information were compiled to make background verifications simpler for personnel or students moving to and from Bethel, Smith said. The files were designed to update automatically. The list appears to include only those who have been associated with the Fairbanks campuses, though some people may have moved to other locations since being included on the list.

"So it was probably some technician, all well-meaning but wrong--definitely wrong--who probab'ly said, 'Well, we'll give you the whole file here and you sort out what you need.' After that, it just sat in the back

cooking along," Smith said.

University officials said they expect negative reaction and have posted a wide range of information on the Internet at www.uaf.edu/security. They have also set up a question line at (888) 331-8003.

"Please accept our sincere apologies," Smith wrote in the letter e-mailed Thursday to those on the list. "This is a serious issue for us, and we know it is a serious concern for you. Please be assured that we continue to aggressively investigate and have taken immediate steps to improve security and data management practices."

When criminal justice major Charli Dawn Smith heard that her Social Security number might have been stolen, she questioned why the information had been left unsecured.

"I really would not like my information out there," Smith said while sitting in the Wood Center cafeteria. "That does not make me feel safe."

The university and other institutions have long used Social Security numbers as identifiers or passwords. But in the Internet age, that has opened the door to increased fraud. Thieves use the personal information to secure credit or purchase items.

The practice was supposed to have been phased out at UAF, but the process has taken longer than expected because of problems the seemingly simple switch has created in some university systems, Smith said.

A technician noticed "an anomaly" on the server March 30, according to a UAF news release. After examining the server, workers identified a possible security breach on April 5 and found the unauthorized program the next day.

The program was installed in February 2005 and was last used in January, Smith said.

Officials waited until Thursday to announce the break-in for a number of reasons, including the criminal investigation.

While she was concerned about the possible loss of personal information, psychology major Karrie Allen said she wasn't too worried. After all, cash-strapped college students aren't the best fraud targets.

"They must be pretty desperate if they're trying to steal the identity of college students," she joked.

Chris Talbott can be reached at 459-7575 or ctalbott@newsminer.com.

InformationWeek

BUSINESS INNOVATION POWERED BY TECHNOLOGY

Companies Can't Put A Stop To Data Thefts

Another threat to sensitive personal financial data has surfaced, while companies involved in an earlier data theft still can't explain how the information was stolen.

By Larry Greenemeier and Gregg Keizer, [InformationWeek](#)

March 27, 2006

URL: <http://www.informationweek.com/story/showArticle.jhtml?articleID=184400076>

! [Here's the next chapter in the never-ending saga of data losses. Another threat to sensitive personal financial data surfaced last week, while companies involved in an earlier data theft still can't explain how the information was stolen.]

[Visa last week tried to throw Fujitsu Transaction Solutions under the bus by naming the company as the developer of the point-of-sale software that hackers broke into to steal the PIN data that has led to more than \$3 million in fraudulent purchases. Fujitsu denied that its software was storing customer data. But that does little to resolve the situation, which has forced Bank of America, Citibank, Washington Mutual, and Wells Fargo to re-issue about 200,000 debit cards in the past few months. New York and New Jersey police have arrested 14 men in connection with the scam, which Hudson County, N.J., prosecutor Edward De Fazio says originated in Eastern Europe.]

Last week also saw the rise of a new kind of bot Trojan software called MetaFisher, or SpyAgent, which uses HTML injection techniques to steal data from victims after they've logged into their bank accounts.

MetaFisher has compromised hundreds of thousands if not millions of accounts, says Ken Dunham, director of rapid response for iDefense, VeriSign's security research arm. The malware targets Spanish, U.K., and German banks and their customers. That spot under your mattress where you stash your cash is looking pretty attractive right about now.

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InformationWeek

BUSINESS INNOVATION POWERED BY TECHNOLOGY

GAO: Sensitive Taxpayer Data At Risk

Despite some improvements, the IRS needs to do much more to secure its IT systems, congressional auditors say.

By Eric Chabrow, [InformationWeek](#)

March 24, 2006

URL: <http://www.informationweek.com/story/showArticle.ihtml?articleID=183702662>

Taxpayer information housed on Internal Revenue Service computers remains at risk of being exposed because of information security control weaknesses, according to a Government Accountability Office report issued Friday.

"These weaknesses increase the risk that sensitive financial and taxpayer data will be inadequately protected against disclosure, modification, or loss, possibly without detection, and place IRS operations at risk of disruption," wrote GAO information security issues director Gregory Wilshusen and chief technologist Keith A. Rhodes in a 33-page report to IRS Commissioner Mark Everson, who didn't challenge the findings.

GAO, the auditing arm of Congress, examined IRS's fiscal 2005 financial statements, assessing the agency's progress in correcting previously reported information security weaknesses at two sites and determining if controls over key financial and tax processing systems at those facilities effectively ensures the confidentiality, integrity, and availability of sensitive taxpayer data.

The GAO noted some progress, but the IRS has failed to fix 40 previously reported flaws discovered in its IT security. Plus, the GAO identified new information security control weaknesses.

For example, the IRS hasn't instituted effective electronic access controls related to network management, user accounts and passwords, user rights and file permissions, and logging and monitoring of security-related events, the Congressional auditors said. Also, the tax agency hasn't effectively implemented other information security controls to physically secure computer resources and to prevent exploitation of vulnerabilities and unauthorized changes to system software.

"Until [the] IRS fully implements a comprehensive agencywide information security program," the GAO report states, "its facilities and computing resources and the information that is processed, stored, and transmitted on its systems will remain vulnerable."

Everson assured the GAO that the IRS is pursuing an agencywide approach to address the root cause of the weaknesses, adding that many weaknesses have been corrected and additional controls have been implemented. He characterized the IRS efforts to fix security flaws as aggressive, noting that agency is developing security plans, security documentation, and security testing.

Traffic Accidents Involving Foreign-Licensed Individuals

The first attachment is an extract from the Russian driver's manual, explaining how to properly tow a car with a rope. This activity is unsafe and probably criminal in Alaska.

The next article from the Daily News is about a Russian-licensed driver that flipped and totaled a State of Alaska van. Note the officer's quotes on the second page about the lack of ability to verify a Russian license.

I created a graph showing traffic fatality rates per motor vehicles in many different countries. You will see that the USA is the sixth-lowest on the list.

I would prefer the drivers from the other countries to pass a local driver's test before spending a lot of time on the road here.

Long-Term Residence In Alaska Without Obtaining ID

The Russian driver that crashed the State van had lived in Alaska for four years without obtaining an Alaskan license.

This demonstrates that many foreigners don't see a need for a local ID as it is, so this law does not serve as a serious deterrent. It will only encourage even less compliance with our laws!

- Domestically-licensed drivers are safer than drivers licensed in many other countries. Foreigners are also able to survive here many years without obtaining a domestic ID. We should be encouraging people to get local licenses if they are driving here.

Instructions on how to properly tow a car with a rope

Driving Regulations of the Russian Federation, - 28

(Правила Дорожного Движения РФ)

ОСНОВНЫЕ УСЛОВИЯ, КОТОРЫЕ ДОЛЖНЫ БЫТЬ СОБЛЮДЕНЫ ПРИ БУКСИРОВКЕ МЕХАНИЧЕСКИХ ТРАНСПОРТНЫХ СРЕДСТВ

1. Допустимая скорость при буксировке:
 - а) в жилых зонах,
дворовых территориях - 20 км/ч.
 - б) в остальных случаях - 50 км/ч.
2. Расстояние между транспортными средствами:
 - а) на жесткой сцепке - не более 4 м.
 - б) при гибком соединении - 4 - 6 м.



3. Во время буксировки на буксирующем транспортном средстве должен быть включен ближний свет фар.

4. На буксируемом транспортном средстве должна быть включена аварийная световая сигнализация (пункт 7.1 ПДД).

При отсутствии или неисправности аварийной световой сигнализации на буксируемом транспортном средстве на его задней части (предпочтительно на левой стороне) должен быть закреплен знак аварийной остановки.

Примечание (текст ПДД):

Недействующими считаются системы, которые не позволяют водителю остановить транспортное средство или осуществить маневр при движении даже с минимальной скоростью.

Note the required 4-6m (13-20 ft) required distance between cars.

(It is a good idea for all long-term drivers in Alaska to pass a domestic license exam.)

(Note: My points are mostly located on the next page. I don't agree with the partisan overtones by the journalist. -Matt)

Anchorage Daily News (AK)
July 3, 2001
Section: Nation
Edition: Final
Page: A1

State van flips, sets off furor

Richard Mauer
Anchorage Daily News

Staff

Several state agencies are investigating why a Russian translator without a valid U.S. license was driving a state legislative van a week ago when the van spun out of control and flipped on Minnesota Bypass. Neither the Russian translator nor any of his three passengers -- a visiting parliamentary delegation from the Khabarovsk region in the Russian Far East -- was seriously injured in the June 23 crash on Minnesota near Strawberry Road. But the year-old, 15-passenger van is a loss, and there's no insurance to cover it.

"Things occur," said House Speaker Brian Porter, R-Anchorage. "In any event, we are extremely fortunate that no one was injured, except our budget."

The blue Ford van cost nearly \$40,000 when purchased last year, Porter said, and now it's only good for parts.

"We had just traded in our old van because it was falling apart," Porter said.

The three Russians arrived in Alaska on June 17 for a weeklong visit at the invitation of Rep. Lesil McGuire of Anchorage, a member of Porter's Republican majority and chair of the House Economic Development, International Trade and Tourism Committee. The highest ranking member of the delegation was Leonid Golub, vice chair of the regional parliament in Khabarovsk.

The itinerary published by McGuire's committee said that Louis Caputo, an aide to McGuire, was responsible for guiding the group on June 23, a Saturday, for at least a portion of the day. They were scheduled to go south to Portage Glacier or north to Talkeetna, and also to make an official tour of "local distribution centers with Louis Caputo."

Caputo was supposed to drive them to the airport for the return flight to Russia at 4:45 a.m. the next morning.

Neither Caputo nor any other legislative staffer was in the van when it went out of control and rolled at 2:55 p.m. that Saturday, and Porter, a former Anchorage Police chief, says he is investigating why.

"I'm thinking there are some responsible folks and disciplinary action is available," Porter said.

Brad Thompson, director of risk management for the state, said he also planned to investigate why a state employee was not driving the van, though he added that the translator could be considered a state employee under some circumstances.

Next Page
→

McGuire is on an official visit to Asia and couldn't be reached Monday. Answering his office phone Monday, Caputo said, "I'm not sure if I'm going to be able to comment on that, actually," and referred calls to another McGuire aide, Jim Pound.

Pound said the Russians had made a shopping visit to Wal-Mart and were headed back to their hotel "when something went haywire and they crashed."

According to the Anchorage Police Department accident report, the van was headed southbound on Minnesota -- in the direction of Dimond Center and away from their downtown hotel. The driver, 26-year-old Andrey Khalkachan, told Officer Tony Valdez that he was talking to the visitors when he suddenly realized he had drifted onto the left shoulder. He overcorrected, swerving hard to the right, and the van rolled over.

Porter said Khalkachan reacted when he hit the noisy rumble strips cut into the shoulders by state highway crews.

"Not only is no one used to those things, this guy from Magadan definitely isn't," Porter said.

Golub, the parliamentary vice chair, was treated by medics at the scene for abrasions of the buttocks, while driver Khalkachan, an exchange student who does free-lance translation work, was treated for cuts on his arm.

When asked by police for his license, Khalkachan had only a Russian document that state computers "could not verify," Officer Valdez wrote.

In an interview Monday, Khalkachan said he has lived in Alaska for four years but only obtained his Alaska license after the accident. He would not discuss what happened, except to say that Caputo should have been driving.

"He wanted me to drive," Khalkachan said.

Chuck Hosack, deputy director of the Alaska Division of Motor Vehicles, said Alaska recognizes Outside licenses -- even from foreign countries -- but only when the driver has lived here for 90 days or less.

Valdez didn't issue a citation in the accident, and Porter said that's good enough for him -- he's less concerned about Khalkachan's certification to drive than "why was he driving in the first place."

Some Democrats said they learned of the accident after Porter was overheard shouting in his Anchorage office last week.

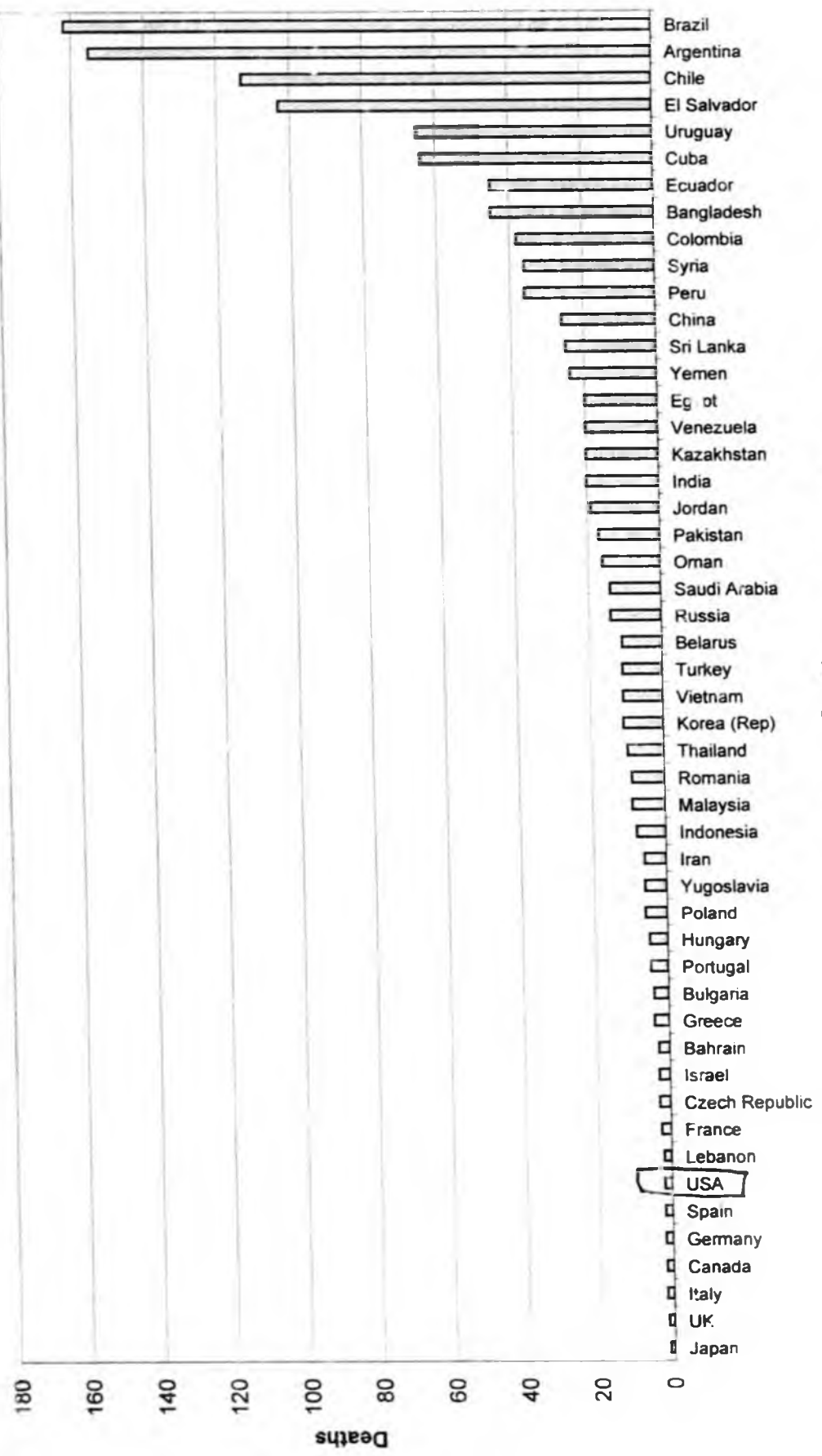
"It could be," Porter said. "I was quite disappointed in the whole operation, as you might expect."

The matter is on the agenda for the next meeting of the Legislative Council on July 11. The council manages legislative business between sessions and may be asked to approve funds for a new van. Pam Varni, executive director of the Legislative Affairs Agency, directed questions about the agenda to Rep. Joe Green, R-Anchorage, the council chair.

Aide Jeff Logan said Green was out of town, but said he couldn't say where Green was, whether he was on state or personal business, or when he would return.

Reporter Richard Mauer can be reached at rmauer@adn.com.

Deaths per 10,000 motor vehicles



Country
Estimating Global Road Fatalities (1994 - 1996)
http://www.factbook.net/EGRF_Regional_analyses_HMCs.htm

Alaskans Can Still Fly If You Reject This Act

TSA: Non-photo identification acceptable

The TSA's own website states that you can fly with two forms of non-photo identification, one of which is government issued. People have used insurance cards, Costco cards, credit cards, social security cards, and voter registration cards to board airplanes.

It is possible to fly without ID at all

According to testimony in a court ruling (*Gilmore v. Gonzales*, 435 F.3d 1125 9th Cir. 2006), and a publicly released "secret" TSA security directive, it is possible to fly without any ID at all if you become a "selectee" and undergo secondary screening. Gilmore lost his case partially because they gave him the option to fly without ID.

I was also doubtful about this, so I tried for myself. **Earlier this month, I successfully flew to Anchorage without any form of identification whatsoever.**

Other states are rejecting the bill

New Hampshire is in the process of passing NH HB1582, specifically finding the federal Act repugnant to their constitution. Other states are implementing the act slowly due to their antiquated computer systems and other complications.

You can listen to an impressive speech by New Hampshire Representative Kurk at: http://freestateblogs.net/files/images/Kurk_RealID.mpg

- Rejecting this legislation will not seriously affect people's ability to fly. Many Alaskans, including me, would be happy to present an extra Costco card if it means that our roads are safer and our private documents remain private.



Access Requirements

Boarding Pass and Photo ID Required To Get to Your Gate



At most airports, a boarding pass and ID are now required to pass through the security checkpoint. TSA is consolidating passenger screening to the passenger security checkpoints in an on-going commitment to enhance security and improve customer service. Tickets and ticket confirmations (such as a travel agent or airline itineraries) will no longer be accepted at these checkpoints.

Proper Identification

If you have a paper ticket for a domestic flight, passengers age 18 and over must present one form of photo identification issued by a local state or federal government agency (e.g.: passport/drivers license/military ID), or two forms of non-photo identification, one of which must have been issued by a state or federal agency (e.g.: U.S. social security card). For an international flight, you will need to present a valid passport, visa, or any other required documentation. Passengers without proper ID may be denied boarding.

For e-tickets, you will need to show your photo identification and e-ticket receipt to receive your boarding pass.

There are four ways to obtain a boarding pass:

- Go to your airline's ticket counter at the airport
- Use curbside check-in
- Use your airline's self-service ticket kiosk in the airport lobby
- Print the boarding pass from your airline's website

Note: Persons with parental, official, medical business or similar reasons may be able to access the checkpoint, but should check with their airline for required documentation.

FAA SECURITY DIRECTIVE 96-05

1. IDENTIFY THE PASSENGER -

A. ALL PASSENGERS WHO APPEAR TO BE 18 YEARS OF AGE WILL PRESENT A GOVERNMENT ISSUED PICTURE ID, OR TWO OTHER FORMS OF ID, AT LEAST ONE OF WHICH MUST BE ISSUED BY A GOVERNMENT AUTHORITY.

B. THE AGENT MUST RECONCILE THE NAME ON THE ID AND THE NAME ON THE TICKET -- EXCEPT AS NOTED BELOW.

C. IF THE PASSENGER CANNOT PRODUCE IDENTIFICATION, OR IT CANNOT BE RECONCILED TO MATCH THE TICKET, THE PASSENGER BECOMES A "SELECTEE." CLEAR ALL OF THEIR LUGGAGE AS NOTED IN SECTION 6, BELOW.

6. CLEAR SELECTEE'S CHECKED AND CARRY-ON LUGGAGE, AND SUSPICIOUS ARTICLES DISCOVERED BY THE QUESTIONS ASKED;

A. IF THE SELECTEE IS ON A FLIGHT WITHIN THE 48 CONTINENTAL US STATES, OR TO MEXICO, OR TO CANADA, ITEMS CAN BE CLEARED BY EITHER OF THE FOLLOWING METHODS:

1. EMPTY THE LUGGAGE OR ITEM AND PHYSICALLY SEARCH ITS CONTENTS BY A QUALIFIED SCREENER, OR;

2. BAG-MATCH -- ENSURE THE BAG IS NOT TRANSPORTED ON THE AIRCRAFT IF THE PASSENGER DOES NOT BOARD.

B. IF THE SELECTEE IS ON AN INTERNATIONAL FLIGHT -- CHECKED LUGGAGE, CARRY-ON LUGGAGE, AND SUSPECT ITEMS CAN BE CLEARED ONLY BY THE FOLLOWING METHOD; EMPTY THE LUGGAGE OR ITEM AND PHYSICALLY SEARCH ITS CONTENTS BY QUALIFIED SCREENERS.

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOHN GILMORE,
Plaintiff-Appellant.

v.

ALBERTO R. GONZALES, in his
official capacity as Attorney
General of the United States;
ROBERT MUELLER, in his official
capacity as Director of the Federal
Bureau of Investigation; NORMAN
MINETA, in his official capacity as
Secretary of Transportation;
MICHAEL CHERTOFF, in his official
capacity as Secretary of the
Department of Homeland Security;
UAL CORPORATION, aka United
Airlines; SOUTHWEST AIRLINES;
MARION C. BLAKELY, in her official
capacity as Administrator of the
Federal Aviation Administration;
KIP HAWLEY, in his official
capacity as Director of the
Transportation Security
Administration,
Defendants-Appellees.

No. 04-15736
D.C. No.
CV-02-03444-SI
OPINION

Appeal from the United States District Court
for the Northern District of California
Susan Yvonne Illston, District Judge, Presiding

Argued and Submitted
December 8, 2005—San Francisco, California

1135

without presenting his identification. The clerk was unsure, but posited that the rule was an "FAA security requirement." The clerk informed Gilmore that he could opt to be screened at the gate in lieu of presenting the requisite identification. The clerk then issued Gilmore a new boarding pass, which indicated that he was to be searched before boarding the airplane. At the gate, Gilmore again refused to show identification. In response to his question about the source of the identification rule, a Southwest employee stated that it was a government law. Gilmore then met with a Southwest customer service supervisor, who told him that the identification requirement was an airline policy. Gilmore left the airport, without being searched at the gate.

That same day, Gilmore went to San Francisco International Airport and attempted to buy a ticket for a United Airlines flight to Washington, D.C. While at the ticket counter, Gilmore saw a sign that read: "PASSENGERS MUST PRESENT IDENTIFICATION UPON INITIAL CHECK-IN." Gilmore again refused to present identification when asked by the ticketing agent. The agent told him that he had to show identification at the ticket counter, security checkpoint, and before boarding; and that there was no way to circumvent the identification policy. A United Airlines Service Director told Gilmore that a United traveler without identification is subject to secondary screening, but did not disclose the source of the identification policy. United's Ground Security Chief reiterated the need for identification, but also did not cite the source of the policy. The Security Chief informed Gilmore that he could fly without presenting identification by undergoing a more intensive search, i.e. by being a "selectee." A "selectee" search includes walking through a magnetometer, being subjected to a handheld magnetometer scan, having a light body patdown, removing one's shoes, and having one's carry-on baggage searched by hand and a CAT-scan machine. Gilmore refused to allow his bag to be searched by hand and was therefore barred from flying.

[...]

ment of the Government's civilian airline passenger identification policy is unconstitutional. The identification policy requires airline passengers to present identification to airline personnel before boarding or be subjected to a search that is more exacting than the routine search that passengers who present identification encounter. Gilmore alleges that when he refused to present identification or be subjected to a more thorough search, he was not allowed to board his flights to Washington, D.C. Gilmore asserts that because the Government refuses to disclose the content of the identification policy, it is vague and uncertain and therefore violated his right to due process. He also alleges that when he was not allowed to board the airplanes, Defendants violated his right to travel, right to be free from unreasonable searches and seizures, right to freely associate, and right to petition the government for redress of grievances.

Before we address the merits of Gilmore's claims, we must consider the jurisdictional and standing issues raised by Defendants. The Government contends that the district court lacked subject matter jurisdiction to entertain this action because, under 49 U.S.C. § 46110(a), Gilmore's claims can only be raised by a petition for review in the courts of appeal. Defendants also contend that Gilmore lacks standing to challenge anything other than the identification policy, such as the Consumer Assisted Passenger Prescreening System ("CAPPS") and so-called No-Fly and Selectee lists. The district court determined that Gilmore had standing to challenge

Office of Homeland Security. Where necessary, the current federal defendants have been substituted for the originally named defendants pursuant to Fed. R. Civ. P. 25(d)(1). The federal defendants, including Alberto R. Gonzales, are collectively referred to as "the Government."

Southwest Airlines and the Government are collectively referred to as "Defendants." Gilmore also named United Airlines as a defendant. In dismissing this action against Defendants, the district court also dismissed the complaint against United Airlines without prejudice. United Airlines has not appeared in this court.

Complexity of Immigration Law and the DMV

These two documents are from TIMATIC, the system used by airline employees to determine if someone has the proper documents to board an international flight.

The first entry is for an American to enter the United Kingdom. (< 1 page)

The second entry is for a British citizen to enter the United States. (5 pages)

In fact, the United States has the longest entry in TIMATIC for any country on Earth. The "Additional Details" read like Kafka. My favorite part is 4(b) about the validity of US visas issued at Pago Pago.

Foreign Students

Foreign students frequently alter their status and termination dates. I attached an I-20 enrollment form valid for only 37 days. It's a waste of everyone's time and money to require someone to return to the DMV that often.

PRUCOL immigrants – Purgatory of immigration law

There is an entire class of immigrants ("PRUCOL") that have not yet obtained legal residence, but have been adjudicated by the courts as not deportable and/or not allowed back in their home countries. This is **not** an official status granted by USCIS and there is no single defined document that demonstrates this status. It also includes other situations such as those awaiting pending court hearings and paperwork for adjustment of status to legal refugee. These processes can take years. **These people would be stuck in the US indefinitely without the ability to legally obtain a license.**

Our immigration law is very complex and full of exceptions. It can be difficult even for a federal immigration officer. Our DMV is not as equipped to make that determination.

- DMV employees are not trained to administer and enforce every possible case in immigration law. It will cost money in training and lost productivity. Many mistakes will occur.

TIMATIC.txt

TIMATIC 05APR06 / 0555 UTC
National U.S.A. (US)
Destination UNITED KINGDOM (GREAT BRITAIN) (GB)

UNITED KINGDOM (GREAT BRITAIN)

Passport (must be valid for the period of intended stay) required.

Visa not required.

U.K. Immigration officers will decide on period of stay to a max. of 6 months, depending on reason for travel. Stays exceeding 6 months will require a visa (Entry Clearance).

Minors:

children registered in parent's or guardian's passport:
- may not travel without holder of passport; and
- visa in passport (if required) must indicate that it is also valid for the child(ren).

Flights from/to United Kingdom to/from Channel Islands, Ireland (Rep. of) and the Isle of Man are domestic flights. Therefore, there is no Immigration control.

Non-compliance with entry requirements (incl. forged documents) will result in fines for carrier of GBP 2,000.- per visitor and either deportation or indefinite delay for visitor at point of entry (detention costs at carrier's expense).

A person may be considered committing an offence upon arrival in the United Kingdom, if failing to produce to an Immigration Officer a document, which satisfactorily establishes identity, nationality, or citizenship. A person guilty of this offence may be liable to up to 2 years in prison, or a fine, or both.

TIMATIC.txt

TIMATIC / 05APR06 / 0556 UTC
National UNITED KINGDOM (GREAT BRITAIN) (GB)
Destination U.S.A. (US)

U.S.A. (US)

Passport required (must be valid at time of entry; passenger may be authorized to stay until the expiry date of the passport). For validity see: For details, click here - Item 2.

For British passports, other than mentioned below, see:
For details, click here - Items 9.-11.

Visa not required if travelling under the U.S. Visa Waiver Permanent Program (V.W.P.P.) and following conditions are met:
- passport is endorsed British Citizen .

Such passports have the automatic right of abode in the United Kingdom, but this is not explicitly stated in the passport; and

Passenger:

- holds machine-readable passport (MRP) (issued for each accompanying family member, including infants); and
- holds a passport with digital photograph if passport is issued on or after October 26, 2005; and
- travels for holiday, business or transit purposes only; and
- will stay up to 90 days or less; and
- arrives on a carrier that has signed agreement I-775 with the U.S. Immigration (see: For details, click here for a full list); and
- holds a signed Form I-94W (Visa Waiver arrival/departure form issued either by a carrier having signed the agreement I-775 or by a travel agency); and
- holds onward/return ticket (or electronic ticket record or return passages) with a final destination to a country other than Canada, Mexico or countries/islands situated in or bordering the Caribbean Sea, unless passenger holds proof of residence in or transits to such country/islands, in which case onward/return ticket to that country accepted. Ticket validity is considered 1 year regardless of fare type; and
- is a non-immigrant; and
- waives the right to protest any action for deportation.

Deportation will follow if Immigration Officer determines that passenger is inadmissible.

Passenger can make side trips to Canada, Mexico or Caribbean countries/islands provided first entering the U.S.A. on a carrier participating in the V.W.P.P. and provided all other conditions of the V.W.P.P. are met.

Total stay in the U.S.A. not to exceed 90 days. No additional time is given (extension) based on the departure to contiguous

TIMATIC.txt

territory. Passenger is admitted for up to a 90-day period and a specific date of departure is given on the Form I-94.

- * If coming directly from Guam or Virgin Isl: pre-inspection by the USA Customs and Border Protection (CBP) will have taken place prior to embarkation, when passengers are required to provide proof of their legal right to enter the U.S.A.
If coming directly from Puerto Rico: pre-inspection may take place by CBP prior to embarkation, when passengers are required to provide their documents and proof of their legal right to enter U.S.A.;
- * if not holding tickets and documents required for return/onward destination, entry may be refused and deportation may follow. This is at discretion of Immigration Authorities;
- * non-compliance with entry requirements will result in fines varying between USD 2,000 and USD 3,000 per passenger and either deportation or indefinite delay for passenger at point of entry (detention costs at carrier's expense);
- * fines for incomplete/inaccurately filled out I-94 or I-94w Forms: USD 1,000.- per passenger;
- * minors: for specific information see: For details, click here - Item 11 and For details, click here - Items 2, 3 and 4;
- * for valid visas in an expired passport, see: For details, click here - item 10;
- * for validity of indefinite B1-B2 visas, see: For details, click here ;

TIMATIC / 05APR06 / 0557 UTC
U.S.A. (US)

ADDITIONAL INFORMATION:

1. Visas may either be handstamped in the passport or as a computer print-out affixed to a passport page with special security tape. Machine readable visas are also in circulation.
Visas for the U.S.A. may only be used for the purpose for which it was issued.
SEE ALSO 1. "PASSPORT" - NOTE* *11.
2. Where a transit visa or an entry visa states the (air)port of entry into the U.S.A., holders of such a visa must under all circumstances enter or transit via this (air)port. Routing via other (air)ports may result in considerable fines and transportation at carrier's expense to country of origin.
3. Non-immigrant visas issued at the US representations in Iran - REGARDLESS OF NATIONALITY OF HOLDER - are cancelled, even if revalidated by a U.S. representation outside Iran;
4. REVOKED VISAS:
 - a. U.S. visas of category A 1, 2 and 3 issued to nationals of Libya ARE REVOKED, unless issued for United Nations purposes.
 - b. All U.S. visas issued at Pago Pago (American Samoa) are revoked unless a proof of entry/disembarkation has been stamped in the passport to prove that the passenger has personally obtained the visa.
5. Transit visas: C1-transit visas are only acceptable for transportation via the U.S.A. enroute to a third country. It is illegal to accept a passenger e.g. PAR-NYC-PAR if holding a transit visa.
6. Immigration visas either appear on Form FS-256 or in the passport.
7. Deposit: Any passenger not having proof of sufficient funds for length of stay and outward travel may be refused entry. It is required that passengers (even if e.g. holding a valid B1 visa as temporary visitor for business or a valid B2 visa as temporary visitor for pleasure) possess proof of sufficient funds as refusal of entry on arrival can lead to serious difficulties and costs for passengers and transporting airlines. All foreigners can be required to pay a deposit to be fixed by the immigration authorities.
8. Tickets/documents: Any visitor who does not hold return/onward ticket and documents required for return or onward destination could be refused entry and returned to point of origin.

EXEMPT ARE:

passengers travelling with B1/B2 visa who may travel with one way tickets. This determination will be made by the

immigration authorities upon arrival.

9. Visa for:
- a. Diplomats and government officials, including family and staff: all diplomats and government officials permanently assigned to the U.S.A., U.N. (see Terms & Definitions) or O.A.S. must be in possession of a visa type A or G (in some cases a NATO (see Terms & Definitions) visa will be issued). Government officials on official or diplomatic business who are not permanently assigned may travel with a B1 visa.
 - b. Students: F-1 or M-1. Alien students travelling to the U.S.A. for the purpose of studying there, must apply for a student's visa (Classification, either F-1 or M-1). A copy of U.S. Immigration Form I-20AB/I-20ID (belonging to visa F-1), I-20MN/I-20ID (belonging to visa M-1) issued by the U.S. school that has accepted them for study and is participating in the Student and Exchange Visitor Information System (SEVIS) Program, must be presented to the overseas U.S. Embassy or Consulate at the time of visa application.
Upon arrival in the U.S.A., students must be in possession of a valid F-1 or M-1 visa and SEVIS generated Immigration Form I-20AB/I-20ID (belonging to visa F-1), I-20MN/ I-20ID (belonging to visa M-1).
Alien students/exchange visitors holding visas (may be expired) F, M or J and returning to the U.S.A. within 30 days after a trip to Canada, Mexico or adjacent islands (excluding Cuba) must also be in possession of Immigration Form I-20AB/I-20ID (for F visa), I-20MN/I-20ID (for M visa) or DS-2019 (for J visa).
Holders of M visas will be allowed reentry on those conditions only when returning from Mexico or Canada.
Also, passports of alien students entering the U.S.A. must be valid for the entire period of their intended stay. Other documents used previously are no longer valid unless otherwise indicated.
NOTE: F-3 or M-3 visas for commuting students are not valid for air travel.
 - c. Exchange Visitors: J-1.
Passenger must hold Form DS-2019 (Certificate of Eligibility for Exchange, Visitor Status").
J-2: visa for spouse or child of exchange visitor. If not accompanying exchange visitor, passenger must hold copy of exchange visitor's Form DS-2019.
 - d. Fiances or fiances of a United States citizen: K-1.
Passenger must hold copy of Form I-129F approved by the U.S. Immigration Service.
K-2: visa for child of fiancée or fiancé. If not accompanied by fiancée/fiancé, child must hold copy of approved Form I-129F.
10. A passenger may enter the U.S.A. with a valid visa in an expired passport, provided:

TIMATIC.txt

- the page which contains the valid U.S. visa in the expired passport, has not been invalidated or mutilated in a manner as to make the visa illegible. If there is doubt concerning the validity of the visa due to illegibility or mutilation, consult the nearest U.S. embassy or consulate.
- the passenger has also a valid passport of the same nationality (see note 22 below);
- a handwritten annotation does not appear in the passport that passenger has been advised to obtain a new visa in a valid passport.

Transfer of a valid visa to a valid passport is highly recommended in all cases.

11. Following applies ONLY if ALL surnames inserted in the visa are the same:

a. One single visa may be issued to include more than one person (e.g. mother or father and minor children irrespective of age). In this case for each person either a separate V-number or a separate name should have been inserted in the visa;

b. If a visa issued by a U.S. consulate abroad has been issued to "BEARER(S)", the visa applies to ALL persons included in the passport prior to the issuance of the visa. The visa does NOT apply to any person whose name has been added to the passport after issuance of the visa, unless this is done by a U.S. consulate in the following way:

- the "S" from the word "BEARER(S)" has been crossed out;
- the name(s) of the dependant(s) is/are shown below the visa stamp; and

- a diagonal line is drawn from the left corner of the last name listed below the visa to the bottom right corner of the passport page.

No additional stamp will be given by a U.S. consulate as proof that this way of visa issuing has been carried out by a U.S. consulate.

12. If it appears from an annotation that the visa is meant for one entry only, do not forget to scrutinize the entire passport whether this visa has already been used previously and consequently is not valid anymore. The entry stamp may have been placed on a different page.

**** NOTES REFERENCED ABOVE ****

*22 Holders of passports issued by Hong Kong under British rule which are expired, but contain a valid visa, are allowed to enter with a passport issued by Hong Kong under Chinese rule.

Please read instructions on Page 2
 This page must be completed and signed in the U.S. by a designated school official.

SEVIS

1. Family Name (surname):
 [Redacted]

First (given) Name: [Redacted] Middle Name: [Redacted]

Country of birth: [Redacted] Date of birth (mo/day/year): [Redacted]

Country of citizenship: [Redacted] Admission number: [Redacted]

For Immigration Official User

Visa issuing post: [Redacted] Date Visa issued: [Redacted]

Student's Copy

[Redacted]

2. School (School district) name:
 University of Alaska
 University of Alaska Anchorage

School Official to be notified of student's arrival in U.S. (Name and Title):
 Leslie Tuovinen
 International Student Advisor

School address (include zip code):
 Enrollment Services
 3211 Providence Drive
 Anchorage, AK 99508-8046

School code (including 3-digit suffix, if any) and approval date:
 ANC214F01902000 approved on 01/30/2003

Relistated, extension granted to:

3. This certificate is issued to the student named above for:
 Continued attendance at this school.

4. Level of education the student is pursuing or will pursue in the United States:
 BACHELOR'S

5. The student named above has been accepted for a full course of study at this school, majoring in [Redacted].
 The student is expected to report to the school no later than 09/11/2004 and complete studies not later than 12/10/2004. The normal length of study is 60 months.

8. This school has information showing the following as the student's means of support, estimated for an academic term of 9 months (Use the same number of months given in item 7).

a. Student's personal funds	\$	[Redacted]
Funds from this school	\$	[Redacted]
Specify type:		
Funds from another source	\$	[Redacted]
Specify type:		
d. On-campus employment	\$	[Redacted]
Total	\$	[Redacted]

6. English proficiency:
 This school requires English proficiency. The student has the required English proficiency.

Valid for only 37 days

7. This school estimates the student's average costs for an academic term of 9 (up to 12) months to be:

a. Tuition and fees	\$	[Redacted]
b. Living expenses	\$	[Redacted]
c. Expenses of dependents (0)	\$	[Redacted]
d. Other (specify): Misc.	\$	[Redacted]
Total	\$	[Redacted]

9. Remarks: [Redacted]

10. School Certification: I certify under penalty of perjury that all information provided above in items 1 through 9 was completed before I signed this form and is true and correct; I executed this form in the United States after review and evaluation in the United States by me or other officials of the school of the student's application, transcripts, or other records of courses taken and proof of financial responsibility, which were received at the school prior to the execution of this form; the school has determined that the above named student's qualifications meet all standards for admission to the school; the student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(6); I am a designated official of the above named school and am authorized to issue this form.

Leslie Tuovinen [Signature] International Student Advisor
 Name of School Official Signature of Designated School Official Title

11/11/2004 Anchorage, AK
 Date Issued Place Issued (city and state)

11. Student Certification: I have read and agreed to comply with the terms and conditions of my admission and those of any extension of stay as specified on page 2. I certify that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on page 1 of this form. I also authorize the named school to release any information from my records which is needed by the INS pursuant to 8 CFR 214.3(g) to determine my nonimmigrant status.

[Redacted] [Signature] 11/11/04
 Name of Student Signature of Student Date

Name of parent or guardian Signature of parent or guardian Address (city) (State or Province) (Country) (Date) 46

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MAY 1, 2006

NEWS, ANALYSIS & COMMENTARY

A Red Flag In The Brain Game

America's dismal showing in a contest of college programmers highlights how China, India, and Eastern Europe are closing the tech talent gap — a threat to nat'l security!

Ben Mickle, Matt Edwards, and Kshipra Bhawalkar looked as though they had just emerged from a minor auto wreck. The members of Duke University's computer programming team had solved only one problem in the world finals of the ACM International Collegiate Programming Contest in San Antonio on Apr. 12. The winning team, from Saratov State University in Russia, solved six puzzles over the course of the grueling five-hour contest. Afterward, Duke coach Owen Astrachan tried to cheer up his team by pointing out that they were among "the best of the best" student programmers in the world. Edwards, 20, still distraught, couldn't resist a self-deprecating dig: "We're the worst of the best of the best."

Duke wasn't the only U.S. school to be skunked at the prestigious computing contest. Of the home teams, only Massachusetts Institute of Technology ranked among the 12 highest finishers. Most top spots were seized by teams from Eastern Europe and Asia. Until the late 1990s, U.S. teams dominated these contests. But the tide has turned. Last year not one was in the top dozen.

WAKE-UP CALL

The poor showings should serve as a wake-up call for government, industry, and educators. The output of American computer science programs is plummeting, even while that of Eastern European and Asian schools is rising. China and India, the new global tech powerhouses, are fueled by 900,000 engineering graduates of all types each year, more than triple the number of U.S. grads. Computer science is a key subset of engineering. "If our talent base weakens, our lead in technology, business, and economics will fade faster than any of us can imagine," warns Richard Florida, a professor at George Mason University and author of *The Flight of the Creative Class*.

Software programmers are the seed corn of the Information Economy, yet America isn't producing enough. The Labor Dept. forecasts that "computer/math scientist" jobs, which include programming, will increase by 40%, from 2.5 million in 2002 to 3.5 million in 2012. Colleges aren't keeping up with demand. A 2005 survey of freshmen showed that just 1.1% planned to major in computer science, down from 3.7% in 2000.

For young Americans, a computing career isn't the draw it was even a few years ago. Never mind that experienced programmers make upwards of \$100,000 and that the brainiest of them are the objects of heated bidding wars (YHOO). Students fear that if they become programmers they'll lose their jobs to counterparts in India and China, who work for a fraction of the pay. Analysts say those worries are overblown: Programmers with leadership and business skills will do just fine. But the message isn't getting through.

Then there's the thrill factor, or lack thereof. Given the opportunity to make a mint on Wall Street or land a comfortable academic job, many math and science students are turning away from software. "I couldn't really get excited about sitting in front of a computer and just writing programs," says Duke junior Brandon Levin, who has taken computer courses but is majoring in math and plans a career in academia.

You might think the influx of eager foreign students would make up for the deficit, but that's not happening. While about 25% of students enrolled in graduate computer science programs are foreign, many won't be able to stay in the country after graduation because of restrictive post-9/11 immigration policies. That's if they even want to work here anymore. Foreign students are increasingly returning to their home countries after graduation. Duke's Bhawalkar, 19, from Pune, India, plans to go back after getting a degree in math and computer science and attending grad school in the U.S. "In the past, people from India stayed here after they got their degrees," she says. "But now India is at a turning point. It's getting to be a leader."

The foreign students have a palpable determination to succeed. Bhawalkar's role model is Srinivasa Ramanujan, an

early 20th century Indian mathematician who became famous worldwide in spite of an inferior education. This year, as a Duke sophomore, Bhawalkar placed 70th among 2,500 top North American university students in the prestigious Putnam math competition. Her life goal is "to make a mark in some discipline so people will say, 'That's Kshipra. She did this.'"

Bhawalkar is inspired by her entrepreneur parents. Her father, a chemical engineer by training, invented breakthrough water-purification systems that use biological processes. Mom runs the business. Bhawalkar showed signs of being a math prodigy in sixth grade and fixed on science after a family friend read her palm and told her she would be a scientist when she grew up. Says her mother, Vidula: "She has seen us achieve something that's a first in the world, and she wants to do something better than her father." At Duke, Bhawalkar spends much of her time in a dorm room doing 35 to 40 hours per week of homework and extra reading.

It's not that foreign students are any smarter, say U.S. university leaders. They just have relentless discipline. The team at Shanghai Jiao Tong University, which finished first last year and fifth this year, uses past participants to train each successive team. "We pile up experience year after year," says coach Yong Yu. The team practices year-round and puts in three hours a day during the months before the contest. U.S. teams typically spend much less time preparing.

"ARE WE HUNGRY ENOUGH?"

Tech-industry leaders are concerned that U.S. students have become complacent. "There has to be a passion to be innovative," says Nicholas M. Donofrio, executive vice-president for innovation and technology at IBM (IBM), which sponsors the ACM contest. Donofrio's father was an Italian immigrant who worked three jobs to feed his family in Beacon, N.Y., then a gritty factory town. Donofrio questions whether Americans still have that kind of drive. "Are we hungry enough?" he asks. "Or are we going to amble along and take our time? If so, the Indians and Chinese will close the gap and perhaps even surpass us. You can see the passion in their eyes. They're people on a mission."

When *BusinessWeek* visited Duke on a Saturday in early April, it was clear why many American students don't have the intensity of their overseas counterparts. There are a zillion distractions. The campus was like a carnival, with concerts, outdoor parties, and sunbathing on the grass. Meanwhile, the programming team was sequestered in a concrete-and-steel computer science building writing algorithms on whiteboards and tapping out C++ code on a PC. Sample problem: You have a population of Tribbles (the furry *Star Trek* beasts) who live for a day. Each Tribble has the potential for producing a number of offspring. What's the probability that, after a certain number of generations, every Tribble will be dead?

Bhawalkar's teammates are no slouches. A year ago, Duke's ACM programming team (she was not yet on it) solved four problems in the world finals. Mickle, now a 21-year-old senior, got job offers from Google and Microsoft (MSFT), and chose Microsoft. Edwards landed a Microsoft internship this summer. But they acknowledge that they don't have the dedication to programming that some overseas aces do. During a break, Edwards ticked off his list of college activities. In addition to classes and homework, he plays tennis four times a week, practices with the Ultimate Frisbee team, and sings in a choir. "We're like pickers and choosers at a buffet rather than concentrating on one thing. Some of the other countries, they focus more," he said.

Is the answer to turn American students into programming-obsessed drudges? Even if you could do that, it would just make the field less popular. Duke coach Astrachan, the computer science department's director of undergraduate studies, says the way to reverse the decline in interest is to make computer science more compelling to students by linking it to practical, real-world situations. He has proposed two new double majors, computational biology and computational economics, applying programming to medicine and business. He's also developing a course on social networking Web sites such as MySpace, where students will build and manage Web sites -- learning about programming along the way.

Other academic and tech-industry leaders also are striving to make computing more exciting. The University of California at Berkeley and Georgia Institute of Technology, among others, are developing multidisciplinary programs linking technology, business, and social sciences. Intel (INTC) and Microsoft sponsor student science and technology contests. Yet computer science advocates say that unless the government enacts sweeping legislation aimed at improving the nation's technology competitiveness -- legislation now bogged down in Congress -- there's a limit to what can be done. "The attitude in the House is very toxic, and I don't see much chance of them coming together," says Deborah L. Wince-Smith, president of the Council on Competitiveness.

While Congress was fiddling, the kids from Saratov State were marching toward victory in San Antonio. The 83 teams sat at tables that were gradually festooned with color-coded balloons signaling which group had solved which problems. After an announcer ticked off the last 10 seconds in the contest, Saratov's players, coaches, and hangers-on shouted with joy and gave each other back-pounding bear hugs. "I feel euphoric," said team member Ivan Romanov. Victory was especially sweet, he added, because it came on the anniversary of cosmonaut Yuri Gagarin's 1961 voyage into space.

Gagarin's rocket ride shocked Americans out of their postwar complacency, sparking a national quest for tech superiority that led to such breakthroughs as the moon landing and the microchip. A trouncing in a programming contest doesn't

inspire the same kind of response today. Truthfully, Americans just don't feel threatened enough to exert the effort. But if we wait too long, we might find ourselves playing catch-up again.

By Steve Hamm

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