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## **HOW I VOTED: REAL ID**

### **AGAINST IMPLEMENTATION**

South Carolina's refusal to implement the federally-mandated REAL ID program got a lot of attention last week when Governor Sanford refused to ask for an extension to comply with the program. His move focused attention on this questionable program, and on South Carolina's reaction to it. The SC House discussed the topic last year; here is what I learned:

Basically, the REAL ID program is part of the federal government's efforts to address the threat of terrorism. Specifically, it seeks to close loopholes by which unfriendly foreign nationals can acquire valid state-issued identification cards, most notably drivers' licenses.

When viewed nationally, this is in fact a problem. North Carolina, for example, until recently would (and may still) issue a drivers license with no more than a utility bill; New York state recently proposed to issue licenses to illegal immigrants. REAL ID would require that states implement much more stringent standards.

Which is fine with me, in spirit at least. The problems with REAL ID, however, became obvious once we started to look at the details.

Importantly, the federal program provided absolutely zero dollars for implementation. We heard evidence that compliance could cost South Carolina over \$20 million for things such as new computer systems. Even more bizarrely, the program required the use of a new national database that didn't even exist yet (and wouldn't for many years...leave it to the feds to mandate use of something that doesn't exist.) Beyond the practical difficulties, there were many legislators, myself included, who were worried that REAL ID was the first step toward a national identification card.

**So, for those reasons, the SC Legislature passed (and I voted for) a law last year that prohibited compliance with REAL ID.** We hoped --- as did many other states --- that such a public show of opposition would encourage the federal government to rethink REAL ID.

Instead, Uncle Sam responded by threatening to deny South Carolinians certain rights and privileges. For example, the feds indicated that a South Carolina drivers' license would no longer enable us to pass through security at airports (without undergoing additional -- and undefined -- security measures.) Neither could we enter a nuclear facility (which probably doesn't sound like a major inconvenience, unless of course you work at one.) There was even some talk of excluding us from using post offices.

We could have avoided that by simply asking for an extension to comply. The Governor, however, refused to do so, as he didn't think it made much sense to ask for extra time to comply with a program with which we had no intention of complying anyway.

In the end, the feds backed down, and gave us an "extension," even though we didn't ask for one. That's fine with me. And, as a result, we can, for the next several years at least, still get through airport security.

No one doubts the need for efforts to combat terrorism. However, what was largely overlooked in this discussion is that South Carolina **already has some of the most stringent rules in the nation for getting a drivers' license**. We are in the small minority of states, for example, that already requires proof of citizenship. **In fact, the state already complies with over 90% of the requirements of REAL ID**. The only thing that would really change if we adopted the program is that there would be more red tape at the DMV.

Personally, I object to the federal government overstepping its bounds, as I think it did with REAL ID. Washington has for too long been able to get its way --- on matters that are traditionally and constitutionally state and local matters --- by threatening to either yank our funding (as it did with speed limits and drinking ages) or by penalizing us with the curtailment of our rights and privileges (as it did with REAL ID) .

If South Carolina was part of the problem, and was too lax in the issuance of its drivers' licenses, I might see the need for a crack down. However, that was simply not the case here. And I was glad to see South Carolina take a stand and tell the federal government that our drivers' licenses are our business.