

A-Engrossed
House Joint Memorial 11

Ordered by the House May 9
Including House Amendments dated May 9

Sponsored by Representatives BEYER, GILMAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Urges Congress to extend deadline for implementation of federal Real ID Act of 2005 and to provide states with adequate funding to implement Real ID Act.

JOINT MEMORIAL

1
2 To the President of the United States and the Senate and the House of Representatives of the United
3 States of America, in Congress assembled:

4 We, your memorialists, the Seventy-fourth Legislative Assembly of the State of Oregon, in leg-
5 islative session assembled, respectfully represent as follows:

6 Whereas the State of Oregon denounces and condemns all acts of terrorism by any entity,
7 wherever the acts occur; and

8 Whereas terrorist attacks against Americans, such as those that occurred on September 11,
9 2001, have necessitated the crafting of effective laws to protect citizens of the United States and
10 others from terrorist attacks; and

11 Whereas any new security measures by federal, state and local governments should be carefully
12 designed and employed to enhance public safety without infringing upon the civil liberties and rights
13 of citizens of the United States; and

14 Whereas the federal Real ID Act of 2005 will be a costly unfunded mandate because the federal
15 government has no plans to adequately reimburse the states for the costs of implementing the Real
16 ID Act and the National Governors Association, the National Conference of State Legislatures and
17 the American Association of Motor Vehicle Administrators estimate that the Real ID Act will cost
18 at least \$11 billion nationally over the next five years; and

19 Whereas the Real ID Act contains onerous record verification and retention provisions that
20 place unreasonable burdens on Oregon's Department of Transportation and on third parties required
21 to verify records; and

22 Whereas the Real ID Act places enormous burdens on citizens seeking to renew or obtain a
23 driver license including longer lines, higher costs and delays in obtaining original documents from
24 out of state; and

25 Whereas many Oregonians may not be able to obtain a driver license, driver permit or identifi-
26 cation card that conforms to the Real ID Act because they are unable to locate necessary original
27 documents, such as birth certificates, due to destruction in fires, floods or other natural disasters
28 like Hurricane Katrina or because they were born in other states and cannot locate or obtain birth

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 documents from 30, 40, 50 or even 60 years ago, or they were born at home and a birth certificate
2 was not created, or they are foreign born United States citizens without access to birth certificates
3 from their countries of origin, or because they are elderly, homeless, low-income or physically or
4 mentally disabled people without the abilities or resources to locate or pay for the necessary docu-
5 ments; and

6 Whereas the Real ID Act would expose all Oregonians to an unprecedented level of identity
7 theft by requiring, for the first time, Oregon's Department of Transportation to store copies of all
8 birth certificates, Social Security numbers and other documents used to establish identity, making
9 the repository a gold mine for identity thieves; and

10 Whereas the Federal Trade Commission estimates that 10 million Americans are victims of
11 identity theft annually; and

12 Whereas the Real ID Act may increase the crime of identity theft by making the personal in-
13 formation of all Americans including name, date of birth, gender, driver license, driver permit or
14 identification card number, digital photograph, address, signature and copies of all identity docu-
15 ments accessible from tens of thousands of locations; and

16 Whereas the Seventy-third Oregon Legislative Assembly enacted chapter 775, Oregon Laws 2005,
17 (Enrolled Senate Bill 640), requiring centralized issuance of driver licenses and use of biometric data
18 for the purpose of reducing identity theft, requiring full compliance by July 1, 2008; and

19 Whereas the Real ID Act creates a national identification card by requiring that all state driver
20 licenses contain uniform, machine-readable information and requiring this card for any federal pur-
21 pose, including air travel; and

22 Whereas the Real ID Act requires the creation of massive nationwide government databases
23 containing the driver license information of every American, accessible by the federal government
24 and by each state's motor vehicle department; and

25 Whereas the Real ID Act enables the creation of an additional massive private sector database
26 of driver license information gained from scanning the machine-readable information on every driver
27 license; and

28 Whereas these public and private databases are certain to contain numerous errors and false
29 information, creating significant hardship for Americans attempting to verify their identity for air
30 travel, to open a bank account or to perform any of the numerous functions required to live in the
31 United States today; and

32 Whereas the Real ID Act threatens the privacy and liberty of individuals who belong to minority
33 or unpopular groups, including some racial and cultural organizations, faith-based and religious or-
34 ganizations, political parties and social movements and individuals who own or collect firearms; and

35 Whereas the Real ID Act eliminates a process of negotiated rulemaking initiated under the In-
36 telligence Reform and Terrorism Prevention Act of 2004 in which federal, state and local
37 policymakers, privacy advocates and industry experts convened to address the problem of misuse
38 of identity documents; and

39 Whereas the Real ID Act would provide little security benefit and still leave identification sys-
40 tems open to insider fraud, counterfeit documentation and database failures; now, therefore,

41 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

42 (1) The Oregon Legislative Assembly supports the government of the United States in its cam-
43 paign against terrorism, but the campaign must not be waged at the expense of essential freedoms
44 and protections for every Oregonian. In particular, the Oregon Legislative Assembly opposes im-
45 plementation of technology requirements as part of the Real ID Act that compromise personal

1 identifying information of Oregon drivers.

2 (2) The Congress of the United States is respectfully urged to:

3 (a) Provide appropriations to cover the costs of implementing the Real ID Act in Oregon and
4 other states;

5 (b) Provide an easily accessible, low-cost system that allows all Oregonians, regardless of place
6 of birth, to obtain the documents necessary for a driver license, driver permit or identification card
7 that conforms to the Real ID Act;

8 (c) Extend the deadline for implementation of the Real ID Act until states have sufficient time,
9 after the federal government approves the rules, to determine which state laws, administrative rules
10 and practices are necessary to implement the Real ID Act;

11 (d) Extend the deadline for implementation of the Real ID Act until privacy protections and
12 safeguards are implemented to ensure that copies of all identification documents such as birth cer-
13 tificates and Social Security cards, and personal information including name, date of birth, gender,
14 driver license, driver permit or identification card number, digital photograph, address, signature
15 and personal data submitted to, copied or retained by Oregon's Department of Transportation are
16 sufficiently protected against unauthorized or illegal access and use;

17 (e) Extend the United States Department of Homeland Security's deadline for accepting driver
18 licenses, driver permits and identification cards that are not in compliance with the Real ID Act and
19 allow for states to have sufficient time to come into compliance with the Real ID Act and to issue
20 new Real ID Act compliant driver licenses, driver permits and identification cards to all Oregonians;

21 (f) Take into account the burden on Oregonians to obtain the necessary identification docu-
22 ments, the time required to obtain a new Real ID Act compliant driver license, driver permit or
23 identification from Oregon's Department of Transportation and the time it will take Oregon's De-
24 partment of Transportation to issue new driver licenses, driver permits and identification cards to
25 all Oregonians; and

26 (g) Consider driver licenses, driver permits and identification cards compliant with the Real ID
27 Act when states have come into substantial compliance with the law.

28 (3) A copy of this memorial shall be sent to the President of the United States, the Secretary
29 of Homeland Security, the Secretary of Transportation, the United States Attorney General, the
30 Governor of Oregon, and each member of the Oregon Congressional Delegation.

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