

House Joint Memorial 11

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 **as introduced**.

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

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

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

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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 reimburse the states for the costs of implementing the Real ID Act and
16 the National Governors Association, the National Conference of State Legislatures and the Ameri-
17 can Association of Motor Vehicle Administrators estimate that the Real ID Act will cost at least
18 \$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 will 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
29 documents from 30, 40, 50 or even 60 years ago, or they were born at home and a birth certificate
30 was not created, or they are foreign born United States citizens without access to birth certificates
31 from their countries of origin, or because they are elderly, homeless, low-income or physically or

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 mentally disabled people without the abilities or resources to locate or pay for the necessary docu-
2 ments; and

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

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

9 Whereas the Real ID Act will increase the crime of identity theft by making the personal in-
10 formation of all Americans including name, date of birth, gender, driver license or identification card
11 number, digital photograph, address, signature and copies of all identity documents accessible from
12 tens of thousands of locations; and

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

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

19 Whereas the Real ID Act requires the creation of a massive nationwide government database
20 containing the driver license information of every American, accessible by the federal government
21 and by each state's motor vehicle department; and

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

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

29 Whereas with the use of some common types of machine-readable technology, licenses containing
30 personal information may be readable by anyone on the street in close proximity to an individual
31 carrying a driver license; and

32 Whereas the Real ID Act requires that each driver license contain the driver's home address
33 without exception and makes no provisions for securing the personal information of individuals in
34 potential danger such as undercover police officers, judges and some victims of domestic violence,
35 stalking or criminal harassment; and

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

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

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

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

1 (1) The Oregon Legislative Assembly supports the government of the United States in its cam-
2 paign against terrorism, but the campaign must not be waged at the expense of essential freedoms
3 and protections for every Oregonian. In particular, the Oregon Legislative Assembly opposes im-
4 plementation of a common machine-readable technology requirement as part of the Real ID Act that
5 compromises personal identifying information of Oregon drivers. The Oregon Legislative Assembly
6 will neither enact legislation nor authorize any appropriation to further the implementation of the
7 Real ID Act in Oregon until Congress addresses the issues specified in this joint memorial.

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

9 (a) Extend the deadline for implementation of the Real ID Act until at least two years after the
10 federal government approves the rules necessary for states to determine which state laws, adminis-
11 trative rules and practices are necessary to implement the Real ID Act;

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

18 (c) Provide appropriations to cover the costs of implementing the Real ID Act in Oregon and
19 other states; and

20 (d) Provide an easily accessible, low-cost system that allows all Oregonians, regardless of place
21 of birth, to obtain the documents necessary for a driver license, driver permit or identification card
22 that conforms to the Real ID Act.

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

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