

1 **HOUSE RESOLUTION EXPRESSING**
2 **OPPOSITION TO THE CREATION OF A**
3 **NATIONAL IDENTIFICATION CARD**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Stephen E. Sandstrom**

7
8 **LONG TITLE**

9 **General Description:**

10 This resolution of the House of Representatives opposes the REAL ID Act of 2005 and
11 its implementation of a national identification card.

12 **Highlighted Provisions:**

13 This resolution:

- 14 ▶ supports the United States Government's commitment that the campaign against
15 terrorism not be waged at the expense of essential civil rights and liberties of the
16 nation's citizens;
- 17 ▶ opposes any portion of the REAL ID Act that violates the rights and liberties
18 guaranteed under the Utah Constitution or the United States Constitution;
- 19 ▶ opposes state legislation that would further the REAL ID Act in Utah unless
20 intended to undertake an analysis of the cost of implementing REAL ID or to
21 pursue a constitutional challenge to the Act by the state;
- 22 ▶ urges Utah's congressional delegation to support measures repealing Title II of the
23 REAL ID Act of 2005 and restoring the negotiated rulemaking process established
24 under the Intelligence Reform and Terrorism Prevention Act of 2004; and
- 25 ▶ urges the Secretary of the Department of Homeland Security to not penalize any
26 state or its citizens for failure to comply with the REAL ID Act pending further
27 congressional consideration of whether to repeal or replace the Act.

28 **Special Clauses:**

29 None

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Be it resolved by the House of Representatives of the state of Utah:

WHEREAS, the state of Utah recognizes the Constitution of the United States as the nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including privacy and freedom from unreasonable searches;

WHEREAS, each of Utah's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the state of Utah;

WHEREAS, the state of Utah denounces and condemns all acts of terrorism by any entity, wherever the acts occur;

WHEREAS, terrorist attacks against Americans, like those on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks;

WHEREAS, any new security measures of federal, state, or local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Utah and the United States;

WHEREAS, Title II of the REAL ID Act of 2005 creates a national identification card by requiring that uniform information be placed on every states' driver license, requiring that the information be machine readable in a standard format, and requiring that the card be used for any federal purpose, including air travel;

WHEREAS, REAL ID will be a costly unfunded mandate that the Department of Homeland Security estimates will, over the next ten years, cost states 3.9 billion dollars and individuals 5.8 billion dollars;

WHEREAS, regulations made by the Department of Homeland Security do not adequately address fundamental burdens that the statute imposes on states and individuals, or violations of privacy and constitutional rights;

WHEREAS, REAL ID requires the creation of a massive public sector database containing the driver license information on every American with a license, accessible to every state motor vehicle employee and every state and federal law enforcement officer;

58 WHEREAS, REAL ID enables the creation of an additional massive private sector
59 database of driver license information gained from scanning the machine-readable information
60 contained on every driver license;

61 WHEREAS, these public and private databases are certain to contain numerous errors
62 and false information, creating significant hardships for Americans attempting to verify their
63 identity in order to fly, open a bank account, or perform any of the numerous functions
64 required to live in the United States today;

65 WHEREAS, the Federal Trade Commission estimates that 10 million Americans are
66 victims of identity theft annually;

67 WHEREAS, these identity thieves are increasingly targeting motor vehicle
68 departments;

69 WHEREAS, REAL ID will facilitate the crime of identity theft by making the personal
70 information of all Americans, including name, date of birth, gender, driver license or
71 identification card number, digital photograph, address, and signature accessible from tens of
72 thousands of locations;

73 WHEREAS, REAL ID requires driver licenses to contain actual home addresses and
74 makes only limited provisions for securing personal information for individuals in potential
75 danger such as undercover police officers and victims of domestic violence, stalking, or
76 criminal harassment;

77 WHEREAS, REAL ID contains no exemption for religion, limits religious liberty, and
78 tramples the beliefs of groups like the Amish and certain Evangelical Christians;

79 WHEREAS, REAL ID contains onerous record verification and retention provisions
80 that place unreasonable burdens on both Utah's Motor Vehicle Division and on third parties
81 required to verify records;

82 WHEREAS, REAL ID will likely place enormous burdens on individuals seeking a
83 new driver license, including longer lines, higher costs, increased document requests, and a
84 waiting period;

85 WHEREAS, REAL ID was passed without sufficient deliberation by Congress and

86 never received a hearing by a congressional committee or any vote solely on its merits;

87 WHEREAS, REAL ID eliminated a process of negotiated rulemaking initiated under
88 the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal,
89 state, and local policymakers, privacy advocates, and industry experts to address the misuse of
90 identity documents;

91 WHEREAS, more than 600 organizations opposed the passage of REAL ID, including
92 the Utah Chapter of the American Civil Liberties Union and the Utah Eagle Forum; and

93 WHEREAS, REAL ID would provide little security benefit and still leave
94 identifications systems open to insider fraud, counterfeit documentation, and database failures:

95 NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the
96 state of Utah supports the United States Government's campaign against terrorism and its
97 commitment that the campaign not be waged at the expense of essential civil rights and
98 liberties of the nation's citizens that are protected in the United States Constitution, including
99 the Bill of Rights.

100 BE IT FURTHER RESOLVED that the House of Representatives opposes any portion
101 of the REAL ID Act that violates the rights and liberties guaranteed under the Utah
102 Constitution or the United States Constitution, including the Bill of Rights.

103 BE IT FURTHER RESOLVED that the House of Representatives expresses its
104 opposition to state legislation, including appropriations, that would further the REAL ID Act
105 in Utah unless the appropriation is used exclusively for the purpose of undertaking a
106 comprehensive analysis of the costs to implement REAL ID, or to mount a constitutional
107 challenge to the Act by the state Attorney General.

108 BE IT FURTHER RESOLVED that the House of Representatives urges Utah's
109 congressional delegation to support measures to repeal Title II of the REAL ID Act of 2005
110 and restore the negotiated rulemaking process established under Section 7212 of the
111 Intelligence Reform and Terrorism Prevention Act of 2004.

112 BE IT FURTHER RESOLVED that the House of Representatives urges the Secretary
113 of the Department of Homeland Security to not penalize any state or its citizens for failure to

114 comply with the REAL ID Act pending further congressional consideration of whether to
115 repeal the Act and replace it with an act that assists states in strengthening the security of their
116 driver license system without burdening the finances of the states or the rights of the states'
117 drivers.

118 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
119 the United States, the Majority Leader of the United States Senate, the Speaker of the United
120 States House of Representatives, the Secretary of the Department of Homeland Security,
121 Governor Huntsman, and the members of Utah's congressional delegation.