

SENATE JOINT RESOLUTION NO. 248

By Senators Henry, Woodson, McNally, Cooper, Kilby, Marrero, Raymond Finney

and

Representatives Overbey, Armstrong, Bass, Bell, Bibb, Bone, Borchert, Briley, Harry Brooks, Kevin Brooks, Brown, Buck, Campfield, Casada, Curt Cobb, Jim Cobb, Coleman, Coley, Cooper, Crider, Curtiss, Dean, John DeBerry, Lois DeBerry, DuBois, Dunn, Eldridge, Favors, Ferguson, Fincher, Fitzhugh, Floyd, Ford, Fraley, Gresham, Hackworth, Hardaway, Harmon, Harrison, Harwell, Hawk, Hensley, Hill, Hood, Curtis Johnson, Phillip Johnson, Sherry Jones, Ulysses Jones, Kelsey, Kernell, Litz, Lollar, Lundberg, Lynn, Maddox, Maggart, Matheny, Matlock, McCord, McCormick, McDaniel, McDonald, McManus, Miller, Montgomery, Moore, Mumpower, Niceley, Odom, Pinion, Pitts, Pruitt, Rinks, Roach, Rowland, Sargent, Shaw, Shepard, Sontany, Swafford, Tidwell, Tindell, Todd, Towns, Larry Turner, Mike Turner, Vaughn, Watson, West, Wilder, Williams, Windle, Winningham, Yokley, Mr. Speaker Naifeh

A RESOLUTION opposing the implementation of the REAL ID Act of 2005.

WHEREAS, the State of Tennessee recognizes the Constitution of the United States as our charter of liberty and the Bill of Rights as affirming the fundamental and inalienable rights of Americans, including freedom of privacy and freedom from unreasonable searches; and

WHEREAS, the people of Tennessee recognize that the Constitution of the State of Tennessee affords even greater privacy rights for her citizens than those provided by the Constitution of the United States; and

WHEREAS, Tennessee has a diverse population whose contributions are vital to the state's economy, culture and civic character; and

WHEREAS, Tennessee is proud of her tradition of protecting the civil rights and liberties of all her residents, affirming the fundamental rights of all people, and providing more expansive protections than are granted by the Constitution of the United States; and

WHEREAS, the federal REAL ID Act of 2005, Public Law 109-12, creates a national identification card by mandating federal standards for state driver's licenses and identification cards and requires states to share their motor vehicle databases; and

WHEREAS, the REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

WHEREAS, the REAL ID Act prohibits federal agencies and federally regulated commercial aircraft from accepting a driver's license or identification card issued by a state that has not fully complied with the act; and

WHEREAS, the REAL ID Act places a costly, unfunded mandate on states, with initial estimates for Tennessee of more than one hundred million dollars, plus the additional burden of millions of taxpayers' dollars in ongoing annual expenses, and a national estimate of more than eleven billion dollars over the five years following its implementation; and

WHEREAS, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens. Such activities are not the business or responsibility of government; and

WHEREAS, the REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license; and

WHEREAS, these public and private databases are likely to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identities in order to travel on commercial aircraft, open a bank account, or perform any of the numerous functions required to live in the United States today; and

WHEREAS, the Federal Trade Commission estimates that ten million Americans are victims of identify theft annually, and because identity thieves are increasingly targeting motor vehicle departments, the REAL ID Act will enable the crime of identity theft by making the personal information of all Americans, including date of birth and signature, accessible from tens of thousands of locations; and

WHEREAS, the REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement personnel or victims of stalking or criminal harassment; and

WHEREAS, the REAL ID Act contains onerous record verification and retention provisions that place unreasonable burdens on state motor vehicle divisions and on third parties required to verify records; and

WHEREAS, the REAL ID Act will place enormous burdens on citizens seeking new driver's licenses, such as longer lines, increased document requests, higher costs, and a waiting period; and

WHEREAS, the REAL ID Act will place state motor vehicle staff on the front lines of immigration enforcement by forcing state employees to determine federal citizenship and immigration status, excessively burdening both foreign-born applicants and motor vehicle staff; and

WHEREAS, the REAL ID Act passed without sufficient deliberation by Congress and did not receive a hearing by any congressional committee or a vote solely on its own merits, despite opposition from more than six hundred organizations; and

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

WHEREAS, the REAL ID Act provides little security benefit and leaves identification systems open to insider fraud, counterfeit documentation, and database failures; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that we support the government of the United States in its campaign to secure our country, while affirming the commitment that this campaign not be waged at the expense of the essential rights and liberties of the citizens of this country, nor by placing the added burden of a costly mandate upon the taxpayers of each state.

BE IT FURTHER RESOLVED, that it is the policy of the State of Tennessee to oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the constitutions of the State of Tennessee and the United States, including the Declaration of Rights and the Bill of Rights.

BE IT FURTHER RESOLVED, that the Tennessee General Assembly urges the Tennessee congressional delegation to support measures to repeal the REAL ID Act.

BE IT FURTHER RESOLVED, that there be no implementation of the REAL ID Act of 2005, unless and until funding for the additional cost associated with same is furnished by the United States government.

BE IT FURTHER RESOLVED, that the Chief Clerk of the Senate be hereby authorized and directed to forward a certified copy of this resolution to the President of the United States, George W. Bush, the United States Attorney General, Alberto Gonzales, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Tennessee in the Congress of the United States.

ADOPTED: June 11, 2007


RON RAMSEY
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED: June 25, 2007


PHIL BREDESEN, GOVERNOR