

By: Isett

H.C.R. No. 148

CONCURRENT RESOLUTION

1 WHEREAS, The REAL ID Act of 2005 was enacted by the United
2 States Congress as part of a broad supplemental appropriations
3 package relating to homeland security issues; the act requires all
4 50 states to validate primary documents used to obtain a driver's
5 license or identification (ID) card and to issue licenses and ID
6 cards in a uniform, federally approved format if the licenses and
7 cards are to be accepted as identity documents by the federal
8 government; and

9 WHEREAS, The total cost for the initial implementation of the
10 new regulations has been estimated to be more than \$11 billion,
11 though to date congress has appropriated only \$40 million to the
12 effort; given the expense of the program and the minor
13 congressional contribution, the REAL ID Act is effectively an
14 unfunded mandate as federally approved identification is required
15 for a United States citizen to board a commercial airplane, make
16 transactions with a federally licensed financial institution,
17 enter a federal building, or apply for federally supported public
18 assistance, such as Social Security; and

19 WHEREAS, Not surprisingly, the anticipated cost for the State
20 of Texas is significant; the Texas Department of Public Safety
21 (DPS) recently informed the House Appropriations Committee that all
22 18.5 million Texas driver's licenses and ID cards must be verified
23 and reissued within five years under the act, prompting the agency
24 to request \$268.7 million as an exceptional item in its 2008-2009

1 budget; in addition, DPS has indicated it expects ongoing REAL
2 ID-related expenses to be \$101.3 million per year; and

3 WHEREAS, In addition to unease about expense, provisions of
4 the REAL ID Act raise concerns about data security and possible
5 identity theft; the act requires statewide databases to be
6 integrated and shared with the federal government, but does not
7 establish clear security standards for the network nor designate an
8 entity to control access to the system; and

9 WHEREAS, These ambiguities in the legislation make it more
10 likely that information about a driver's license or ID card holder
11 could be illegally accessed through another state's less secure
12 system, creating a vulnerability where none currently exists and
13 increasing the likelihood of the very threat the program was
14 designed to minimize; furthermore, some states' officials have
15 pointed out that their computer systems are not even capable of
16 verifying documentation as required by the act; and

17 WHEREAS, The negative implications of the federal
18 regulations are raising concerns nationwide, with 21 states
19 currently considering legislation questioning, opposing, or
20 refusing to carry out the requirements of the REAL ID Act and
21 legislators from an additional 17 states having expressed their
22 intention to do so as well; considering the obvious fiscal
23 consequence to Texas and the considerable flaws inherent in the
24 federal requirements, it is incumbent on the State of Texas to act
25 likewise; now, therefore, be it

26 RESOLVED, That the 80th Legislature of the State of Texas
27 hereby refuse to implement the federal REAL ID Act of 2005; and, be

1 it further

2 RESOLVED, That the Texas secretary of state forward official
3 copies of this resolution to the president of the United States, to
4 the speaker of the house of representatives and the president of the
5 senate of the United States Congress, and to all the members of the
6 Texas delegation to the congress with the request that this
7 resolution be officially entered in the Congressional Record as a
8 memorial to the Congress of the United States of America.