

Testimony of Senator Mike Folmer

Senate Communications & Technology Committee

9:00 a.m., Wednesday, May 13th
Room 8E-B, East Wing

THANK YOU for the opportunity to talk about the problems of the federal Real ID Act and my Senate Bill 621, which would preclude the Commonwealth from having to comply with this federal mandate.

My main concern with the federal Real ID law is that it violates both the United States Constitution and Pennsylvania's Constitution.

In the post September 11th world, there is a sense by some that we should forswear our right to privacy for a perceived sense of safety. I disagree. To quote Benjamin Franklin: "those who give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

My Senate Bill 621, "the Real ID and Biometric and Economic Privacy Act" would preclude Pennsylvania from having to comply with the federal REAL ID Act.

Twelve other states have enacted legislation to exempt themselves from this federal mandate, including: Alaska, Arizona, Georgia, Idaho, Louisiana, Maine, Montana, New Hampshire, Oklahoma, South Carolina, Virginia, and Washington. In addition, a number of other states have passed non-binding resolutions expressing their opposition to Real ID in some fashion, including: Arizona, Colorado, Hawaii, Illinois, Indiana, Missouri, Nebraska, New Hampshire, Nevada, North Dakota, South Dakota, and Tennessee.

I believe that Pennsylvania should take the stronger approach by enacting SB 621 into law.

SB 621 brings together an interesting and formidable alliance of ideologically diverse interest groups spanning both the political spectrum of both the left and the right. Like me, these groups recognize that the Real ID Act is not good public policy.

The federal Real ID Act would mandate that the states make drivers' licenses national identification cards. Drivers' licenses that do not meet federal requirements would not be acceptable for a variety of federal purposes, such as boarding airplanes and entering federal facilities.

This unfunded federal mandate will impose heavy burdens on the both the taxpayers and upon state government. As we will hear later, other states believe that Real ID will cost them hundreds of millions of dollars. No federal funds have been allocated to help offset these costs.

Beyond the costs of Real ID, there are additional privacy issues. Real ID also opens Pandora's Box to the potential for empowering the US Department of Homeland Security to mandate the collection of biometric data; things like retinal scans and face prints. Current law does not give government the power to fingerprint citizens

without cause. Why should Real ID be able to secure more detailed information without citizens' consent? Biometrics restrictions are further covered by Senator Kitchen's Senate Bill 623, which I also support.

Real ID requires that personal data collected from each state's drivers be stored into a database that is linked to the department of motor vehicles of other states. Do you want all of your personal information be stored in one place where computer hackers and identity thieves can look for ways to tap into it? Senator Wozniak's Senate Bill 622, which I also support, would impose restrictions on how personal information from existing drivers' licenses can be shared.

Will Real ID make us safer? I think not. And the price that we would have to bear would far exceed the perceived benefits. These costs include more government red tape, more bureaucracy, higher fees and higher taxes. It's just not worth it.

Identity information does not reveal anything about evil intent. Consider the worst act of terrorism on American soil prior to 9-11. It was committed by a decorated Gulf War veteran who regularly attended church with his father. His name was Timothy McVeigh and he murdered 168 people in the Alfred P. Murrah Building in Oklahoma City.

Terrorists are patient. They will do whatever it takes to legally maneuver around whatever roadblocks that we attempt to put in their paths. Then, they will strike.

Rather than compromising our rights for a perceived sense of security, I believe that we would be far better off to avail ourselves of the right to self protection. A vigilant society is a safe society.

We should not make the mistake of succumbing to a false hope of a national ID card that would strip away our precious privacy.

I will be happy to answer any questions that you may have. Thank you again for the opportunity to share my thoughts with you on this important issue.