State of Arkansas

As Engrossed: S3/7/07

86th General Assembly
Regular Session, 2007

By: Senator Wilkins

By: Representative Pace

SENATE CONCURRENT RESOLUTION

TO URGE CONGRESS AND THE UNITED STATES DEPARTMENT
OF HOMELAND SECURITY TO ADD CRITICAL PRIVACY AND
CIVIL LIBERTY SAFEGUARDS TO THE REAL ID ACT OF
2005 AND TO FULLY FUND OR SUSPEND IMPLEMENTATION
OF THE REAL ID ACT.

Subtitle

TO URGE CONGRESS AND THE UNITED STATES
DEPARTMENT OF HOMELAND SECURITY TO ADD
CRITICAL PRIVACY AND CIVIL LIBERTY
SAFEGUARDS TO THE REAL ID ACT OF 2005
AND TO FULLY FUND OR SUSPEND
IMPLEMENTATION OF THE REAL ID ACT.

WHEREAS, the implementation of the REAL ID Act of 2005, Pub. L. No.
109-13, intrudes upon the states’ sovereign power of the states to determine
their own policies for identification, licensure, and credentialing of
individuals residing therein; and

WHEREAS, the REAL ID Act of 2005 converts the driver licensing function
of the states into federal law enforcement and national security functions
that are outside the purpose and core competency of driver licensing bureaus;
and

WHEREAS, the REAL ID Act of 2005 constitutes an unfunded mandate by the
federal government to the states; and
WHEREAS, the REAL ID Act of 2005 requires states to conform their processes of issuing driver licenses and identification cards to federal standards by May 2008; and

WHEREAS, the National Governors Association, the National Conference of State Legislatures, and the American Association of Motor Vehicle Administrators predict state compliance with the provisions of the REAL ID Act of 2005 will require all of the estimated two hundred forty-five million (245,000,000) current driver license and identification card holders in the United States to renew their current identity documents in person by producing three (3) or four (4) identity documents, thereby increasing processing time and doubling waiting time at licensing centers; and

WHEREAS, identification-based security provides only limited security benefits because it can be avoided by defrauding or corrupting card issuers and because it gives no protection against people not already known to be planning or committing wrongful acts; and

WHEREAS, the REAL ID Act of 2005 will cost the states over eleven billion dollars ($11,000,000,000) to implement according to a recent survey of forty-seven (47) state licensing authorities conducted by the National Governors Association, the National Conference of State Legislatures, and the American Association of Motor Vehicle Administrators; and

WHEREAS, the use of identification-based security cannot be justified as part of a layered security system if the costs of the identification layer – in dollars, lost privacy, and lost liberty – are greater than the security that the identification provides; and

WHEREAS, the "common machine-readable technology" required by the REAL ID Act of 2005 would convert state-issued driver licenses and identification cards into tracking devices, allowing computers to note and record a person’s whereabouts each time he or she is identified; and

WHEREAS, a more secure and flexible system of verifying identity may be
achieved by less intrusive means to the individual and to states by employing
the free market and private sector ingenuity; and

WHEREAS, the requirement that states maintain databases of information
about their citizens and residents and then share this personal information
with all other states will expose every state to the information security
weaknesses of every other state and threaten the privacy of every American; and

WHEREAS, the REAL ID Act of 2005 wrongly coerces states into doing the
federal government's bidding by threatening to refuse to the citizens of non-complying
states the privileges and immunities enjoyed by the citizens of other states; and

WHEREAS, the REAL ID Act of 2005 threatens the privacy and liberty of
those individuals belonging to unpopular or minority groups, including racial
and cultural organizations, firearm owners and collectors, faith-based and
religious affiliates, political parties, and social movements; and

WHEREAS, Congress passed the REAL ID Act of 2005 without a single
hearing in either chamber and without an up-or-down vote in the United States
Senate or the United States House of Representatives; and

WHEREAS, the REAL ID Act of 2005 thus imposes a national identification
system through the states, premised upon the threat to national security but
without the benefit of public debate and discourse,

NOW THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Arkansas General Assembly urges the United States Congress and
the United States Department of Homeland Security to add critical privacy and
civil liberties safeguards to the Real ID Act of 2005 and to fully fund the
implementation of a system or suspend implementation of the REAL ID Act to
avoid the significant problems it currently poses to state sovereignty,
individual liberty, and limited government.

BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the
Majority Leader of the United States Senate, the Speaker of the United States
House of Representatives, and the members of the Arkansas Congressional
Delegation.

/s/ Wilkins