

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

HCR 1035

4
5 By: Representative Ragland
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8 **HOUSE CONCURRENT RESOLUTION**

9 TO URGE CONGRESS AND THE UNITED STATES DEPARTMENT
10 OF HOMELAND SECURITY TO EXAMINE THE SCOPE AND
11 COSTS OF THE FEDERAL MANDATES PLACED ON STATES IN
12 AND THE PRIVACY AND CIVIL LIBERTY CONCERNS OF THE
13 REAL ID ACT OF 2005.
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15 **Subtitle**

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17 DEPARTMENT OF HOMELAND SECURITY TO
18 EXAMINE THE SCOPE AND COSTS OF THE
19 FEDERAL MANDATES PLACED ON STATES IN AND
20 THE PRIVACY AND CIVIL LIBERTY CONCERNS
21 OF THE REAL ID ACT OF 2005.
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24 WHEREAS, in May 2005, the United States Congress enacted the Real ID
25 Act of 2005 as part of the Emergency Supplemental Appropriations for Defense,
26 the Global War on Terror, and the Tsunami Relief Act, Pub. L. No. 109-13,
27 which was signed by President Bush on May 11, 2005, and which becomes
28 effective on May 11, 2008; and
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30 WHEREAS, the costly and controversial provisions in the Real ID Act of
31 2005 relate to the implementation of national driver's license standards; and
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33 WHEREAS, the critics of the Real ID Act of 2005 contend that the
34 implementation of national driver's license standards is an unfunded federal
35 mandate, intrudes upon the states' sovereign power to determine state
36 policies for identification, licensure, and credentialing of their residents,



1 and is cause for constitutional concerns regarding invasion of privacy ; and

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

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9 WHEREAS, the critics of the Real ID Act of 2005 include the National
10 Governor's Association, National Conference of State Legislatures, and
11 American Association of Motor Vehicle Administrators, and the critics also
12 predict state compliance with the provisions of the REAL ID Act of 2005 will
13 require all of the estimated two hundred forty-five million (245,000,000)
14 current driver license and identification card holders in the United States
15 to renew their current identity documents in person by producing three (3) or
16 four (4) identity documents, thereby increasing processing time and doubling
17 wait time at licensing centers; and

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19 WHEREAS, the "common machine-readable technology" required by the REAL
20 ID Act of 20005 would convert state-issued driver licenses and identification
21 cards into tracking devices, allowing computers to note and record a person's
22 whereabouts each time they are identified; and

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

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

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35 WHEREAS, a more secure and flexible system of verifying identity may be
36 achieved by less intrusive means to the individual and to states by employing

1 the free market and private sector ingenuity; and

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3 WHEREAS, on March 1, 2007, the White House moved back a deadline to
4 implement the national driver's license standards which will allow these
5 issues to be addressed,

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7 NOW THEREFORE,

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

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11 THAT the Arkansas General Assembly urges the United States Congress and
12 the United States Department of Homeland Security to re-examine the scope and
13 costs of the mandates placed on states under the Real ID Act of 2005 and seek
14 the necessary input from states on all issues related to national driver's
15 license standards.

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17 BE IT FURTHER RESOLVED THAT the Arkansas General Assembly urges the
18 United States Congress and the United States Department of Homeland Security
19 to add critical privacy and civil liberties safeguards to the REAL ID Act of
20 2005 to avoid the significant problems it currently poses individual
21 liberties to which each citizen of the United States is entitled.

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23 BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the
24 Majority Leader of the United States Senate, the Speaker of the United States
25 House of Representatives, and the members of Arkansas's congressional
26 delegation.