1	State of Arkansas
2	86th General Assembly
3	Regular Session, 2007SCR22
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5	By: Senator Wilkins
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8	SENATE CONCURRENT RESOLUTION
9	TO URGE CONGRESS AND THE UNITED STATES DEPARTMENT
10	OF HOMELAND SECURITY TO ADD CRITICAL PRIVACY AND
11	CIVIL LIBERTY SAFEGUARDS TO THE REAL ID ACT OF
12	2005 AND TO FULLY FUND OR SUSPEND IMPLEMENTATION
13	OF THE REAL ID ACT.
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15	Subtitle
16	TO URGE CONGRESS AND THE UNITED STATES
17	DEPARTMENT OF HOMELAND SECURITY TO ADD
18	CRITICAL PRIVACY AND CIVIL LIBERTY
19	SAFEGUARDS TO THE REAL ID ACT OF 2005
20	AND TO FULLY FUND OR SUSPEND
21	IMPLEMENTATION OF THE REAL ID ACT.
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24	WHEREAS, the implementation of the REAL ID Act of 2005, Pub. L. No.
25	109-13, intrudes upon the states' sovereign power of the states to determine
26	their own policies for identification, licensure, and credentialing of
27	individuals residing therein; and
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29	WHEREAS, the REAL ID Act of 2005 converts the driver licensing function
30	of the states into federal law enforcement and national security functions
31	that are outside the purpose and core competency of driver licensing bureaus;
32	and
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34	WHEREAS, the REAL ID Act of 2005 constitutes an unfunded mandate by the
35	federal government to the states; and
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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

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5 WHEREAS, the National Governors Association, the National Conference of 6 State Legislatures, and the American Association of Motor Vehicle 7 Administrators predict state compliance with the provisions of the REAL ID 8 Act of 2005 will require all of the estimated two hundred forty-five million 9 (245,000,000) current driver license and identification card holders in the 10 United States to renew their current identity documents in person by 11 producing three (3) or four (4) identity documents, thereby increasing 12 processing time and doubling waiting time at licensing centers; and 13

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

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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

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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

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WHEREAS, the "common machine-readable technology" required by the REAL ID Act of 20005 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

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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

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1 the free market and private sector ingenuity; and

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3 WHEREAS, the requirement that states maintain databases of information 4 about their citizens and residents and then share this personal information 5 with all other states will expose every state to the information security 6 weaknesses of every other state and threaten the privacy of every American; 7 and

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9 WHEREAS, the REAL ID Act of 2005 wrongly coerces states into doing the 10 federal government's bidding by threatening to refuse to the citizens of non-11 complying states the privileges and immunities enjoyed by the citizens of 12 other states; and

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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

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19 WHEREAS, Congress passed the REAL ID Act of 2005 without a single 20 hearing in either chamber and without an up-or-down vote in the United States 21 Senate or the United States House of Representatives; and

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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,

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27 NOW THEREFORE,

28 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE 29 STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN: 30

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.

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