

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

*As Engrossed: S3/7/07*

SCR 22

4  
5 By: Senator Wilkins  
6 *By: Representative Pace*

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9 **SENATE CONCURRENT RESOLUTION**

10 TO URGE CONGRESS AND THE UNITED STATES DEPARTMENT  
11 OF HOMELAND SECURITY TO ADD CRITICAL PRIVACY AND  
12 CIVIL LIBERTY SAFEGUARDS TO THE REAL ID ACT OF  
13 2005 AND TO FULLY FUND OR SUSPEND IMPLEMENTATION  
14 OF THE REAL ID ACT.

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16 **Subtitle**

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

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24  
25 WHEREAS, the implementation of the REAL ID Act of 2005, Pub. L. No.  
26 109-13, intrudes upon the states' sovereign power of the states to determine  
27 their own policies for identification, licensure, and credentialing of  
28 individuals residing therein; and

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

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35 WHEREAS, the REAL ID Act of 2005 constitutes an unfunded mandate by the  
36 federal government to the states; and



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2 WHEREAS, the REAL ID Act of 2005 requires states to conform their  
3 processes of issuing driver licenses and identification cards to federal  
4 standards by May 2008; and

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

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

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

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

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

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36 WHEREAS, a more secure and flexible system of verifying identity may be

1 achieved by less intrusive means to the individual and to states by employing  
2 the free market and private sector ingenuity; and

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

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

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

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

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

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28 NOW THEREFORE,

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

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

1 individual liberty, and limited government.

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

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*/s/ Wilkins*

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