
SENATE CONCURRENT RESOLUTION

OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE
IMPLEMENTATION OF THE REAL ID ACT OF 2005.

1 WHEREAS, the State of Hawaii recognizes the Constitution of
2 the United States as our charter of liberty and the bill of
3 rights as affirming the fundamental and inalienable rights of
4 all Americans, including the freedom of privacy and the freedom
5 from unlawful searches and seizures; and
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7 WHEREAS, Hawaii has a diverse population whose
8 contributions are vital to the State's economy, culture, and
9 civic character; and
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11 WHEREAS, Hawaii is proud of its long tradition of
12 protecting civil rights and liberties of all of its residents,
13 affirming the fundamental rights of all people and, in some
14 circumstances, providing more expansive protections than are
15 granted by the United States Constitution; and
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17 WHEREAS, the State of Hawaii denounces terrorism in all its
18 forms and condemns all acts of terrorism by any entity, wherever
19 the acts may occur; and
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21 WHEREAS, any new security measures to provide protection
22 from terrorist attacks should be carefully designed to enhance
23 public safety without infringing on the civil liberties and
24 rights of citizens; and
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26 WHEREAS, the federal Real ID Act of 2005, Public Law
27 109-13, creates a national identification card by mandating
28 federal standards for state drivers' licenses and identification
29 cards and requiring states to share their motor vehicle
30 databases; and
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32 WHEREAS, the Real ID Act of 2005 mandates the documents
33 that states must require to issue drivers' licenses and requires



1 states to place uniform information on every driver's license in
2 a standard, machine-readable format; and

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4 WHEREAS, the Real ID Act of 2005 prohibits federal agencies
5 and federally-regulated commercial aircrafts from accepting a
6 driver's license or identification card issued by a state that
7 has not fully complied with the Act; and

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9 WHEREAS, the Real ID Act of 2005 creates a costly unfunded
10 mandate for the states, currently estimated to cost in excess of
11 \$11,000,000,000 to implement; and

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13 WHEREAS, the Real ID Act requires the creation of a fifty
14 state distributed public sector database containing information
15 on every American that is accessible to motor vehicle employees
16 and law enforcement officers nationwide and that can be used to
17 gather and manage information on citizens, which is not the
18 responsibility or business of the government; and

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20 WHEREAS, the Real ID Act of 2005 enables the creation of
21 additional massive private sector databases, combining both
22 transactional information and driver's license information
23 gained from scanning the machine-readable information to be
24 contained on every driver's license; and

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26 WHEREAS, it is likely that these public and private
27 databases will contain numerous errors and false information,
28 creating significant hardships on Americans attempting to verify
29 their identities in order to fly, open bank accounts, or perform
30 many other functions required to live in the United States
31 today; and

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33 WHEREAS, the Federal Trade Commission estimates that ten
34 million Americans are victims of identity theft each year, and,
35 because identity thieves are increasingly targeting motor
36 vehicle departments, the Real ID Act of 2005 will further enable
37 the crime of identity theft by making personal information of
38 all Americans more accessible from more locations; and

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40 WHEREAS, the Real ID Act of 2005 contains onerous record
41 verification and retention provisions that place unreasonable
42 burdens on the motor vehicle divisions and on third parties
43 required to verify records; and



1 WHEREAS, the Real ID Act of 2005 will place enormous
2 burdens on consumers seeking new drivers' licenses, including
3 waiting in longer lines, higher costs, increased document
4 requests, and longer waiting periods; and
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6 WHEREAS, the Real ID Act of 2005 will place motor vehicle
7 division staff on the front lines of immigration enforcement by
8 forcing public employees to determine federal citizenship and
9 immigration status; and
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11 WHEREAS, the Real ID Act of 2005 was passed as a rider to
12 an emergency appropriations measure for military operations in
13 Iraq and Afghanistan, which did not receive a hearing by any
14 Congressional Committee or a vote solely on its own merits,
15 despite widespread opposition; and
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17 WHEREAS, the Real ID Act of 2005 eliminated a process of
18 negotiated rulemaking initiated under the Intelligence Reform
19 and Terrorism Prevention Act of 2004, which had convened
20 federal, state, and local policymakers and privacy and industry
21 experts to solve the problem of misuse of identity documents;
22 and
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24 WHEREAS, the State of Hawaii expresses its support of the
25 United States government's campaign against terrorism, as well
26 as the belief that such campaign should not be waged at the
27 expense of the civil rights and liberties of the citizens of
28 this country; now, therefore,
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30 BE IT RESOLVED by the Senate of the Twenty-fourth
31 Legislature of the State of Hawaii, Regular Session of 2007, the
32 House of Representatives concurring, that the Legislature of the
33 State of Hawaii opposes the institution of a national
34 identification card and the implementation of the Real ID Act of
35 2005, particularly those provisions that:
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- 37 (1) Violate the rights and liberties guaranteed under the
38 Hawaii State Constitution or the United States
39 Constitution, including the bill of rights; and
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41 (2) Create unfunded mandates for the State without any
42 plan for financial subsidization for implementation;
43 and
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1 BE IT FURTHER RESOLVED that the Legislature of the State of
2 Hawaii supports the repeal of the Real ID Act of 2005 and urges
3 the Hawaii congressional delegation to support any legislation
4 that calls for the repeal, amendment, or, at a minimum, the
5 provision of proper funding for the implementation of the Real
6 ID Act of 2005; and
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8 BE IT FURTHER RESOLVED that certified copies of this
9 Concurrent Resolution be transmitted to the President of the
10 United States through the Secretary of State, the Majority
11 Leader of the United States Senate, the Speaker of the United
12 States House of Representatives, and the members of Hawaii's
13 congressional delegation.
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