

# House Concurrent Resolution No. 70

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLISH.

5835H.011

D. ADAM CRUMBLISS, Chief Clerk

1           **WHEREAS**, in May 2005, the United States Congress enacted the REAL ID Act of 2005  
2 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on  
3 Terror, and Tsunami Relief Act (PL 109-13), which was signed by President Bush on May 11,  
4 2005, and which became effective May 11, 2008; and

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6           **WHEREAS**, some of the requirements of the REAL ID Act are that states shall:

7           (1) Issue a driver's license or state identification card in a uniform format, containing  
8 uniform information, as prescribed by the federal Department of Homeland Security;

9           (2) Verify the issuance, validity, and completeness of all primary documents used to  
10 issue a driver's license, such as those showing that the bearer is a United States citizen or a  
11 lawful alien, a lawful refugee, or a person holding a valid visa;

12           (3) Provide for secure storage of all primary documents that are used to issue a federally  
13 approved driver's license or state identification card;

14           (4) Provide fraudulent document recognition training to all persons engaged in issuing  
15 driver's licenses or state identification cards; and

16           (5) Issue a driver's license or state identification card in a prescribed format if it is a  
17 license or card that does not meet the criteria provided for a federally approved license or  
18 identification card; and

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20           **WHEREAS**, use of the federal minimum standards for state driver's licenses and state-  
21 issued identification cards will be necessary for any type of federally regulated activity for which  
22 an identification card must be displayed, including flying in a commercial airplane, making  
23 transactions with a federally licensed bank, entering a federal building, or making application  
24 for federally supported public assistance benefits, including Social Security; and

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26           **WHEREAS**, some of the intended privacy requirements of the REAL ID Act, such as  
27 the use of common machine-readable technology and state maintenance of a database that can  
28 be shared with the United States government and agencies of other states, may actually make it  
29 more likely that a federally required driver's license or state identification card, or the

30 information about the bearer on which the license or card is based, will be stolen, sold, or  
31 otherwise used for purposes that were never intended or that are criminally related than if the  
32 REAL ID Act had not been enacted; and

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34 **WHEREAS**, these potential breaches in privacy that could result directly from  
35 compliance with the REAL ID Act may violate the right to privacy secured in the Missouri  
36 Constitution; and

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38 **WHEREAS**, the American Association of Motor Vehicle Administrators, the National  
39 Governors' Association, and the National Conference of State Legislatures have estimated, in an  
40 impact analysis dated September 2006, that the cost to the states to implement the REAL ID Act  
41 will be more than \$11 billion, and it is estimated that the implementation of the REAL ID Act  
42 will cost Missouri millions to fully implement the Act, none of such costs being paid by the  
43 federal government; and

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45 **WHEREAS**, the mandate to the states, through federal legislation that provides no  
46 funding for its requirements, to issue what is, in effect, a national identification card appears to  
47 be an attempt to "commandeer" the political machinery of the states and to require the states to  
48 be agents of the federal government, in violation of the principles of federalism contained in the  
49 Tenth Amendment to the United States Constitution, as interpreted by the United States Supreme  
50 Court in *New York v. United States*, 488 U.S. 1041 (1992), *United States v. Lopez*, 514 U.S. 549  
51 (1995), and *Printz v. United States*, 521 U.S. 898 (1997):

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53 **NOW THEREFORE BE IT RESOLVED** that the members of the House of  
54 Representatives, Ninety-eighth General Assembly, Second Regular Session, the Senate  
55 concurring therein, hereby affirm their abhorrence of and opposition to global terrorism, and  
56 affirm their commitment to protecting the civil rights and civil liberties of all Missouri residents  
57 and oppose any measures, including the REAL ID Act, that unconstitutionally infringe upon  
58 those civil rights and civil liberties, and hereby urge Congress to repeal the REAL ID Act; and

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60 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of  
61 Representatives be instructed to prepare properly inscribed copies of this resolution for Barack  
62 Obama, President of the United States; the President of the United States Senate; the Speaker  
63 of the House of Representatives; and each member of the Missouri Congressional delegation.

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