

HCR 6, As Adopted by Senate, August 19, 2009

Rep. Opsommer offered the following concurrent resolution:

House Concurrent Resolution No. 6.

A concurrent resolution to memorialize the President, the Congress, and the Department of Homeland Security of the United States to change requirements, agreements, and memorandums of understanding relating to the creation of Enhanced Drivers Licenses.

Whereas, The Department of Homeland Security is currently requiring that any state that wishes to create an Enhanced Drivers License (EDL) as a result of passage of the federal Western Hemisphere Travel Initiative (WHTI) must create an EDL that incorporates what the federal government refers to as "facilitative technology." This ambiguous term has been defined in practice to mean the incorporation of unencrypted, long-range, radio-wave computer chip technology that allows for a unique citizen identification number that can be passively read through wallets, purses, doors, and cars without the owner's knowledge; and

Whereas, After Michigan made several attempts to create an EDL that would not need this technology, it became clear that the Department of Homeland Security would only allow Michigan the option to voluntarily abandon the entire EDL program, jeopardizing the state's economy. The WHTI's only true mandate was that Americans needed to prove their citizenship in order to reenter into the United States. Facilitative technology was never required by Congress, places technology contracts over security, and is an example of departmental overreach and encroachment onto states' rights; and

Whereas, The driver license information of Michigan citizens would be shared with the governments of Canada and Mexico via the Security and Prosperity Partnership (SPP) and EDL agreements. However, how it would be shared is ambiguous and needs to be defined so that we can ensure that potential corruption in foreign bureaucracies does not result in identity theft or other security concerns for U.S. citizens. There is currently little congressional oversight of the SPP, again placing a single department's bureaucracy largely in charge of rules and regulations that significantly impact the states and their citizens; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President, the Congress, and the Department of Homeland Security of the United States to change requirements, agreements, and memorandums of understanding relating to the creation of Enhanced Drivers Licenses to help address these concerns. We formally call for the Department of Homeland Security to change its rules so that EDLs can be created that do not need to contain what it characterizes as "facilitative technology"; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Department of Homeland Security, and the members of the Michigan congressional delegation.