

Rep. Opsommer offered the following concurrent resolution:

House Concurrent Resolution No. 42.

A concurrent resolution to memorialize Congress not to rely on the passport standards of the United Nation's International Civil Aviation Organization in the creation of any "dual-purpose driver's license initiative" in the United States, specifically as it would pertain to the incorporation of radio frequency identification chips into a state's driver's license.

Whereas, The International Civil Aviation Organization (ICAO), an agency of the United Nations with a mandate for setting international passport standards, has put forth guidelines in Document 9303. These guidelines call for the incorporation of radio frequency identification (RFID) "tags," or microchips, into passports that are capable of storing data and transmitting it in a wireless manner. The United States has followed these guidelines and is now embedding RFID chips that carry personal information such as name, nationality, sex, and date of birth into its new federal passports; and

Whereas, Security and privacy risks associated with RFID-enabled identification cards have been well documented by the Government Accountability Office (GAO), Department of Homeland Security Data Privacy and Integrity Advisory Committee, and other organizations. Threats such as skimming, eavesdropping, and tracking occur when an unauthorized individual with a RFID reader wirelessly gathers information from a RFID chip without the cardholder's knowledge or consent. While some technological countermeasures have been developed, new risks continue to be discovered due to the inherent nature of wireless technology, creating a cycle of necessary patches, upgrades, and fixes. Furthermore, computer experts in Britain, Germany, and the United States claim to have cloned and reproduced copies of their respective country's electronic passports in a simple and inexpensive manner, largely negating any advantages of RFID; and

Whereas, The time needed to incorporate such RFID chips into passports has also been partly responsible for the long delays citizens have been forced to endure waiting for new passports. The federal government should have reasonably foreseen this increase in demand since it was responsible for new federal legislation, such as the Western Hemisphere Travel Initiative (WHTI), that increased the need for citizens to apply for federal passports; and

Whereas, Since these new RFID rules, citizens of the United States have frequently been unable to get their passports in time for travel, despite applying several months in advance and paying additional fees to expedite the process. This has resulted in thousands of cases where travel has been cancelled or rescheduled, often at significant financial business loss and inconvenience to travelers. The high costs of passports and these delays have led the federal government to ask states to create so called "dual purpose driver's licenses;" a driver's license/passport hybrid that would negate the need for citizens to use a federal passport for travel within much of the Western Hemisphere. This places a burden on the states to solve a problem the federal government both created and has failed to properly administer, turning a state's driver's license into a federalized document; and

Whereas, Unlike a passport, a driver's license is commonly carried on a citizen's person in all places at all times, making the inclusion of embedded RFID particularly undesirable. The application of United Nation's standards into such internal identification documents should be pursued with caution, and the pursuit of a dual purpose license is needlessly complicated by relying on mandates for RFID. Such a decision can reasonably be expected to increase the wait times for licenses, as well as impacting decisions related to costs, administration, and branch locations. The dual purpose license pilot programs in Washington and Vermont call for RFID, eliminating them as an option for people who want to avoid RFID in their identification documents, and artificially accelerating the proliferation of inappropriate RFID technology into domestic documents; and

Whereas, These RFID chips bring little net value to passports or drivers licenses once a true cost benefit analysis has been completed that includes the cost of equipment, security issues, privacy risks, and identity theft. In particular, the choice of incorporating long-range RFID chips that can reliably broadcast between 20-30 feet, or more, is especially problematic. The trust of the American people, whose partnership will be necessary for any new border crossing initiative to be successful, must also be given prime consideration. To imply that no border crossing document can be made available or used without RFID when many other technology options exist violates that trust. A RFID mandate that gives no consideration to current machine readable technology, or even computer chips that are not wireless, is based on false assumptions that ignore the results of failed pilot programs, the recommendations of other governmental agencies, and needlessly jeopardizes the feasibility of both a competent federal passport system and an alternative state level, dual purpose driver's license; and

Whereas, The Congress must live up to its constitutional responsibility and ensure that citizens' security and privacy are protected by reexamining the RFID requirement in passports and eliminating the necessity of their incorporation into dual purpose driver's licenses. It must also fund and use all necessary resources to ensure that the federal passport system is robust and fully operational by opening additional locations, hiring more employees, and lowering the cost of passports so that it can continue to adequately provide passports in a timely manner; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to create new rules that will allow States to create a dual purpose license that does not have to include wireless technology such as radio frequency identification chips, and further memorialize Congress to take the necessary steps to ensure a more affordable and fully functioning U.S. passport system; 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, and the members of the Michigan congressional delegation.