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New rules on licenses pit states against feds

- Story Highlights
- **NEW:** Tighter rules aimed at bolstering security, but foes say they go too far
- **NEW:** States will need to seek waiver if they need more time to comply
- Civil liberties organizations have argued against rules' impact
- Cost of program was reduced in effort to garner states' support

WASHINGTON (AP) -- Residents of at least 17 states are suddenly stuck in the middle of a fight between the Bush administration and state governments over post-September 11 security rules for driver's licenses -- a dispute that, by May, could leave millions of people unable to use their licenses to board planes or enter federal buildings.

Homeland Security Secretary Michael Chertoff, who unveiled final details of the REAL ID Act's rules on Friday, said that if states want their licenses to remain valid for air travel after May 2008, those states must seek a waiver indicating they want more time to comply with the legislation.

Chertoff said that in instances where a particular state doesn't seek a waiver, its residents will have to use a passport or a newly created federal passport card if they want to avoid a vigorous secondary screening at airport security.

"The last thing I want to do is punish citizens of a state who would love to have a REAL ID license but can't get one," Chertoff said. "But in the end, the rule is the rule as passed by Congress."

Chertoff spoke as he discussed the details of the administration's plan to improve security for driver's licenses in all 50 states -- an effort delayed due to opposition from states worried about the cost and civil libertarians upset about what they believe are invasions of privacy.

Under the rules announced Friday, Americans born after Dec. 1, 1964, will have to get more secure driver's licenses in the next six years.

The [Homeland Security Department](#) has spent years crafting the final regulations for the REAL ID Act, a law designed to make it harder for terrorists, illegal immigrants and con artists to get government-issued identification. The effort once envisioned to take effect in 2008 has been pushed back in the hopes of winning over skeptical state officials.

To address some of those concerns, the government now plans to phase in a secure ID initiative that Congress approved in 2005. Now, DHS plans a key deadline in 2011 -- when federal authorities hope all states will be in compliance -- and then further measures to be enacted three years later.

To make the plan more appealing to cost-conscious states, federal authorities drastically reduced the expected cost from \$14.6 billion to \$3.9 billion, a 73 percent decline, said Homeland Security officials familiar with the plan.

The American Civil Liberties Union has fiercely objected to the effort, particularly the sharing of personal data among government agencies. The DHS and other officials say the only way to ensure an ID is safe is to check it against secure government data; critics such as the ACLU say that creates a system that is more likely to be infiltrated and have its personal data pilfered.

In its written objection to the law, the ACLU claims REAL ID amounts to the "first-ever national identity card system," which "would irreparably damage the fabric of American life."

The September 11 attacks were the main motivation for the changes.

The hijacker-pilot who flew into the Pentagon, Hani Hanjour, had four driver's licenses and ID cards from three states. The DHS, created in response to the attacks, has created a slogan for REAL ID: "One driver, one license."

By 2014, anyone seeking to board an airplane or enter a federal building would have to present a REAL ID-compliant driver's license, with the notable exception of those more than 50 years old, Homeland Security officials said.

The over-50 exemption was created to give states more time to get everyone new licenses, and officials say the risk of someone in that age group being a terrorist, illegal immigrant or con artist is much less. By 2017, even those over 50 must have a REAL ID-compliant card to board a plane.

So far, 17 states have passed legislation or resolutions objecting to the REAL ID Act's provisions, many due to concerns it will cost them too much to comply. The 17, according to the ACLU, are: Arizona, Colorado, Georgia, Hawaii, Idaho, Illinois, Maine, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, South Carolina, Tennessee and Washington state.

Among other details of the REAL ID plan:

- The traditional driver's license photograph would be taken at the beginning of the application instead of the end so that if someone is rejected for failure to prove identity and citizenship, the applicant's photo would be kept on file and checked if that person tried to con the system again.
- The cards will have three layers of security measures but will not contain microchips as some had expected. States will be able to choose from a menu which security measures they will put in their cards.

Over the next year, the government expects all states to begin checking both the Social Security numbers and immigration status of license applicants.

Most states already check Social Security numbers and about half check immigration status. Some, like New York, Virginia, North Carolina and California, have already implemented many of the security measures envisioned in REAL ID. In California, for example, officials expect the only major change to adopt the first phase would be to take the photograph at the beginning of the application process instead of the end.

After the Social Security and immigration status checks become nationwide practice, officials plan to move on to more expansive security checks, including state DMV offices checking with the State Department to verify those applicants who use passports to get a driver's license, verifying birth certificates and checking with other states to ensure an applicant doesn't have more than one license.


A few states have already signed written agreements indicating they plan to comply with REAL ID. Seventeen others, though, have passed legislation or resolutions objecting to it, often because of concerns about the cost of the extra security.

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