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'Real ID' Bill Caught in Limbo

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A bill that would require all states to verify federal immigration documents and birth certificates before issuing federally recognized drivers' licenses to its residents is still in limbo as Congress returns from its Easter recess and possibly toward a renewed push.

The "Real ID Act," sponsored by Judiciary Committee Chairman **James Sensenbrenner** (search), R-Wis., passed the House 261-161 on Feb. 10. The act would prohibit anyone without a federally recognized state-issued ID from boarding an airplane or accessing federal programs that require federally recognized identification.

Critics say that the legislation would hit at least 10 states particularly hard, be extremely costly and create a national identification system.

Jeff Lundgren, spokesman for the Republicans on the House Judiciary Committee, told FOXNews.com that Senate Republicans may attempt to attach a version of Real ID to a must-pass bill, like the upcoming war supplemental appropriations expected to come up in the Senate after the Easter recess. But so far, Senate leadership sources say it's not on any immediate agenda.

"The Senate will have to address it as opposed to ignoring the whole issue," Lundgren said. The White House has already expressed support for the plan.

Aides to Sen. John Kyl, R-Ariz., say he is expected to introduce his own bill that will be "similar" to Sensenbrenner's, but aides would not confirm how the Senate legislation would deal with "Real ID."

The **Real ID Act** (search) included provisions that Sensenbrenner said would help tighten some of the weak points in the U.S immigration system, such as allowing judges to reject asylum seekers based on their credibility and making it easier to deport aliens suspected of aiding terrorists.

The licensing standards, he said, are necessary to keep illegal immigrants and potential terrorists from obtaining drivers' licenses.

"The legislation does not try to set states' policy for those who may or may not drive a car, but it does address the use of a drivers' license as a form of identification to a federal official," Sensenbrenner said in a floor statement on the measure.

"American citizens have the right to know who is in their country, that people are who they say they are and that the name on the driver's license is the real holder's name, not some alias," he added.

If it were to become law, states would have three years to phase in the new IDs.

"It's all within a three-year period, but the question is, can we do that? The answer is probably not," said Cheye Calvo, director of transportation issues at the **National Conference of State Legislatures** ([search](#)). "It's trying to make states enforce federal immigration laws by doing what the federal immigration authorities have failed to do … it shifts the whole burden to the states."

An Idea Whose Time Has Come?

The idea for a fraud-resistant ID system was recommended by the **Sept. 11 commission** ([search](#)) as a way to prevent terrorists from gaining access to legitimate identities, much the way it was done by the terrorists behind the Sept. 11, 2001, attacks, who held valid drivers' licenses when they boarded U.S. planes.

"Drivers' licenses and state ID cards allow you to blend in and we've got these vulnerabilities," Lundgren said.

But Calvo said that state and federal representatives had already been working on a rule-making committee to implement licensing standards as federal statute — the result of an agreement when a similar proposal failed the Senate in 2004. Congress bolstered that commitment when it passed the **Intelligence Reform and Terrorism Prevention Act** ([search](#)) in December, he said.

"What concerns us is the Real ID Act repeals the negotiated rule-making and replaces it with a much more rigid prescriptive, and we believe, more restrictive set of requirements," Calvo said. "This basically kicks the state seats from under the table."

Disagreement also is brewing over the cost of the new laws to states. Sensenbrenner's office cites a figure of $100 million over five years and says grants will be available to states to help pay for it.

Calvo and Michael Balboni, Republican state senator from New York and a fellow with the George Washington University's Homeland Security Institute, say the cost is closer to $500 million to $700 million over five years.

"It's a huge cost factor, but that's not the most disturbing aspect," Balboni told FOXNews.com. "This is putting the cart before the horse. Not to consider the position of the states is really short-sighted."

States of Discontent

Ten states most affected would be Hawaii, New Mexico, Illinois, Wisconsin, Montana, Michigan, North Carolina, Washington, Oregon and Utah. These states permit some sort of identification for non-legal residents.

States already differ in their degree of cooperation. The Montana state House recently passed a resolution declaring that it will not participate in the licensing standards. On the other hand, Tennessee has already passed a law requiring citizenship verification for drivers' licenses, but gives those who don't participate a different drivers' license that won't allow them to board airplanes or identify themselves for federal programs.

If those granted the latter ID do want to fly, they and anyone else who don't have a "Real ID" would have to carry passports even on domestic flights.

Proponents of the Sensenbrenner plan insist that the requirements are voluntary for states, and grants and bureaucratic assistance will be available for any state that participates. The goal is to plug the holes in the system, they say.
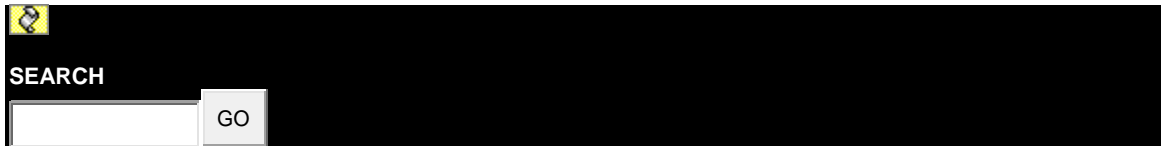
"There is little doubt that national security interests are among the most vital federal interests," wrote security analyst James Carafano and legal expert Paul Rosenzweig, both at the Heritage Foundation, in a recent report on Real ID.

They added that state fears that a federal standard amounts to a national identification system are misdirected.

"Long-standing standards for the appropriate sharing of driver's license information are already in place," they wrote. "The federal government is not demanding any new information. Additionally, national standards provide new opportunities to put additional safeguards into place, ensuring that information is properly used solely for identifying verification and not for any other purposes."

But critics of the plan say the federal government should fix its own problems with immigration before passing a new role onto motor vehicle departments.

Said Calvo: "A driver's license is not an immigration document and should not be an immigration document."