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Fight over driver's license standards

Sensenbrenner pushes his controversial bill

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Members of a new governmental rulemaking committee met last week for the first time to develop minimum standards for driver's licenses and personal identification cards.

A provision in the Intelligence Reform and Terrorism Prevention Act of 2004 created the rulemaking committee. But the group may be short-lived if congressional leaders succeed in attaching a different driver's license bill to supplemental legislation needed to pay for the war in Iraq.

Some lawmakers want to include a controversial bill sponsored by Rep. F. James Sensenbrenner Jr. (R-Wis.) in the supplemental legislation. If it passes, Sensenbrenner's Real ID Act would effectively dismantle the Negotiated Rulemaking Advisory Committee and impose what some critics describe as overly prescriptive, costly and unworkable requirements for state motor vehicle departments.

Since the Sept. 11, 2001, attacks, lawmakers have called for more secure card standards and secure procedures for issuing driver's licenses. Members of the

9-11 Commission, which investigated the attacks, recommended last summer in their final report that minimum standards should be developed for birth certificates, driver's licenses and other identification documents. Those recommendations were incorporated into the intelligence reform bill that passed late last year.

The Real ID Act would require states to incorporate a minimum set of features and information into a machine-readable driver's license and identification card. To prevent fraud, the cards would contain biographical data, digital photographs and physical security features.

The Real ID Act would also require state officials to verify documents such as birth certificates before issuing driver's licenses. Officials would have to verify the legal status of noncitizens who apply for licenses. That would entail checking the federal Systematic Alien Verification for Entitlements system, a national database of immigration data.

Fewer than 10 states require any form of biometric identifier, such as facial mapping or digital fingerprints, for licenses. And state motor vehicle departments do not share driver's license information with other states.

Jason King, spokesman for the American Association of Motor Vehicle Administrators, said Sensenbrenner's bill could undo the new committee's efforts.

"The bottom line is we will have to see how it plays out," King said. "But in the meantime, we're working on recommendations."

In the next five months, the committee of representatives from state and federal agencies and advocacy groups will recommend national security and privacy standards for driver's licenses and personal identification cards. Its members must submit recommendations to Transportation Department Secretary Norman Mineta by Sept. 17.

Lawmakers don't fully understand the collaborative process that would bring meaningful reform, said Cheye Calvo, transportation committee director of the National Conference of State Legislatures (NCSL), whose members oppose the Sensenbrenner bill.

"The Real ID Act, make no mistake, is a step backward," Calvo said.

Although Congressional Budget Office officials estimate that the Real ID Act would cost $100 million to implement in five years, NCSL officials estimate the cost to be $500 million to $700 million, Calvo said.

Sensenbrenner's bill would require states to become part of a trinational, interstate database-sharing system that would include Mexican states and Canadian provinces, Calvo said. Such a system does not exist.

"Right now it's more about politics than it is about policy," he said. "This bill has not received a single committee hearing. It has not been given any systematic deliberation that is typical of the legislative process."

Jeff Lungren, a spokesman for Sensenbrenner, said groups that oppose the Real ID Act "lose any sense of credibility when they start asserting ridiculous amounts of figures and costs." Lungren said the bill would close security loopholes in nine states, but most states are already in compliance. He added that the Real ID Act has strong support among House members, Bush administration officials and the public.

"There are a few in the Senate that don't like it, but there are a few in the Senate that pretty much don't like any issues," he said.

The Real ID Act was attached to the supplemental spending bill, which passed the House in mid-March. However, the Senate's version leaves out the Real ID Act. A bipartisan group of senators urged it not to be included and said they will keep it out of the conference report.

"The Real ID Act will not enhance our safety," the senators wrote. Repealing a provision that enacted a recommendation of the 9-11 Commission in favor of "unworkably rigid federal mandates," they said, would jeopardize current efforts to make the nation safer from terrorist attacks.

Deliberations on security requirements

Members of the Negotiated Rulemaking Advisory Committee, created as part of the Intelligence Reform and Terrorism Prevention Act of 2004, will hold at least five public meetings before they submit recommendations. Rep. F. James Sensenbrenner (R-Wis.), left, has proposed different licensing standards. Questions committee members must answer include:

- What documents should be required as proof of identity?
- How can documents be verified?
- How can applications be processed to prevent fraud?
- What text should be included on license and identification cards?
- What machine-readable data should be required?
- What standards will prevent tampering and counterfeiting?
- How can data privacy be protected?
- What are the benefits and costs of the proposed standards?
— Dibya Sarkar