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Congress Close to Establishing Rules for Driver's Licenses

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WASHINGTON, Oct. 10 - Following a recommendation of the Sept. 11 commission, the House and Senate are moving toward setting rules for the states that would standardize the documentation required to obtain a driver's license, and the data the license would have to contain.

Critics say the plan would create a national identification card. But advocates say it would make it harder for terrorists to operate, as well as reduce the highway death toll by helping states identify applicants whose licenses had been revoked in other states.

The Senate version of the intelligence bill includes an amendment, passed by unanimous consent on Oct. 1, that would let the secretary of homeland security decide what documents a state would have to require before issuing a driver's license, and would also specify the data that the license would have to include for it to meet federal standards. The secretary could require the license to include fingerprints or eye prints. The provision would allow the Homeland Security Department to require use of the license, or an equivalent card issued by motor vehicle bureaus to nondrivers for identification purposes, for access to planes, trains and other modes of transportation.

The bill does not give the department the authority to force the states to meet the federal standards, but it would create enormous pressure on them to do so. After a transition period, the department could decide to accept only licenses issued under the rules as identification at airports.

The House's version of the intelligence bill, passed Friday, would require the states to keep all driver's license information in a linked database, for quick access. It also calls for "an integrated network of screening points that includes the nation's border security system, transportation system and critical infrastructure facilities that the secretary determines need to be protected against terrorist attack."

The two versions will go to a House-Senate conference committee.

Some civil liberties advocates say they are horrified by the proposal.

"I think it means we're going to end up with a police state, essentially, by allowing the secretary of homeland security to designate the sensitive areas and allowing this integrating screening system," said Marv Johnson, the legislative counsel for the American Civil Liberties Union. If the requirement to show the identification card can be applied to any mode of transportation, he said, that could eventually include subways or highways, and the result would be "to require you to have some national ID card, essentially, in order to go from point A to point B."

But a Senate aide who was involved in drafting the bipartisan language of the amendment said that in choosing where to establish a checkpoint, the provision "does not give the secretary of homeland security any new authority."

The aide, who asked not to be identified because of his involvement in drafting the measure, said it would not create a national identification card but would standardize a form of identification routinely issued by states.

Representative Candice S. Miller, the Michigan Republican who drafted the license section of the House measure, said, "I don't think this is anything that should cause anyone concern."

Of the 50 states, 48 are members of interstate compacts that exchange information on moving violations, so that a driver from, say, Maryland, who picks up a speeding ticket in Florida will accumulate points in his home state. But Michigan and Wisconsin are not members of a compact. Ms. Miller said one purpose of the provision she wrote was to fix that problem.

A spokesman for the American Association of Motor Vehicle Administrations, which represents the state officials who issue driver's licenses, said linking the databases and strengthening control over who could get a license was long overdue. "The American public should be outraged to know that departments of motor vehicles nationwide lack the capability to do the jobs we've asked them to do," said the spokesman, Jason King.