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US may soon reject some driver's licenses as air travel ID

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As soon as next year, a driver's license may no longer be enough for airline passengers to clear security in some states, if the Department of Homeland Security has its way.

Federal officials said they would soon determine whether Transportation Security Administration agents would start enforcing a 10-year-old law that required states to comply with a set of federal standards when issuing driver's licenses.

The issue is quickly intensifying, and the debate over identification and privacy has grown after the recent terrorist attacks in Paris and California.

But some states have bitterly opposed these requirements out of privacy concerns, and more than a dozen have passed laws barring their motor vehicle departments from complying with the law, according to the National Conference of State Legislatures. The new standards require more stringent proof of identity and will eventually allow users' information to be shared more easily in a national database.

Privacy experts, civil liberty organizations and libertarian groups fear the law would create something like a national identification card.

Federal and state officials have been arguing for years about the merits of the law, called the Real ID Act, which was enacted by Congress in 2005 on the recommendation of the 9/11 Commission. Its proponents argue that it is a necessary tool to reduce identity theft and fraud, and enhance the nation's security.

The federal government cannot force states to adopt these identification standards, but it can gain compliance in other ways. In October, it began requiring that visitors to military bases, nuclear plants and federal facilities produce a driver's license from a state that complies with the law, or show another form of government ID, like a passport.

But the biggest leverage the government has over the states is commercial air travel.

The Department of Homeland Security said it would provide a schedule by the end of this year for when airport screeners would start accepting only driver's licenses that complied with federal standards. It said that 120 days' notice would be given before starting to enforce the law at airports.

Passengers who do not have a compliant type of identification will have to produce another type of government-approved identification.

"This is a game of intimidation being played out between Congress and the federal government and state governments, with ordinary citizens being squeezed in the middle," said Edward Hasbrouck of the Identity Project, a privacy advocate.

A small number of states must still meet the requirements of the act, though several were granted extensions by the federal government, which effectively delays any application until late next year.

The Department of Homeland Security deems most states to have made enough progress that it has certified or provided extensions to all but a few, including Minnesota, New Mexico and Washington.

Even so, the deadline could be extended again. Mr. Hasbrouck said he did not believe that the government would risk turning back travelers who could not provide the right identification card at airports.

"There is an impasse," Mr. Hasbrouck said. "There has been a standoff for more than a decade now. The feds have limited powers to coerce the states in this case."

New York drivers should not be affected for now. While the state is not in compliance, it uses a type of enhanced driver's license, which shares some of the requirements of Real ID and was deemed appropriate by federal authorities for now.

As a result, New York was given an extension through October 2016 to comply, according to the state Motor Vehicles Department.

In October, New Hampshire and Louisiana were also granted extensions that run through June 2016 to comply with the act. Minnesota and American Samoa were not given extensions this year, which means their residents might be the first ones to be affected if the T.S.A. decides to apply the law at airports next year.

Homeland Security officials insist there will be no more delays. In recent months, federal officials have visited Minnesota and other states to stress that the clock was ticking. The message was that while participation was voluntary, there would be consequences for failing to comply.

"The federal government has quietly gone around and clubbed states into submission," said Warren Limmer, a state senator in Minnesota and one of the authors of a 2009 state law that prohibits local officials from complying with the federal law. "That's a pretty heavy club."

The law sets some minimum requirements for states to follow when issuing driver's licenses. For instance, it requires applicants to provide documents to prove their identity, Social Security number and immigration status in the United States.

The new standards also require that licenses be equipped with "machine readable" technology, like a chip or a magnetic strip, to store all that personal information. Data from one state should also be made available electronically to all other states, and possibly also to federal authorities.

That information will eventually be shared through a system administered by the American Association of Motor Vehicle Administrators, a private group that provides support services to state motor vehicle departments.

A press officer for the Department of Homeland Security said the law's intention was not to create a national identification card but to extend what the agency calls best practices on issuing driver's licenses that apply to all states.

Still, sharing large amounts of private information across states makes some privacy advocates nervous.

Marc Rotenberg, the president of the Electronic Privacy Information Center, said he agreed with some provisions of the law, which were meant to make driver's licenses more tamper-proof and less likely to be counterfeited. But he is concerned with all the information being available on the cards in a way that makes it more shareable.

"That's exactly what we should not be doing," he said.

Instead, he said, linking all of the nation's driver's license records together would increase the vulnerability and potentially expose the information to more risk.

The recent theft of millions of private records from the Office of Personnel Management did not inspire confidence in the government's ability to maintain secure databases, he said.

"You create more risk when you connect databases," he said. "One vulnerability becomes multiple vulnerabilities."

Some states have objected to the law on the grounds that it imposes too high a cost. The government estimates that the program will cost $3.9 billion, and it has provided grants to states that are moving ahead.

But some critics said that figure vastly underestimated the costs, and they often cited an early study from 2006 that puts the cost at $11 billion over five years.

Some also object to the federal standard tying driver's licenses directly to immigration policies. Some states, for instance, do not ask applicants for their immigration status when applying for a driver's license, something that is required by the Real ID Act.

While many states — like Maine, Missouri and Montana — do not participate in Real ID, they have issued licenses that share many of the standards that the federal government has called for. This explains why most states are deemed to be in compliance or have received extensions to comply with the law.

Still, some of the law's critics say it may only be a matter of time before all states fall into line.

Jim Harper, a senior analyst at the Cato Institute, a libertarian think tank, said that federal officials had weakened the requirements of the law to present the appearance that many states were falling in line and complying.

"We are already pushing into a society where all this data about us is available," Mr. Harper said. "This would get us there much faster. That is the long-term horizon."