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Administration Plans to Scale Back Real ID Law

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Yielding to a rebellion by states that refused to pay for it, the Obama administration is moving to scale back a federal law passed after the Sept. 11 terrorist attacks that was designed to tighten security requirements for driver's licenses, Homeland Security Department and congressional officials said.

Homeland Security Secretary Janet Napolitano wants to repeal and replace the controversial, $4 billion domestic security initiative known as Real ID, which calls for placing more secure licenses in the hands of 245 million Americans by 2017. The new proposal, called Pass ID, would be cheaper, less rigorous and partly funded by federal grants, according to draft legislation that Napolitano's Senate allies plan to introduce as early as tomorrow.

The rebranding effort follows months of talks with the National Governors Association and poses political risk for Obama as well as Napolitano, a former NGA chairwoman who wants to soothe strained relations with the states without appearing to retreat on a recommendation by the 9/11 Commission.

Commissioners called for federal standards for driver's licenses and birth certificates, noting, "For terrorists, travel documents are as important as weapons." Eighteen of 19 terrorist hijackers obtained state IDs, some of them fraudulently, easing their movements inside the country.

But the Bush administration struggled to implement the 2005 law, delaying the program repeatedly as states called it an unfunded mandate and privacy advocates warned it would create a de facto national ID.

As governor of Arizona, Napolitano called Real ID "feel-good" legislation not worth the cost, and she signed a state law last year opting out of the plan. As secretary, she said a substitute would "accomplish some of the same goals."

Eleven states have refused to participate in Real ID despite a Dec. 31 federal deadline.

"The department's goal is to fix, not repeal" Real ID, allowing all jurisdictions to comply by year's end, said a DHS official, who spoke on the condition of anonymity before a formal announcement.

"If the law cannot be implemented, it is hard to claim that it increases security," said David Quam, lobbyist for the NGA.

The new plan keeps elements of Real ID, such as requiring a digital photograph, signature and machine-readable features such as a bar code. States also will still need to verify applicants' identities and legal status by checking federal immigration, Social Security and State Department databases.

But it eliminates demands for new databases -- linked through a national data hub -- that would allow all states to store and cross-check such information, and a requirement that motor vehicle departments verify

birth certificates with originating agencies, a bid to fight identity theft.

Instead, it adds stronger privacy controls and limits such development to a pilot program in Mississippi. DHS would have nine months to write new regulations, and states would have five years to reissue all licenses, with completion expected in 2016.

Supporters saw a slimmer measure as better than nothing. But critics said the changes gut the law, weakening tools to fight fraud and learn whether bad drivers, drug runners or counterfeiters have licenses in more than one state.

"Real ID, not a gutted version with a tough-sounding name, is necessary to continue to keep us safe," said Rep. Lamar Smith (Tex.), the ranking Republican member of the House Judiciary Committee. "Any attempt to repeal or weaken [Real ID] will harm national security."

The new plan would still let people get licenses with fake documents, said Rep. F. James Sensenbrenner Jr. (R-Wis.), who authored the 2005 legislation. "We go right back to where we were on Sept. 10, 2001," he said, "Maybe governors should have been in the Capitol when we knew a plane was on its way to Washington wanting to kill a few thousand more people."

Pass ID also penalizes states that have spent millions to digitize their records, rewards laggards with federal funds and makes new requirements unenforceable, foes said.

For example, the new bill kills provisions that would have required the new IDs to board airplanes and that IDs that did not comply with the requirements feature a different color or design.

Meanwhile, privacy groups also objected, saying Real ID should just be killed.

"We don't want to end up with National ID Lite," said Chris Calabrese, counsel to the technology and liberty program at the American Civil Liberties Union.

Jim Harper, director of information policy studies at the libertarian Cato Institute, said the plan is "a lot softer" but will still leave more Americans' personal data subject to theft and misuse.

Sens. Daniel K. Akaka (D-Hawaii) and George V. Voinovich (R-Ohio), the bill's sponsors, are seeking support from Sens. Joseph I. Lieberman (I-Conn.) and Susan Collins (Maine), the chairman and ranking Republican, respectively, on the Senate homeland security committee, and other centrist lawmakers. So far, no other Republicans have signed on.

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