

Department of Homeland Security

Briefing Paper on the status of REAL ID

Prepared for the Senior Plenary Session of the Interagency Group on Insular Areas (IGIA)

The REAL ID Act, passed by Congress in 2005, enacted the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification, such as driver's licenses." Secure driver's licenses and identification documents are a vital component of our national security framework. Federal officials and law enforcement personnel must be able to rely on government-issued identification documents and know that the bearer of such a document is who he or she claims to be.

The Act established minimum security standards for license issuance and production and prohibits Federal agencies from accepting for certain purposes driver's licenses and identification cards from jurisdictions not meeting the Act's minimum standards. The purposes covered by the Act are: accessing Federal facilities when identification is required, entering nuclear power plants, and, no sooner than 2016, boarding federally regulated commercial aircraft.

Jurisdictions have made significant progress in enhancing the security of their licenses over recent years. As a result, approximately 75% of all U.S. drivers hold licenses from jurisdictions: (1) determined to meet the Act's standards; or (2) that have received temporary extensions – including **Guam, Puerto Rico, and the U.S. Virgin Islands.**

Individuals holding driver's licenses or identification cards from these jurisdiction **may continue to use them as before.** Jurisdictions seeking to renew their extensions should continue to submit information to DHS demonstrating progress in meeting the Act's standards.

Individuals holding licenses from noncompliant jurisdictions – including **American Samoa and the Commonwealth of Northern Mariana Islands** – will be affected by enforcement as described below. At any time, a jurisdiction may seek an extension by providing DHS with the reasons for its noncompliance and a description of the

A) Noncompliant States/Territories

Alaska	Montana
Am.Samoa	New Jersey
Arizona	Kentucky
Louisiana	New York+
Maine	N. Marianas
Mass.	Oklahoma
Minnesota+	Washington+

+ Federal officials may continue to accept Enhanced Driver's Licenses from these jurisdictions.

B) Compliant/Extension States/Territories

Alabama	New Hampshire*
Arkansas*	New Mexico*
California*	Nevada*
Colorado	N.Carolina*
Connecticut	N.Dakota*
Delaware	Ohio
DC*	Oregon*
Florida	Pennsylvania *
Georgia	Puerto Rico *
Guam*	Rhode Island *
Hawaii	S.Carolina*
Idaho*	S.Dakota
Illinois*	Tennessee
Indiana	Texas*
Iowa	Utah
Kansas	Vermont
Maryland	Virginia*
Michigan *	Virgin Islands*
Mississippi	West Virginia
Missouri *	Wisconsin
Nebraska	Wyoming

* Has an extension through October 10, 2014(renewable)

progress it is making toward meeting the Act’s standards. Interested jurisdictions may contact the DHS Office of Intergovernmental Affairs for more information on this process.

DESCRIPTION AND SCHEDULE OF ENFORCEMENT PHASES

The following enforcement measures are cumulative, with measures in each phase remaining in effect through successive phases. Each phase will begin with a 3-month period where agencies will provide notice to individuals attempting to use driver’s licenses or identification cards from noncompliant jurisdictions but still allow access. After this period is over, agencies will no longer accept such identification for entry to Federal facilities when identification is required, and individuals will need to follow the agency’s alternate procedures (to be made available by the agency).

- **Phase 1: Restricted areas** (i.e., areas accessible by agency personnel, contractors, and their guests) for DHS’s Nebraska Avenue Complex headquarters.
- **Phase 2: Restricted areas** for all Federal facilities and nuclear power plants.
- **Phase 3: Semi-restricted areas** (i.e., areas available to the general public but subject to ID-based access control) for most Federal facilities (subject to limitations described in the next section). Access to Federal facilities will continue to be allowed for purposes of applying for or receiving Federal benefits.
- **Phase 4: Boarding federally regulated commercial aircraft.** A driver’s license or identification card from a noncompliant jurisdiction may only be used in conjunction with an acceptable second form of ID for boarding federally regulated commercial aircraft.

DHS will conduct an evaluation following the implementation of the first three phases to assess the effects of enforcement and the progress of jurisdictions in meeting the standards of the act. Before a date for Phase 4 is set, DHS will conduct an evaluation in 2015 to inform a fair and achievable timeline. The evaluation will also be used to inform the nature and timing of subsequent phases and to inform the pathway to full enforcement. DHS will ensure the public has ample advanced notice before identification requirements for boarding aircraft or entering additional types of Federal facilities change.

Phase	Enforcement	Notification Period	Full Enforcement
1	Restricted areas for DHS/NAC	1/20/14	04/21/14
2	Restricted areas for Federal facilities & for nuclear power plants	04/21/14	07/21/14
3	Semi-restricted for Federal facilities	10/20/14	01/19/15

<i>Review and Evaluation</i>		
4	Aircraft (Acceptable with 2nd form of ID)	No sooner than 2016

Access for activities directly relating to safety and health or life preserving services, to law enforcement, and to constitutionally protected activities, including legal and investigative proceedings will not be affected. Existing agency policies will still apply.

The Act does not require individuals to present identification where it is not currently required to access a Federal facility (such as to enter the public areas of the Smithsonian) nor does it prohibit an agency from accepting other forms of identity documents other than documents from non-compliant jurisdictions (such as a U.S. passport or passport card).

The Act's prohibitions do not affect other uses of driver's licenses or identification cards – including licenses and cards from noncompliant jurisdictions – unrelated to official purposes as defined in the Act. For example, the Act does not apply to voting, registering to vote, or for applying for or receiving Federal benefits.