REAL ID Briefing for AAMVA Region III

October 25, 2017
“The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver’s licenses. ... 

Sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.”

--9/11 Commission Report
p.390
• Prohibits Federal agencies from accepting for official purposes driver’s licenses and identification cards from non-compliant states. These purposes are:
  • Accessing Federal facilities;
  • Boarding federally regulated commercial aircraft;
  • Entering nuclear power plants.
• Establishes minimum standards for the secure issuance of state-issued driver’s licenses and identification cards.
• Covers 56 jurisdictions: 50 states, DC and 5 territories.
• Authorizes DHS to:
  • Issue regulations and set standards;
  • Determine whether a state is meeting the minimum standards based on certifications submitted by the state;
  • Grant states an extensions of time to the compliance deadline if the state provides adequate justification for noncompliance;
  • Make grants to states.
### DOES:

- Requires Proof of Identity & Lawful Status Presentation & verification of documents showing:
  - Full legal name;
  - Date of birth;
  - Social Security Number;
  - Address of principal residence; and
  - Lawful status.

- Requires Card Design to Include:
  - Biographic information, digital photo, signature, & card number;
  - Physical/Anti-counterfeit security features;
  - Common machine-readable technology.

- Requires Safeguards for the Issuance and Production of Licenses
  - Copy & retain source document information;
  - Secure production facilities & document materials; and
  - Background checks & fraudulent document training for employees.

### DOES NOT:

- **Does not** create a national ID card, a Federal database of driver information, or new Federal access to state data.

- **Does not** authorize DHS to regulate issuance of driver’s licenses and identification cards by states.
  - *State participation is voluntary.*
  - *Consequences for not meeting the standards.*

- **Does not** prevent any state from issuing noncompliant driver’s licenses or identification cards
  - *Noncompliant cards must incorporate a unique design and clearly indicate that the document may not be accepted for official purposes.*
As of January 9, 2017

- Compliant (26)
- No Extension (8)
- Noncompliant with Limited Extension through 6/5/17 (5)
- Noncompliant with Full Extension through 10/10/17 (17)

Safe Drivers · Safe Vehicles · Secure Identities · Saving Lives
As of October 18, 2017

- Compliant (28)
- Noncompliant — Extension granted to 10/10/18 (17)
- Noncompliant — Under DHS review – Grace Period from Enforcement until January 22, 2018 (11)
• Extensions allow noncompliant states and territories additional time to comply with the Act.
  • The REAL ID Act authorizes the Secretary to grant extensions of time to meet the REAL ID requirements “if the State provides adequate justification for noncompliance.”
  • Extensions are granted at the discretion of the DHS Secretary.

  • DHS reviewing extension requests for 2017-2018.
  • States must provide:
    • Request from highest level executive state official (e.g., Governor).
    • Documentation of both met and unmet requirements.
    • Project plan with milestones for achieving REAL ID requirements.
    • Agreement to participate in quarterly reviews.

• DHS issued a grace period (10/11/17 to 1/22/18).
  • 1) Time to Process State Extension requests.
  • 2) Time for States to take action prior to enforcement, if extension not granted.
# REAL ID Phased Enforcement

<table>
<thead>
<tr>
<th>Phase</th>
<th>Enforcement</th>
<th>Notification Period</th>
<th>Full Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Restricted areas for DHS HQ</td>
<td>01/20/14</td>
<td>04/21/14</td>
</tr>
<tr>
<td>2</td>
<td>Restricted areas for Federal facilities &amp; for nuclear power plants</td>
<td>04/21/14</td>
<td>07/21/14</td>
</tr>
<tr>
<td>3</td>
<td>Semi-restricted areas for Federal facilities <em>(i.e., Facilities where public can access but must present ID)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3a</td>
<td>Federal Security Levels 1 and 2;</td>
<td>10/20/14</td>
<td>01/19/15</td>
</tr>
<tr>
<td>3b</td>
<td>Federal Security Levels 3, 4, and 5; and military facilities</td>
<td>7/13/15</td>
<td>10/10/15</td>
</tr>
<tr>
<td>4</td>
<td>Boarding Commercial Aircraft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4a</td>
<td>Passengers from noncompliant states without extensions <em>(“state-based”)</em></td>
<td>12/15/16</td>
<td>1/22/18</td>
</tr>
<tr>
<td>4a</td>
<td>Passengers from all states without compliant documents <em>(“card-based”)</em></td>
<td>10/1/20</td>
<td></td>
</tr>
</tbody>
</table>
REAL ID Act Regulation requires Recertification every 3 years

- “After DHS’s final compliance determination, states shall recertify compliance every three years, on a rolling basis, as determined by DHS”
- None of the compliant states have been recertified yet

State Recertification and DHS Determinations:

- Recertification criteria will be approved by the Acting DHS Secretary
- DHS will conduct reviews/audits to determine state compliance
- Possible areas of audit include marking of licenses, lawful status checks, and state-to-state verifications

Recertification Steps:

- Criteria Development and Discussion with States
- Decision on recertification criteria by DHS Secretary
- Notifications to first group of affected states
- Rolling Recertification reviews
For More Information
Contact:
Steve Yonkers
Steve.yonkers@hq.dhs.gov
202-447-3274