

# **REAL ID**

## **South Carolina Briefing**

**December 5, 2016**



# Agenda

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- ❑ **REAL ID Act Overview**
- ❑ **Enforcement Overview**
- ❑ **Compliance/Extensions**
- ❑ **REAL ID Status of States**



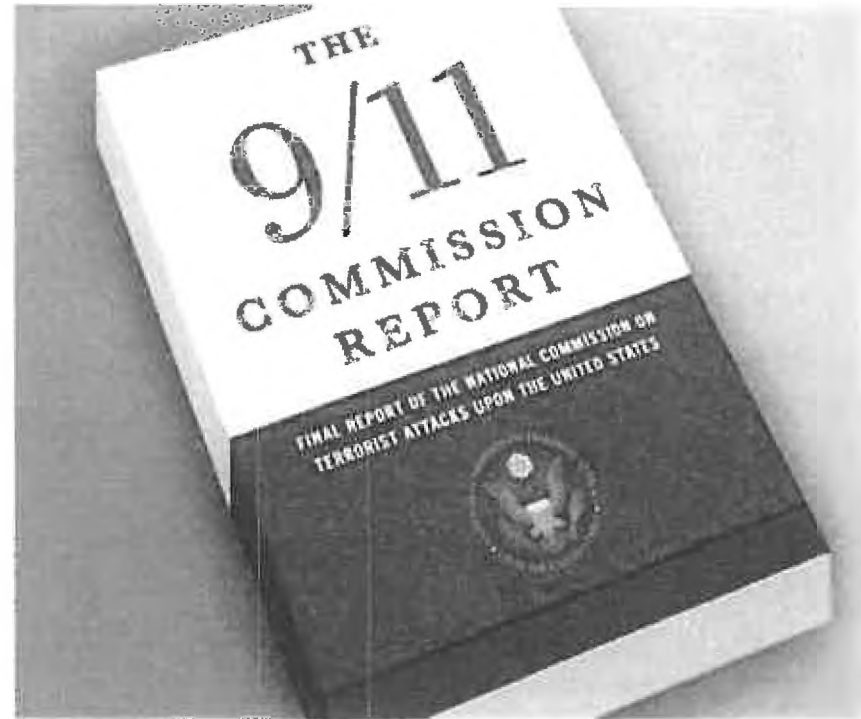
# REAL ID Act Overview

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“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*



# REAL ID Act Overview

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- ❑ Covers 56 jurisdictions.
  - *50 states, 5 territories, and DC*
- ❑ Establishes minimum requirements for the secure issuance and production of state-issued driver's license and identification cards.
- ❑ Authorizes DHS to determine compliance, grant extensions to noncompliant states, and to provide grants to states.
- ❑ 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; and*
  - *Any other purpose that the Secretary [of Homeland Security] shall determine.*



# REAL ID Act Overview

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## 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; and*
  - *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.*



# Enforcement Overview

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## ❑ Phases 1-3 – accessing Federal facilities and entering nuclear power plants.

- *Currently in effect for noncompliant states (Minnesota, Missouri, and Washington).*

## ❑ Phase 4 – Boarding Commercial Aircraft.

- *Announced on January 8, 2016.*
- *January 22, 2018: TSA will only accept driver's licenses and identification cards issued by REAL ID compliant states or noncompliant states that have received an extension from DHS. ("State-based enforcement")*
- *October 1, 2020: TSA will only accept driver's licenses and identification cards that are compliant with the REAL ID Act. ("Card-based enforcement")*



# Compliance/Extensions

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## ❑ Status of Implementation

- *25 compliant states and 17 states/territories committed to compliance.*
- *Across all jurisdictions: 85% of requirements are implemented and 12% are planned.*
- *Jurisdictions without extension have implemented or plan to implement 84% of requirements.*

## ❑ Extensions allow noncompliant states and territories additional time to comply with the Act.

- *Federal agencies may continue to accept for official purposes under the REAL ID Act driver's licenses and identification cards from noncompliant states/territories with valid extensions.*
- *Extensions are not an alternative to compliance with the REAL ID Act.*
- *Extensions can be granted at any time, are valid for a maximum on one year, and expire no later than October 10th of each year.*



# Compliance/Extensions

## ❑ For the 2016-17 extension cycle, DHS:

- *Granted **full extensions** through October 10, 2017 to states/territories that committed to meet all the requirements of the Act and regulations;*
- *Granted **limited extensions**, through June 6, 2017, to states committed to eliminating barriers to compliance; and*
- *Did not grant any extensions to states that have not committed to eliminating barriers to compliance.*

Status of State	Extensions Expire	Grace Period	Enforcement Begins
No Extension – Previously No Extension	N/A	N/A	Ongoing
No Extension – Previously Full Extension	10/10/2016	~3 months	01/30/2017
Limited Extension	06/06/2017	~1 month	07/10/2017
Full Extension	10/10/2017	N/A	N/A

## ❑ Grace Period:

- *Allows Federal agencies to accept for official purposes driver's licenses and identification cards issued by a covered state/territory; and*
- *Provides the opportunity for the state/territory to take corrective action, affected residents to obtain alternative means of identification, and agencies to update their procedures and training.*





# REAL ID Status of States

*As of November 23, 2016*

