

Overview of REAL ID Act and state compliance

Joint Transportation Committee
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REAL ID: background

- REAL ID Act passed by Congress in 2005.
- Sets certain requirements for a state driver license and identification card to be accepted by the federal government for “official purposes.”
 - Documentation of legal status in U.S.
 - Card security features and markings
- The Department of Homeland Security (DHS) has extended compliance deadlines and communications multiple times.
- In January, 2016, DHS set final enforcement tier for airports in January, 2020. *States without extensions: January 2018*



Enforcement of REAL ID

Schedule

| | | |
|---------|--|------------|
| Phase 1 | Restricted areas of DHS headquarters in Washington, D.C. | 4-21-2014 |
| Phase 2 | Restricted areas of all federal facilities and nuclear power plants. | 7-21- 2014 |
| Phase 3 | Semi-restricted areas of most federal facilities (i.e., areas available to the general public but subject to ID based access control). | |
| 3a | Federal Security Levels 1 and 2 ¹ | 1-19-2015 |
| 3b | Federal Security Levels 3, 4, 5 and military facilities | 10-10-2015 |

2015 Review and evaluation

| | | |
|---------|--|-----------------------|
| Phase 4 | Boarding federally regulated commercial aircraft. A driver's license or ID card from a noncompliant state may only be used in conjunction with a second form of ID. EDLs and EIDs remain acceptable. | January, 2018* |
|---------|--|-----------------------|



States without compliance extensions

- Minnesota+
- Missouri
- Washington+ (expired January, 2016)

+ Enhanced Driver Licenses federally acceptable

- Important to remember that the list of states with extensions is not static. States will come on or off list based on implementation progress. Only about 20 states are ‘fully compliant.’

REAL ID

What ID Do I Need to Fly Domestically?



| I live in... | As of Jan. 2016 | As of Jan. 22, 2018 | As of Oct. 1, 2020 |
|--|---|--|---|
| AL, AZ, CO, CT, DC, DE, FL, GA, HI, IA, IN, KS, MD, MS, NE, NV, OH, SD, TN, UT, VT, WV, WI, WY | You can continue to use your license to fly in the U.S. | You can continue to use your license to fly in the U.S. | License must be REAL ID compliant |
| AK, AR, CA, GU, ID, IL, KY, LA, MA, ME, MI, MP, MT, NH, NJ, NM, NY, OK, OR, PA, PR, RI, SC, TX, VA, VI | You can continue to use your license to fly in the U.S. | You can continue to use your license to fly in the U.S. | Your state will be compliant or noncompliant by 2020; continue to check for updates |
| AS, MN, MO, WA | You can continue to use your license to fly in the U.S. | You will need an alternative identification to fly in the U.S. | You will need an alternative identification to fly in the U.S. |



Current state framework

- DOL has enhanced security of driver license and ID cards over past several years to combat identity theft and residency fraud:
 - Scanning/imaging of original documentation
 - Enhanced card security to meet best practices
 - Created stronger residency verification process
 - Facial recognition
- Washington is only state that does not require proof of U.S. legal status to obtain *standard* driver license or ID card. State law requires WA residency.
- We're one of five states to offer an Enhanced Driver License.

Current state framework

- SB 5087 passed in 2007; prohibits state agencies from spending state funds to comply with REAL ID until the act is fully federally funded and certain privacy concerns are met (RCW 43.41.390)



Impacts and current status

- Saw confusion in late 2015 and early 2016 at federal level in terms of implementation of enforcement tiers. This appears to have subsided.
- National/state media attention generates large public interest.
- DOL seeing significant increase in demand for EDL's.
 - 573,000 EDL/EID out of 6.1 million total DL/ID cards
 - Thank you for additional workload funding
- REAL ID enforcement at JBLM, Puget Sound Naval Shipyard, other federal facilities; DOL has worked with bases.

