

REAL ID

Minnesota Brief
September 17, 2015



Homeland
Security

Agenda

□ **REAL ID Act Overview**

□ **Status of States**

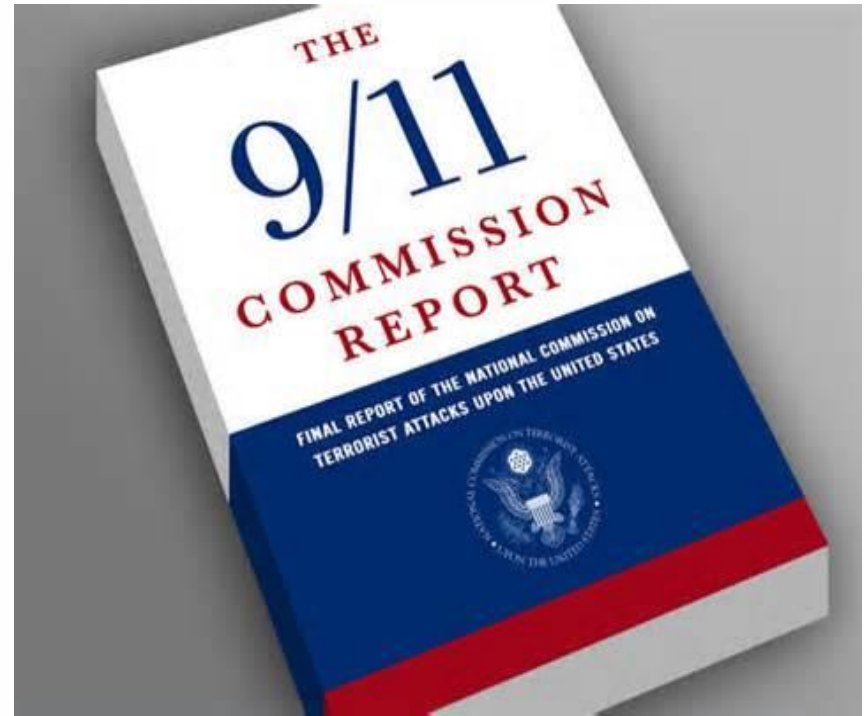
□ **Enforcement**

REAL ID Act Overview

“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

- ❑ 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 grants to states; and
- ❑ 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

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 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 regulate what Federal agencies may accept for identification purposes.**
 - ❑ *Agencies continue to use their own access control policy with the exception of when they can accept driver's licenses for access.*
- ❑ **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

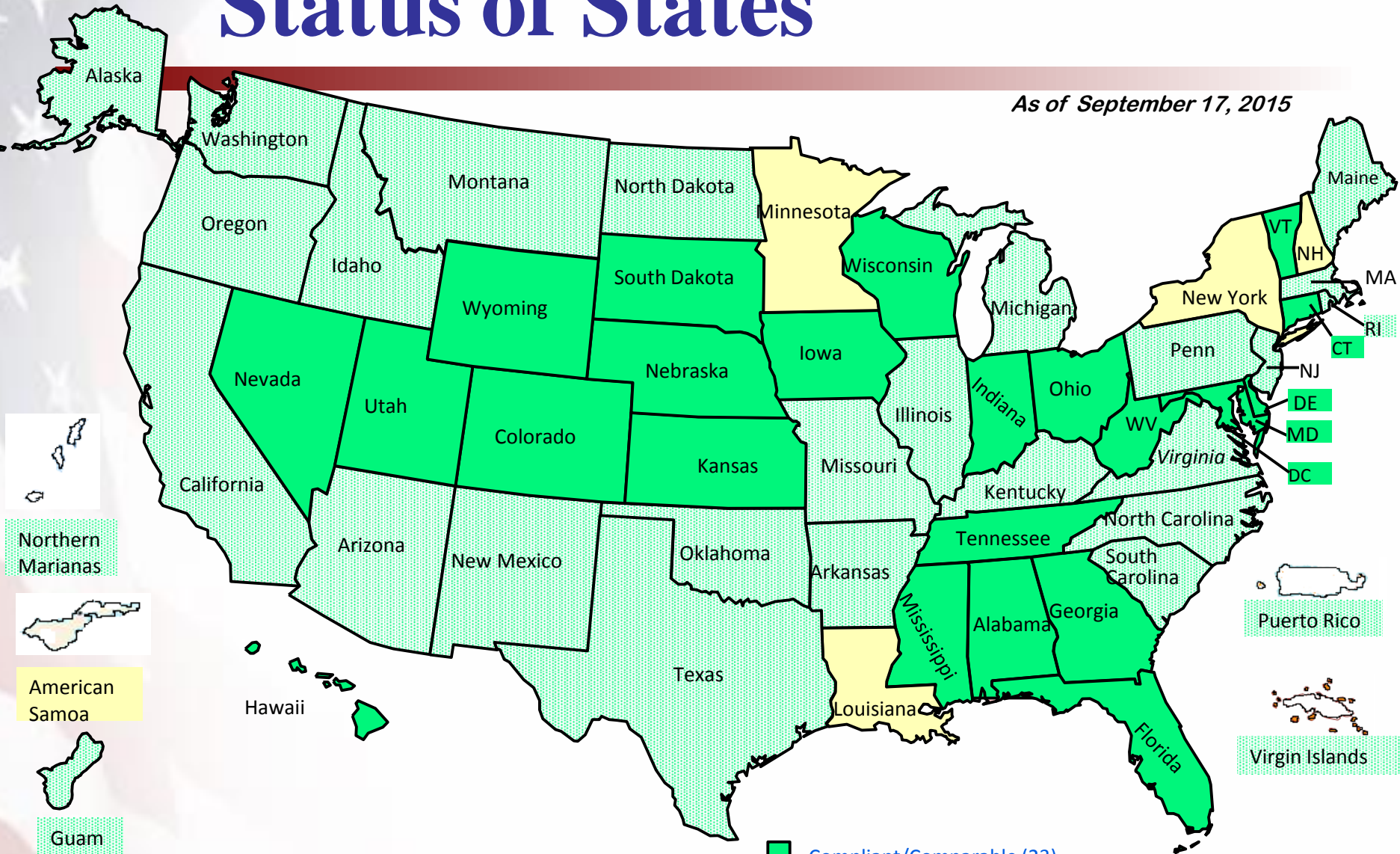
Phase	Enforcement	Notification Period	Full Enforcement
1	Restricted areas for DHS HQ	01/20/14	04/21/14
2	Restricted areas for Federal facilities & for nuclear power plants <i>(i.e., Facilities where access limited only to Federal employees, contractors, and guests)</i>	04/21/14	07/21/14
3a	Semi-restricted areas for Federal facilities <i>(i.e., Facilities where public can access but must present ID)</i>	10/20/14	01/19/15
3b	All Federal facilities	07/13/15	10/10/15
<i>Review and Evaluation</i>			
4	Aircraft <i>(Acceptable only with 2nd form of ID)</i>	No sooner than 2016	

- *Exceptions for access to health, safety, or life-preserving services; law enforcement; and judicial activities.*
- *Out of Scope: public areas of Federal facilities; non-Federal facilities; application for or receipt of Federal benefits; and uses other than the defined official purposes.*



Status of States

As of September 17, 2015

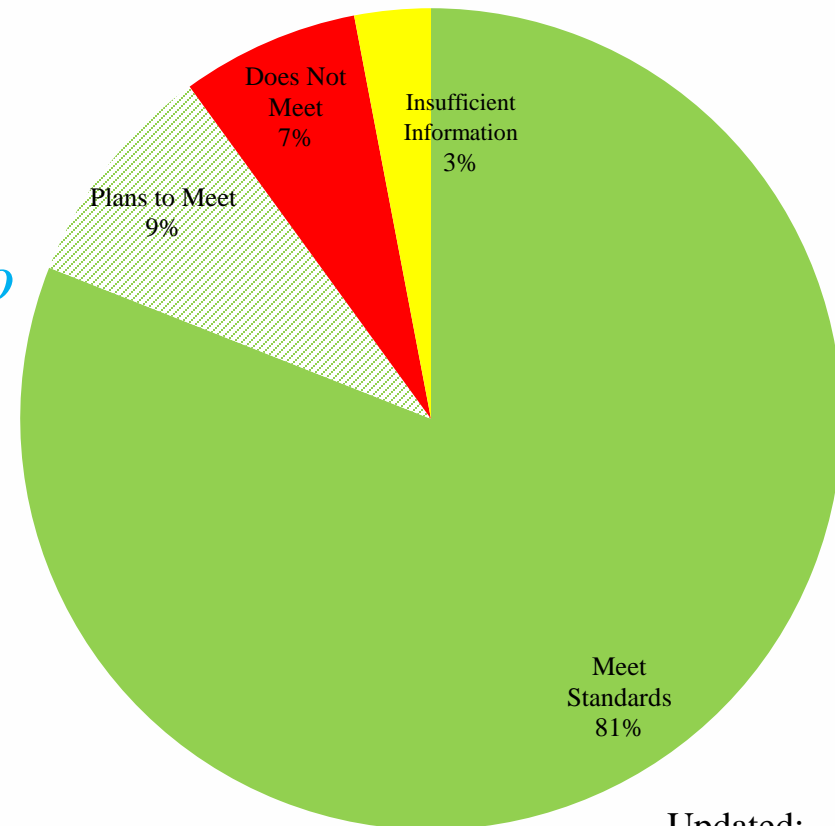


- Compliant/Comparable (23)
- Not Compliant and Has Extension (28)
- Not Compliant and Does Not Have Extension (5)

Progress on Standards

90% of Aggregate Standards are Met or Planned to Meet

- *23 compliant states meet all standards*
- *11 Noncompliant states commit to all standards*
- *22 noncompliant states*
 - *Meet: 72%*
 - *Plan to meet: 5%*
 - *Do Not Meet: 18%*



Updated:
7/01/15

Status of Minnesota

- ❑ **Minnesota meets or plans to meet 32(74%) out of the 43 REAL ID requirements.**
- ❑ **To become compliant, Minnesota also needs to meet the following requirements.**
 - **Section 37.05(a) Issues REAL ID DL/ID cards valid for a period not to exceed eight years.**
 - **Section 37.11(b) Has applicants sign a declaration under penalty of perjury that the information present is true and correct, and the state must retain this declaration.**
 - **Section 37.11(e) Proof of Social Security Number.**
 - **Section 37.11(f) Proof of Address.**
 - **Section 37.13(b)(1) Verify lawful status through SAVE or another method approved by DHS.**
 - **Section 37.13(b)(5) Verify REAL ID driver's licenses and identification cards with the State of issuance.**
 - **Section 37.17(n) Commit to marking compliant driver's licenses and identification cards with a DHS approved security marking.**
 - **Section 37.21(e) Temporary or limited-term driver's licenses and identification cards must clearly indicate on the face of the licenses that the license or card is a temporary or limited-term driver's license or identification card.**
 - **Section 37.25(a)(2) Re-verify applicant's SSN and lawful status upon renewal**
 - **Section 37.25(b)(1) If remote REAL ID renewals are permitted re-verify applicant's SSN and lawful status.**
 - **Section 37.51 Commit to be in full compliance.**
 - **Section 37.55 Submit a compliance package.**
 - **Section 37.71(a) Mark noncompliant licenses.**

Two-Tiered License Markings

State	Compliant	Second-Tier Card Marking
Colorado	Yes	<i>Not Valid for Federal Identification, Voting or Public Benefit Purposes</i>
Connecticut	Yes	<i>Not for Federal Identification</i>
Delaware *	Yes	<i>Driving Privilege Only/Not Valid for Identification</i>
District of Columbia	Yes	<i>Not Valid for Federal Official Purposes</i>
Maryland	Yes	<i>Not Acceptable for Federal Purposes</i>
Nevada	Yes	<i>Driver Authorization Card/Not Valid for Identification</i>
Utah	Yes	<i>Not Valid for Identification</i>
Vermont	Yes	<i>Not for Federal Identification</i>
West Virginia	Yes	<i>Not for Federal Identification</i>
California	No (w/ Extension)	<i>Federal Limits Apply</i>
Illinois	No (w/ Extension)	<i>Not Valid for Identification</i>