



REAL ID Final Rule: Questions & Answers

What is REAL ID?

REAL ID is a nationwide effort to improve the integrity and security of State-issued driver's licenses and identification cards, which in turn will help fight terrorism and reduce fraud.

Where did this effort originate?

The 9/11 Commission recommended that the U.S. improve its system for issuing identification documents. In the Commission's words, "At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists." The Commission specifically urged the Federal government to "set standards for the issuance of sources of identification, such as driver's licenses." Congress responded to this key recommendation by passing the REAL ID Act of 2005.

Why do we need REAL ID?

State-issued driver's licenses serve many purposes in today's society, including being the primary identifier for individuals attempting to access a Federal facility, board Federally-regulated commercial aircraft and enter nuclear power plants. Terrorists know this, and actively seek this form of identification. For example, eighteen of the nineteen 9/11 hijackers used driver's licenses or similar identification to board planes which they used to kill thousands of innocent civilians. Many of these credentials were obtained through fraudulent means.

Additionally, these documents provided the terrorists with cover to operate freely within the United States by allowing them to open bank accounts to draw down funding, rent places to live, rent cars and board planes.

Having secure identification is an important step toward enhancing national security. As Secretary Chertoff continues to emphasize, and as supported by the latest National Intelligence Estimate, Al Qaeda will "intensify" its efforts to place operatives inside the United States, reinforcing the need for more secure driver's licenses and state identification cards. This REAL ID rulemaking will make it more difficult for nefarious individuals to obtain these documents through fraudulent means, and will also make it easier for law enforcement to detect documents that have been falsified. In so doing, this rulemaking provides an invaluable new tool to help prevent terrorism and protect our nation.

Will REAL ID reduce identity theft?

Yes. REAL ID will help cut down on identity theft. The program accomplishes this by establishing layers of security to ensure that identity documents only go to the people they actually belong to. This is achieved through increased security, including: physical security features on the credential itself; tightening DMV practices and procedures for the production and issuance of the documents (security plans and background checks for employees, for example); and verifying the information presented on source documents presented at the time of application through enhanced verification systems. REAL ID also mandates that a State cannot issue a REAL ID license to a person who holds a license issued by another State or to an individual who already holds a REAL ID card. REAL ID will make it more difficult to steal other people's identities and use them to obtain driver's licenses.

Nefarious individuals attempt to obtain multiple licenses or use multiple identities, and States are challenged in combating these abuses. REAL ID will make it easier for States to reduce this kind of identity theft and identity fraud. From 2000 to 2006 there was a 791% increase in identity theft in the U.S. In 2005 alone, identity theft cost U.S. households \$64 billion of which 28% involved a driver's license. That is why a recent poll conducted by Public Opinion Strategies found that 82% of Americans favor new rules and regulations that strengthen driver's license issuance to combat terrorism and identity theft.

Can States issue REAL IDs to illegal aliens?

No. The Act specifies that States must verify an applicant's lawful status in the United States before issuing a REAL ID license or card. The Act does not prohibit States from issuing other, non-compliant, forms of driver's licenses and State identification. However, non-compliant REAL IDs cannot be accepted by Federal agencies for official purposes and must be clearly marked as not acceptable for official federal purposes.

How is the public's usage of Driver's Licenses and Identification Cards when interacting with the Federal government going to change?

In the future, individuals may use a State-issued driver's license or identification card to board a commercial aircraft, gain access to a federal facility, or enter a nuclear power plant only if it is REAL ID-compliant.

Did DHS consult with the States in the development of this program?

DHS consulted extensively with the States to develop the rule. DHS met with representatives of nearly all State DMVs and visited nearly two dozen States to tour their DMV operations and discuss implementation of the REAL ID Act. Additionally, this final rule follows a Notice of Proposed Rule Making (NPRM) published on March 9, 2007 that garnered over 21,000 comments that DHS analyzed prior to developing this final rule. The final rule reflects the product of extensive outreach to key stakeholders from State motor vehicle offices, State legislators, governors' offices, and the associations representing these State groups, as well as discussions with groups representing privacy and civil liberties concerns.

What has changed from the proposed rule to the final rule?

DHS reviewed the many public comments submitted and has taken a balanced approach to effective REAL ID implementation by strengthening the provisions that have the greatest impact on reducing fraud and improving the security and integrity of driver's licenses and identification cards. DHS has also modified the rule to provide States the flexibility to implement the law's requirements in a realistic and effective manner. These changes address widespread concerns regarding: adequate time for system improvements and enrollment of driver populations; costs of facility, staff, IT and process changes; prioritization of cost-effective improvements to increase security and to reduce the issuance and use of fraudulent credentials; and enhanced privacy and security of personal information. For example:

- State compliance and driver enrollment deadlines have been extended to give States the additional time necessary to make the investments required to improve security and enroll persons in REAL ID
- Age-based enrollment will allow DMVs to better manage the flow of people into offices
- Privacy and security protections have been enhanced to protect the personally identifiable information of individuals and the addresses of certain classes of individuals
- The final rule reflects a performance-based approach to REAL ID implementation, eliminating costly and prescriptive NPRM requirements and giving States the flexibility to implement solutions that maximize the security and integrity of State-issued credentials
- Commenter recommendations that would significantly reduce fraud, improve security, and protect privacy have been incorporated into the final rule.

Is REAL ID a Federal Mandate?

REAL ID is not a Federal Mandate, and States are not required to participate. The REAL ID Act simply establishes minimum standards that States must meet for their driver's licenses and identification cards to be accepted for official federal purposes like boarding a commercial aircraft or entering a Federal facility.

Is REAL ID a national identification card?

REAL ID is not a national identification card. States will continue to issue driver's licenses and identification cards. Each State will issue its own unique license. REAL ID sets minimum standards so that States, federal agencies, and other public organizations can have confidence in the security and integrity of credentials issued by all other participating States.

How does the final rule protect the privacy of license holders?

To ensure that an individual's personally identifiable information is protected, the final rule prohibits the release and use of information inconsistent with the Federal Driver's Privacy Protection Act. Further, States are encouraged to provide even greater protections via their State laws and regulations. DHS has addressed privacy concerns and questions by integrating these important considerations throughout the development of the final rule, and States will be required to submit a Security Plan that documents, among other things, how the State is protecting personally identifiable information and data. The Privacy Impact Assessment for this rule is available on the Internet at [Privacy Office - Privacy Impact Assessments \(PIA\)](#).

What if my State does not comply with REAL ID?

If a State chooses not to comply with the provisions of the final rule, its driver's licenses and identification cards will no longer be acceptable for official Federal purposes. Individuals of the non-compliant States can still present other forms of acceptable identification such as a U.S. passport to board federally regulated commercial aircraft and access Federal facilities.

What will be the impact on individual citizens of non-compliant States?

Per the REAL ID Act, beginning on May 11, 2008, citizens of States that are not REAL ID compliant may not use their driver's licenses or identification cards for official federal purposes such as boarding federally regulated commercial aircraft or accessing federal or nuclear facilities. If these citizens do not have other acceptable forms of identification (e.g., a U.S. passport), they may suffer delays due to the requirement for enhanced security screening. REAL ID-compliant States are those that have both requested and obtained an extension of the compliance date from DHS, or have been determined by DHS to be in compliance with the Act and the final rule.

Will everybody be required to get a REAL ID?

No. Neither the REAL ID Act nor this rule will require individuals to obtain a REAL ID.

Will States be granted additional time to comply?

Yes. All States submitting requests will receive extensions until December 31, 2009. In addition, States that meet certain benchmarks for the security of their credentials and licensing and identification processes will be able to obtain a second extension until May 10, 2011. The content of these benchmarks are included in the final rule. The benchmarks include:

- Presentation of at least one of the required source documents
- Verification of lawful status and Social Security numbers
- Issuance of driver's licenses or identification cards that contain integrated Level 1 (overt), 2 (covert) and 3 (forensic) security features
- Photographs of all applicants even if a license or identification card is not issued
- Reasonable efforts to ensure that applicants do not have multiple licenses or multiple identities

Federal agencies will continue to accept licenses for official purposes from those States who have been granted extensions.

When will participating States be required to be fully compliant?

States that meet the interim benchmarks of Material Compliance will have until May 10, 2011 to comply with the provisions of the REAL ID Act. Federal agencies will continue to accept licenses for official purposes from those States who have been granted extensions.

States have voiced concerns that they do not have the funds necessary to implement REAL ID. How does DHS expect States to pay for REAL ID?

The issuance of driver's licenses and identification cards is a State function, whose costs will continue to be born primarily by each State. Neither the REAL ID Act nor this rule alters this responsibility. That said, DHS recognizes that States will incur significant costs in implementing REAL ID, and has sought to reduce the anticipated financial impact in several ways.

First, the final rule addresses significant issues presented by those who submitted comments to the NPRM, including the need for additional time and flexibility in how the final rule is implemented. Additionally, many States have already made investments in more secure processes, which mirror in many instances the requirements outlined in the rule. These factors have substantially reduced estimated hard costs to States from \$14.6 billion in the NPRM to approximately \$4 billion in the final rule. DHS is also implementing an age-based enrollment approach. This allows States to focus the first phase of enrollment on those persons who may present a higher risk of obtaining and using fraudulent identification, while allowing other individuals to be phased in later. Phased-in enrollment eases the burden on States to re-enroll their entire driving license and identification card population by providing additional time to accommodate the re-enrollment process. This is expected to dramatically reduce the cost by billions so States will be able to implement REAL ID without the burden of having to hire additional personnel and build new facilities.

Second, DHS has committed to funding the development of a verification system hub that will support the data and document verification requirements of the Act. This system will greatly reduce the costs of verifying applicant data while protecting the personal information of individuals.

What grant funding is available for REAL ID implementation?

In total, there are three REAL ID grant initiatives offered by DHS to assist with REAL ID implementation. The first grant opportunity awarded \$3 million in FY06 to Kentucky as part of a REAL ID Pilot Project. The Kentucky Pilot Project will establish connectivity between Vital Records Agencies and driver's licensing authorities to the Electronic Verification of Vital Events (EVVE) system owned and operated by the National Association of Public Health Statistics and Information Systems (NAPHSIS). The EVVE system's electronic

birth verification capability enables Departments of Motor Vehicles to electronically verify birth records with the applicant's Vital Records Agency.

DHS has also issued grant guidance for two additional REAL ID grant initiatives: the FY 2008 REAL ID Vital Events Verification State Project and FY 2008 REAL ID Demonstration Grant Program.

- **REAL ID Vital Events Verification State Project Grant** – DHS will award \$4 million to Kentucky to help link all States with the ability to verify the information contained on in-State and out-of-State birth certificates.
- **REAL ID Demonstration Grants** – DHS will also competitively award \$31.3 million to facilitate the implementation of the REAL ID Act through innovative proposals that provide improvements and enhance capabilities for States to move towards REAL ID compliance.

In addition, DHS will allow States to use up to 20% of its State Homeland Security Grant Program funds for REAL ID.

Finally, the recently-signed Omnibus spending bill for FY2008 appropriated an additional \$50 million in REAL ID grants to States. DHS is currently assessing ways of using these funds to assist States in meeting the requirements of the Act.

Why is DHS taking an age-based approach to enrolling drivers in the REAL ID program?

Some commenters proposed that DHS conduct a risk-based assessment based on age in order to decrease costs and lessen the impact on lines at the DMV. DHS analyzed the data and concluded that the commenters were right. Therefore, the final rule focuses on enrolling driving populations that may pose more risk of having or using a fraudulent ID. As a result, persons born on or after December 1, 1964, will have to obtain a REAL ID by December 1, 2014 while those born before December 1, 1964, will have until December 1, 2017. This substantially reduces costs and congestion at the DMV by spreading out the enrollment period over a greater period of time.

What do DMVs need to do to check documents establishing a person's identity?

All source documents presented by the applicant when applying for a REAL ID document must be verified with the issuing agency. DHS has identified appropriate methods for verifying information presented to the DMVs to demonstrate identity, lawful status, date of birth and Social Security number with the issuing agency. DHS is also assisting States in the development of a verification system hub that would make it easier and much less costly for States to verify the information on source documents with the issuing agency and check with other States to ensure that persons do not have multiple drivers' licenses.

How long will a REAL ID license be valid for?

Individual States will continue to set the length of validity of their driver's licenses and identification cards, up to a maximum validity period of eight years.

Can States continue to accept remote renewals?

Yes. States may continue to allow remote renewals for driver's licenses and identification cards, subject to the requirements of the final rule.

What about U.S. citizens who were never issued a birth certificate?

A State may use its exceptions process to establish lawful presence for U.S. citizens. U.S. citizens may also present a passport to demonstrate identity and citizenship at the DMV.

Will a national database be created that stores information about every applicant?

No. REAL ID does not establish a national database of driver information. The Federal government will not collect information about driver's license and identification card holders pursuant to REAL ID. States will continue to manage and operate databases for driver's license and identification card issuance.

Who will have routine access to the information that the DMVs collect?

As they do now, only authorized DMV officials and law enforcement in the licensing State will have access to DMV records. Licensing authorities will be able to verify that an individual holds only one REAL ID document, and is not attempting to obtain multiple documents from multiple States. Neither the REAL ID Act nor this final rule creates greater access to State DMV records by the Federal government than already exists under current statutes for law enforcement purposes.

Will REAL ID change how my license looks? What type of information will be required to appear on the card?

The final rule does not specify designs or layouts of State-issued licenses and States will continue to have flexibility in determining the security features on their cards. The final rule does detail the minimum data elements that must be included on the face of the card. However, States already include all or almost all of these data elements on their cards.

Additionally, temporary REAL IDs need to clearly state that they are temporary, and non-REAL IDs issued by compliant States need to clearly state on their face that they are not acceptable for official federal purposes. Finally, REAL IDs will include a security marking that denotes the document's compliance level.

What if religious beliefs preclude me from getting my photo taken for a REAL ID driver's license? Can I still get one?

No. The digital photograph requirement is explicit in the law. States can issue non-REAL ID licenses to those individuals who have a religious objection to having their photo taken. However they cannot use their non-REAL ID licenses for official purposes.

Does the final rule require States to collect fingerprints or iris images from drivers? What about RFID technology?

No. REAL ID does not require any biometrics beyond the photograph and signature already required by States and does not require Radio Frequency Identification (RFID) technology.

What is the Machine Readable Technology required, as outlined in the final rule?

The final rule requires a 2-D PDF-417 Machine Readable Zone (MRZ), which is already used by 46 jurisdictions (45 States and the District of Columbia).

What is the difference between a REAL ID and an enhanced driver's license (EDL)?

The EDL will serve as a limited use international travel document that will contain a vicinity Radio Frequency Identification (RFID) chip and a MRZ used to facilitate border crossing and verification by Customs and Border Protection at a land and sea port of entry.

DHS has worked to align REAL ID and EDL requirements. Now that the REAL ID final rulemaking has been published, DHS will ensure that State-issued EDLs meet REAL ID compliance benchmarks over time. However, there are some key distinctions between the two programs that should be noted. While the REAL ID requires proof of lawful status in the United States, the State-issued EDL will require that the card holder be a U.S. citizen.

An EDL will also include an international document standard MRZ to allow CBP officers to read the card electronically if RFID is not available. The EDL MRZ is different from the REAL ID 2-D PDF-417 MRZ which used by State and local law enforcement officials.

For additional information on Enhanced Driver's Licenses, please see the [EDL Fact Sheet](#).

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