

CRS Weekly Report: The REAL ID Act of 2005

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[The REAL ID Act of 2005: Legal, Regulatory, and Implementation Issues](#) [3] RL34430 April 1, 2008 REAL ID is an issue that, if you have not been following from the beginning, can be daunting to understand. With the introduction of the [PASS ID Act](#) [4], the debate becomes even more confusing to a newcomer. This CRS Report provides an overview of REAL ID, covering its history, a few provisions, relevant constitutional questions, debates, and selected regulatory requirements. However, the Report does not highlight many of the implications on the privacy and security side, so take a look at [CDT's REAL ID Primer](#) [5] to get filled in on that. However, this Report's analysis of the potential constitutional objections (pgs 6 - 14) to REAL ID are worth a look and the cases mentioned read like a greatest hits list of important Supreme Court cases. The section explaining selected regulatory requirements of REAL ID (pgs 20-28) is also informative. Where this report starts becoming relevant to PASS ID is when it explains what happens to citizens of states that are not compliant with REAL ID (pgs 17-20) at various implementation stages. The numbers the Report cites on how many states have refused to comply with REAL ID is outdated -- [at last count, now thirteen](#) [6] -- but the ramifications of non-compliance are still the same. In addition, states can now seek an extension for full compliance (until May 10, 2011), but only if they meet all eighteen benchmarks in DHS's Material Compliance Checklist, which states must fulfill by December 31st, 2009. So unless something changes, citizens of states that cannot or will not meet the next implementation December 2009 deadline may be faced with the prospect that they will not be able to use their state-issued driver's license or ID to board airplanes or enter federal facilities.

PASS ID could be a fix for at least some of the major problems of REAL ID and would give states more time to shore up standards for issuing driver's licenses and build in the appropriate governance mechanisms that will better protect privacy of DMV information than what may currently exist. Make sure to check out the [Policy Post](#) [7] on the reforms PASS ID offers over REAL ID and [Ari Schwartz's testimony](#) [8] on PASS ID. Ari's testimony also offers suggestions for how PASS ID could be further strengthened.

- [tbp](#)
- [REAL ID](#)
- [PASS ID](#)
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