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Real ID Becomes a Reality for Fliers in January 2016

I, for one, was not familiar with the new federal law that will require U.S. citizens flying on domestic flights to present an ID that is compliant with the new federal Real ID mandate. For those that travel with a passport this will be a moot point. However, the 70% of Americans who do not have a passport face a potential denied boarding situation beginning January 1, 2016. Read below for details about the new law to prevent your clients from experiencing problems at the airport.

Starting in January 2016, the Transportation Security Administration will require all airline passengers to present a REAL ID compliant identification card or a passport in order to board a flight. The Department of Homeland Security estimates that 20-30% of Americans live in jurisdictions that are not REAL ID compliant, meaning their driver's licenses will no

longer be accepted during security checks at the airport. Most Americans use a state-issued driver's license as their primary identification card

In 2005 the REAL ID Act passed into law. However, the REAL ID has experienced significant push back from many non-compliant states, forcing federal officials to delay its implementation. Now, nearly a decade later, the REAL ID is set to launch in airports across the United States starting in January of 2016. At that time the Transportation Security Administration will no longer accept state-issued driver's licenses that lack REAL ID compliant features as an accepted form of ID for boarding aircraft after the beginning of next year. If your clients use a driver's license as identification, and it is issued by a non-compliant state, they'll need to either apply for the REAL ID card or get a passport. While adoption of the federal REAL ID card by citizens may not be mandatory, those who choose not to get a passport or REAL ID will effectively be barred from airline travel. REAL ID compliant cards must capture specific identifying details

about each person and associate the data with a unique number. The cards must also contain an electronic swipe feature allowing machines to read and write to them.

Some US states, such as Maine, New Hampshire, Hawaii, and Idaho, have passed laws against participating in the REAL ID program, meaning state-issued ID cards from those states may not be compliant in time for 2016. According to the Department of Homeland Security, 20-30% of Americans live in jurisdictions that are not compliant with the program, meaning citizens in those areas may no longer be able to use their state-issued driver's licenses to board aircraft after January 2016.

Since many people will not have any awareness of this new law, it would behoove our travel agents to advise their clients to either be sure their drivers licenses are compliant or obtain a passport if they don't already have one. But be sure to give them plenty of notice as the State Department will no doubt receive a slew of passport applications over the coming months.

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REAL ID Frequently Asked Questions for the Public

The following are frequently asked questions about the REAL ID program that would be useful to the public.

What is REAL ID?

Passed by Congress in 2005, the REAL ID Act enacted the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification, such as driver's licenses." The Act established minimum security standards for state-issued driver's licenses and identification cards and prohibits Federal agencies from accepting for official purposes licenses and identification cards from states that do not meet these standards. States have made considerable progress in meeting this key recommendation of the 9/11 Commission and every state has a more secure driver's license today than before the passage of the Act.

Do I need a passport for domestic air travel starting January 2016?

A: No. DHS is in the process of scheduling plans for implementing REAL ID enforcement at airports. DHS will ensure that the traveling public has ample notice (at least, 120 days) before any changes are made that might affect their travel planning.

Until enforcement at the airports begins, the Transportation Security Administration (TSA) will continue to accept state-issued driver's licenses and identification cards from all states, as well other forms of acceptable identification listed on the [TSA website](#).

Can I use my driver's license to board an aircraft?

Yes. Until otherwise announced, the Transportation Security Administration (TSA) will continue to accept driver's licenses and state-issued identification cards from all jurisdictions.

DHS will ensure the public has ample advanced notice before identification requirements for boarding aircraft change. That notice will include information on the process for individuals with a non-compliant driver's license or identification card to be able to travel by aircraft.

Will TSA accept any documents other than my driver's licenses?

Yes. The Transportation Security Administration currently accepts other forms of identity documents such as a passport or Permanent Residency Card and will continue to do so.

For more information on acceptable forms of identification for boarding aircraft, please see TSA's website

(<http://www.tsa.gov/traveler-information/acceptable-ids>)

If I am flying with a minor, do they need identification?

The Transportation Security Administration does not require children under 18 to provide identification when traveling with a companion within the United States. The companion will need acceptable identification.

What do I need to do if I am visiting a federal facility or a military base?

Starting October 10, 2015, visitors seeking access to military bases and almost all Federal facilities using their state-issued driver's licenses or identification cards must present proper identification issued by REAL ID compliant states or a state that has received an extension. When planning a visit to a Federal facility or military base, visitors should contact the facility to determine what identification will be accepted.

Will a federal agency accept my Enhanced Driver's License?

Yes. State Enhanced Driver's Licenses (EDLs) designated as acceptable border-crossing documents by DHS under the Western Hemisphere Travel Initiative are acceptable for official federal purposes such as accessing a Federal facility or boarding a commercial aircraft. Individual agency policies may still apply.

Michigan, Minnesota, New York, Vermont, and Washington are the only states that currently issue EDLs. For more information on EDLs, please go to www.dhs.gov/enhanced-drivers-licenses-what-are-they.

Is REAL ID a national identification card?

No. REAL ID is not a national identification card. States and territories will continue to issue driver's licenses and identification cards, and there is no Federal database of driver information. Each jurisdiction will issue its own unique license and maintain its own records.

Is my driver's license unsecure if a Federal agency does not accept it?

No. All states and territories have made tremendous progress in strengthening the security of their driver's licenses since 9/11. Not being on the list of compliant jurisdictions means that the Department of Homeland Security has not received sufficient information to determine that the jurisdiction has met all the requirements of the REAL ID Act.

REAL ID does NOT apply to the following:

- Entering Federal facilities that do not require a person to present identification
- Voting or registering to vote
- Applying for or receiving Federal benefits
- Being licensed by a state to drive
- Accessing Health or life preserving services (including hospitals and health clinics), law enforcement, or constitutionally protected activities (including a defendant's access to court proceedings)
- Participating in law enforcement proceedings or investigations

Additional questions may be sent to the DHS Office of State Issued Identification Support at osiis@dhs.gov.

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