Implementing REAL ID: Balancing Security, Access, and Enforcement
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Improving identity security has been a hallmark of our post 9/11 security efforts. In many areas - passport security, use of biometrics, trusted traveler programs, etc. - the U.S. has made great progress, as have most of our industry partners and allies around the world. I've been proud to be a part of that effort as a Congressional lawyer, a senior DHS official, a consultant, and in thought leadership venues.

But our inability to finalize implementation of the Real ID Act has been an unnecessary and frustrating failure in this otherwise successful effort. We recently hit the 20th anniversary of this law's passage on May 11, 2005 which was a modest effort to improve state-issued identity cards. I've had a child born after this law was enacted, grow up, get a driver's license, and turn 19 years old while the federal government delayed final implementation of Real ID.

So it's no surprise that The Onion highlighted these repeated delays in a recent humor piece.

It was entirely reasonable to give states time to comply and funding to do so. It is still entirely reasonable for the Transportation Security Administration (TSA) to give travelers exemptions for violations when they fly. It is entirely reasonable to find reasonable workarounds for the elderly or others who may find it hard to comply. What is not reasonable is just kicking the can down the road for everybody for another year, administration or decade.

Thus, the recent announcement by TSA that REAL ID is finally being implemented is a welcome development. Approximately 80% of travelers either have a REAL ID compliant license, a U.S. passport, or qualify to fly via another mechanism. After years of delay, we need the enforcement hammer to incentivize the steadily diminishing percentage of travelers to obtain a qualifying travel document. This complements the work being done to secure our borders and the push toward enrolling people in trusted traveler programs.

That said, TSA needs to work with airlines and airports to have reasonable enforcement protocols, remembering that all travelers go through additional security checks such as the Secure Flight vetting program. Thus first-time violators should receive a warning, perhaps enhanced physical screening, and a deadline to comply. Travelers from states with long wait-times for license application interviews might be given additional leniency. The elderly, who are more likely to be unable to resolve back-end identity confirmation problems, could be given longer-term exemptions. However, during the first few weeks of implementation, early reports are encouraging with reasonable protocols being used, little impact at airports, and around 90% compliance.

REAL ID was a reasonable security enhancement when passed 20 years ago. It's a bipartisan black mark on our commitment to balance security and facilitation that our implementation has taken so long that our lack of resolve is funny enough for The Onion. Though long overdue, the May 7 deadline appears to be a promising and smart end of this saga