



United States
Department of
Agriculture

Office of Homeland
Security and
Emergency
Coordination

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TO: Agency Heads

FROM: Todd H. Repass, Jr.
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APR 4 2015

SUBJECT: Implementation of the Real ID Act of 2005

INTRODUCTION:

The REAL ID Act of 2005 (Pub L. 109-13) established minimum security standards for the issuance and production of state-issued driver's licenses. In addition, it provides requirements for Federal agencies to accept only compliant identification for individuals accessing Federal facilities (where required). Congress enacted this law based on recommendations from the *9/11 Commission* to set standards for the issuance of sources of identification.

This law impacts U.S. Department of Agriculture (USDA) visitors and customers accessing Federal facilities if they are in possession of a non-compliant state-issued driver's license.

Impacts to USDA include:

1. Updating Agency facility visitor and access policies for Facility Security Level 1 and 2 facilities to ensure visitors and customers who present a non-compliant state-issued driver's license are escorted at all times. This was a requirement that went into effect on January 19, 2015;
2. Updating Agency facility and access policies for Facility Security Level 3 and 4 facilities to ensure visitors and customers who present a non-compliant state-issued driver's license are escorted. This should be phased in over the next few months with full implementation required by October 10, 2015;
3. Providing an Agency facility list of all Agency facilities (that require identification for access) to include Facility Security Level and Address to OHSEC; and
4. Identifying one primary point of contact to track monthly metrics by facility on use of non-compliant driver's licenses.

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BACKGROUND:

The REAL ID Act prohibits Federal agencies from accepting state-issued driver's licenses and identification cards to access federal facilities if those driver's licenses are from states that are not compliant with the law.

As of March 30, 2015, the following states and territory are not in compliance with the REAL ID Act:

America Samoa	Arizona	Louisiana
Minnesota+	New Hampshire	New York+

+Federal officials may continue to accept Enhanced Driver's Licenses from these states.

If an individual presents a non-compliant identification card to a facility requiring positive identification, USDA can allow entry only if that individual is escorted at all times until they are escorted out of the facility. If an escort is not available then the visitor must be turned away unless they present an alternate acceptable identification document.

This act will have no impact on USDA Federal facilities that do not have positive identification requirements for access (e.g., public-facing counters in USDA Service Centers, Forest Service Visitor Centers) as long as the visitor remains in unrestricted, public space.

In facilities where access is controlled by the General Services Administration (GSA) and the Federal Protective Service (FPS), such as Federal Buildings, GSA and FPS will be the lead on enforcing this Act and will report metrics for those facilities.

In addition to REAL ID Act compliant driver's licenses, guidance from DHS indicates that USDA Agencies may choose to accept any of the identification documents included in Appendix A.

ACTIONS:

USDA Agencies: In accordance with this policy all USDA Agencies should:

- Identify one primary point of contact for implementation and send the contact information to physicalsecurity@dm.usda.gov by May 1, 2015.
- Identify all Agency facilities that will be impacted by this Act by Facility Security Level and Address and provide that list to OHSEC by May 8, 2015.
- As required by DHS, provide monthly metrics to OHSEC on encounters with visitors who present a non-compliant driver's license or identification card. This should be completed by the 8th of each month, starting in May 2015. Reporting instructions may be found in Appendix B.

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USDA Agencies (continued):

- For Federal facilities assigned as Facility Security Level 1 and 2, immediately review and amend, as appropriate, visitor and access policies and implement changes as necessary.
- For Federal facilities assigned as Facility Security Level 3, and 4, review visitor and access policies for compliance and make updates as appropriate to prepare for implementation on October 10, 2015.

OHSEC: In accordance with this policy, OHSEC will:

- Serve as the overall USDA Point of Contact with the DHS Office of Policy to report on USDA implementation and metrics by the 10th day of each month.
- Provide updates to USDA Agencies from DHS on implementation best practices and on when a non-compliant state/territory achieves compliance.
- Provide assistance to USDA Agencies on drafting and implementing visitor and access policies.

If you have any questions regarding this memorandum, please contact Richard Holman, Chief, Physical Security Division, 202-720-3901, Richard.Holman@dm.usda.gov.

APPENDIX A: Acceptable Identity Documents

- 1) Federally Issued Identification
 - a. U.S. Passport
 - b. U.S. passport card
 - c. Personal Identification Verification (PIV) cards
 - d. Driver's license issued by U.S. Department of State
 - e. Border Crossing Card
 - f. DHS "Trusted Traveler" Cards (Global Entry, NEXUS, SENTRI, FAST)
 - g. U.S. Military Identification Cards (active duty or retired military/veterans)
 - h. U.S. Permanent Resident Card
 - i. U.S. certificate of naturalization or certificate of citizenship
 - j. Employment Authorization Document issued by DHS
 - k. U.S. Refugee Travel Document or other travel document or evidence of immigration status issued by DHS containing a photograph
 - l. Transportation Worker Identification Card (TWIC)
 - m. Merchant Mariner Credential issued by DHS

- 2) State Issued Identification
 - a. Driver's license or identification card issued by a state that meets the REAL ID standards or has an extension
 - b. State Issued Enhanced Driver's Licenses (EDL)
 - c. State prisoner identification cards

- 3) Other
 - a. Native American Tribal Photo Identification Card
 - b. Foreign government issued passport
 - c. A Canadian provincial driver's license or Indian and Northern Affairs Canada Card
 - d. Personal Identification Verification- Interoperable (PIV-I) cards

