

REAL ID ACT OF 2005 (and 2008 REAL ID RULE) – “Official Purposes”

REAL ID Act – Title II

H.R.1268

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Enrolled as Agreed to or Passed by Both House and Senate)

TITLE II--IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

- (1) DRIVER'S LICENSE- The term `driver's license' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.
(2) IDENTIFICATION CARD- The term `identification card' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.
(3) OFFICIAL PURPOSE- The term `official purpose' includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.
(4) SECRETARY- The term `Secretary' means the Secretary of Homeland Security.
(5) STATE- The term `State' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

From 2008 Rule:

Response: DHS agrees with those commenters who noted that the proposed definition of "official purpose" is consistent with Congressional intent. DHS is neither expanding nor limiting the definition further in this rule. DHS will continue to consider additional ways in which a REAL ID license can or should be used and will implement any changes to the definition of "official purpose" or determinations regarding additional uses for REAL ID consistent with applicable laws and regulatory requirements. DHS does not agree that it must seek the approval of Congress as a prerequisite to changing the definition in the future (except of course to remove one of the three statutorily-mandated official purposes) as § 201(3) of the Act gives discretion to the Secretary of Homeland Security to determine other purposes.

Possible Future "official purposes"?

Table with 1 column and 13 rows listing possible future official purposes: Access to medical services, Buying or renting a car, Purchasing firearms/ammunition, Purchasing alcohol or cigarettes, Buying a home/renting apartment, Signing a lease, Starting a business, Check-cashing and payday loans, Registering at a hotel, Buying a cell phone, Travel by train, bus or boat, Opening a bank account.