

# Yes! You Can Fly – Without a Real ID



- Americans can use one of the [15 other](#) TSA-acceptable IDs to fly (including passports).
- On May 7, TSA is expected to begin [two years](#) of “phased enforcement,” – likely no denials
- REAL ID is an **unconstitutional federal usurpation** of states’ rights and individual rights.
- DMVs plan to **digitize** REAL ID on phones with remote, real-time access to it (AAMVA [testimony](#)).
- Does a digitized NATIONAL ID open the door to a social credit system in America?
- For more information, go to [www.cchfreedom.org/national-id/](http://www.cchfreedom.org/national-id/).

## OFFICIAL STATEMENTS

*“I think the American people need to know that REAL ID will be required to travel on May 7<sup>th</sup> so those governors have been notified to communicate that at home. We don’t want anybody to get delayed and not be able to travel when they get to an airport. – Kristi Noem, Secretary of Homeland Security, April 9, 2025, televised Cabinet meeting ([32:00 mark](#))*

*“If an individual does not have a REAL ID-compliant DL/ID, the individual may use another acceptable form of identification as determined by individual agencies’ identity verification and access policies.” – TSA Final Rule, January 14, 2025*

*“[T]he Transportation Security Administration has established what it calls a ‘phased enforcement approach’ for applying the long-awaited regulation that allows implementing the requirements over a two-year period, culminating with full enforcement by May 5, 2027. **That could allow travelers who don’t have REAL IDs to board flights with a warning notice.**” – Alexi Giannoulis, Illinois Secretary of State, Chicago Tribune, March 17, 2025*

## UNCONSTITUTIONAL

“This really is a **National Identification card for the United States of America** for the first time in our history. We’ve never done this before, and we shouldn’t be doing it without a full debate... I’m very, very reluctant for this country to have a National ID card...” – **U.S. Senator Lamar Alexander**, during the 2005 REAL ID debate on the floor of the U.S. Senate.

“The Tenth Amendment establishes the ‘[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively...’ By ‘federalizing’ driver licensing **the REAL ID Act usurps this power which has been reserved to the states.**” – letter sent to President Trump by **116 Pennsylvania legislators**, January 24, 2017.

“In summary, **it’s a national ID system.** Everyone in your state will be at risk of identity fraud.” – Jim Harper, formerly of the Cato Institute, [IAAP](#), January 30, 2017.

“**OFFICIAL PURPOSE**” (required uses) – “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.**” ([REAL ID ACT, 2005](#))

## STATEMENTS FROM THE 2025 REAL ID RULE

*“Minimum Standards for Driver’s Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Phased Approach for Card-Based Enforcement”- TSA/DHS, January 14, 2025*

**OPTIONAL:** “If an individual does not have a REAL ID-compliant DL/ID, the individual may use another acceptable form of identification as determined by individual agencies' identity verification and access policies.”

**INITIAL STATEMENT:** “Pursuant to the REAL ID regulations, REAL ID card-based enforcement begins on May 7, 2025. Card-based enforcement means that Federal agencies may only accept DL/IDs for official purposes, defined in the REAL ID Act and regulation, if the DL/IDs are issued in accordance with REAL ID requirements.

**UP TO TWO YEARS:** “This rule recognizes these concerns and provides flexibility by permitting agencies to, **for a period of up to 2 years**, implement REAL ID card-based enforcement using a phased approach tailored to their specific operations.

**NON-ENFORCEMENT FOR TWO YEARS:** “**Given the scope of potential phased enforcement plans, which range from full enforcement to non-enforcement through the 2-year period**, DHS does not believe it is appropriate to prescribe specific means by which the individual agency must inform members of the public about their plan, beyond the general requirement to make it publicly available on an agency website.

**CAN USE A PASSPORT:** “Individuals may also continue to choose to obtain a noncompliant DL/ID, even after the enforcement date, because they do not anticipate needing an acceptable form of identification to verify their identity for a defined official purpose or because they had another identity document, such as a passport, that is widely accepted.”

**PHASED IN TO DECREASE BACKLASH:** “This flexibility allows these agencies to maintain operational efficiency; reduce security risks born from long lines, incidents, and distractions caused by additional identity verification procedures or turning away individuals who do not have acceptable identification; decrease potential public backlash to security personnel enforcing REAL ID; and limit potential negative impacts to the public.”

**PROVIDES TIME:** “Phased enforcement provides Federal agencies the flexibility on how to start enforcing REAL ID card-based enforcement requirements in a manner that may reduce operational disruption, security risk, and public impact. This is especially relevant for Federal agencies that process large numbers of individuals and require identification for access purposes. Phased enforcement provides Federal agencies more time to implement strategies to engage stakeholders and encourage REAL ID adoption. It can also provide time for agencies to develop alternative means to ensure continued operations for services or activities that require use of REAL ID for official purposes.

**DELAY REDUCES DELAYS:** A higher proportion of individuals with compliant identification also reduces potential queuing and associated delays. For example, if an individual presents valid, non-REAL ID-compliant identification at an access point, security or screening workforce may require additional time to confirm the individual's identity, and/or explain the requirements of REAL ID and thus delay the individual, or not provide the individual access.<sup>[133]</sup> Such delays may also have downstream impacts and cause longer delays for other individuals waiting in line at the access point, including for those who may possess a REAL ID-compliant document. However, under a phased enforcement plan, after verifying the individual's identity, the individual may be able to use the valid, non-compliant identification to access Federal facilities (for a temporary period of time).

**MITIGATES AIRPORT SECURITY OPERATIONAL RISKS:** The potential for large numbers of individuals presenting non-REAL ID-compliant identification as a means to verify identity to access Federal facilities could cause operational risks to Federal agencies; especially those that process large numbers of individuals

(e.g., the airport security environment). Surges in REAL ID applications may also cause negative impacts to States in issuing REAL IDs, and individuals in obtaining them.”

**POTENTIAL NEGATIVE IMPACT OF FULL ENFORCEMENT:** “At the same time, the rule is intended to allow a transition to full enforcement that mitigates the potential negative impact to agencies and the public if every agency was required to begin full enforcement immediately on the card-based enforcement date.”

**TWO YEARS OF FLEXIBILITY:** “Under the REAL ID regulations, Federal agencies may not accept non-compliant DL/IDs for REAL ID official purposes on and after the card-based enforcement of May 7, 2025. Under this rule, Federal agencies are still required to commence REAL ID card-based enforcement on May 7, 2025. However, this rule provides agencies, for a period of up to 2 years, the flexibility to implement a phased approach to card-based enforcement, after considering relevant factors including security, operational feasibility, and impact to the public.”

**COORDINATE PHASED ENFORCEMENT:** “To ensure that agencies' phased enforcement plans consistently and appropriately advance the objectives of the REAL ID regulations, this rule requires agencies to coordinate their phased enforcement plans with DHS and begin full enforcement no later than May 5, 2027.”

**RISKS ACKNOWLEDGED:** “This rulemaking acknowledges the possible risks to Federal agencies and potential public impact should a significant number of individuals seek to use non-REAL ID-compliant DL/IDs for REAL ID official purposes when enforcement begins on May 7, 2025.”

**DISRUPTIONS LIKELY:** “Given that approximately 56 percent of DL/IDs in circulation are REAL ID-compliant as of January 2024, the low current adoption rates, and DHS' estimate that 61.2 percent of REAL IDs, relative to all DL/IDs in circulation, will be REAL ID-compliant by May 7, 2025, there is a real possibility of disruptions like those described above could occur if all agencies begin full enforcement on the deadline.”

**WARNING NOTICES:** “Recognizing these challenges and the uncertainty in the number of individuals Federal agencies may encounter who do not have a REAL ID-compliant DL/ID on May 7, 2025, this rule provides Federal agencies added flexibility to implement enforcement of the REAL ID regulations in a manner that takes into account relevant factors including security, operational feasibility, and public impact. The ability to implement the card-based requirements under a phased approach, for a 2-year period, allows Federal agencies to start card-based enforcement in a manner that limits potential disruption to operations, reduces negative public impact, and supports a smooth transition to full card-based enforcement and the increased security benefits of REAL ID. **For example, agencies will have the ability to begin enforcement by issuing warning notices or through progressive consequences if they determine that those measures would most effectively mitigate the risks of an immediate transition to full enforcement. Without this flexibility, and especially if the adoption rate remains low leading up to May 7, 2025, DHS believes Federal agencies could face a serious risk of operational disruption, negative public impact, and potential security vulnerabilities.**”

**INDIVIDUALIZED WARNINGS:** “For example, agencies may choose to issue a **written or verbal warning** the first time an individual attempts to use their non-compliant DL/ID after the May 7, 2025, enforcement deadline, letting that individual know they will be denied entry if they attempt to use their non-compliant card at that location another time. Individualized warnings like this may be more effective at encouraging compliance than broad public messaging.

**MORE TIME.** “This rule provides flexibility to agencies, allowing them to implement phased enforcement plans that provide more time for individuals to obtain a REAL ID-compliant DL/ID.”

**LARGE VOLUME OF PEOPLE AT TSA:** “Based on its stakeholder engagements with Federal agencies, DHS believes that the vast majority of agencies do not handle a significant volume of individuals presenting DL/IDs for an official purpose under the REAL ID Act and regulation. However, other agencies (for example, TSA)

encounter a much larger volume of individuals on a daily basis that must present an identification document for a REAL ID official purpose.”

**BALANCES BENEFITS AND RISKS:** “A phased approach will be more likely for those agencies where potential risks related to security, operational feasibility, and public impact strongly weigh in favor of and support implementing a phased enforcement plan. In this way, the rule appropriately balances obtaining the security benefits of REAL ID with the need to mitigate potential risks.”

**FLEXIBILITY WILL RAISE ADOPTION RATES:** “DHS believes that continued messaging alone will not result in a substantial increase in adoption rates. DHS believes that beginning enforcement, with the flexibility phased enforcement provides, will increase public awareness and increase REAL ID adoption rates more quickly than an extension of the deadline.”

**AGENCIES MUST POST PLANS:** “DHS acknowledges that this rule could potentially create confusion due to the possibility of inconsistent enforcement timelines, with some agencies implementing full enforcement and other agencies implementing varying phased enforcement plans. The rule’s requirement that agencies post their plans publicly on their web page is intended to provide transparency and mitigate potential confusion.”

**LONGER PHASED ENFORCEMENT APPROACH:** “In support of a longer phased enforcement period, DHS seeks to provide sufficient time for phased enforcement plans to exert an effect on public perception, to limit negative enforcement impacts on agency operations and the public, and to provide sufficient time for States to meet increased demand. DHS has balanced these factors to arrive at an up to 2-year period available for phased enforcement.”

**ANOTHER ACCEPTABLE FORM:** “Individuals may choose not to obtain a REAL ID-compliant DL/ID for a number of reasons, including that they do not anticipate needing identification for a REAL ID official purpose or that they have another form of acceptable identification ( e.g., a passport).”

**REGULATORY DEFAULT MAINTAINED:** “As discussed above,<sup>[55]</sup> this rule maintains the card-based enforcement deadline and a regulatory default of full enforcement on May 7, 2025, absent an affirmative determination by an agency to use a phased enforcement plan.”

**TSA PLANNING UNDERWAY:** “This rule allows TSA to make a determination, after considering relevant factors, that a phased approach to card-based enforcement may be appropriate. Consistent with this rule, TSA is planning for a number of scenarios, including considering a phased approach to enforcement. In making its determination, TSA will take into account the relevant factors of security, operational feasibility, and public impact, including TSA checkpoint operations that involve interaction with law enforcement and potential impact to travelers and transportation stakeholders.”

**MITIGATE BACKLOGS:** “The final rule will provide Federal agencies the flexibility to decide whether to enforce the REAL ID card-based regulations in a phased manner that may reduce security vulnerabilities, operational disruption and public impact related to official Federal purposes. A phased approach will not unnecessarily delay REAL ID enforcement for those Federal agencies ready to fully implement on the card-based enforcement deadline. A phased approach will also allow individuals more time to obtain a REAL ID and may help mitigate potential application backlogs at State licensing agencies. Furthermore, a phased approach may reduce potential queuing and associated delays at access points”.

**COMPLIANCE OVER TWO YEARS:** “Under a phased approach, DHS forecasts a slower adoption of REAL ID, as compared to the baseline, with compliance increases being spread over the 2-year phased enforcement period. This approach provides individuals more time to obtain a REAL compliant DL/ID and allows individuals who possess non-compliant DL/IDs to use such DL/IDs for official purposes while also creating

opportunities for enforcement mechanisms ( e.g., warnings) that may serve to incentivize the public to obtain a REAL ID without, or reduced, negative consequences.”

**REDUCED IMPACT IF PHASED:** “If TSA chooses to employ phased enforcement at security screening checkpoints, the impacts associated with travelers presenting non-compliant DL/IDs would be reduced and spread out over the course of the phased enforcement plan, rather than absorbed in the initial days of enforcement.”

**50 PERCENT:** “Based on feedback from agencies and recurring attendance over months, DHS assumes that 50 percent of agencies that attended one or more meetings will pursue a phased enforcement plan.”

**TSA IS HIGH-USE CASE:** “DHS assumes that the remaining 4 percent of Federal agencies will develop and coordinate phased enforcement plans with DHS. The majority of such plans are anticipated to represent a low-to-medium use case ( e.g., visitor access to a facility) with TSA representing a high-use case given the volume of individuals boarding federally regulated commercial aircraft per day.”

**COST OF PHASED ENFORCEMENT:** “Table 9 presents the 2-year total cost of the phased enforcement final rule. DHS estimates the total cost of the final rule to be \$1.73 million undiscounted and \$1.70 million discounted at 2 percent.”

## OFFICIAL REGULATORY LANGUAGE – TSA FINAL RULE 2025

### PART 37—REAL ID DRIVER'S LICENSES AND IDENTIFICATION CARDS

1. The authority citation for part 37 continues to read as follows:

Authority: [49 U.S.C. 30301 note](#); [6 U.S.C. 111, 112](#).

2. **Amend** § 37.5 by revising paragraphs (b) and (c) and adding paragraphs (d) and (e) to read as follows: [§ 37.5](#)

#### **Validity periods and deadlines for REAL ID driver’s licenses and identification cards.**

b) Except as provided in paragraph (d) of this section, on or after May 7, 2025, Federal agencies shall not accept a driver's license or identification card for official purposes from any individual unless such license or card is a REAL ID-compliant driver's license or identification card issued by a State that has been determined by DHS to be in full compliance as defined under this subpart.

(c) Through the end of May 6, 2025, Federal agencies may accept for official purposes a driver's license or identification card issued under § 37.71. Except as provided in paragraph (d) of this section, on or after May 7, 2025, Federal agencies shall not accept for official purposes a driver's license or identification card issued under § 37.71.

(d) **Federal agencies may implement the requirements of paragraphs (b) and (c) of this section through a phased enforcement plan if the agency determines **phased implementation** is appropriate. Federal agencies that implement **phased enforcement plans authorized by this paragraph** (d) must:**

- (1) Make a determination that a phased enforcement plan is appropriate in consideration of relevant factors including security, operational feasibility, and public impact;
- (2) Coordinate the phased enforcement plan with DHS;
- (3) Make the phased enforcement plan publicly available on the agency's web page; and
- (4) Achieve full enforcement of the requirements of paragraphs (b) and (c) of this section no later than May 5, 2027.

(e) DHS will make publicly available on the DHS REAL ID web page a list of agencies that have coordinated phased enforcement plans with DHS pursuant to paragraph (d) of this section. *[Emphasis Added.]*

<https://www.federalregister.gov/documents/2025/01/14/2025-00484/minimum-standards-for-drivers-licenses-and-identification-cards-acceptable-by-federal-agencies-for>

**For more information, go to [RefuseRealID.org](https://RefuseRealID.org)**