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American Association of Motor Vehicle Administrators

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United States Congress Passes REAL ID Modernization Language in Omnibus

The United States Congress has passed the Consolidated Appropriations Act of 2021 (Amended HR 133). While the legislation provides funding for all federal agencies for FY2021, it also includes language that modernizes the REAL ID Act of 2005 ([P.L. 109-13](#)). This language is included in Division U – “Homeland Security and Governmental Affairs Provisions;” Title X – “REAL ID Modernization Act”. President Trump has not yet signed the bill.

The legislation:

- Allows a state, pending Department of Homeland Security (DHS) regulation, to accept the electronic presentation of identity and lawful status information
- Amends the definition of driver’s licenses (and identification cards) to include driver’s licenses (or IDs) stored or accessed via electronic means, such as mobile or digital driver’s licenses
- Allows for the acceptance of digital photographs that are already on file with the state for REAL ID application purposes
- Requires aircraft operators and third-party reservation entities to notify passengers or requirements of the REAL ID Act
- Modifies SSN and address requirements

The final version of the legislation also struck the following provisions from the introduced version of the bill:

- Language that would have specifically made REAL ID grants permanent (though both the DHS appropriations language and the Federal Emergency Management (FEMA) grant program language in this bill reflect assisting state efforts toward REAL ID compliance)
- Language that put a cap on photograph requirements on file with the state at 6 years
- Language that eliminated specific regulatory requirements for DHS in issuing rules relative to REAL ID modernization

This statutory language paves the way for DHS to initiate rulemakings impacting the way states process REAL ID transactions. Passage represents long-term collaborative efforts among AAMVA, the National Governors Association (NGA), and the National Conference of State Legislatures (NCSL). AAMVA applauds the leadership of the congressional committees who helped make these essential changes to modernize the REAL ID Act.

Due to the significant size of the legislation, Congress passed a weeklong funding extension alongside the Consolidated Appropriations Act in order to

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allow time for the bill text to be properly enrolled over the holiday. This extension also allows the President additional time to sign the legislation.



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