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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

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April 20, 2020

Mr. Bill McBride
Executive Director
National Governors Association
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Mr. Todd Hauptli
President and CEO
American Association of Airport Executives
601 Madison Street
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Ms. Anne Ferro
President and CEO
American Association of Motor Vehicle Administrators
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Ms. Tori Barnes
Executive Vice President of Public Affairs and Policy
U.S. Travel Association
1110 New York Avenue, NW Suite 450
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Dear Mr. McBride, Mr. Hauptli, Ms. Ferro, and Ms. Barnes,

The COVID-19 crisis has caused serious economic damage to our nation's air transportation sector and the entire travel and tourism industry. The current economic slowdown has affected airlines, airports, hotels, restaurants, attractions, rental car companies, and other businesses in the industry. Many of these businesses have shut down entirely as most Americans stay home to help stop the spread of the coronavirus. Tourism Economics has estimated that COVID-19 will reduce direct travel spending by over \$350 billion this year and impose a nearly trillion-dollar economic impact on the country.¹

Until Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act last month, both the traveling public and travel and tourism-related businesses faced another

¹ U.S. Travel Association March 26, 2020 letter to Acting Homeland Security Secretary Chad Wolf. https://www.ustravel.org/sites/default/files/media_root/document/DHS_Letter_ChadWolf_UST.pdf

massive disruption just a few months down the road with the previously planned implementation of REAL ID requirements on October 1, 2020. Unlike with COVID-19, however, we had 15 years to prepare for this crisis. The implementing statute – the REAL ID Act – was passed in 2005. This legislation implemented the 9/11 Commission’s recommendation to improve the security of common identification cards, such as driver’s licenses, by setting higher federal standards to be followed by the states and territories. The law prohibits federal agencies from accepting non-compliant identification for official purposes, such as flying on commercial aircraft or entering federal buildings. I have repeatedly sounded the alarm about our lack of readiness for REAL ID implementation. In late January 2020, I led a bipartisan, bicameral letter to the Acting Secretary of the Department of Homeland Security (DHS) expressing concern over the lack of preparedness.

Eighteen months from now, every air traveler 18 years of age and older will need a REAL ID-compliant driver’s license or other acceptable form of identification to fly within the United States. Without such identification, passengers will be turned away at airport checkpoints. The U.S. Travel Association has projected that nearly 70,000 Americans will be denied boarding on the first day of implementation followed by nearly half a million Americans in the first week.² Such a disruption would create serious security concerns at airports and would have major economic consequences.

Unfortunately, implementation of the REAL ID Act has been plagued by delays, miscommunication, and lack of public responsiveness. The original REAL ID implementation deadline of 2008 has been postponed several times. Several states continue to offer non-compliant driver’s licenses as an option, and two states are still not issuing compliant identification cards in any form. Many Americans do not have REAL ID-compliant identification or understand that they will need it to fly. According to the Transportation Security Administration (TSA), only 34% of Americans have been issued a REAL ID-compliant driver’s license. Furthermore, a recent survey revealed only 61% of Americans were aware of the previous 2020 deadline.³

Although DHS is correctly focused on battling COVID-19 right now, the time will come for the Department to turn its attention back to REAL ID implementation. DHS has put up signs in airports and purchased advertisements, and TSA officers have been telling passengers about the requirements if they show an identification that will no longer be accepted at security checkpoints after the deadline. The stakeholder community will continue to play a major role in helping DHS to facilitate widespread adoption of REAL ID compliance.

As the public becomes more aware of REAL ID requirements, the process for obtaining REAL ID-compliant identification should be made simpler and easier. Better use of existing technology, for example, could allow people to submit the necessary documentation electronically.

² *ibid*

³ Longwoods International, SUMMARY OF FINDINGS - MARCH 26, 2020, https://www.ustravel.org/sites/default/files/media_root/document/REALID_SurveyFindings_03.20.20.pdf

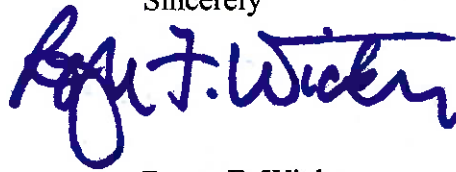
In that spirit, I ask that you respond to the questions below to inform the Committee on matters such as challenges in meeting the new October 1, 2021, REAL ID implementation deadline; efforts to increase REAL ID adoption rates; plans to mitigate negative impacts of the REAL ID implementation deadline on the traveling public; the impact of the COVID-19 crisis on implementing the REAL ID Act; and any other relevant REAL ID issues you may wish to bring to the Committee's attention:

- A recent study detailed current levels of REAL ID adoption and awareness among the traveling public. The study found, along with other alarming findings, that over 400,000 travelers would be turned away in the first week at the nation's airports if REAL ID were implemented today. Has DHS worked with your members or airports to develop contingency plans? And do you believe it would be beneficial for DHS to test its contingencies prior to the October 1, 2021 deadline?
- Is DHS coordinating with airports on law enforcement support for crowd control? Would the President's FY2021 request to eliminate the Law Enforcement Officer (LEO) Reimbursement Program affect an airport's ability to respond to disruptions on October 1, 2021?
- Will you please describe the anticipated national impacts that the upcoming deadline could have on the travel and tourism industry? How can DHS reach and inform occasional travelers who will likely not see airport and air carrier outreach efforts?
- The REAL ID Act was written in 2005. DHS has promulgated guidance since then to accommodate technological advancements. How could DHS leverage modern technology – such as online identity verification tools – to reduce the burden placed on issuing agencies and the general public? Would DHS need additional authority from Congress to implement any these methods?
- The increased availability and reliability of online verification processes makes the physical presentation of original documents unnecessary and burdensome to the general public and states for pre-approval and/or verification. Could states and issuing agencies accept documents submitted electronically instead of physically?
- Where is it possible to verify source information without any electronic or physical documentation? As an example, a state could verify the authenticity of someone's Social Security number using current Social Security Administration electronic tools without inspecting their Social Security card.
- To date, 53 Jurisdictions and 48 States are issuing compliant identification cards. Two states (Oregon and Oklahoma) are non-compliant but have been granted extensions, and two territories have their REAL ID application under review (American Samoa and Northern Mariana Islands). Both Oklahoma and Oregon will not begin issuing REAL ID-compliant driver's licenses to all of their residents until the summer of 2020. How has DHS worked with state licensing authorities, other state officials, and industry to get as many residents as possible to acquire REAL ID-compliant identification?

- To address the public's lack of awareness of REAL ID requirements, DHS has instructed Transportation Security Officers (TSOs) at screening checkpoints to notify REAL ID-non-compliant driver's license holders of the deadline. DHS has also written letters providing guidance to all 50 State Governors and other stakeholders. What are the most important things DHS should be doing between now and October 1, 2021, to prepare?
- What benchmarks should DHS, states, and their industry partners use to determine whether we are on track for full REAL ID compliance by October 1, 2021?
- How can DHS encourage accelerated compliance rates among the traveling public?

The recent one-year extension has provided an opportunity to improve the nation's REAL ID readiness. I look forward to working with each of you to ensure America's air transportation, travel, and tourism systems recover from this crisis while remaining, safe, secure, and efficient.

Sincerely



Roger F. Wicker
Chairman