



May 20, 2020

The Honorable Roger Wicker
Chairman, Committee on Commerce, Science and Transportation
United States Senate
512 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Wicker:

Thank you for your recent letter to the American Association of Motor Vehicle Administrators (AAMVA) highlighting the important issue of driver's license credentialing and consideration of essential improvements to the REAL ID Act of 2005 ([P.L. 109-13](#)). Association members appreciated the Committee's efforts to extend the Department of Homeland Security (DHS) enforcement deadline as described in your January 24th letter to Acting Secretary Wolf. Your efforts ensured states already hard-pressed to deal with the national health emergency had additional time to make REAL ID implementation improvements. AAMVA is pleased to provide the following responses to your letter, with the understanding that even given the recent REAL ID deadline extension, another may be needed as states work tirelessly to perform basic governmental functions with reduced staffing and reduced operational capacity.

- 1) 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?

AAMVA interprets the above question to mean "contingency plans" relative to the screening process and impacts resulting from non-credentialed passengers attempting to board aircraft or enter federal facilities. Given the limited role AAMVA plays in the screening process, we defer to the experts who develop and integrate federal screening requirements. AAMVA does note that any contingency plan should apply to all federal facilities contemplated under the REAL ID Act. While these plans mostly impact air travel, the Act includes requirements regarding access to other federal facilities such as courthouses or military bases. AAMVA supports testing contingency plans prior to implementation.

- 2) 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?

AAMVA defers comment to the airports and respects their ability to best secure the facilities in their charge. As a representative association for law enforcement officers, any reduction (or elimination) in law enforcement resources negatively impacts the ability of law enforcement to respond to security events.

- 3) 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?

AAMVA defers describing the economic impacts on travel and tourism to those industries. We would support a more cohesive, national education effort with respect to REAL ID. Despite significant investments by state licensing agencies to educate their citizens about REAL ID, much of the general public does not grasp the implications of what it means for air travel and federal facility access. Dedicated and committed funding for a national campaign could go a long way in ensuring the public understands what the program is and how they can fulfill their personal obligations towards credentialing. The federal government already commits backing for program promotions such as TSA Pre-Check. An additional educational campaign dedicated toward REAL ID could go a long way to improving awareness.

- 4) 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 of these methods?

Our association and our members have been working to implement the provisions of the REAL ID Act since Congress first passed the measure ([P.L. 109-13](#)) in 2005. A great deal has changed since then. First and foremost, the efficacy of technology as a solution to identity vetting, management, and protection has far surpassed the analog processes described and contemplated in the early 2000s. While the Act contemplated using the in-person application process as the template for improvement on security vetting, state driver's license agencies have since stood up a wide range of technology solutions established for the purposes of improving the credentialing process. As these solutions have matured, state business processes and the gravity of identity protection have moved to the forefront of our members' mission. While originating from the mantra of "one driver, one record" for driver safety purposes, the fulfillment of that mantra has led others to understand the increasing importance of singular identity as a concept.

In November 2019, the Department of Homeland Security issued a notice and request for comments on "Automated Solutions for the Submission of REAL ID Source Documents" ([DHS-2019-0056](#)). The intent behind the notice was for DHS to receive input on technologies that could assist states and their residents in the digital submission, receipt, and authentication of documents and information applicants must provide when applying for a REAL ID compliant driver's license or identification card. AAMVA applauds DHS for taking this important step in understanding how technology could modernize the Act. However, the effort did not result in any changes in interpretive guidance from DHS that would have given states flexibility to improve the REAL ID issuance process. While DHS granted states the flexibility to "submit" REAL ID source documents to state driver's licensing agencies, it came with a caveat. It required applicants to still physically bring those same documents in to the DMV for processing alongside their REAL ID application. In many ways, the solution defeated the purpose. Should a state choose to pursue this solution (at significant cost) they would face the duplicative effort of personally verifying that the documentation submitted online matched the documentation presented in person, matched the applicant, and satisfied REAL ID requirements. AAMVA also has concerns that the specific permissions conveyed by DHS for the pre-screening transference of source documentation may be presumed by the general public to satisfy *all* one-time document submission requirements associated with the REAL ID program. AAMVA's own [submission](#) to the RFI outlines numerous steps we feel could be accomplished without diluting the intent or integrity of the Act.

The most important change Congress should consider in increasing program efficiency would be to provide states with the discretion to electronically verify application data elements without the need for physical presentation of the documents. This includes verification of:

- A Social Security Number (SSN) without the card being present

- Date of Birth directly with a vital records agency without presentation of the physical birth certificate
- Passport data without the document being present

Individual states have expended significant resources building system capabilities to verify source documentation data. The process of source verification provides a greater level of reliability than simply reviewing physical documentation because it requires a direct interaction and confirmation with the issuing agency. The ability to use these technology tools to accomplish unattended identity vetting should be discretionary should DHS consider it. Providing states with this discretion generates a new service avenue that would expand agencies' capacity to credential more people who are seeking a REAL ID in the near term.

Currently, the REAL ID Act stipulates that an applicant must "present" this documentation. It has since been interpreted by DHS to mean that the applicant must physically present this documentation. Congress could easily accommodate a transition to a more forward-thinking, service-friendly environment by instructing interpretation on the meaning of "present" or by substituting the word "provide(s)" in each instance where the term "present" is utilized in the Act. This relatively easy fix would yield expansive opportunities for states to realize program efficiencies and increase credentialing.

Another improvement could be realized by permitting existing DL/ID holders to perform a secure online verification of their US Permanent Resident Card via the Systematic Alien Verification for Entitlements (SAVE) service to obtain a REAL ID compliant card. This includes removing the "valid, unexpired" regulatory requirement associated with the Permanent Resident Card. This proposal carries the potential to minimize any data errors, streamline in-state applicant processing, and save significant time and resources at the state staffing level. Further, the solution would address customers who have lawful, permanent residency, but whose card itself may be expired. For those applicants, the process to reapply and procure a new card can be a lengthy one. Removal of the "valid, unexpired" regulatory requirement would help save these customers multiple trips to get temporary licenses while waiting for additional paperwork. While this proposal would require adding a field for US permanent resident card expiration dates to the SAVE verification transaction, it would also lead to uniformity in processing and less potential for ambiguity in credentialing.

AAMVA also recommends modifying the terms, "document," "documentation," and "documentary evidence" as required by the REAL ID Act. When the Act was passed in 2005, "document" implied physical paper. In the intervening years, "document" has evolved to include electronically stored information, such as in the recent change by the National Highway Traffic Safety Administration (NHTSA) rulemaking allowing electronic odometer disclosures [[NHTSA-2019-0089](#)].

Finally, while AAMVA understands that full deployment of mobile driver's licenses (mDL) and/or electronic identity credentials may be years away, they are the future of credentialing and identity vetting. Congressional language should allow for their use under REAL ID since mDL solutions carry the potential for real time credential verification, customer convenience, and enhanced security. AAMVA provides the Committee with expansive resources on its work in this area through its [mDL resource page](#).

AAMVA stresses that any improvements regarding electronic identity vetting must be voluntary and *not* mandated. Issuing agencies are in various states of system readiness to implement such changes, and complying with any additional REAL ID mandate carries the potential to significantly disrupt programmatic improvements towards compliance that have been years in the making.

- 5) 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?

As explained above, the transition to electronic verification against source issuing agencies in lieu of physical documentation has long been contemplated and is already currently utilized in some instances (such as the current use of the Social Security Online Verification (SSOLV) system). A transition to direct verification instead of reliance on physical documentation keeps pace with efficiency improvements and expectations for a paperless process. These are benefits that consumers are realizing in other environments and have come to expect across any platform.

Electronic verification improvements not only increase the credentialing capacity of state issuing agencies by reducing the number of repeat office visits for a single credential, they also allow states to reach an expanding demographic that may have limited access to source documents due to infirmity or other extraordinary circumstances. In the current environment where the country is responding to the COVID-19 emergency, allowing for electronic verification carries particular importance in limiting person-to-person exposure and enabling more contactless interactions with the licensing agency. It also addresses public service issues surrounding vulnerable populations and their ability to physically interact with government agencies.

- 6) 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.

Please see AAMVA's response to question #4 above.

- 7) 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?

This question specifically requests how DHS can best get as many residents as possible to acquire REAL ID-compliant identification. The first phase would be to work to increase program efficiency, reduce unnecessary program requirements and reduce wait times by improving the credentialing process. Keep in mind, however, that these improvements are being considered in extremely close proximity to the enforcement deadline, and at a time when the states are unable to utilize the additional time granted through the extension to their best ability due to the ongoing emergency related to COVID-19.

AAMVA recommends Congress use this opportunity to encourage DHS to immediately update its list of acceptable REAL ID identity verification documents to allow applicants to present, and DMVs to accept for identity purposes, the same documents TSA allows as sufficient for satisfying airport security protocol (e.g. military ID and TWIC as examples). Currently, the REAL ID final rule provides DHS with this discretionary authority, and it makes little sense to allow someone to fly with these documents, but not allow their use as substantive identity examples. Providing consumers with additional options to satisfy the identification requirements of the Act will reduce repeat, single applicant visits to state offices, reduce constituent time and cost in procuring more difficult to obtain source documents, and ensure states can focus on getting credentials in the hands of those applicants.

In addition, DHS has the discretionary authority to add approved documentation acceptable for identity, proof of SSN, and residency through publication in the Federal Register. Military ID cards with name and DOB, DD214, medical records, and birth registration notices that match current information on names and DOB (meaning the information has not changed or amended in the intervening years) would be very useful to customers attempting to come into compliance with REAL ID. Adding to the list to establish proof of SSN documentation, it would be beneficial to include Medicare/Medicaid card or documentation with SSN, DD214 with SSN, and social security benefits summary.

Additionally, it would be helpful to allow states the flexibility to accept one residency document in some instances, such as for a customer with a registered vehicle at an address on file or for a customer's address where a product is mailed. Maryland has pointed to the example that nearly 1.7 million customers who provide REAL ID documents have registered a vehicle with an address that is utilized for mailing vehicle registration information.

DHS could also consider eliminating the requirement to re-verify the SSN of customers renewing a REAL ID compliant driver's license or identification card. The requirement is redundant and an unnecessary cost.

Finally, when a REAL ID holder applies for a license/ID in a new state of record, it would be helpful to allow the DMV to accept the transfer of REAL ID status and continue REAL ID status to avoid DMVs having to re-verify and scan all source documents. This potentially saves the states cost associated with processing time, data storage and retention, and staffing via reduction in transaction wait times.

AAMVA also believes that there is an opportunity to expand service for elderly, indigent or underserved populations. Solutions such as the verification of applicant data against issuing agencies in lieu of physical inspection of paper documentation not only increases credential issuance effectiveness, it also provides a greater means to serve a larger constituent base – including those unable to physically visit a DMV branch office.

Given current health concerns and the likely reevaluation of government service delivery, improvements to this program could set an example for how to serve an increasingly remote populace. One example would be for the REAL ID program to exempt older applicants of a certain age who may have difficulty travelling to a DMV or obtaining documents that originated in a time of less uniformity and security in the provision of identity documentation.

Finally, AAMVA cannot stress enough the importance of educating the public on the consequences of not being REAL ID credentialed. In parallel to all program improvements, a *national*, coordinated education campaign needs to inform the general public of what it means to be credentialed, which documents (including and besides a driver's license) may satisfy REAL ID program requirements, and how not having one of these approved credentials will ultimately impact their ability to fly, to access military facilities, visit federal buildings, or generally impact their way of life.

- 8) 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?

As mentioned, the first would be to start educating the public on the deadline and the consequences of not being REAL ID credentialed. TSOs informing air passengers, like DMV educational campaigns, are helpful, but speak to a demographic that is more likely to be already aware of the issues surrounding REAL ID. Likewise, the immediate stakeholder groups (states, airports, etc.) are well aware of the impacts of REAL ID. Transitioning to a level of individual consumer accountability requires putting the program in front of the demographics that have not considered its impacts. This includes groups such as infrequent travelers, those without access to required source documents, remote or removed communities, and others. This can more effectively be accomplished through a mass media approach and a consolidated, national media campaign.

The second step would be to make the discretionary improvements DHS can accomplish within their existing authorities understanding it may take the states additional time to stand up the technical resources necessary to effectuate the change, train staff, and test the solutions accordingly. Further, DHS should also consider the impact COVID-19 has had on state ability to close the credentialing gap prior to the deadline and make a determination on whether additional time may be necessary to make substantive improvements in the program.

9) 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?

DHS is currently reviewing state certification packages. In certifying the states, DHS has utilized a number of compliance benchmarks to determine state eligibility for certification. The results of that certification audit should provide DHS with an indication of state situational readiness to comply with the program requirements. DHS should use the information they have gathered through interactions with the states to support their efforts to become as individually ready to meet that deadline prior to enforcement.

Further, DHS may need comparative data on the segment of the population that has some form of identification satisfying the requirements of REAL ID. To date, people have erroneously pursued the notion of 100 percent state-issued driver's licenses or identification card credentialing as the goal of the program. Numerous other credentials are acceptable alternatives, and it is important to get sense of what the "tipping point" of driver's license/identification card penetration must be to allow for feasible secondary or alternative screening procedures. Until this statistical understanding is met, it is hard to establish a realistic sense of what segment of the populace should have appropriate credentials.

Finally, DHS should consider program and system onboarding into the equation. DHS has shown flexibility by allowing intent to join a system as a measure of meeting program requirements. Some of those information technology implementations have been delayed by the impacts COVID-19 has had on state operations. Continuity in recognizing efforts toward implementation should continue to satisfy certification requirements alongside full-term realization of those efforts (in the absence of an additional extension).

10) How can DHS encourage accelerated compliance rates among the traveling public?

Educating the public on the scope and impacts of the program should be the highest priority. The public will not close the credentialing gap until they understand its applicability to them on an individual level. The recommendations for improving the administration of the REAL ID program in this letter are based on 15 years of experience supporting state driver's licensing and identity credentialing requirements. With this experience in mind, and given the potential for the REAL ID program to significantly impact every traveler, AAMVA recognizes its shared commitment to serving the public interest. Many states have invested substantial resources to conduct outreach and education, but we need more help in ensuring people understand their personal obligations. This requires an expansive, coordinated national educational campaign.

AAMVA thanks the Chairman and the Committee as we prepare the public for full REAL ID implementation. We look forward to serving as a trusted resource for the Committee and hope you will contact us with any follow-up questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anne S. Ferro', with a long horizontal flourish extending to the right.

Anne S. Ferro
President & CEO

ASF/sfb