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May 4, 2020

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

Dear Chairman Wicker:

Thank you for your longstanding leadership on REAL ID. We appreciate your efforts to call attention to low compliance rates and to push the Department of Homeland Security (DHS) to increase public awareness of REAL ID deadlines and to develop contingency plans that deal with potential disruptions at airports. You have raised awareness of this issue among your colleagues, across affected industries, and with the public, and we are grateful for your efforts.

The American Association of Airport Executives (AAAE) is the world's largest professional organization for airport executives, representing thousands of airport personnel at public-use commercial and general aviation airports. Our members serve at nearly 875 airports and authorities. When REAL ID enforcement begins, airports will be on the front line dealing with confused and possibly irate travelers who lack the proper identification to board a commercial aircraft and fly. As such, AAAE and our airport members have been diligently working to educate the traveling public about the need to have a REAL ID or an acceptable alternate form of identification when enforcement begins. However, progress with the American public has been slow. We appreciate the opportunity to provide input on the challenges the airports and the traveling public will face to meet the new October 1, 2021, REAL ID implementation deadline and suggestions to increase adoption rates once the COVID-19 pandemic abates.

As your letter dated April 20, 2020 indicates, most Americans are still unaware of the enforcement deadline. Only 34 percent of the American public have a REAL ID-compliant drivers' licenses currently. With the indefinite closure of state agency offices that issue these credentials after an in-person visit due to COVID-19, improving these compliance rates remains a challenge. AAAE was pleased that DHS extended the REAL ID enforcement deadline to October 1, 2021.

In our view, we have a real opportunity over the next 18 months to prepare the traveling public for the new REAL ID enforcement deadline so that we can substantially increase compliance and reduce the number of travelers being turned away from boarding their flights because they don't have a REAL ID-compliant license. However, I do want to caution and manage expectations that even in 18 months the traveling public may not be ready for this significant change. The COVID-19 pandemic has had a devastating impact on the aviation industry, including airport operators. The road to recovery will be long and full of challenges. As we work to restore robust air travel in the United States, we do not want REAL ID enforcement to be an obstacle to the recovery process. As a result, we have been urging DHS to continue to collect state specific data on REAL ID adoption rates to inform decisions on further extensions of the enforcement deadline. Under the CARES Act, Congress wisely allowed extensions beyond September 30, 2021 if necessary.

With these thoughts in mind, let me address your specific questions. I have focused on questions that are applicable to AAAE and our airport members. Some questions pertain to states or licensing organizations and do not lend themselves to a response from AAAE. We have followed the advice of committee staff to skip those questions.

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?

AAAE and our airport members have been working with DHS, and most notably the Transportation Security Administration (TSA) on REAL ID contingency plans and enforcement. We have made a number of recommendations to DHS and TSA, including urging TSA and DHS to:

- Create contingency plans to prepare for potential disruptions at screening checkpoints when travelers attempt to travel without a REAL ID-compliant credential on or after October 1, 2021, or any future implementation date. TSA should coordinate with airport operators and air carriers on these efforts and conduct implementation exercises or a soft rollout of these plans at each facility in advance of any future deadline so that any unexpected challenges can be addressed ahead of time.
- Work with airports and airlines to develop mechanisms to identify travelers that do not have a REAL ID compliant drivers licenses or other acceptable identity document before they reach the security checkpoint so that travelers with the proper documentation can seamlessly flow through the system, not be delayed, or miss their flight. Noncompliant travelers should be diverted to another queue where TSA and/or the private sector can use alternative screening procedures to verify identity in a timely fashion, and once vetted, provide the passenger with a more comprehensive level of screening as TSA does for its "selectee" population. If this type of diversion does not occur, airports may have to divert critical law enforcement resources to the checkpoint to deal with multiple irate travelers in public areas of the airport, creating additional security vulnerabilities.
- Develop a waiver process for noncompliant travelers for a limited period so that they can complete their travel and acquire the proper documentation to travel in the future.

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?

Last fall, TSA began discussing crowd control mitigation plans as a necessary measure for hostile passengers once the REAL ID deadline becomes effective. As part of FAA's certification requirements, Part 139 airports already have crowd mitigation plans in place that could be used if necessary. However, these crowd mitigation plans were not what AAAE or the airport industry had in mind when we requested TSA develop contingency plans for REAL ID related disruptions as noted above.

When enforcement begins, if airports have confused and hostile travelers vocally raising concerns about their inability to board their flights, it is likely that airport law enforcement will need to be deployed to handle this situation and to make sure airport public areas are safe for everyone traversing through the facility. This will divert critical law enforcement resources away from their intended purposes and could create additional vulnerabilities within the airport environment.

We believe that TSA should be reimbursing law enforcement for these efforts because, in addition to keeping the airport environment secure, officers are being called on to enforce a deadline set by the Department of Homeland Security. Unfortunately, the administration has once again proposed eliminating funding for the Law Enforcement Officer (LEO) reimbursement grants in FY 2021. These grants play an important role in securing the airport environment because they help reimburse local law enforcement officers when they must respond to possible threats discovered by TSA as well as detain or make arrests of travelers if necessary. These reimbursement funds focused on local law enforcement support at the TSA checkpoint cover only a small but important portion of what officers do to keep the airport environment safe and secure. If Congress were to approve the administration's request to eliminate funding for LEOs in FY 2021 and thereafter, it could impact an airport's ability to swiftly respond to REAL ID related disruptions at the checkpoint.

The Commerce Committee, under your leadership, has been very supportive of the LEO reimbursement grant program, authorizing funding through FY 2021 as well as expanding the program's scope as part of the 2018 TSA Modernization Act. We request that you continue this strong support to reimburse local law enforcement through LEO grants as the Senate considers FY 2021 funding and funding in future fiscal years.

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?

The U.S. Travel Association recently released results of a survey showing that the COVID-19 pandemic has resulted in reduced spending on travel by more than half a trillion dollars by the end of April 2020. At our airports, the number of travelers we see daily has plummeted. Both TSA and U.S. Customs and Border Protection are seeing between 95 and 98 percent fewer travelers through their checkpoints each day. Many concessionaires at airports have closed, either temporarily or permanently, as a result of this pandemic and other airport revenues have dropped off substantially. We are hopeful that by next fall, this bleak picture will begin to improve. However, we should not do anything that might make travel difficult again, such as enforcing the REAL ID deadline when the traveling public is clearly not ready. Instead, Congress and DHS should undertake actions to make needed changes to the REAL ID Act well in advance of October 2021 so that we can substantially reduce the number of travelers being turned away from boarding their flights because they don't have a REAL ID-compliant license.

In order to reach and inform the occasional traveler, we believe that DHS and states should intensify public outreach about the importance of having a REAL ID before the current October 1, 2021 enforcement deadline. These education efforts are particularly important in states that offer both compliant and non-compliant licenses to their residents. To be successful, DHS may need additional funding to develop targeted media campaigns in certain states with certain populations (e.g. university students, the elderly) who may be less cognizant of the enforcement deadline.

In addition, AAAE believes that DHS should be required to create a transparent dashboard that tracks every state's monthly progress so that Congress, aviation stakeholders, and the administration have a clearer picture on the progress that is being made and the risks that need to be addressed before enforcement begins. Currently, the DHS website only shows which states and territories are compliant or non-compliant with the Act. For the more than 40 states and territories that are issuing both REAL ID and non-REAL ID-compliant drivers licenses, we believe the dashboard should identify what percentage of the population are opting for a non-compliant license when they renew. Noncompliant licenses can be renewed online and typically are less expensive than a compliant license but cannot be used for domestic air travel. This state-specific data will be crucial as we get closer to the October 1, 2021 enforcement deadline to determine if even further extensions are needed.

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 these methods?

AAAE believes that DHS should use modern technology to increase REAL ID compliance. The Department may need additional authorities from Congress to implement some of these methods. The REAL ID Act should be amended to make it easier to utilize technology to apply for, verify identity, and issue a REAL ID-compliant drivers' license. The REAL ID Act was written at a time when conducting work virtually and submitting credentials electronically was not common or secure. However, security and technology has evolved dramatically in the 15 years since the REAL ID Act was passed and now these activities are integral to our daily life. AAAE supports legislative changes to:

- Permit Americans not to have to physically present credentials necessary to obtain a REAL ID; instead allow them to “provide or submit” the necessary documentation securely online.
- Allow states to verify application data elements online, such as Social Security information, birth record, passport, citizenship, lawful status, and proof of residence in the state, to satisfy program requirements.
- Expand the list of identity verification options to meet the REAL ID requirements set in 2005. This could include the use of biometric verification technologies, with the proper accuracy and privacy protections in place.
- Permit states to issue REAL IDs to individuals who hold other valid federal identity documents that have an identity vetting process comparable to REAL ID (such as DHS' trusted traveler programs, a Transportation Worker Identification Credential, or a Military ID) without reprocessing the applicants' same breeder documents.
- Recognize the trend of moving towards mobile driver's licenses so that these new digital documents are also REAL ID compliant. Digital documents will help to reduce contact and increase distance between Transportation Security Officers and passengers – an important consideration as we work to rebuild air travel in the post COVID-19 world.

5. 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?

Airports have been working alongside TSA and state licensing agencies to educate as many people as possible about the need to acquire a REAL ID-compliant driver's license prior to the enforcement deadline or to travel with another acceptable form of identification once enforcement begins. For example,

- Airports have used the TSA toolkit of communication materials to post signs and videos to notify the public of the changing requirements.

- AAAE joined with other aviation and travel associations, including Airlines for America (A4A), Airports Council International-North America (ACI-NA), the U.S. Travel Association and the Global Business Travel Association, to reach out every state Governor and territory leader to ask for their assistance with REAL ID compliance, marketing and transparency.
- AAAE and individual airport operators also formed close working relationships with the American Association of Motor Vehicle Administrators and state Department of Motor Vehicles (DMV) to share information and resources to promote REAL ID compliance with a consistent and straightforward message.
- As part of these partnerships with state Departments of Motor Vehicles, airports helped host mobile enrollments for REAL IDs. These events permitted airport and other aviation workers to apply for a REAL ID compliant driver's license at their place of employment instead of making a separate trip to a DMV office.
- Last year, when Transportation Security Officers that check travel documents began to socialize the enforcement deadline with passengers using a brief script to alert travelers if their license was not REAL ID compliant, some airports provided travelers more information about this deadline at the TSA re-composure areas and other airports installed eye-catching signage about the deadline adjacent to posted wait times at each security checkpoint.

AAAE and our airport members will continue such efforts up until enforcement begins. Additionally, we will update signage and messaging, as needed, and continue to engage in broader community efforts to meet the new enforcement deadline.

6. 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?

AAAE and our airport members believe the Department needs to continue to deliver new and creative messaging about the importance of having a REAL ID compliant driver's license to board a commercial aircraft. We believe the Department needs to continuously look for new message avenues to avoid public fatigue on this topic. In addition, AAAE recommends that TSA and state licensing agencies continue to set up regular "REAL ID days" at airports near security checkpoints for awareness and to allow passengers (as well as airport and other aviation employees) to apply for a compliant driver's license. If travelers had the ability to submit their documents online ahead of time and/or state licensing agencies could verify certain data elements (both discussed above), this would make pop-up enrollment locations at airports more successful because travelers would not have to bring five breeder documents with them.

7. 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?

As recommended above, DHS and states should be tracking and sharing data monthly about REAL ID adoption rates. This data will provide a more accurate picture about whether or not we are on track to begin enforcement on October 1, 2021. In addition, TSA should be required to develop and test contingency plans with airports and airlines prior to the enforcement deadline to make sure the Federal government and the aviation community have robust plans in place to deal with travelers who may not have the proper documentation in hand. Without

well tested contingency plans, we should expect a bumpy and chaotic rollout with a lot of negative publicity that could have been avoided through better preparation.

8. How can DHS encourage accelerated compliance rates among the traveling public?

Since March, the COVID-19 pandemic has greatly limited the number of Americans who can apply for and receive a REAL ID compliant driver's license due to the closure of state motor vehicle licensing offices. Once the pandemic abates and these agency offices reopen, millions of Americans will need to get new drivers' licenses. While we have more time as a result of the CARES Act extension, it will still be a heavy lift to accelerate compliance rates in the near term when many Americans will feel uncomfortable being in close proximity to other people. Accelerated compliance might more successfully be accomplished if: (1) Americans could apply for these new drivers' licenses online, without requiring an in-person office visit; and (2) if states did not provide their residents with two types of licenses to choose from (REAL ID-compliant and non-compliant drivers' licenses), which is confusing. DHS, Congress, states, and other entities should work together to determine how to ease the process nationwide so that millions of people can more easily apply for and receive their REAL ID as soon as possible.

AAAE and our airport members will continue do our part to educate the public about REAL ID requirements for domestic travel as well as work with Congress, the administration, and other industry stakeholders on policy changes to make sure REAL ID implementation goes as smoothly as possible.

Thank you for the opportunity to provide input on ways to improve REAL ID readiness. I look forward to working with you and your staff further on this topic and stand ready to answer any additional questions that you may have.

Sincerely,



Todd Hauptli
President and CEO