

Senate Commerce Committee; U.S. Travel responses to Real ID Questions

May 19, 2020

Q: 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?

A: As a part of our ongoing efforts to alleviate potential disruptions to travel after implementation, we have suggested four policy changes that are necessary to minimize problems after enforcement. One of those recommendations is the development of alternative screening procedures for travelers who arrive at the TSA checkpoint without a compliant form of identification. When we have approached TSA and DHS with this recommendation, TSA and DHS have told us that statutory and legal barriers would limit or prevent them from developing contingency plans. As a result, TSA and DHS have not yet developed contingency plans or alternative screening procedures.

The same study found that an estimated 153 million Americans are unlikely to have a REAL ID. It is clear, even with the REAL ID enforcement delay, that State DMV's will not be able to issue 153 million REAL ID drivers licenses before October 1, 2021. This simple fact means that we cannot prevent disruptions to travel after enforcement simply by pushing the public to the DMV.

DHS must modernize REAL ID issuance and empower DMV's to integrate acceptable technology to ease the application for and issuance of REAL IDs.

DHS must also shrink the possible impacted population by allowing TSA's PreCheck program to be an acceptable alternative to REAL ID.

DHS must look to the future of identification and security and develop a plan for the integration of biometrics into the travel process that is seamless across TSA and CBP. Biometrics are safe, secure, and sanitary for travelers.

Lastly, DHS must develop alternative screening or identification procedures for travelers that arrive at the TSA checkpoint without a REAL ID or other acceptable form of identification. These procedures should be planned, stress-tested and clearly communicated throughout the travel community well in advance of REAL ID enforcement.

Q: Is DHS coordinating with airports on law enforcement support for crowd control? Would the resident'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?

A: Airports are statutorily required to maintain a law-enforcement presence in addition to the security screening provided by TSA officers, who are not authorized to detain or arrest individuals. Law

enforcement at airports have a dual mission: to maintain a safe and secure environment within the airport and to respond to any potential threat to airport security. Law enforcement is critical to our airports and eliminating the Law Enforcement Officer Reimbursement Program would simply shift the costs of a Federal security mandate to local law enforcement, which we believe is imprudent.

Airports are constantly partnering with DHS to secure and facilitate travel, however we are not aware of procedures or support for crowd control measures associated with REAL ID enforcement. Our survey results show without significant advancement in REAL ID compliance and issuance, 471,800 travelers will be turned away from the TSA checkpoint in the first week of enforcement. This will certainly require changes to how law enforcement manages crowd control at U.S. airports, but DHS has not yet made it clear how airports should be preparing because DHS has not clarified what will happen to travelers who show up to the checkpoint without REAL ID compliant identification. The law enforcement and crowd control plans would look very different if travelers without REAL ID compliant identification are simply turned away versus if alternative identification or screening procedures are developed, tested, and implemented, as U.S. Travel has proposed and advocated.

Q: 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?

A: If REAL ID enforcement were implemented today, an estimated 67,400 travelers could be turned away from boarding commercial airplanes in the first day, which would result in \$34.9 million in lost travel spending, excluding airfares. In the first week, an estimated 471,800 air travelers could be turned away costing travel businesses nearly \$244 million in lost spending.

It is important to note that these findings reflect travel before the coronavirus crisis, which has effectively shut down the travel industry. As of April 22, 2020, national weekly travel spending has dropped 89% and has cost the travel economy \$99 billion in losses, or more than nine-times the economic impacts of September 11th, which took more than two years for the travel industry to recover.

The travel industry fears that the implementation of REAL ID enforcement in less than 18 months will depress recovery or cause a second decline if travelers are turned away for not having acceptable identification. Our study found that 97% of Americans currently have some type of identification that allows them to board a commercial airline. According to DHS, only about 35% of driver's license holders have been issued a REAL ID. This means that 62% of driver's license holders are at risk of being turned away at the checkpoint once REAL ID enforcement begins, unless they take steps to acquire a REAL ID or remember to carry an acceptable alternative with them when they fly.

While 93% of travelers have a drivers license, making it the most common type of identification used at airport checkpoints, passports, military identification, and Global Entry cards are also acceptable forms of identification under REAL ID standards. Despite multiple identification options, our study found that one-third of American adults say they do not have any form of REAL ID compliant document, or an estimated 83 million.

In order to reach and inform infrequent travelers, DHS must partner with States, local government, airlines and the broader travel industry to market and communicate information about REAL ID compliance to infrequent travelers. In addition, Congress should consider authorizing DHS to provide grants to entities that can conduct public education campaigns and awareness campaigns in States with low compliance rates.

Q: 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?

A: U.S. Travel applauded DHS in November for allowing REAL ID applicants to electronically submit source documents prior to visiting their DMV. This is undoubtedly a step in the right direction, but is limited in its practical application because it does not alleviate the applicant from providing, in person, the same documents, making the electronic submission change little more than a checklist for applicants. It is clear that technical changes to statute are required for DHS to adapt the REAL ID application process to contemporary technological capabilities.

U.S. Travel believes that simple changes will make a significant difference in the rate of issuance. First, Congress should clarify that electronically submitted source documents are acceptable. This would save both the individual and the DMV time in processing applications.

Second, Congress should clarify that REAL ID's may be issued digitally as mobile Drivers Licenses (MDL). This will expand the security and technological applications and opportunities of REAL ID and allow for a more sterile checkpoint by eliminating the need to pass documents.

Third, Congress should clarify the REAL ID Act to allow the verification of information without physical source documents. This is necessary to allow REAL ID compliant document issued by one state to satisfy document requirements when applying for REAL ID in another. Congress should also clarify that a source document to satisfy multiple requirements. For example, providing a Global Entry card certifies that an individual has proven and documented proof of residency, citizenship, and identity because they are required for Global Entry enrollment.

It is our understanding that DHS has already requested Congress make these clarifications in statute.

Q: 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?

A: Yes, states could accept documents submitted electronically, but the technology exists to alleviate the DMV's from collecting documents at all. DHS has told us that they interpret the word 'present' in the REAL ID Act to mean provide a physical document in-person. This interpretation has, in effect, slowed down the application process and provided very little leeway for technology to assist the applicant or adjudication. When DMV's collect documents, they are not responsible for verifying the authenticity or security features of the document. They are responsible for submitting the information from the document for verification electronically. The DMV simply transmits the information to a federal database, such as the Social Security Number Verification Service to confirm an individual's citizenship, that make only the collection of the information necessary for verification. Applicants could, with some minor statutory changes, provide all the necessary information digitally through a DMV website or portal that could be verified in advance of the applicant visiting a DMV. This would speed up both the application and issuance of REAL ID's and alleviate applicant's from having to make multiple trips to the DMV for providing incorrect or incomplete documentation, which has been a major point of confusion for citizens.

Q: 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.

A: There are many opportunities to alleviate the applicant from presenting a digital or physical document. Any information that is verified by a federal electronic database, like Social Security number, birth record, or passport, should not require the presentation of a physical document. Additionally, when an applicant presents a REAL ID from a different state for renewal or relocation, the DMV should be able to process the ID more quickly and without source documents. We also believe there are cases where a single document should be able to meet multiple requirements. For example, when an applicant presents a passport, because the issuance of a passport requires birth and citizenship verification, the passport should be able to count toward both requirements. A number of federally issued credentials require the same or similar identification requirements to REAL ID, including passport, Global Entry, military ID, and Known Traveler Number (KTN), and should be able to be used to meet multiple requirements for REAL ID.

Q: 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?

A: DHS and U.S. Travel have worked together on educational campaigns for travelers to inform the public of the upcoming REAL ID deadline. TSA has begun identifying travelers with legacy licenses at checkpoints and informing them of the need for updated identification.

In February, DHS announced that DMV's could accept electronic documents in advance of presenting documents in-person. As we stated at the time, we believe this is a necessary first step toward integrating technology. Unfortunately, the change did not do much to streamline application or issuance activity of REAL ID's, primarily because the change did not alter applicant's need to present documents in-person.

While we appreciate the Administration's delay of the REAL ID enforcement deadline, we are concerned that the coronavirus crisis has halted the issuance of REAL ID's and the preparation for issuance by the remaining states and territories. All stakeholders will need to redouble efforts to reverse the issuance slow-down resulting from the coronavirus crisis, once it is safe to reopen DMVs.

Q: 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?

A: The most important action DHS should take is develop procedures and protocols for screening travelers who show up to the airports without REAL ID compliant identification. Turning away travelers who arrive at TSA checkpoints without proper identification is not acceptable. DHS has not

communicated to the travel community how TSA operations will change after enforcement. Prior to implementation, DHS should certify that REAL ID enforcement will not negatively impact the travel industry.

The coronavirus crisis has caused a drastic slowing of the travel economy. As of April 22, 2020, the travel industry has seen an 89% decline in spending, which has cost the economy \$99 billion. Recovery from the coronavirus crisis is likely to take multiple years, and if DHS has not adequately prepared for enforcement, it's likely to deter or slow travelers, negatively impacting economic recovery.

Second, DHS should modernize the REAL ID application process to utilize technology to streamline REAL ID application and issuance.

Third, DHS could reduce the number of potential travelers impacted by REAL ID enforcement immediately by designating TSA's PreCheck program as an acceptable alternative identification. More than 8.5 million people are enrolled in PreCheck, and while enrollees are likely to be aware of the need for REAL ID compliant identification, including PreCheck as an alternative is likely to shrink the population of travelers who show up to the airport without REAL ID compliant identification and any reduction of non-compliant travelers is beneficial to both DHS and the economy.

Q: 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?

A: Prior to the COVID-19 crisis, DHS stated that their goal was to have all 50 states issuing REAL IDs prior to enforcement. With enforcement delayed until October 1, 2021, it's likely that States will meet this benchmark.

However, while DHS has largely focused on benchmarks for State compliance, U.S. Travel believes that DHS must also establish benchmarks for traveler compliance that can inform when REAL ID enforcement can begin without significant disruptions to air travel and the economy.

First, DHS must set benchmarks for REAL ID issuance rates that inform when enforcement begins. By all current measures, it's clear that issuance rates must improve. Our recent REAL ID survey found that 93% of Americans have a state issued drivers license, which is overwhelmingly the most commonly used identification for commercial air travel. DHS recently said REAL ID issuance is around 35%. Our survey also found that an estimated 153 million Americans either do not have a REAL ID or are confused. We know that over the next year and a half, this number will shrink, but without benchmarks for issuance rates, and plans to achieve those benchmarks, it seems unlikely to imagine 153 million American's getting a new REAL ID compliant identification. As REAL ID issuance has come to a standstill in the midst of the COVID-19 crisis that will continue for the foreseeable future, it becomes increasingly difficult to imagine how REAL ID enforcement in October 2021 would not prohibit tens of millions of Americans from traveling.

Second, alternative procedures must be developed and tested prior to enforcement for travelers without REAL ID compliant identification. Limiting the population of potential air travelers would have grave economic, cultural, and political consequences, without any security benefit. We know that REAL ID issuance cannot be solved by pushing 153 million Americans to their DMV in less than 18 months. DHS must develop alternative screening or identification standards to avoid turning travelers away from the

checkpoint. This must include training benchmarks for airport and TSA staff and stress-testing those procedures. DHS must articulate to airports and travelers what to expect at airports after enforcement. DHS must develop guidelines for airports, law-enforcement, and travelers to mitigate crowd-control issues-especially as COVID-19 health and safety guidelines are developed and introduced into the travel system.

Third, DHS must leverage existing security programs and partners to verify identification and ensure security. Leveraging existing governmental programs, such as the trusted traveler program PreCheck, and existing registered traveler partners like CLEAR, to ensure identity and security. TSA Precheck should be an acceptable alternative identification for REAL ID enforcement. CLEAR commercial data questionnaires could be leveraged for on-site identity verification. Shrinking the population of potential travelers without REAL ID's or compliant documents is essential to ensuring a smooth transition to enforcement.

Fourth, DHS must modernize the REAL ID issuance process. Integrating technology into the application, identity verification, and issuance will save DMV's and American's significant time, and help move the country toward full compliance. DHS took a step forward by allowing the electronic submission of source documents, but it can go further. DHS must articulate to Congress the statutory changes needed to integrate existing technology into the REAL ID application and issuance process. DHS must then benchmark the regulatory progress of implementing those changes.

Fifth, DHS must look to the future of identification. Biometrics provide a faster, more secure, and more sterile identification process. While biometrics are an unlikely remedy for REAL ID enforcement issues, they should be considered the future of identification and security. DHS should develop benchmarks for the implementation of a seamless biometric identification system between TSA and CBP. The travel industry believes integrating biometrics into the Trusted Traveler programs are an attainable first step, but DHS should develop and articulate a plan for the reach of biometric identification in travel as well as plans for how DHS will secure and protect the data and privacy of travelers.

Q: How can DHS encourage accelerated compliance rates among the traveling public?

A: DHS should take steps to modernize the REAL ID application and issuance. Congress can also make statutory changes to make it easier and more tech-friendly for individuals to apply for and obtain a REAL ID.

DHS must also identify and pursue opportunities to educate infrequent travelers to the changes in identification requirements. The travel industry and DHS have worked together to educate travelers of the changes and requirements, but communications channels and tactics must be expanded to reach infrequent travelers. DHS must work with states and the private sector, beyond travel and tourism, to ensure infrequent traveler populations are reached.

Lastly, Congress should consider providing additional resources. DHS needs resources to pursue advertising and educational opportunities in the media. States need resources to defray the costs of increased demand and volume and technology systems for electronic applications, document collection, and data security.