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**RE: Minimum Standards for Driver’s Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Phased Approach for Card-Based Enforcement [Docket No. TSA-2023-0003; RIN 1652-AA77]**

The American Association of Motor Vehicle Administrators (AAMVA) thanks the Transportation Security Administration (TSA) for the opportunity to comment on its notice of proposed rulemaking (NPRM) providing for a phased approach for card-based enforcement of the REAL ID regulations after the May 7, 2025 enforcement deadline. AAMVA understands the important role identity credentialing has on the security of the nation’s airports, its federal facilities, and the nation’s public infrastructure.

The NPRM makes repeated reference to state readiness with respect to the REAL ID program. Statements such as, “the proposed rule reiterates for the public that REAL ID card-based enforcement will start on May 7, 2025 and provides an opportunity for States and the public to prepare for full enforcement.” The NPRM also provides extensive data on REAL ID compliant card penetration statistics on page 74138, and goes on to state that “Given the current percentage of REAL ID compliant DL/IDs that have been issued...the challenges many States are experiencing as they seek to increase adoption of compliant DL/ID and the resulting concerns of federal agencies, the proposed rule would provide important flexibility...” AAMVA reinforces that the States are not responsible for any phased enforcement schedule or additional next steps and asks the States not be pointed to as rationale for the phased approach. The States have made significant investments towards furtherance of the REAL ID program, have conducted numerous public service campaigns to educate the public on the program, have converted large segments of their populace towards REAL ID compliant credentials and are absolutely ready to move the program forward. As TSA is aware, not all travelers will be dependent on REAL ID driver’s licenses and other credentials may satisfy the need for air travel or federal facility access.

AAMVA notes that the scope of this NPRM is not a directive to the States, but the offering of additional flexibility to federal agencies to phase in their enforcement efforts. As such, AAMVA defers to the implementing agencies and their security plans, but notes that the latitude offered by the proposed rule between May 7, 2025 and May 5, 2027 may confuse common understanding of the REAL ID program. Individuals may have common questions on which credentials qualify for federal access to federal agencies and services. When these questions arise, the States will undoubtedly be asked why certain credentials no longer qualify for federal building access and air travel. While the phased approach will help in answering these general knowledge questions on REAL ID compliance, those questions reemphasize the importance of general education on what the REAL ID program means and its impact on services. With each agency potentially phasing in enforcement over the prescribed date range, the intent towards gradual enforcement may help – except in instances where that phased enforcement is the expectation across all agencies and individuals are denied access on the original enforcement date of May 7, 2025.

The proposed rule states that, “to ensure that agencies’ phased enforcement plans consistently and appropriately advance the objectives of the REAL ID regulations, this proposed rule would require agencies to coordinate their

phased enforcement plans with DHS and begin full enforcement no later than May 5, 2027.” Specifically, the proposed rule stipulates that the plans must be coordinated with the TSA REAL ID Program Office and that additional information regarding how agencies should coordinate with DHS will be provided on the REAL ID web page – <https://www.dhs.gov/real-id>. Given the number of implementing agencies and not knowing the level of coordination required, AAMVA has concerns about the available resources to support the coordination of so many phased enforcement schedules across so many agencies. While the oversight function of the TSA program office may be limited, AAMVA hopes that a level of consistency can be achieved such that customer expectations regarding federal access and service are not returned to the States and that common agency understanding of the REAL ID regulations is achieved across phased enforcement plans. AAMVA also has concerns that an online presence is sufficient to convey the preparedness and level of coordination across so many agencies. General awareness of the REAL ID program has been surveyed in the high 70 percentile, but a phased enforcement schedule is more complex than general program awareness and may require specialized or additional targeted information extending beyond posting online.

The proposed rule states that, “to ensure transparency and public visibility, the proposed rule would require agencies that use a phased enforcement plan to make their plan publicly available on their web page and require DHS to make publicly available a list of agencies that have coordinated phased enforcement plans with DHS.” AAMVA emphasizes that the concurrence of real-time information of the phased enforcement plans is essential, and that the information provided under a DHS “index” of agencies choosing to exercise phased enforcement will be critical. AAMVA thanks TSA for collecting agency listings. We know that centralizing those enforcement plans will be important for any end-user prepared enough to check the index prior to attempting to use their credential. The more likely scenario is that many constituents will arrive at federal buildings (or the airport) expecting access only to find out at each individual agency whether their credential is sufficient for their expectations or not. On-site provision of that information may be as important, if not more so, than any online presence providing insight and transparency to ensure and help implementing agencies.

AAMVA again thanks TSA for the opportunity to provide comment and understands that the majority of the NPRM is directed to its federal agency implementing partners. AAMVA also understands the complexity of implementing and enforcing the REAL ID program. As partners in the national identity discussion, we thank TSA for its consideration.

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