

From: Thompson, Mardi
Sent: Wed, 12 Apr 2017 11:52:23 -0400
To: Houston, Scott; Bryant, Nathan; Kletzly, Katrina; Walsh, Christina; Kilgarriff, Laura; Prosnitz, Susan
Cc: Wheaton, Kelly
Subject: RE: REAL ID and IVCC
Attachments: Alaska statutes.docx

(b)(5)

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From: Houston, Scott
Sent: Tuesday, April 11, 2017 1:01 PM
To: Bryant, Nathan <(b)(6)>; Kletzly, Katrina <(b)(6)>
Walsh, Christina <(b)(6)> Thompson, Mardi <(b)(6)>
Gaudreau, Laura <(b)(6)>; Prosnitz, Susan <(b)(6)>
Cc: Wheaton, Kelly <(b)(6)>
Subject: FW: REAL ID and IVCC

Please scroll down to see the (very) detailed questions the FSD in Anchorage received from the office of Rep. Jonathan Kreiss-Tomkins of the Alaska State Legislature. (b)(6)

(b)(5)
DHS Policy was also contacted by his office yesterday but (b)(6)

From: Ronan, Daniel

Sent: Tuesday, April 11, 2017 11:49 AM

To: Cahill, Brian <(b)(6)>

Cc: Adams, James <(b)(6)>; Houston, Scott <(b)(6)> Bell, BC

<(b)(6)> Wheaton, Kelly <(b)(6)> Gibson, Marian

<(b)(6)>; Johnson, Kimberly <(b)(6)>; Karoly, Steve

Subject: RE: REAL ID and IVCC

Brian,

Thanks for sharing. I copied in Scott Houston for his awareness. We have been discussing many of these questions internally here at TSA HQ and with the Department. We are still finalizing our future procedures as they relate to REAL ID and have another meeting next week to further the process along. I expect that we will see more and more of these types of questions in the not too distant future from elected officials in non-compliant states and states on a limited extension.

Dan

Dan Ronan

Acting Deputy Assistant Administrator

Office of Requirements and Capabilities Analysis (ORCA)

E9-122S

W: 571-227- <(b)(6)>

C <(b)(6)>

From: Cahill, Brian

Sent: Tuesday, April 11, 2017 11:24 AM

To: Ronan, Daniel <(b)(6)>

Cc: Adams, James <(b)(6)>

Subject: RE: REAL ID and IVCC

Dan:

Good morning!

Just wanted you to be aware of the many detailed questions from the office of Representative Jonathan Kreiss-Tomkins of the Alaska State Legislature (see below). We received the questions yesterday, and we referred him to OLA. Thought the info might be helpful to you.

Brian

Brian Cahill

Federal Security Director

US Department of Homeland Security

Transportation Security Administration

State of Alaska

907-771

(b)(6)

Will a temporary version of a REAL ID (a paper temporary ID) suffice to get through TSA?

Are commercial airlines obligated to provide transportation to anyone who pays the fee, because they are common carriers, or is transportation contingent on a security screening? Can airlines legally require that individuals produce identification? Does any current Federal law, regulation, or TSA policy require all airline passengers, without exception, to show ID?

Is the TSA website intended to be a complete, authoritative, or legally binding statement of laws or regulations, or merely a general summary?

Do statements on the TSA website create any legal rights or obligations?

The TSA website says that, "Beginning October 1, 2020, every traveler will need a REAL ID-compliant license or state ID or another acceptable form of identification to fly within the U.S."

https://www.tsa.gov/sites/default/files/resources/realid_factsheet.pdf

Is this statement correct, or are there exceptions to "every"? Does TSA mean what they say when they say that individuals will not be able get on the plane without federally compliant ID?

Right now (pre-REAL ID) it seems it is negotiable and you may be able to fly without proper ID if you go through more screening, and the TSA website says that . One of the committee members, for example, said that he was allowed to fly recently without ID, but he had to go through additional screening and use a red bin going through security. Will this extra rigorous screening be available in the future as an option for individuals who do not have compliant ID?

In *Gilmore v. Gonzales* (435 F.3d 1125 at 1136), the 9th Circuit Court of Appeals, after reviewing the Security Directives then in effect, found that "The identification policy requires that airline passengers either present identification or be subjected to a more extensive search."

Has the policy described by the 9th Circuit in this decision changed?

If so, can you cite any law and/or regulations enacted or promulgated since that decision which changed this policy?

Has the TSA published any Notice of Proposed Rulemaking (NPRM) that would, if finalized, change this policy?

Is the TSA aware of any bill pending in Congress that would, if enacted, change this policy?

Will completion of TSA Form 415 ("Certification of Identity) and screening continue to be an "acceptable form of identification" for airline travel by people without REAL ID compliant ID

documents? If not, can you cite the statute and/or regulation which made or authorized this change?

Stephanie Gilardi
House State Affairs Committee Aide
Office of Rep. Jonathan Kreiss-Tomkins

w: 465- (b)(6)
c: (b)(6)
(b)(6)

From: Ronan, Daniel
Sent: Wednesday, March 29, 2017 1:44 PM
To: Cahill, Brian <(b)(6)>
Subject: RE: REAL ID and IVCC

Brian,

I will be bringing this up at a REAL ID meeting tomorrow with leadership. As of now, Alaska still has an extension, but it runs out in June unless the Secretary extends it further.

Dan

Dan Ronan
Acting Deputy Assistant Administrator
Office of Requirements and Capabilities Analysis (ORCA)
E9-122S
W: 571-227- (b)(6)
C: (b)(6)

From: Cahill, Brian
Sent: Tuesday, March 28, 2017 12:08 AM
To: Ronan, Daniel <(b)(6)>
Subject: REAL ID and IVCC

Dan:

Hello from Alaska! It was nice chatting with you the other day! Thank you for the info you shared related to the imminent enforcement of the REAL ID Act in the aviation environment. As you know, Alaska is currently non-compliant.

During our conversation, you mentioned (b)(5)
(b)(5) You also said the COO was going to be hosting a meeting in the near future to discuss REAL ID Act enforcement. In return, I briefly mentioned the nuances of air travel in Alaska

(b)(5) Many

in Alaska live off the land and seldom (if ever) travel to any city except for health care (usually funded by the state) – and they will never (repeat, never) bother going to the DMV to obtain a driver’s license or state ID – even if the state eventually becomes compliant. Attached are some documents that do not specifically address the current issue, but the letter from former Senator Mark Begich to former Secretary Johnson and former Administrator Pistole does a nice job explaining the issue in more general terms. Also attached is Mr. Pistole’s response to the Senator, as well as his update to the Secretary’s Chief of Staff. Not sure if the information is helpful, but wanted you to be fully prepared for any meeting with the COO.

(b)(5)

As I shared with you, we in Alaska will be happy to assist in any way we can.

Thanks Dan!

Brian

Brian Cahill
Federal Security Director
US Department of Homeland Security
Transportation Security Administration
State of Alaska

907-771-

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