

**SUPPORTING STATEMENT FOR
REAL ID Applicant Information and Documentation
OMB Control No.: 1660-NEW
COLLECTION INSTRUMENT(S): N/A**

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The REAL ID Act of 2005 (the Act) prohibits Federal agencies from accepting State-issued drivers' licenses or identification cards for any official purpose – defined in the Act and regulations to include accessing federal facilities, boarding federally regulated commercial aircraft, and entering nuclear power plants – unless the license or card is issued by a State that meets the requirements set forth in the Act.¹ The REAL ID regulations, which DHS issued in January 2008, establish the minimum standards that States must meet to comply with the Act.² DHS has a separate collection of information related to DHS interaction with States, e.g., State certification (see OMB Control No. 1601-0005). By contrast to that collection of information, this collection of information relates to the States' collection of information from driver's license applicants.

Initial information and documentation

The Act and regulations also prescribe the documents and information an individual must present as proof of identity and lawful status when applying for a REAL ID compliant license or identification card.³ This includes information and documentation establishing a person's identity, date of birth, social security number, residence address, and evidence of U.S. citizenship or lawful status in the United States.⁴ Additionally, states may permit an applicant to establish a name other than the name that appears on a source document but must require evidence of the name change through presentation of documents issued by a court, governmental body or other entity as determined by the state.⁵ The costs of these activities are one-time costs because they accrue as part of the initial issuance process only.

Reissuance and renewal

With certain exceptions, the REAL ID regulations generally permit an applicant to renew or obtain a reissued replacement REAL ID license or identification card remotely and without

¹ The REAL ID Act, Title II of Division B of Pub. L. 109-13, as amended, codified at 49 U.S.C. § 30301 note.

² 73 FR 5272, also 6 CFR part 37, as amended (Jan. 29, 2008).

³ REAL ID Act § 202(c)(1) and (2) and 6 CFR 37.11(c)-(g).

⁴ *Id.*

⁵ 6 CFR 37.11(c)(2).

presenting additional documentation or information.⁶ States may not, however, remotely renew or reissue a replacement license or identification card where there has been a material change in any personally identifiable information since the prior issuance.⁷ In such cases, an applicant must present documentation establishing the material change.⁸ The regulations also require applicants to renew their REAL ID licenses and identification cards in-person at least once every sixteen years.⁹ Additionally, holders of temporary or limited-term REAL ID driver's licenses and identification cards must present evidence of continued lawful status when renewing their license or identification card.¹⁰

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

In addition to requiring applicants to present certain identity and lawful status documentation and information as described in paragraph 1 above, the REAL ID Act and regulations require states to verify and retain copies of that information.¹¹ These requirements help states to ensure the authenticity of an applicant's information and reduce opportunities for fraud in the application and document issuance process. The regulations specifically require states to verify identity and lawful status information and documentation presented by an applicant to ensure (1) the source document provided is genuine and has not been altered ("document authentication"), and (2) the identity data contained on the document is valid ("data verification").¹² States must verify documents and information provided by an applicant with the issuer of the document and use electronic validation systems as they become available for use.¹³ For example, to verify an applicant's lawful status in the United States, the regulations require states to verify a document issued by the Department of Homeland Security through the use of the Systematic Alien Verification for Entitlements (SAVE) system or alternate method approved by DHS.¹⁴ Similarly, states must verify documents issued by the U.S. Department of State, including U.S. passports, with the Department of State, social security information with the Social Security Administration, and birth certificates using the Electronic Verification of Vital Events (EVVE) system or other electronic system when the records are available.¹⁵ The regulations also require state department of motor vehicle employees who are involved in the handling of an applicant's source documents or who are engaged in the issuance of driver's licenses and identification cards to undergo periodic fraudulent document recognition training

⁶ 6 CFR 37.23 and 37.25.

⁷ *Id.* at 37.23(c) and 37.25(b)(2), *see also* 37.3 for definitions of "material change" and "personally identifiable information."

⁸ *Id.*

⁹ *Id.* at 37.25(a).

¹⁰ *Id.* at 37.25(a)(3).

¹¹ REAL ID Act §§ 202(c)(1),(4) and (d)(1),(2) and 6 CFR 37.13 and 37.31.

¹² 6 CFR 37.3.

¹³ 6 CFR 37.13(b).

¹⁴ *Id.* at (b)(1).

¹⁵ *Id.* at (b)(2), (3), and (4).

and security awareness training.¹⁶ The Act and regulations also require states to retain copies of the application, declaration, and source documents, including documents establishing name changes for either seven years or ten years depending on whether the documents are retained electronically or in paper format.¹⁷

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Applicants for REAL ID licenses and identification cards generally submit their documentation and information in-person at a state DMV office. During the application process the state will review and make copies of an applicant's information, collect the completed application, take the applicant's photograph, and obtain a declaration that the information presented is true and correct.¹⁸ Although this transaction generally occurs in-person, DHS has provided guidance authorizing states to allow applicants to pre-submit identity and lawful status source documents through a secure electronic process in advance of an in-person DMV visit at which time the applicant would physically present those same documents for authentication and verification by DMV personnel.¹⁹ States that utilize this process have indicated that it helps to ensure an applicant has the correct information and reduces customer wait times by allowing the state to electronically copy the information in advance of the visit.

In December 2020, Congress enacted the REAL ID Modernization Act, which includes provisions that would allow states to accept applicant information through electronic transmission methods following the DHS issuance of regulations and state certification that they comply with those regulations.²⁰ DHS is in the process of developing regulations to implement this provision, which when implemented by the state could help to reduce the burden's associated with an in-person DMV visit to obtain a REAL ID compliant license or identification card.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The REAL ID Act and regulations require an applicant to submit certain identity and lawful status information and for states to implement procedures to verify that information to ensure that the documents submitted are genuine and have not been altered and that the data provided is valid. To comply with REAL ID, states also must copy images of source documents

¹⁶ 6 CFR 37.41(b)(5).

¹⁷ REAL ID Act § 202(d)(1),(2) and 6 CFR 37.31.

¹⁸ 6 CFR 37.11.

¹⁹ <https://www.dhs.gov/real-id/real-id-faqs>

²⁰ The REAL ID Modernization Act, Title X, Div. U of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020).

and information and retain that information for certain prescribed periods. Congress enacted these procedures in response to a recommendation by the 9/11 Commission for “[t]he federal government to set standards for the issuance of . . . sources of identification, such as drivers licenses . . . to ensure that people are who they say they are and to check whether they are terrorists.”²¹

As part of the REAL ID Modernization Act, Congress enacted some measures that states can implement to help reduce duplication and applicant burden. For example, the Modernization Act authorizes states to allow individuals to present their social security number when applying for a REAL ID without also providing a separate social security document such as a social security card. It also authorizes states to use a photograph already on file for an applicant’s license instead of the photograph taken at the time of the application.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The information collection discussed in this analysis applies to applicants for REAL ID licenses and identification cards. Therefore, it is DHS’s belief that the information collection does not have a significant impact on a substantial number of small businesses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without the presentation, verification, and retention of applicant identity and lawful status documentation and information, states would be unable to comply with REAL ID requirements.²² As a consequence, individuals would be unable to use their state-issued driver’s license or identification card for REAL ID official purposes.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- Requiring respondents to report information to the agency more often than quarterly;

The REAL ID Act and regulations require applicants to submit certain identification and lawful status information when applying for a REAL ID license or identification card. As discussed previously, the regulations require in-person renewals at least every sixteen years. The regulations also permit remote reissuances of replacement licenses and renewals, except where there has been a material change to an individual’s personally identifiable information. Individuals seeking to renew temporary or limited-term licenses must also present valid

²¹ The 9/11 Commission Report.

²² REAL ID Act § 202(c)(1),(2) and (4) and 6 CFR 37.11 and 37.13.

documentary evidence that their status is still in effect or that they qualify for another lawful status as defined in the regulations.²³

- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

The REAL ID Act and regulations do not require applicants to prepare a written response to an information collection, and there is no 30-day deadline. The regulations do authorize states to establish exceptions processes for persons who, for reasons beyond their control, are unable to present all necessary documents.²⁴ States that have an exceptions process must make reasonable efforts to establish the authenticity of alternative documents presented by an applicant.²⁵ As part of this process a state may require an applicant to follow-up with a written response regarding the alternate document presented; however, DHS is unaware whether any states that utilize an exceptions process have implemented such procedures.

- requiring respondents to submit more than an original and two copies of any document;

The REAL ID regulations set minimum security standards for the issuance and production of state drivers' licenses and identification cards, which states must implement to be in compliance such that federal agencies may accept those licenses and identification cards for official purposes. As discussed, these requirements include presentation by an applicant of information and documentation establishing identity, lawful status, date of birth, social security number, and address. States also must take an applicant's photograph and obtain a declaration that the information provided on the application is true and correct.²⁶ In cases where an applicant must provide a document, the regulations generally require a single document except that the regulations require an applicant to present at least two documents that include the individual's name and principal residence address.²⁷ As these are minimum standards required by the regulations, states may elect to require an applicant to present additional documents to obtain a REAL ID license or identification card.

- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;

The REAL ID regulations do not prescribe requirements for an applicant to retain their records. The regulations do include requirements for the states to retain applicant photographs and copies of documentation and information provided. These state retention requirements are covered under an existing collection of information, OMB Control No. 1601-0005.

- In connection with a statistical survey, that is not designed to produce valid and

²³ 6 CFR 37.21, 37.23, and 37.25.

²⁴ 6 CFR 37.11(h).

²⁵ *Id.* at 37.11(h)(1).

²⁶ 6 CFR 37.11.

²⁷ *Id.* at 37.11(f).

reliable results that can be generalized to the universe of study;

The REAL ID regulations do not require states to collect applicant documentation and information in connection with a statistical survey.

- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

The REAL ID regulations do not require states to collect applicant documentation and information in a manner requiring the use of a statistical data classification.

- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

The REAL ID regulations do not require states to collect applicant documentation and information in a manner that is contrary to state laws or security policies, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use. The regulations require states to submit as part of their REAL ID certification materials a security plan that, among other things, addresses the security of personally identifiable information it collects and maintains and requires that any release or use of such information complies with the requirements of the Driver's Privacy Protection Act, 18 U.S.C. 2721 et seq.²⁸

- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The REAL ID regulations do not require applicants to submit such information.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

²⁸ 6 CFR 37.41.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A 60-Day *Federal Register* Notice requesting public comments was published on Thursday, April 21, 2022, 87 FR 23878. One comment was received but not germane to the collection.

A 30-Day *Federal Register* Notice requesting public comments was published on Monday, October 31, 2022, 87 FR 65603. One comment was received but not germane to the collection.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

DHS will not provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Information provided will be protected from disclosure to the extent appropriate under applicable provisions of the Freedom of Information Act, the Privacy Act of 1974, the Driver's Privacy Protection Act, as well as DHS's Privacy Impact Assessment for the REAL ID Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to person's form whom the information is requested, and any steps to be taken to obtain their consent.

The REAL ID regulations do not require applicants to respond to questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected

to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Assumptions:

- Estimated number of respondents is based on the estimated 75% adoption rate in the REAL ID *Regulatory Evaluation*, coupled with state reporting data that indicates that as of February 2021, 118 million REAL ID-compliant cards had been issued out of 274 driver's licenses and ID cards in circulation. DHS assumes reaching the 75% adoption rate within five years, which results in an estimate of 17.4 million per year for the coming five years. Such a card issuance rate is approximately double the rate since the program's inception, but below the issuance rate experienced in the months leading up to the COVID pandemic. DHS expects that data collection efforts may improve estimates moving forward.
- Information collection burden hours are based on the estimates documented in the REAL ID *Regulatory Evaluation* for initial applicants who might otherwise have renewed a Driver's License or ID remotely consistent with otherwise applicable state law.
 - In that evaluation, DHS established estimates for the increase in time to prepare, file and process Driver's License or ID applications under the final rule (Appendix F), which DHS has used in column C in the first row of Table A.12.
 - DHS also estimated the time burden associated with a trip to the DMV (Figure V-43), which DHS has used in the second and third rows of Table A.12.
 - DHS also estimated that 17% of initial applicants would also need to acquire a birth certificate (Appendix B), as well as burden and fee estimates, which DHS has used for the fourth row of Table A.12.
- For Driver's License/ID Applicant activities, DHS uses the BLS wage rate for the same category as used in the REAL ID *Regulatory Evaluation (All Occupations)*. As of May 2019, BLS data indicate an average of \$25.72/hour.²⁹ When using a wage rate benefit multiplier of 1.47 (to account for benefits provided), the total wage rate is \$37.80/hour.
- For DMV employee activities, DHS uses the BLS wage rate for the same category as used in the REAL ID *Regulatory Evaluation (43-0000 Office and Administrative Support Occupations, Local Government)*. As of May 2019, BLS data indicate an average of \$20.78/hour.³⁰ When using a wage rate benefit multiplier of 1.47 (to account for benefits provided), the total wage rate is \$30.54/hour.
- DHS does not include the costs of verifying information through Federal databases because existing collections for such databases cover those costs.
- The costs of DMV recordkeeping are accounted for in another REAL ID information collection (OMB Control No. 1601-0005).
- REAL ID renewal and reissuance is not substantially more burdensome than renewal or reissuance under state-only standards; the costs of renewal or reissuance are therefore excluded as generally comparable.

Table A.12: Estimated Annualized Burden Hours and Costs (A x B x C=D); D x E = G

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²⁹ https://www.bls.gov/oes/current/oes_nat.htm (accessed March 26, 2021).

³⁰ <https://www.bls.gov/oes/current/oes430000.htm> (accessed March 26, 2021).

Activity	Form Name	A No. of Respondents (How many will respond to this collection?)	B No. of Responses per Respondent (How many times?)	C Avg. Burden per Responses (in hours)	D Total Annual Burden (in hours)	E Average Hourly Wage Rate	F Average Fee (Birth Certificate Only)	G Total Annual Respondent Cost
Application Prep Time (DL/ID Applicant)	N/A	17,400,000	1	0.50	8,700,000	\$37.80	N/A	\$328,860,000
Round Trip to DMV (DL/ID Applicant)	N/A	17,400,000	1	0.81	14,094,000	\$37.80	N/A	\$532,753,200
Queue (DL/ID Applicant)	N/A	17,400,000	1	0.43	7,482,200	\$37.80	N/A	\$282,819,600
Obtain birth certificate (DL/ID Applicant)	N/A	2,958,000	1	0.50	1,479,000	\$30.54	\$16.20	\$45,168,676
Initial Data Entry (DMV)	N/A	17,400,000	1	0.13	2,262,000	\$30.54	N/A	\$69,081,480
Scanning Documents (DMV)	N/A	17,400,000	1	0.05	870,000	\$30.54	N/A	\$11,669,873
Total		89,958,000	6	2.42	34,887,000	N/A	N/A	\$1,270,352,829

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

17% of initial applicants would also need to acquire a birth certificate. The fee to acquire an electronic birth certificate is \$16.20, which totals out to \$47,919,600.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

This collection of information does not impose any costs on the Federal government, because the States, and not the Federal government, receive the documents and information covered by this collection of information. Any information validated through existing Federal systems would be covered by OMB Control Numbers associated with those systems.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

This is a new collection.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

DHS will not publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

DHS is not seeking such approval. All information gathered under this collection will be in formats governed by individual state requirements and formats, thus display of the OMB number would be inappropriate.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

DHS is not seeking any exceptions.