

United States Senate

WASHINGTON, DC 20510

November 30, 2009

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
Washington D.C. 20528

Dear Secretary Napolitano:

We are writing to respectfully request that the Department of Homeland Security provide an extension for states to become materially compliant with the REAL ID Act of 2005. As you know, more than thirty states, including New Mexico, are unlikely to meet the December 31, 2009 deadline. While we understand the Administration's desire to enact the PASS ID Act in lieu of granting an additional extension, the uncertainty surrounding the steps the Department may or may not take if the legislation is not signed into law is creating confusion and raising serious concerns in the many states that are not currently in full compliance with existing law.

The Department of Homeland Security has not indicated whether it will grant an extension, despite the fact that a majority of states are unlikely to be in compliance with the REAL ID Act. This is causing a great deal of anxiety for our constituents, who are seeing news reports that they will need a passport in order to fly on a commercial airline after the first of the year. Without assurances from your Department that a passport will not be necessary, many people may alter or cancel their travel plans. This uncertainty may also have a significant economic impact if the residents of non-compliant states decide not to fly or are unable to do so.


The Director of the New Mexico Motor Vehicle Division sent you a request on November 25 to grant the state an extension of the December 31 deadline. We support this request; however, we also ask that if the Department does not intend to provide such an extension, that you issue a public statement as soon as possible to reassure the traveling public that you will work to mitigate the adverse impact of REAL ID.

Thank you for your attention to this matter and for your ongoing efforts to strengthen homeland security.

Sincerely,



Jeff Bingaman
U.S. Senator



Tom Udall
U.S. Senator