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From: **Katherine Howard**
Acting Assistant Administrator for
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Facsimile

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U.S. Department of Transportation



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20581

March 7, 2017

The Honorable Steve Daines
United States Senate
Washington, DC 20510

Dear Senator Daines:

Thank you for your January 26 letter asking the Federal Aviation Administration (FAA) to permit Montana and other States' driver's licenses that are noncompliant with the REAL ID Act (Public Law 109-13) to be used to meet the requirements of BasicMed.

The FAA Extension, Safety, and Security Act of 2016 and the implementing regulations issued by the FAA require a pilot conducting certain operations without a medical certificate to, among other things, hold a valid U.S. driver's license. Under the REAL ID Act, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State unless that driver's license meets the requirements of section 202 of the REAL ID Act. The REAL ID Act requires a State to include a statement on the face of a non-compliant license or identification card that it "may not be accepted by any Federal agency for federal identification or any other official purpose." An "official purpose" under the U.S. Department of Homeland Security (DHS) regulations is defined as "accessing Federal facilities, boarding Federally-regulated commercial aircraft, and entering nuclear power plants."

The FAA believes that the requirement to hold a driver's license to exercise the relief of BasicMed does not require a REAL ID compliant license because compliance with BasicMed is not an official purpose under DHS regulations. The requirement to hold a valid driver's license under BasicMed is not intended to serve the purpose of providing Federal identification but rather is a threshold demonstration of competency to operate an aircraft without an FAA-issued medical certificate. Thus, the FAA's position is that a driver's license lawfully issued by a State that does not meet the requirements of the REAL ID Act may be used by an FAA-certificated pilot for BasicMed. The FAA acknowledges that DHS is responsible for determining the applicability and implementation requirements of the REAL ID Act.

Thank you for your interest in BasicMed. The FAA is working closely with its aviation partners to ensure a smooth implementation of this legislation.

If I can be of further assistance, please contact me or Kate Howard, Acting Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,



Michael P. Huerta
Administrator