

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



JOHN WALSH
LT. GOVERNOR

January 17, 2014

Secretary Jeh Johnson
US Department of Homeland Security
Washington, DC 20528

Dear Secretary Johnson:

In 2007, Montana's legislature voted unanimously to forbid implementation of REAL ID in the State of Montana. All 150 members of the 60th Montana Legislature agreed that REAL ID implementation is "inimical to the security and well-being of the people of Montana, will cause unneeded expense and inconvenience to those people," (House Bill 287) and raises serious questions of states' rights.

In addition to the excessive cost of creating a national database, Montanans are appropriately concerned with the extensive collection of their personal and private information by the government.

In recent years, Montana has taken steps, independent of federal mandate, to further improve the quality of our Montana driver licenses and identification cards. I have full confidence in the measures we have in place to ensure the security of our licenses, including, but not limited to:

- Capturing and retaining facial images of applicants, even if a DL or ID is not issued;
- Making every reasonable effort to ensure that an applicant does not have more than one DL or ID under a different identity;
- Maintaining a secure DMV database;
- Verifying lawful status;
- Requiring the presentation of at least one source document to establish identity;
- Training staff in recognition of fraudulent documents;
- Verifying Social Security account numbers with SSOLV;
- Including security features that are not capable of being reproduced using commonly available technology;
- Ensuring the security of personally identifiable information;
- Issuing licenses and identification cards that contain multiple integrated security features;
- Controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of licenses and identification cards;
- Ensuring physical security of locations where licenses and identification cards are produced and the security of document materials and papers used to produce licenses and identification cards;
- Issuing DL/ ID cards for no more than eight-year periods;

- Issuing DL/ID cards that contain: full legal name, date of birth, gender, unique DL/ID number, full facial digital photograph, mailing or residential address, signature, date of issuance, expiration date, and state or territory of issuance all on the face of the PDF-417 Machine Readable Zone of the card;
- Requiring validation and verification of lawful status for renewals of limited-term DL/ID cards;
- Requiring an updated photograph of all DL/ID holders at least every 16 years;
- Prohibiting individuals from holding more than one Montana ID and one Montana DL.

As I did while serving as Montana's Attorney General in 2009, I again ask that the department not take any steps that would penalize the ability of Montanans to use their secure, valid Montana driver license for federal identification purposes and commercial air travel.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Bullock", with a long horizontal flourish extending to the right.

STEVE BULLOCK

Governor

NEWS RELEASE
GOVERNOR STEVE BULLOCK
STATE OF MONTANA

FOR IMMEDIATE RELEASE

CONTACTS:

Mike Wessler, Deputy Communications Director, Governor's Office, 444-9725

John Barnes, Communications Director, Attorney General's Office, 444-2031

Governor Bullock Pushes Back Against Implementation of REAL ID

(HELENA) – Governor Steve Bullock today sent a letter to Secretary of Homeland Security Jeh Johnson pushing back against the latest efforts of the federal government to force Montana to implement REAL ID and urging him not to restrict Montanans' ability to use their secure Montana driver's license for federal identification purposes and commercial air travel.

In the letter, Bullock outlines Montana's opposition to the national ID program. He pointed out that in 2007, Montana's legislature voted unanimously to forbid implementation of REAL ID in the State of Montana. All 150 members of the 60th Montana Legislature agreed that REAL ID implementation is "inimical to the security and well-being of the people of Montana, will cause unneeded expense and inconvenience to those people," (House Bill 287) and raises serious questions of states' rights.

"In addition to the excessive cost of creating a national database, Montanans are appropriately concerned with the extensive collection of their personal and private information by the government," Bullock said in the letter.

Bullock also identifies steps that Montana has taken to ensure the security of licenses, including:

- Capturing and retaining facial images of applicants, even if a DL or ID is not issued;
- Making every reasonable effort to ensure that an applicant does not have more than one DL or ID under a different identity;
- Maintaining a secure DMV database;
- Verifying lawful status;
- Requiring the presentation of at least one source document to establish identity;
- Training staff in recognition of fraudulent documents;
- Verifying Social Security account numbers with SSOLV;
- Including security features that are not capable of being reproduced using commonly available technology;
- Ensuring the security of personally identifiable information;
- Issuing licenses and identification cards that contain multiple integrated security features;
- Controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of licenses and identification cards;

- Ensuring physical security of locations where licenses and identification cards are produced and the security of document materials and papers used to produce licenses and identification cards;
- Issuing DL/ ID cards for no more than eight-year periods;
- Issuing DL/ID cards that contain: full legal name, date of birth, gender, unique DL/ID number, full facial digital photograph, mailing or residential address, signature, date of issuance, expiration date, and state or territory of issuance all on the face of the PDF-417 Machine Readable Zone of the card;
- Requiring validation and verification of lawful status for renewals of limited-term DL/ID cards;
- Requiring an updated photograph of all DL/ID holders at least every 16 years;
- Prohibiting individuals from holding more than one Montana ID and one Montana DL.

Attorney General Tim Fox, who oversees the Motor Vehicle Division at the Montana Department of Justice, said, "Montana has gone to great lengths to ensure our driver's license is one of the most secure in the nation. At the same time, we have been vigilant in safeguarding our citizens' privacy, which is more than can be said of the federal government."

Bullock's letter, which is pasted below, can be found at:

<http://www.governor.mt.gov/docs/20140117%20REAL%20ID%20on%20Letterhead.pdf>

January 17, 2014

Secretary Jeh Johnson
US Department of Homeland Security
Washington, DC 20528

Dear Secretary Johnson:

In 2007, Montana's legislature voted unanimously to forbid implementation of REAL ID in the State of Montana. All 150 members of the 60th Montana Legislature agreed that REAL ID implementation is "inimical to the security and well-being of the people of Montana, will cause unneeded expense and inconvenience to those people," (House Bill 287) and raises serious questions of states' rights.

In addition to the excessive cost of creating a national database, Montanans are appropriately concerned with the extensive collection of their personal and private information by the government.

In recent years, Montana has taken steps, independent of federal mandate, to further improve the quality of our Montana driver licenses and identification cards. I have full confidence in the measures we have in place to ensure the security of our licenses, including, but not limited to:

- Capturing and retaining facial images of applicants, even if a DL or ID is not issued;
- Making every reasonable effort to ensure that an applicant does not have more than one DL or ID under a different identity;
- Maintaining a secure DMV database;

- Verifying lawful status;
- Requiring the presentation of at least one source document to establish identity;
- Training staff in recognition of fraudulent documents;
- Verifying Social Security account numbers with SSOLV;
- Including security features that are not capable of being reproduced using commonly available technology;
- Ensuring the security of personally identifiable information;
- Issuing licenses and identification cards that contain multiple integrated security features;
- Controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of licenses and identification cards;
- Ensuring physical security of locations where licenses and identification cards are produced and the security of document materials and papers used to produce licenses and identification cards;
- Issuing DL/ ID cards for no more than eight-year periods;
- Issuing DL/ID cards that contain: full legal name, date of birth, gender, unique DL/ID number, full facial digital photograph, mailing or residential address, signature, date of issuance, expiration date, and state or territory of issuance all on the face of the PDF-417 Machine Readable Zone of the card;
- Requiring validation and verification of lawful status for renewals of limited-term DL/ID cards;
- Requiring an updated photograph of all DL/ID holders at least every 16 years;
- Prohibiting individuals from holding more than one Montana ID and one Montana DL.

As I did while serving as Montana's Attorney General in 2009, I again ask that the department not take any steps that would penalize the ability of Montanans to use their secure, valid Montana driver license for federal identification purposes and commercial air travel.

Sincerely,



STEVE BULLOCK
Governor

###

Weiss, Rachel

From: Ben Husch <ben.husch@ncsl.org>
Sent: Monday, December 23, 2013 9:14 AM
To: Weiss, Rachel
Cc: Melanie Condon; Molly Ramsdell; Anne Teigen
Subject: NCSL Natural Resources and Infrastructure Committee Info Alert: REAL ID ENFORCEMENT UPDATE

Info Alert

**National Conference of State Legislatures
Office of State-Federal Relations**

Dec. 23, 2013

REAL ID ENFORCEMENT UPDATE

Overview

On December 20, the Department of Homeland Security (DHS) announced that phased in enforcement of the REAL ID Act will begin on Jan. 20, 2014. This announcement follows a nearly year-long period of deferred enforcement. The REAL ID Act aims to create national standards for state issued driver's licenses and identification cards so they may be used to board commercial aircraft and access certain federal facilities.

DHS plans to implement REAL ID enforcement over four phases, with each phase consisting of two distinct deadlines. The first deadline will begin a three-month "warning" period where noncompliant IDs will still be accepted. Following this three-month period, full enforcement of the phase will begin, and IDs from noncompliant states will no longer be accepted for federal purposes as defined in the act.

Enforcement Schedule

- Phase 1: Restricted areas for DHS Headquarters - Nebraska Ave. Complex
 - Jan. 20, 2014 – Begin notification period (three-month period)
 - April 21, 2014 – Full enforcement

- Phase 2: Restricted areas for all federal facilities and nuclear power plants
 - April 21, 2014 - Begin notification period (three-month period)
 - July 21, 2014 - Full enforcement
- Phase 3: Semi-restricted areas for the remaining federal facilities
 - Oct. 20, 2014 - Begin notification period (three-month period)
 - Jan. 19, 2015 - Full enforcement
- DHS will evaluate the first three phases to determine how to implement phase 4. Phase 4, which pertains to entry of commercial aircraft, will go into effect no sooner than Jan. 1, 2016.

DHS defines “restricted areas” as those that are normally accessible only to agency personal, contractors and their guests. “Semi-restricted” areas are defined as those areas that public can enter but are subject to identification control.

State Progress

- Compliant States/Territories: DHS provided a list of 21 states currently found to have met the standards of the REAL ID Act of 2005 for driver’s licenses and identification cards. These states are Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Maryland, Mississippi, Nebraska, Ohio, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin and Wyoming.
- Extensions: DHS also announced that 20 states/territories—Arkansas, California, District of Columbia, Guam, Idaho, Illinois, Michigan, Missouri, New Hampshire, Nevada, North Carolina, North Dakota, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Texas, Virginia and the Virgin Islands—will receive a compliance extension based on their movement toward full compliance. Licenses from these states will be accepted for federal purposes during the extension period. These extensions will expire on Oct. 10, 2014 and can be renewed.
- States/Territories not in Compliance: There are 15 states/territories—Alaska, American Samoa, Arizona, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, New Jersey, New Mexico, New York [i], Northern Marianas Islands, Oklahoma and Washington[ii]—currently in a noncompliance status. These jurisdictions can be granted an extension in the future if they are deemed to be moving toward full compliance.

If you have any questions or concerns regarding the announcement from DHS or your state’s status with DHS regarding REAL ID please contact NCSL staff Molly Ramsdell (molly.ramsdell@ncsl.org or 202-624-3584) in the Washington, D.C., office or Anne Teigen (anne.teigen@ncsl.org or 303-364-7700) in the Denver office. Please be aware that because of the upcoming holiday, it may take some time to return messages. Thank you.

[i] Federal officials may continue to accept Enhanced Driver’s Licenses from this state.

[ii] Ibid.



REAL ID ENFORCEMENT IN BRIEF

The Department of Homeland Security (DHS) announced on December 20, 2013 the phased enforcement plan for the REAL ID Act 2005 (the Act) that will allow the Federal Government to implement the Act in a measured, fair, and responsible way.

Secure driver's licenses and identification documents are a vital component of our national security framework. Federal officials and law enforcement personnel must be able to rely on government-issued identification documents and know that the bearer of such a document is who he or she claims to be. The REAL ID Act, passed by Congress in 2005, enacted the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification, such as driver's licenses." The Act established minimum security standards for license issuance and production and prohibits Federal agencies from accepting for certain purposes driver's licenses and identification cards from states not meeting the Act's minimum standards. The purposes covered by the Act are: accessing Federal facilities, entering nuclear power plants, and, no sooner than 2016, boarding federally regulated commercial aircraft.

States and other jurisdictions have made significant progress in enhancing the security of their licenses over the last number of years. As a result, approximately 75% of all U.S. drivers hold licenses from jurisdictions: (1) determined to meet the Act's standards; or (2) that have received extensions. Individuals holding driver's licenses or identification cards from these jurisdiction may continue to use them as before. (See Section B of the sidebar).

Individuals holding licenses from noncompliant jurisdictions will need to follow alternative access control procedures for purposes covered by the Act. (See Section A of the sidebar). As described below, enforcement for boarding aircraft will occur no sooner than 2016.

DESCRIPTION AND SCHEDULE OF ENFORCEMENT PHASES

The following enforcement measures are cumulative, with measures in each phase remaining in effect through successive phases. Each phase will begin with a 3-month period where agencies will provide notice to individuals attempting use driver's licenses or identification cards from noncompliant states but still allow access. After this period is over, agencies will no longer accept such identification for entry to Federal facilities, and individuals will need to follow the agency's alternate procedures (to be made available by the agency).

A) Noncompliant States/Territories

Alaska	Montana
Am.Samoa	New Jersey
Arizona	New Mexico
Kentucky	New York+
Louisiana	N. Marianas
Maine	Oklahoma
Mass.	Washington+
Minnesota	

+ Federal officials may continue to accept Enhanced Driver's Licenses from these states.

B) Compliant/Extension States/Territories

Alabama	Nebraska
Arkansas*	New Hampshire**
California*	Nevada*
Colorado	N.Carolina*
Connecticut	N.Dakota*
Delaware	Ohio
DC*	Oregon*
Florida	Pennsylvania*
Georgia	Puerto Rico*
Guam*	Rhode Island*
Hawaii	S.Carolina*
Idaho*	S.Dakota
Illinois**	Tennessee
Indiana	Texas*
Iowa	Utah
Kansas	Vermont
Maryland	Virginia*
Michigan*	Virgin Islands*
Mississippi	West Virginia
Missouri*	Wisconsin
	Wyoming

* Has an extension through October 10, 2014(renewable)

- Phase 1: Restricted areas (i.e., areas accessible by agency personnel, contractors, and their guests) for DHS's Nebraska Avenue Complex headquarters.
- Phase 2: Restricted areas for all Federal facilities and nuclear power plants.
- Phase 3: Semi-restricted areas (i.e., areas available to the general public but subject to ID-based access control) for most Federal facilities (subject to limitations described in the next section). Access to Federal facilities will continue to be allowed for purposes of applying for or receiving Federal benefits.
- Phase 4: Boarding federally regulated commercial aircraft. A driver's license or identification card from a noncompliant state may only be used in conjunction with an acceptable second form of ID for boarding federally regulated commercial aircraft.

DHS will conduct an evaluation following the implementation of the first three phases to assess the effects of enforcement and the progress of states in meeting the standards of the act. Before a date for Phase 4 is set, DHS will conduct an evaluation to inform a fair and achievable timeline. The date for implementing Phase 4 will be set after the evaluation has been complete; this phase will occur no sooner than 2016. The evaluation will also be used to inform the nature and timing of subsequent phases and to inform the pathway to full enforcement. DHS will ensure the public has ample advanced notice before identification requirements for boarding aircraft or entering additional types of Federal facilities change.

Phase	Enforcement	Notification Period	Full Enforcement
1	Restricted areas for DHS/NAC	1/20/14	04/21/14
2	Restricted areas for all Federal facilities & for nuclear power plants	04/21/14	07/21/14
3	Semi-restricted for all Federal facilities	10/20/14	01/19/15
<i>Review and Evaluation</i>			
4	Aircraft (Acceptable with 2nd form of ID)	No sooner than 2016	

LIMITATIONS

Access for activities directly relating to safety and health or life preserving services, to law enforcement, and to constitutionally protected activities, including legal and investigative proceedings will not be affected. Existing agency policies will still apply.

The Act does not require individuals to present identification where it is not currently required to access a Federal facility (such as to enter the public areas of the Smithsonian) nor does it prohibit an agency from accepting other forms of identity documents other than documents from non-compliant states (such as a U.S. passport or passport card).

The Act's prohibitions do not affect other uses of driver's licenses or identification cards – including licenses and cards from noncompliant states – unrelated to official purposes as defined in the Act. For example, the Act does not apply to voting, registering to vote, or for applying for or receiving Federal benefits.

For more information, please contact the DHS Office of State-Issued Identification Support at osiis@dhs.gov.