

JUL 18 2014



Homeland
Security

The Honorable Steve Bullock
Governor
Office of the Governor
PO Box 200801
Helena, MT 59620-0801

Dear Governor Bullock:

This letter is to provide you with an update on the status of REAL ID enforcement as it pertains to Montana and to advise you that the Department of Homeland Security (DHS) is granting your state an extension through October 10, 2015.

In accordance with the phased enforcement plan announced in our letter to you dated December 20, 2013, the Federal Government will begin Phase 2 of enforcement on July 21, 2014. Whereas Phase 1 was limited to the Department of Homeland Security (DHS) headquarters complex, Phase 2 will cover restricted areas of most Federal agencies and nuclear power plants where identification is required and access is restricted to employees, contractors, and their guests. As of July 21, 2014, Federal agencies will be prohibited from accepting driver's licenses and identification cards for accessing these facilities unless the document is issued by a jurisdiction determined by DHS to meet the minimum Federal security standards or that has been granted an extension for meeting those standards. Subsequent phases will further expand enforcement to cover semi-restricted areas of Federal facilities and boarding federally-regulated commercial aircraft.

Based on a review of supplementary information provided by Montana's Motor Vehicle Division about its practices for secure production and issuance of driver's licenses and identification cards, DHS is granting Montana an extension to continue progress towards meeting the remaining standards. We have enclosed, for your convenience, DHS's most recent findings for your state.

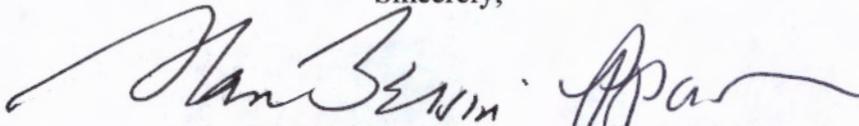
For the duration of this extension, Federal agencies may continue to accept driver's licenses and identification cards issued by Montana for official purposes in accordance with existing agency policies. Extensions are renewable at the discretion of the Secretary. Montana could qualify for additional extensions provided there is adequate justification for continued noncompliance. If Montana seeks a further extension, it should provide DHS with information regarding progress towards meeting any outstanding standards and the reasons these standards remain outstanding.

DHS recognizes your efforts in enhancing the security of your driver's licenses and identification cards. Please do not hesitate to contact DHS's Office of State Issued Identification

Support at (202) 447-3871 with any questions or comments about this announcement. For all other homeland security matters, you may contact the DHS Office of Intergovernmental Affairs at (202) 282-9310.

We look forward to continuing to work with you on this and other homeland security issues.

Sincerely,

Handwritten signatures of Alan D. Bersin and Philip A. McNamara. The signature of Alan D. Bersin is on the left, and the signature of Philip A. McNamara is on the right.

Alan D. Bersin
Assistant Secretary
for Policy (Acting)

Philip A. McNamara
Assistant Secretary
for Intergovernmental Affairs

Enclosure

cc: Major General Matthew Quinn, The Adjutant General, Montana Department of Military Affairs

DHS Findings

I. Based on the information provided, DHS has determined that the State of Montana is meeting the following provisions of the regulation:

- § 37.05(a) Issue driver's license (DL)/identification card (ID) valid for a period not to exceed eight years
- § 37.11(a) Subjects each applicant to a mandatory facial image capture and retain such image even if a DL/ID is not issued.
- § 37.11(b) Has each applicant sign a declaration under penalty of perjury that the information presents is true and correct, and the State must retain this declaration.
- § 37.11(c) Require an individual to present at least one of the source documents listed in subsections (i) through (x) when establishing identity
- § 37.11(d)-(g) Require documentation of:
 - Date of birth
 - Social Security Number
 - Address of principal residence
 - Evidence of lawful status
- § 37.11(h) Have a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3)(If States choose to have such a process)
- § 37.11(i) Takes sufficient steps in issuing DL/ID cards to safeguard the identities of persons identified in section 37.11(i).
- § 37.13(a) Makes reasonable efforts to ensure that the applicant does not have more than one DL or ID already issued by that State under a different identity.
- § 37.13(b)(1) Verifies lawful status through SAVE or another method approved by DHS.
- § 37.13(b)(2) Verifies Social Security account number with the Social Security Administration.
- § 37.13(b)(3) Verify birth certificates
- § 37.13(b)(4) Verifies a U.S. passports.

- § 37.15(a)(1) Includes document security features on DL/ID cards that are not capable of being reproduced using technologies that are commonly used and made available to the general public.
- § 37.15(b) Issues DL and IDs that contain Level 1, 2, and 3 integrated security features.
- § 37.17(a)-(l) Includes on the surface of cards the following printed information in Latin alpha-numeric characters:
- Full legal name
 - Date of birth
 - Gender
 - Unique DL/ID number
 - Full facial digital photograph
 - Address of principal residence
 - Signature
 - Date of issuance
 - Expiration date
 - State or territory of issuance
- § 37.19 (a)-(j) Include all of the information on the face of the card in the PDF-417 Machine Readable Zone of the card
- § 37.21 Issue temporary or limited-term licenses to all individuals with temporary lawful status and tie license validity to the end of lawful status
- § 37.25(a)(1) Prior to renewing a DL/ID:
- Take an updated photograph of all holders of REAL ID driver's license and identification cards no less frequently than every sixteen years
- §37.31(b)(1)-(3) If digital imaging is used to retain source documents:
- Stores photo images in a JPEG compatible format
 - Stores document and signature images that are compressed in Tagged Image Format (TIF) or comparable standard
 - Requires that all images are retrievable by the DMV if properly requested by law enforcement
- § 37.33(a)-(b) Maintains a DMV database containing, at a minimum, items identified in 37.33(a)(1)-(4).
- § 37.41 Has a documented security plan for DMV operations.
- § 37.41(b)(2) Has protections in place to ensure the security of personally identifiable information.

- § 37.41 (b)(4) Implemented documented procedures for controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of DL/IDs.
- § 37.41(b)(5) Requires all employees handling source documents or issuing DL or IDs to attend and complete the AAMVA approved (or equivalent) fraudulent document recognition training and security awareness training.
- § 37.43 Ensures the physical security of locations where driver's licenses and identification cards are manufactured or produced, and the security of document materials and papers of which such cards are produced.
- § 37.71(a)(1) If the state chooses to issue both compliant and noncompliant documents, clearly state on the face of the noncompliant document and in the machine readable zone that the card is not acceptable for official purposes and incorporates a unique design or color indicator that clearly distinguishes them from compliant licenses and identification cards.

Does not plan to issue DL/IDs to individuals who do not meet the standards.

II. Based on the information provided, DHS is unable to determine if the State of Montana is meeting the following provisions of the regulation and needs additional information:

- § 37.13(b)(5) Verifies driver's licenses and identification cards with the State of issuance.
- § 37.15(d) Conducts a review and submits a report to DHS on card design and the ability of the card to resist forgery and counterfeiting.
- § 37.17 (n) Commits to marking fully compliant DL and IDs with a DHS-approved security marking
- § 37.21(e) Prior to renewing temporary or limited-term driver's license or identification cards, require applicants to:
 - Present valid documentary evidence that their qualification is still in effect or that they have qualified for another lawful status
 - Verify information presented through SAVE, or another method approved by DHS
- § 37.23 (a) Has a procedure in place to verify an applicant's identity each time a REAL ID DL/ID card is reissued.
- § 37.23(b) Conduct remote re-issuance in accordance with section 37.13 verification procedures, (excluding re-issuance of duplicate cards)
- § 37.23(c) Requires in person re-issuance when there is any material change in personally identifiable information since prior issuance, as defined in § 37.03. Such information shall be verified as specified in 37.13.
- § 37.25(a)(2) Prior to renewing a DL/ID:
 - Re-verify applicant's SSN and lawful status, as well as information it was unable to verify at previous issuances or renewals because systems or processes did not exist.
- § 37.25(b)(1) If remote renewals are permitted:
 - Re-verify the applicants information through SAVE and SSOLV (or other methods approved by DHS)
- § 37.25(b)(2) Prohibits the remote renewal of DL/ID when there is a material change in personally identifiable information, as defined in §37.03.

§ 37.29 Does not permit an individual to hold more than one DL/ID document, and no more than one DL

§37.31(a)(1)-(3) Retains copies of the application, declaration & source documents. Paper copies and microfiche must be retained for seven years. Digital images must be retained for a minimum of ten years.

§ 37.45 Conducts name-based and fingerprint-based criminal history and employment eligibility checks on employees in covered positions or an alternative procedure approved by DHS.

Plans to meet this provision September 2014

§ 37.51 Commit to be in full compliance with Subparts A through D

§ 37.55 Submit Final Certification package