REAL ID Webinar By the Department of Homeland Security

DHS Panelists

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Moderator

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Webcast from Reuter's Studio in Washington, D.C. on 04/12/2007

[Opening Music]

>>CHARLES BROWNSTEIN

Welcome and thank you for joining today's webcast on Real ID sponsored by the Department of Homeland Security. I'm Charles Brownstein from the Homeland Security Institute and I'll be moderating today's webcast. On behalf of the Department we're pleased that you've joined us. We look forward to your views and questions on the proposed rule for Real ID. We have three panelists, key public officials in the Department of Homeland Security with us today. You may already know some of them through their outreach efforts. First we have Richard Barth, Department of Homeland Security's Assistant Secretary for Policy Development, next to him Darrell Williams, Real ID Program Director and Jonathan Frankel, Law Enforcement Policy Director whose guidance informed the development of the rule. After my introduction I'll turn the microphone over to the panel, they'll give you the latest information relating to Real ID and from there the microphone will be all yours as the key stakeholders in this effort. Your expertise and input are crucial to this process and the implementation of a workable Real ID program. With that in mind, we invite you at anytime during the webcast to submit your comments and questions about the proposed rule, either online using the email interface or by calling the toll free number that you see on your monitor. That number is 1-888-632-5950. Our format will be as follows. First an update from our DHS representatives. That portion of the program should last about half an hour, then the floor will be open for your comments and questions and their responses, that portion lasting about 90 minutes will take us through the remainder of our two hour program. Please keep in mind, the entire program will be transcribed for inclusion in the docket for Real ID. Now given the range of matters that could be discussed, we thought we'd attempt a little structure to help us queue up your questions and give everyone some idea of what would be discussed where in the program. So we would like to consider comments and questions in order, by the following topics and as many of them as we can get from you, we will put before the panel. The topics are applicant documentation, database connectivity, employee background checks, funding, physical security and security plans, privacy, security features on the card, the state certification process, timeline extensions and verification requirements. Your webpage interface includes a section for sending questions via email. It has a drop down menu with these topics. They will be shown to us in the subject line on messages we receive from you. Please choose the subject line closest to that of your comment or question on the drop down menu for each email. If your question truly falls in another category not right for any of the drop down menu items, choose the subject 'other' and we will look at the body of the message to stage it. In order to familiarize yourself with the interface you might take a moment to send an email using the roll call option on the drop down menu. This will also let us know who is online with us today. Or if you're calling in by phone, please tell the operator the subject you will be commenting on, along with your name, title, organization and your state. Please keep in mind the phone calls will be received in the order in which they are placed. They will be transcribed and along with email messages, will be collated and forwarded to me to refer to our panel. As the flow of questions and time permits, we will try to take some live on the air as well. Please note, questions and comments submitted in this webcast do not substitute for the formal notice to propose rule making comment

process. While written transcripts from this event will be submitted for the dockets record, we still encourage and invite you to formally submit your questions. We are inside the 60-day comment period for the notice of proposed rule making, formal comments must be received by May 8. You can submit comments in any one of the following ways, via the internet to the federal rule making portal at www.regulations.gov, by fax to 866-466-5370 and you can certainly mail them to the Department of Homeland Security marked attention NAC1-12037, Washington D.C. 20528. To ensure appropriate routing, please be sure to note the DHS docket number, DHS-2006-0030 on any formal comments submitted through the processes. Now this is the first time that we are using an interactive format such as this, incorporating live video webcast with email and a toll free line so let me apologize in advance for any glitches that might occur and please bear with us if we experience any technical difficulties during the broadcast. If your web connection fails for any reason our conference call link at 1-888-632-5950 provides a live audio screen as well as the capability to pose questions for the panel through our live operator. In closing, remember the proposed rule is just that, it is proposed, that is why your participation in this dialogue is so appreciated. Once again, thank you for joining us. Without further adieu let's turn now to Assistant Secretary Richard Barth for an update on Real ID. Richard.

>>RICHARD BARTH

Thank you Chuck and thank you all for dialing in or tuning in through the internet to this broadcast. I hope it's successful for all of you and for us. This is the third time so far that I have met with you in one technology format or another and I appreciate the time and hope that each time we have been able to inform the debate on this subject as far as you are concerned. As the Secretary said when he announced that the rule was going to be published back in late March, this is a partnership between the Department of Homeland Security and the states and the other stakeholders in the states. And so therefore we urgently need this kind of dialogue with you and again as Chuck said, please make sure you put your comments on the record, they will be very helpful informing us as we develop the final rule. There are 190 people registered for this webcast and I hope that most of you are tuned in by this point in time and I'd like to proceed with a little presentation that highlights the status of the regulation and start with, most importantly in our view, why Real ID. And the first slide I think says that in a direct quote from the 911 commission, which is that for terrorists, travel documents are as important as weapons. Fraudulent travel documents, and these are my words not the quote here, I'm not going to read to you, fraudulent travel documents are indeed weapons of terror. With apologies to the state of Florida for the copy of Mohammad Atta's driver's license from that state, there were more than 30 driver's licenses issued to the 19 hijackers, many of them had several forms of ID for multiple states. We believe quite firmly that the Real ID's process will lead us to a much more secure document than we have today. What is Real ID do, on the next slide. It sets minimum standards for state issued driver's licenses and identification cards. It doesn't go for the sky of what the best optimum, most wonderful driver's license security wise would be. It tries to bring all the states up to a common level that we believe would significantly improve the use of that document as a secure form of identities that indicates you are who you say you are. Whether you're boarding an airplane or going into a federal building. It increases the security and integrity of these state issued driver's licenses and ID's. The net result of that, if you continue to use

these forms of ID's to board airplane's and do other things with them, open up bank accounts is that you make the nation stronger and safer and better protected against terrorism and importantly identity theft. Individual privacy we believe when this is fully implemented in the way that we hope it will be, it will protect individual privacy better than the current system insofar as many states have what we believe are weaknesses in their current driver's license and identity systems. It also respects the authorities and the functions of the states. We're trying to make sure that again this floor is established which allows states who want more security features, or more capabilities in their driver's licenses to add them on and we encourage that. And we also want to inspire confidence in people saying who they are, is exactly who they are, based on the identification document. On the next slide, I want to just quickly go through this, most of you have lived with this issue for a couple of years now, clearly the scope of Real ID includes an applicant who has to bring in identity documents to the DMV or Bureau of Motor Vehicles to prove who they are. They have to identify the qualifications and types of licenses they have and have held in the past, for example a commercial driver's license. The state DMV's of course have the pivotal role here. The enrollment process involves data capture and storage of the documents that an individual brings to them to the DMV. The applicant and their authenticated documentation is a critical need to make sure that these documents are secure and present evidence you are who you say you are. Data verification over time we believe will weed out identity theft victims who have their identity thieves present documents to try to establish the eligibility for a driver's license. We also address to the DMV's minimum card stock and production process improvements that we believe are important. Under security clearances for employees are very important and I know from talking to many of you over the past several months that many governments, state governments already have some pretty stringent requirements for security clearances and background checks of their employees. Facilities must be secure, which are the facilities that either store the data that is collected from the individual or that store and manage the production equipment for issuing driver's licenses. The data is very important to secure from any sort of attack or outside hacking. And the systems that are created as a result of this rule and the law that led to it, we believe can help ensure better privacy than they would have today in many states' system. We believe our federal role here is very important which is to provide a sponsored database for verification. Of course many of you also tap in currently to the social security system to verify data there, in some cases to the Department of Homeland Security's SAVE system to identify people's legal eligibility to be in the US, etc. And then we want to foster a healthy environment for state data exchange requirements that meets the letter and rule of the law and the regulation. State queries the federally sponsored databases, as well as state to state data exchanges, again many of which already exist and again, many of which are part of the AAMVA system. The next slide shows the scope of the Real ID in a more graphical view. On the left side of the slide you're looking at in this point in time, is what the requirements are for the applicant, including the input of the card stock to then what the state DMV's have to do. I am not going to go through this in detail, many of you have seen the slide before but clearly the state role is pivotal to the production of a secure ID card. The sort of open space in the middle there shows all the interconnectivity that has to be created in order to have states have a systematic way of querying the databases that hold the core data that is being

verified before a Real ID is issued. And that all is listed down the right hand side of the card before you as the various federal agencies, whether it's FBI DOJ for employee clearances, CVIS and SAVE systems for GHS, eligibility to be in the US and receive a driver's license etc. The Real ID milestones are clicking by very quickly. May 10 2005, the act was signed, it took us quite awhile, dialogue with many of you to actually develop a good approach to this whole Real ID program and in December of 2006 recognizing the need for a program office, the Secretary and Deputy Secretary of Homeland Security directed that I set up a Real ID program office which I am pleased to say is rapidly being built out to a very competent staff. March 1 2007, the draft notice of proposed rule making was posted on the DHS website and the 60 day comment for public view and comment on the draft extends from March 9 to May 8 2007. We don't have a whole lot of comments in the docket yet but I am sure that many of you will be filing over the next several weeks, certainly in advance of the May 8 2007 date. April 12 2007 is today which we are holding this webinar broadcast with you and we are looking forward to and have pretty much all the components in place to hold a similar kind of town hall nationwide with the American people out in Sacramento California in partnership with the California state government. And we're looking very much forward to seeing if we could replicate this format successfully or even improving on this in Sacramento with an open mic if you will to anyone across the country. What are the future target milestones? We are very much hoping to announce the recipients of awards of the competitive grants sometime this summer. We know that the small amount of money is however small, very critical to effective implantation of the rule. In the late summer or fall of 2007 we expect to publish the final rule and certification and compliance guidelines for what the states have to step up to, to actually meet the requirements of the law. October 1 2007 is the date at present by which the states may submit requests for extensions. This was a very important part of our roll out of the draft proposed rule. We are not looking for elaborate documentation here, no supporting documentation per se is required but we hope that states will self identify for us that they will have significant complications to meet the May 11 2008 deadline and therefore will be requesting an extension to December 31 2009. During the October/November 2007 period, we expect to be approving state extension requests and making sure that the states know what their requirements are before the legal implementation date, which we are extending in many cases of May 11 2008. Over the next six months or so, through the May 2008 period, actually more than a year at this point, we are going to work with states who are intent on meeting the May 11 2008 compliance deadline. Several states have self identified to us that they believe their investments to date have been substantial and they have gotten close to Real ID compliance and we want to work with those states who have self identified to make sure if at all possible, they can meet the deadline. We are also going to be working with the states and territories to make sure that the extensions granted are then met with compliance plans that they'll be required to implement sometime over the February 10 2008 time period. States seeking to meet that May 11 2008 deadline will need to fill out certification packages asserting how they are going to meet the various components of the law and regulation. And then during the period of April to May those countries, of 2008, those countries, those states rather and territories who have filed extension requests will need to require, file compliance plans six months after the DHS approval of the compliance plan, of the approval of extension. May 11, I'm sure hoping that some of you

have met the deadline and are implementing the Real ID program. From talking to many of you and from surveying in various ways what you're doing and what you have done to date I believe that there are a number of states who are close to, if not at the point of being able to meet the date of May 11 2008. May 11 2008 is the date by which federal agencies will no longer accept for official purposes ID's issued by states that have not received extensions or been certified by DHS to be in compliance with the act and the final rule. Compliance plans will be imposed, agreed between us and the states and territories between the May 8 2008 deadline and December 2009 and we will be monitoring with you progress towards compliance. In the May 2008 to October 2009 period again, we will be looking for the states to file certification packages, that they meet the security requirements that their proposed use of card stock meets the requirements of the rule. We are hoping that the states will over time implement Real ID and come in compliance with the rule rather than all try to wait until the last minute in December 2009. And we believe this is quite feasible with the progress that many states have already made. November 1 2009 is the final date we expect at this point in time for state submission of certification packages and January 1 2010 we expect all states that don't opt out of the Real ID process, all states who want to be compliant will begin to issue Real ID's. The current notice of proposed rule making further goes on to specify that May 11 2013 is the date by which we expect full compliance of states with the Real ID act and rule. With that having been said I hope that some of you have queued up some questions already and myself and my colleagues look forward to dealing with your questions and statements that you want to make during this process. Thank you very much.

>>CHARLES BROWNSTEIN

Thank you Richard. We do have some questions I understand, coming in. The first is why is it necessary to recertify after the initial verification and scanning of documents. That is a question from Susan Simms in Arkansas' Department of Driver Services.

>>RICHARD BARTH

Jonathan, if I could ask you to answer that please.

>>JONATHAN FRANKEL

Sure. The main requirement for recertification is because some of the verification systems that we have proposed in the rule may not actually be in place by May 11 2008. Most specifically, it is not clear at this point whether the birth certificate verification system, know as EVVE, Electronic Verification of Vital Events will be operational nationwide at that point. We didn't want that lack of completion of the system to bar states from issuing a driver's license. So the proposed rule permits states to go ahead and issue licenses, but knowing that there will be information that needs to be verified later. We propose that that information be captured at the renewal, and most specifically again with the birth certificate information, certainly as states become a better at putting, doing cross matching of birth and death information. You'll be able to identify an individual who may have made it through the Real ID filter the first time through, but when they come to renew there license and when the state goes ahead and re-verifies information that has been presented, you would discover that perhaps an individual had used a fraudulent birth certificate, a fact you would have been unable to determine in 2008.

>>CHARLES BROWNSTEIN

Thank you. Will states be held accountable for systems that are not yet functional in order to be Real ID compliant?

>>MALE SPEAKER

I think that follows on very well the question Jonathan just answered, then thank you for that. The EVVE system is not yet fully up and operational and available to all states. We are trying to work with our grant authorities and the congress to find a way of making that a realistic possibility if not probability by the end of this year, but more importantly the passport system has a very good database that is not yet accessible to the states for verification of passport information. We will not hold states responsible for compliance with a system that does not yet exist and so we will work into the initial and subsequent reviews of compliance plans, bringing online those systems as and when they are available. Ultimately, part of our model is at this point in time to have some sort of consolidated querying system as AAMVA now currently runs for the commercial driver's license program which would simplify for the states the multiple databases they would have to each independently query today under current scenarios. So this is a work in progress. We expect this will not be something that is done, finished, fully rolled out on May 11 2008, 2009 or 2010, it is going to be something that is constantly upgraded and improved in the partnership that we hope to create and continue with the states. Thank you.

>>CHARLES BROWNSTEIN

Well let's see while we are waiting for more questions to come in. What do you think states would do about name variations through the various federal databases?

>>RICHARD BARTH

I think Jonathan has addressed that question before and why don't you go again because it is something that has played any sort of verification system in the past and that is not going to go away with this rule. It is just going to have to be addressed as it is currently with current systems. It is currently 48 states I believe or 47, check social security information and data with a social security administration today and the processes that are in placed with those states to clarify name mismatches are just going to have to be used for future circumstances the same way, but Jonathan you might want to build on that.

>>JONATHAN FRANKEL

That is exactly right Rich. Again we recognized that federal data bases are not necessarily perfect and may have variations between them. The proposed rule for Real ID does not propose to fix all federal databases, it doesn't propose to standardize how names are maintained within the state or even by the federal government. What's important is that the identity document presented by an individual under the proposed law and the rule identifies those documents which we proposed to be acceptable, can be verified. So just to use an example; let's assume that an individual would bring in their passport as their identity document. It really wouldn't matter to Department of Homeland Security for the Real ID act purposes, if for Department of Health and Human Services for a Medicaid reason, that individual name was slightly different, it was maintained differently. What is important is that the name that is contained on the identity document verify with the issuing agency and source as it required under the statue.

>>CHARLES BROWNSTEIN

Let me ask you a question about background checks. If an employee has had a background check conducted in the past five years that meets the requirements of the NPRM, do they need to go through a new background check?

>>RICHARD BARTH

I think it depends on the extent of the background check. In the proposed rule we recommend a finger print check, a financial background check and a basic name check against certain databases. If those three are already being met by the state of whatever, we would expect that that would meet the requirement as long as it was done within a relatively recent period of time. We would certainly invite and strongly urge states to give us some specific examples of how they believe that they would be meeting this requirement and basically urge us to accept that in light of the fact that the background check has already occurred. So again the fact that we have met three times already on this rule and we will be taking very seriously the comments you are providing, I think it is important for us to make sure that the final rule reflects the best possible way of moving forward and effectively implementing the Real ID act. So the answer to the question in short is; it might be sufficient and it might not, but put your comments on the record as to exactly what you hope will be compliant and we will certainly address that issue in the final rule. Thank you. Jon, Darrell?

>>DARRELL WILLIAMS

One thing that I'd like to add to that. States that have their compliance plans, we will take a look at this compliance plans and if by chance that question comes up in regards of security background checks, then we will ask them to actually identify what type of processes they've actually used in their compliance plans and of course that will give us an opportunity to review their compliance and security checks as identified in the plan.

>>CHARLES BROWNSTEIN

We have a question by email from Jim Powers in Pennsylvania Office of Homeland Security. For all of the internal issues and factors, what happens when May 2008 arrives and states have not implemented Real ID? Will citizens be prohibited from activities required Real ID verification?

>>RICHARD BARTH

I think that is a question that has come up many times in the past and in a period of May 11 2008 through May 11 2013, there will be of course be many citizens who do not have a Real ID compliant document on them. The process that we have some control over at the airports, we believe is already in a position to deal with those kinds of issues. If you have a Real ID compliant document or you present an alternative document that is acceptable at an airport, you will go through the metal detector, go through whatever normal screening processes that are required and get on your way on your airplane. If you are traveling certainly after May 11 2013 but in this interim period particularly, and you present an ID document that is a driving license that is either from a state that is opted out of Real ID or you just haven't yet renewed your driver's license and gotten a Real ID compliant document, the security expert standing there has the ability to scan the document, look at any other evidence that you are presenting to get on the airplane and make a decision to either let you through the line or in many cases, what is the case is they refer you to what is called secondary inspection. In the secondary inspection zone basically someone will stand there from TSA most usually and more further examine the documents you have, your story of where you are going and why you are going there etc.

in the context of who you are with, your traveling partners and all that. It is not to select out any specific group or identify anyone for any sort of harassment, it is merely to make sure that as we will say again and again and again, you are who you say you are and we will be looking for a composite evidence to prove that.

>>MALE SPEAKER

And Rich if I can add to that. There is a common misperception that is reflected in the question that what the Real ID act and the proposed rule does is establish what documents conclusively can be used in various places by the federal government. It is not the intention of the act, it is not the attention of the proposed rule. What the proposed rule says, in conformance with the statute, is that if you are using a driver's license for an official purpose the federal government can only accept that driver's license for that official purpose and both the official purposes are spelled out in the proposed rule, if that driver's license is Real ID compliant. So whether you can use a different document to board an airplane is not going to be addressed in the Real ID rule. Whether you can use a different document other than a driver's license to get into a federal facility is also not inside the scope of the rule making. What the rule is for is to set forth what the minimum standards are for the states in issuing Real ID compliant driver licenses, so that federal agencies can accept those Real ID compliant licenses for those official purposes identified in the rule making which follow the statute.

>>CHARLES BROWNSTEIN

We have a question from New Jersey, from Kelly Moy of the New Jersey Motor Vehicle commission. She asked what is the purpose of a different standard for copy documents versus digitally imaged documents, seven years versus ten years. Wouldn't the type of information determine the length of time that a document needs to be stored?

>>RICHARD BARTH

Sure, I think that is an excellent question. That along with many other elements of what we had to address in the proposed rule is something that we were given by congress. The reason for that difference is because that is what the statute says. It was not something where DHS in consultation with the states and other experts made an independent determination that it was better to have to a seven year period for one versus a ten year period for the other. Those periods and what those periods apply to are from the words of the Real ID act themselves. And in those kinds of circumstances DHS does not have the flexibility and the rule making process to change what it is congress specified in the act itself. So, while we may agree with the premise of your question, that is the kind of issue that DHS ultimately does not have a lot of flexibility in trying to interpret what congress may have meant, because again that comes explicitly from the words of the statute.

>>CHARLES BROWNSTEIN

Thank you. We have a question about time line from Ed Hemble in Idaho, Department of Transportation. He asked, for states not implementing Real ID and for states not getting an extension, will citizens from those states be subject to Real ID identification requirements at airports, federal facilities, nuclear power plants and the like before other citizens from states who have obtained and extension.

>>MALE SPEAKER

I am not sure I understand the question, I don't know if my colleagues?

>>RICHARD BARTH

Let me try to rephrase the question, I hope this is right. As we all know the state of Maine has passed the resolution to opt out of Real ID and I believe the question is, if Pennsylvania or Iowa starts effectively implementing Real ID on May 11 2008, will their citizens be disadvantaged versus Maine state residence whose state is opted out and therefore they will never have Real ID licenses issued by the state of Maine perhaps? No the answer to that is no. We will in this period between May 8 2008 and May 11 2013, there will be many citizens who will not have Real ID complaint licenses. This is for our transportation security folks a very complicating problem because they are going to have to make a judgment on the spot over and over and over again as to whether or not to allow a person to come onto an airplane. During this period, I believe that citizens from any state will not be substantially disabled for us to state citizens from another state because of that problem primarily but after May 11 2013, I think that there will be a disconnect between state citizens who are from states who opted out of Real ID and those who have Real ID's and can quickly get on board an airplane, and that is one of the incentives I believe congress expected to hopefully have most states opt in, if not all states opt in to the Real ID system.

>>MALE SPEAKER

I think just to follow on to Rich's answer and appreciate Rich's clarification of the question. An example we often give is for those familiar with the EZ-Pass system in the East Coast, is you could have, over time, I think Richard is exactly right in terms of what happens in 2008 versus what may happen in 2013, but over time you can envision different lanes. In one lane you move faster than another lane where you have to come to a full stop and hand over something where in the EZ-Pass Lane where your technology enables you or lets say you have the Real ID in that instance you might be able to proceed through certain turnstiles or other places quicker, so that is unlikely to happen say June 1 2008, or you can certainly foresee a future where that could happen.

>>CHARLES BROWNSTEIN

Well I am sure if the next one we have, the email is a comment or question but I guess the issue is this realistic, given the state of art for getting the verification systems up and online, is this a realistic deadline. What is going to be done to hasten that process?

>>MALE SPEAKER

I believe that the secretary of Homeland Security has substantial authority to enable as opposed to disable compliance with the Real ID program. I'll ask Darrell to supplement that because he is running the program for Real ID implementation. But our intent is to make sure that we are not setting a bar for states that is impossibly high. There would be no productive use if such an exercise, so therefore for that reason we are very carefully going to be considering all the comments you make as we move towards the final rule. Darrell do you want to add to that?

>>DARRELL WILLIAMS

I think part of the question touches upon the verification systems and whether or not those verification systems will be up running and capable. And that is one of the areas that we really, we targeted a couple of areas from a program office perspective. Verifications systems is one of the areas we looked at as a high focus area where we have actually identified a working group which consists of all the verification and federal verification system program offices and their program managers to participate in defining an architectural way forward as we take a look at which systems are up, what there

current state is, what type of investment strategies may be required and then what type of capabilities that may be required and actually we are taking a look at what dates those capabilities may be available. So we understand that that is an issue. We are flowing all those details over our implementation plan so we can actually address and have a focus group to ensure that those systems are either up and running or we got alternative solutions in place.

>>CHARLES BROWNSTEIN

We have a question, oh sorry.

>>JONATHAN FRANKEL

If I can just add on to that too. I mean DHS is not interested in a pie in the sky rule that no state can realistically meet the requirements of the rule, specifically of the verification elements as Darrell mentioned. There are essentially four data verification systems that are necessary. All of them exist. Social security number verification, immigration status verification, birth certificate, name information, passport name information verification. All those systems exist. They don't exist in state DMV's and they are not interoperable right now, but none of things that we are proposing are something that is impossible to do, doesn't exist, never will be able to exist. 47 states already verify social securities numbers online, over 20 states already verify immigration status or lawful presence status online through DHS, the Systematic Alienation Verification Entitlements, the SAVE system, there four states already piloting EVVE which is the Electronic Verification of Vital Events. We can verify electronically information on a birth certificate and the Department of Homeland Security is able to verify passport information and DHS does not want to be the pass through for department of state on verifying passport information, but that system existed in department of state. The issue is how we can make that system and those systems available to the states in an easy way so that the states are able to run those checks and that the system such as EVVE are available nationally as opposed to iust four states.

>>DARRELL WILLIAMS

That is the reoccurring question, it come up from time to time and then again Jonathan makes a very excellent point. The systems are in place, what we must work on is the connectivity of those systems and then also the data that will pass in the systems and that is what our focus group is actually addressing.

>>CHARLES BROWNSTEIN

Thank you. We have a question from Ed Pemble of the Idaho Transportation Department of Motor Vehicles, and here you can see that people on the line look at the details. He says Real ID allows for an eight year driver's license ID validity period. If all states are to be issuing Real ID after December 31 2009 why isn't that the final date for full implementation, eight years after December 31 2009. The current deadline he says for all licenses will be issued by May 11 2013 will cause many individuals to loose the full validity period of the licenses they have. Idaho is issuing eight year licenses today, those will expire in 2015. Does anyone want to comment on that?

>>RICHARD BARTH

I think that the regulatory and cost analysis that accompanied the issuance of the rule address many of the cost issue such as that and the questioner is exactly right that people will lose some time on there license under this rule. If this were a program that we are merely trying to bring some harmonization and standards to a broad program that is

available across the US and that were it, probably allowing this program to run on for 20 years in implementation would be quite sufficient. But we believe in the Department of Homeland Security and certainly the secretary has made this very clearly, the case in his comments on Real ID, that the urgency of this issue with respect to you getting on an airplane, climbing into seat 32B and knowing that the person in seat 32A is who they said they were when they got on that airplane, is a compelling reason to shorten the deadline from that eight year period which is an inconvenience, no question about it, and it's a cost, no question about it. But the compelling rationale for national security is such that we believe in the Department of Homeland Security, 2013 is a realistic, a challenge, but realistic deadline by which everyone can issue that first Real ID compliant document. Then we believe that once all those folks are enrolled in the system, the eight year cycle with 16 years to come back in and personally re-enroll is reasonable and adequate also. But allowing the full time lines to go on for all states on their current driver's license systems we believe holds the risk and the threat and the vulnerabilities out for too long of a period of time.

>>CHARLES BROWNSTEIN

Thank you. There is a question on verification from Patrick Furnan(ph) in the Wisconsin Department of Motor Vehicles. Unless and until the tools are available and reliable he says, how can any verification requirement be considered reasonable especially since there might be states that do not participate in Real ID and who won't assist with verification?

>>RICHARD BARTH

Well clearly if a large number of states opt out of the system that makes it very complicated to ensure that the amount of verification is fully effective, as I think goes to the point you just made sir. And that's one of the reasons why we're working with our grant money, we're working with partners in a whole variety of states to try to avoid many states opting out of the Real ID system. We believe that when the full rollout is accomplished, that the verification of documents and data, which are two very different things, will be something that's implemented along the way, and certainly by the May 11th 2013 date, we hope that those systems are robust, that the valid information available to a state seeking to verify information is of high confidence level and we could go on and on. One of the things that we are fully cognizant of for example, is that the state vital records are not as robust and valid as we would like them to be. Some preliminary analysis has shown that it would probably cost about \$100 million for all the states to scrub their vital records systems and make sure that the data that you're querying is valid and gives you solid information to issue your Wisconsin driver's license on. And to the extent that we can identify those costs and inform Congress of need, inform HHS of the need which has primary authority over those networks and systems, we're trying to make sure that you when you come to Washington and advocate for funding for this purpose, that you have the kind of information you need to make sure that you get what you're asking for sir, which is valid data that you can ping of off to prove that that person is who they say they are. Thank you

>>CHARLES BROWNSTEIN

Another sort of practical question, Jeffrey Pinnonez(ph) from Puerto Rico Office of Public Security asks, what employees are required by statute to go through a background check?

>>JONATHAN FRANKEL

The Real ID Act doesn't specify which employees are subject to that background check requirement. The proposed rule that we have suggested is that those employees who have the ability to effect the identity information that is going to be presented on the license or I guess entered into the information system so which the license gets produced, those individuals would be subject to the background check requirement. Under our proposed rule, it would be up to the DMV's for themselves to decide which employees were subject to that requirement which refer to as covered employees, and which employees would not be doing those kinds of job duties, so non covered employees. For any DMV employee who is a non covered employee, there is no background check requirement proposed as a result of the rule. So for example, the individual or individuals who are involved in giving road tests to make sure that someone is competent to drive the car or your eye test, if those individuals are not actually handling or responsible for the identity information or the information that is required to verified, there is absolutely no requirement on the proposed rule for those individuals to go through or be subject to a background check.

>>CHARLES BROWNSTEIN

Thanks. We have a question from the Virgin Islands from Amy, Bureau of Motor Vehicles. Would states and territories have the option of developing a state ID card or will they be able to improve their current driver's license systems to meet their Real ID Act requirements?

>>RICHARD BARTH

The law and the rule as we propose it, and I believe the final rule will most likely certainly allow for states to issue an ID card that does not meet the standards of Real ID. That's been clearly built into the system from the start. And we also believe to the second part of your question mam, we believe that many states will evolve their systems and the business processes and their security practices, their production equipment, their card stock, evolve to a position where they'll be Real ID compliant. And we expect that very few states will be faced with the problem of having to completely throw out if you will, their entire system as it is today and bring in something that is completely new. We've had some excellent dialogue with some of the vendors who are supplying many of you with much of your equipment, card stock, production capabilities even and the vendors are indeed working very hard to make sure that as many states as possible have the capability and the tools with which to meet Real ID as soon as possible. I hope that answered your question, thank you.

>>CHARLES BROWNSTEIN

Another question on verification, this is an email from Anne Collins in Massachusetts Motor Vehicle Department. Will DHS be working on Social Security Administration issues regarding duplicate numbers, cancellation for numbers known to be compromised and for some verification of denial letters that might come back as part of the process?

>>DARRELL WILLIAMS

I'll take that one. DHS has been working with SSA for at least the last couple of us and the verification system working group that I mentioned, we actually have SSA participation. So for all those verification concerns and issues that has been raised in the past about duplicate social security numbers, we are working with them to actually address those kind of issues and highlight those issues as being somewhat problematic as

they take a look at their applications for improvement for the future. So the answer is yes we're working with them and yes we believe that they'll make substantial investments and corrections of those problems in the future.

>>CHARLES BROWNSTEIN

I guess, another question. I see that we, I have a little note here that we've got lots more questions coming in and the people who are fielding those are compiling those and trying to get them patched up for us as we move. We have one with, that came in earlier from Jeff Hankins in Oklahoma Department of Public Safety. He wanted to ask, did one of you say that after May 2013 a person could still get on an airplane even if the driver's license was not Real ID compliant? If so would a state need to issue, if so why would a state need to issue compliant driver's licenses and IDs?

>>JONATHAN FRANKEL

Again to clarify, what the Real ID Act says and what our proposed regulations address are when an individual is using a driver's license for an official purpose, and of course the official purpose that many in the states will care most about is boarding a commercial airplane, then that driver's license must be Real ID compliant. So what I said earlier and again what we try to go at some lengths to be clear about in the proposed rule, is that the proposed rule on the Real ID Act does not become the definitive limit on what forms of identification will be accepted to go on an airplane. So as of today you can use you passport to get on an airplane, it is highly unlikely that the transportation security administration would change their rules and say you can no longer use a passport to get on an airplane and you must only a driver's license. However what the proposed rule says and what the act congress passed says is that if you are going to use a driver's license, which is in fact the document that most of us use regularly as our form of identification, then that driver's license must comply with the Real ID Act in order for it to be accepted by the federal government for one of the delineated official purposes in the proposed rule. So I hope that again, I know there's a lot of confusion as to what that means and I'm not surprised that that's part of the question, I hope that that helps clarify again.

>>DARRELL WILLIAMS

I would like to also take liberties with the question and perhaps broaden the scope, because part of this question seems to ask why should a state comply. And one of the reasons that we strongly believe that a state should comply, and this, I've had the opportunity over the last couple of months to go out and visit many DMV's and one of the things that the DMV's at least, two specific ones had told me, as their surrounding states improve their DMV processes in regards to identifying individuals who potentially wanted to commit various ID frauds, as the surrounding states improves their processes they found more criminals being attracted to their particular state. So it's kind of like, I guess analogy I use is kind of like the exterminator exterminating vultures out of one area, but those vultures are leaving that one place and they're going to more attractive sites. So we think for states, those states that choose to opt out of improving their processes for Real ID may become more attractive to potential criminals of the future. I don't think any state wants to be identified as a magnet for potential criminals of the future. So we think, at least I think that may become more of a lucrative thought for states to consider opting into Real ID because that way we have a more broad, more effective network of security as opposed to a security network with potential holes in it.

>>JONATHAN FRANKEL

Just to amplify that Darrell said, perhaps a less creative and imaginative analogy, we also talk a lot about the Real ID Act trying to eliminate weakest links, that we all understand that those who are seeking to misuse an identity document are going to go to the place where it's easiest to obtain it, easiest to counterfeit it. If all the states raise the floor, then there is no one weakest link. There is no reason why someone trying to obtain false identification would go to Ohio instead of Nebraska. On the other hand, if you end up in a circumstance as Darrell just described, where a lot of the states or even the majority of the states do follow the Real ID proposed rule standards for how they're going to issue licenses and other states opt not to do that at all, then those states that are opting not to do it must have extreme confidence in the issuance process, because it's almost guaranteed that those looking to exploit the process are going to aim for those states that have not raised the floor to meet that national standard.

>>RICHARD BARTH

I'll go further on that because I think this is a very important issue. As our colleague from New York State, John Hilliard has identified for us, there is a large demand in New York City for false fraudulent IDs in the form of driver's licenses and there are literally advertisements up in various communities in New York City advertising what state you can go to for how much money to obtain some semblance of residency and then get a false ID, fraudulent ID and then go back to New York City and present that as your identification, whether it's for boarding an airplane or getting a job or any other day-to-day aspect of life. So it's not a theoretical problem that in Darrell's view, the roaches or Jonathan's view those individuals who seek to commit some sort of crime or fraud, it's not a theoretical issues, it's a very real issue today and fortunately many states have stepped up to the plate and have started to deal with this and many states have very effectively dealt with the problem. We just hope and the architects of the law in congress expect that by raising the bar to a certain level we'll all be more secure. Thank you.

>>CHARLES BROWNSTEIN

Well I'm not sure if it's related or not, it could be just a practical question or it could be quite related. Dennis Camimuro(ph) in Hawaii asks, he's from the Division of Motor Vehicles and Licensing, asks what's the purpose of states retaining the digital image of documents after verification or authentication is completed?

>>JONATHAN FRANKEL

Again, just if I understand the question correctly, it's once the information has been handled and the document issued, why should that information be retained. I guess this is one where we have

>>RICHARD BARTH

Particularly a digital photograph of.

>>JONATHAN FRANKEL

The rationale for that is twofold; one is having that information maintained by the state. Should the state later determine that there was some information presented falsely to the state, you're now able to go back into the records and take a look at them versus the gosh, you know, now the record has left the DMV and it's back in the individual's hands and all you can do is say, well we were pretty sure at the time but we can't really prove now why we thought that was acceptable. The other, and it's really related, it's for a law enforcement purpose, if an individual has committed fraud against the DMV or if there is

information that the DMV has from what the person presented, let's say again the identity name they presented with their passport and it turns out that that really is a fraudulent passport, you are greatly enhancing the ability of law enforcement to prove the fact that an individual presented false information to obtain that document and perhaps committed a federal crime. You know it is very possible that as people are, if they would present false information to the DMV in order to obtain an identity document, especially if it's based on let's say a passport or a federal document they could be violating 18 USC Section 1028 that you would want that evidence to be available to law enforcement to further a prosecution and perhaps to seal one where some would say, look there's no sense fighting that, they have that image, they know what I presented, they don't really have a lot of room to argue, well to be sure the DMV made a mistake and you can't prove they didn't.

>>CHARLES BROWNSTEIN

We have a followup question on re-certification from Scott Vane(ph) in Delaware and he asks, as a followup to your response about why we must re-certify, your answer was the we must re-certify due to the fact that the Birth Identification Verification System won't be fully functional by 2008. Once this and all of the other systems are functional and all drivers have been fully certified, will states continue to have to re-certify or will recertification stop at some point for renewals?

>>JONATHAN FRANKEL

I think that's an excellent question and I think that's something that would certainly be very appropriate for the comment file for the official docket. I think that it would be very fair that in some point in the future the re-verification of all the information won't be necessary. Again I think I started out not as well I finished the answer to that one the first time, where one of the missing pieces of information really is this birth/death cross matching. So even if you would have a nationally enabled EVVE system right now with everything turned on, it would still be possible for someone to use a real birth certificate but of an individual who is deceased and that fact of being deceased is not recorded properly or within the same field within the state vital statistics office. So we want that re-certification to take place, because ultimately that system of record keeping in the vital statistics office is going to get better, it's going to catch up, the money is going to be spent and those kinds of things are going to be done. But it's certainly easy to envision a future down the road where once all of those processes have, are working, that recertification would not be necessary and certainly would not be necessary to same extent. So I think that will be something that future DHS employees and future DHS assistant secretaries will be thinking about but just given the state of existing data and existing records, it's probably unlikely to be a requirement that we would not seek to include in the final rule coming out of the box.

>>CHARLES BROWNSTEIN

A followup question on background checks. This was the email from Dennis Quinn in New Jersey. Will background checks, will it include terrorist watch lists, what will those checks be against?

>>JONATHAN FRANKEL

The proposal in the rule is to do a criminal history record check, fingerprint, face, CHRC check, that would be checked against the FBI's NCIC record. That NCIC check includes terrorist related episodes, and I don't know what quite the right word is, so, if an

individual were involved in terrorist activity, that would turn up through the NCIC. We are not proposing in the proposal that the background check also include that the types of more you can call it intrusive or additional kinds of database checks that some of us seated around the table have to go through for our federal employment and probably some of you out there do for your state employment.

>>CHARLES BROWNSTEIN

There is another question in the same vein on the background checks I guess it deals with issues of identifying insider threats. This is from Patrick Furman from the DMV in Wisconsin. He says, recent research sited by the Wall Street Journal showed no connection between bad credit or financial problems in the likelihood of an employee committing a crime. Why require financial checks when there is no disqualification as a result and there is no evidence that such a check provides much benefit?

>>RICHARD BARTH

I've not really seen the journal article that you mention but I am actually quite surprised by the results because its been a long standing practice at the federal level to seek economic background checks if you will, credit report checks as one component of a full vetting of an individual for appropriateness for a job and for appropriateness to receive a high level security clear clearance. It seems to me in my reading of the literature for many years on this subject that if someone's is desperately trying to save their house from foreclosure and their family from being put out in the street because they have run up some substantial gambling or just credit card debts that they are more vulnerable to the lure of taking some sort of bribe to issue a fraudulent document. And so I will try to follow up with that article and I'm not questioning it or its validity in any way shape or form, again I'm just expressing surprise at it because there is so much history at the federal level at least behind that credit report check as just one element in a spectrum of elements that can help the security people adjudicate whether or not your at higher risk or lower risk for being successfully offered a bribe and take it. I think that many, many people who have addressed this driver's license, employees security check issue have indicated that the one of the highest vulnerabilities is the person inside the DMV who tilts towards some sort of criminal activity and whether for money or for whatever other reason colludes with someone on the outside who wants a fake ID and they get it. We have suggested, I have suggested in several for athat the congress might want to look seriously at increasing the penalties at the federal level, there are already penalties at the federal level for fraudulent issuing some state drivers licenses but increasing those penalties to where it is a substantial barrier for someone who has to think through, gee do I deal with my \$80,000 debt and possible foreclosure on my house or do I deal with a huge fine if I'm caught doing something wrong.

>>DARRELL WILLIAMS

Suggest one corollary to that. You know, going around talking to a number of DMV and chiefs and individuals, one of the issues they have identified is there concern of some of the employees that actually work inside the DMV as Rich has articulated that, that again becomes a primary concern of the source of criminal activity in regards to fraudulent use of cards and potential identity and identity theft. So that it really is a DMV major concern inside the various DMV's as they have articulated that concern to the DHS. >>JONATHAN FRANKEL

And one of the underlying principles of the Real ID act is fairly simple idea that identity matters and because of the Real ID act that locus of identity is now going to get focused primarily at the DMV not exclusively of course but primarily because again that is the identification document even though its not only a identification document. It is the document that most of us carry and most of us use everyday. So the purpose behind the act and the purpose behind the proposed rules is to strengthen the confidence in that identity document and the process used to issue that document. The reason we proposed in the rule that a financial check also be included although your absolutely correct that it not be used as a disqualifier is to give the DMV's all the necessary information we believe could be provided so they could make intelligent judgments about whether or not to employ the person in a covered position because they have the ability to effect that identity. Again there could be lots of reasons, someone might have a bad credit score or have issues with their financial history and that doesn't mean that that's a disqualifier, it doesn't mean that individual can't work at whatever job the DMV wants to assign them to. On the other hand it may make them as both as Rich and Darrel have alluded to it may make them more vulnerable to being willing to take a bribe to issue a document. We want the DMV's to have that information so that they can make the best decision about do we want to hire this individual at all and if so where do we want to place them. But those will be decisions ultimately always left to the state and DMV. There Department of Homeland Security is not making the employment decision for the DMV, the Department of Homeland Security is not proposing where to place any employee that has applied or any applicant to a DMV those will always be your decisions but our objective is to get you the best information that we know how to get you so you can make those decisions about identity and about the identity document.

>>CHARLES BROWNSTEIN

Now the federal government is going to sort of set the ground rules and the standards here and get the systems in place. However we got a question actually from DHS, John Hilliard. He wants to get a sense of how much more would licenses end up costing as a result of this mandate giving that the states have to bear a lot of the costs.

>>RICHARD BARTH

The cost issue is a critical one for the states for nearly all of them if not all of them and we are very empathetic to that concern. We have done a cost analysis that did not and no one has accused off glossing over any of the costs that might be involved in implementing Real ID. We are re-evaluating that cost data, based on just the passage of time, recent expenditures the states have already made to upgrade their systems and business practices and security around the card issuance. And we are looking at all the cost factors to try to make sure that the final rule identifies to the best of our ability what the cost will be going forward. That having been said, the cost has been reported in a number of different media in different ways but the data point that we've not been substantially challenged on, that the secretary referred to in his rolling out of the NPRM back in March. The cost that I think is really germane is that when you as an individual go into the DMV to apply for a new license in a state that wants to be compliant and has and will continue to spend money to be compliant and there are all these new requirements for documentation, copying and scanning and storage, DMV employee security clearances, production equipment that's more expensive that what your state may have today, card stock that may be marginally more expensive that you have today, and,

and, and, and. If you add all those costs up in the worst case scenario which is what I think our proposed rule highlighted that cost per person if you look at the average person's renewal about three and half times, three and third times over a ten year period which is the time period DHS is required to estimate. A cost each of three and half times is under \$30 each time you go back to renew your license. Roughly less than around the figure of \$10 a year for something that when you, when your kids get on an airplane to fly somewhere in this country or anywhere else in the world out of the US. When you get on that airplane the person sitting next to you is who they say they are to a very, very much higher standard than exists today. So the cost issue is serious, it needs to be addressed, congressional staff and members I've talked to and testified before have raised the cost issue as a very serious one, I expect the congress will take up that issue and look at it and as we advised the National Governors Association, AAMVA and others. We've helped identify costs as you have identified them and the issue of paying states for some of these costs or reimbursing them for some of these costs is one that we're not standing in the way off its just from our prospective not a problem that DHS can remedy.

>>CHARLES BROWNSTEIN

Let me its, you've answered him in a little bit but let me just pose a question because Sam McFernan from DC Department of Motor Vehicles posed it just to give you an idea of how important this is. He says AAMVA, the National Governors Association, National Council and State Legislators came out with a report that you know about saying that it would cost 50 costs over a \$11 billion and that he was not really aware that federal government had to date decided to provide money to the states other than this little grant money program \$40 million to get started. So apart from your notion of them speaking up is DHS planning to provide any greater help to fund the states?

>>RICHARD BARTH

The one thing that we can and have done and we recognize that its not a huge source of money for any of the states but at least it enables states to make decisions on their own how they want to spend other DHS grant money. Is we posted on the grants and training website as part of the DHS website a permissive letter or whatever its officially called that allows the states to reprogram up to 20% of their grant money from the state allocation grants that they can use for Real ID implementation, they'll have to you know send in a letter explaining what why they want do this money that's different that what they may have planned on doing with it otherwise. But again as part of our overall scheme of enabling states to make a lot of the key decisions in implementing Real ID we've enabled them to go to one more source and tap into money. At present we believe that it is the congress' role to perhaps define a new grant program that would go to the states specifically for Real ID to appropriate the money for that grant program. It's just not a DHS issue or one that we can readily resolve. In point of fact other than the grant money that you have alluded to the \$40 million, DHS to implement the program has not been given additional money either. So this is a source of active dialogue with the congress and we're sure that NGA and the others you reference will also be continuing to dialogue with congress and we're supportive of the states' efforts to try to make sure that cost and the dollars and cents to invest in this project are not a reason to avoid moving forward on Real ID. Again the security issue is the paramount one to DHS and to the extent we can help pick up various components of the cost we'll continue to do so such as the better verification systems, integrated verification systems but we are going to have

carefully analyze those costs and then working within the context of government budgeting identify a way of paying for it. I hope that answered your question.

>>CHARLES BROWNSTEIN

We have a question on physical security from the, I think it's from Michael Mitchell in Georgia, Division of Driver Services. He asked if we're only issuing an interim document at a licensing office will that office have to meet the physical requirements, security requirements with you know understanding the permanent driver's license or ID will be centrally issued. So I guess it goes to what's the impetus for those security requirements?

>>RICHARD BARTH

Darrell, you want to take a shot?

>>DARRELL WILLIAMS

Rephrase the question?

>>CHARLES BROWNSTEIN

Well let me see if I can do that.

>>RICHARD BARTH

It is for centrally issued, for a state that is centrally issuing the driver's license, IE producing the card and mailing it to a person's residence. Those states for a new driver for example might issue a 30 day interim drivers license that would not be fully Real ID compliant. And the question goes to you know what's the value of that interim driver's license in that case? And just as a quick answer the value is you can drive your car from that day forward. Can you get on an airplane? Possibly not after 2013 unless you provide adequate information and secondary to more fully document why you don't have a Real ID and why you want to board the aircraft.

>>JONATHAN FRANKEL

Yeah I think that's actually, I think Rich basically answered the question. I think what we'll probably end up looking at is you obviously want a higher level of security around the facility where the document is actually produced and issued. On the other hand you also have to have a reasonable amount of security around those facilities and those sites where they are sending the information to the central issue on process. So you know in those instances and this will be something that each state can address in a security plan that DHS is proposing the states file. A state might say here are the steps we're taking to protect those computers that feed the information but whether you have the highest security tech lock on every door and window in your facility, when you have taken sufficient steps so that nobody but the registered employee could ever log into a computer or that unless seven other people validate that exchange, the information that was entered into that computer never gets to the central facility so a license is issued. I think those are things that you'll be able to address in your plan and that would help determine the amount of security that would be necessary at each facility in the states. The states will differ in that regard.

>>DARRELL WILLIAMS

I think the other part of that is in a question similar to that that come up before can you use your interim license to gain entry into places that a Real ID is required. If it's not a Real ID issued license then the answer would be no. So the interim license if it doesn't go through you know the minimum checks required by Real ID then that interim license

will not get you into the same place that a Real ID driver's license or identification card will actually provide access for you.

>>CHARLES BROWNSTEIN

Thank you we have our first live caller on the line, he is representative Sherman Packard from New Hampshire is going to pose a question. Let's see if this works. Representative Packard welcome.

>>SHERMAN PACKARD

Thank you. The question I have is you were talking earlier about all the different systems that are going be needed for verification and I would like to know if are you also talking about a central clearing area or clearing house if you want to do it. Is it DHS' idea to put all these systems into one place so that when the state calls in it would go to one area or are you going to have to call in each individual agency that handles these verification processes? And if it is going to be one central clearing house how is that going to be secure and who is going to have the access to it?

>>RICHARD BARTH

Representative Packard that's a very key question its one that we've addressed in virtually every context with respect to this rule and the law. DHS in every discussion I have had at every level in the department has no intention whatsoever of creating a central database of just the data or of verification documents that would be used for this program. That would pose risks that the privacy community has made clear to us would be unacceptable. Let me look at two different pieces of the puzzle here that I think you are addressing. One is that the data you want to verify, that the name matches the social security for example and the date of birth for example all three of those data points are in the state department passport records so that you could do one query to one system and get those three data elements confirmed if they all match. What you can't do today and it is going to take time to implement this and it still won't mandate a central data base. What you can't do today is verify that that passport that has those three pieces of information has not been tampered with. And that goes beyond the data verification that is the document verification or the proof that there has been no tampering with, whether it's a birth certificate, social security card, passport or any other document. Over time we believe that the states should and whether it's with federal funding or state funding or however, we don't have a plan yet for this because this is a multi year goal. Over time we believe it that it will be important for a secure ID to be generated by any state. That where there is a question on whether a document, a birth certificate really does look like the one's that were issued in Philadelphia in 1949 matches up with what someone is coming in with it they need verification of the document as opposed to the data which could be fraudulently put on this birth certificate. That the verification of the documents validity and not being tampered with is something that over time the state should aspire to trying to resolve. There are ways of doing this that definitely don't involve the central data base it could involve just the transmission of the scan of the document to a clearing, document clearing house if you will that has the capability to scam through Philadelphia birth certificates from 1949 and either confirm that yes, yes that looks virtually the same as the 1949 birth certificate from Philadelphia or red alert here there is a problem. No data would have to be stored except for a standard Philadelphia birth certificate looked like this in 1949. You'd merely send back to the state that sent you a picture of the scan that that birth certificate does not match anything in our files with respect to a

Philadelphia birth certificate issued in 1949. So you can get a very high level of confidence in data exchange; yes/no the data matches, and document verification without, in either case, creating a central data base which poses all the implied security risks that you've just suggested. And again, I want to highlight, one key thing I had noted in there a state-owned system. No one in the Department of Homeland Security envisions a federally-owned document clearing house, document verification clearing house, no one envisions a federally-owned or manage exchange of the data per se. We do believe that there is a federal role in funding part of those upgrades, especially the data validation information, and making it easier for the states to not have to ping off four or five different databases to confirm the data that you talked about. And so the states really in our view and in the reg(ph) as it's drafted, the states really are in a commanding control position with respect to all aspects of data verification and document verification.

>>DARRELL WILLIAMS

I'd add one other thing, is we look for a way forward with regards to these verification systems. AAMVA is a part of this process to look for a way forward. We have also, we are starting to include the states so the DHS plan for a way forward in regards to these federal verification systems will include comment and feedback and information from AAMVA as a part of the process and AAMVA membership as well as their CIO's there but also the states. So we want to make sure we've got an inclusive plan that a number of states have participated in defining this process.

>>CHARLES BROWNSTEIN

Well that was a great question. Thank you very much representative for asking that question. Let's move on. We have a question from Anne Collins in Massachusetts, Department of Motor Vehicles. For states with central card issuance, does DHS propose physical plant security standards for motor vehicle offices where no cards are manufactured?

>>RICHARD BARTH

Again, I'm not certain what goes on at those facilities and so it's hard to answer the question exactly, but I think a lot of that can be addressed through the compliance plan. Again, DHS doesn't pretend to know exactly how every state organizes its DMV, what any office in any particular city or what any multiple offices within the state do or don't do, so I think a lot of that resides with you all as the DMV administrators and those in the state with oversight responsibility for that to decide what happens at those DMV's and whether the activities that happen at those DMV's are subject to the requirements in the proposed rule. If for example, and again this is just giving a hypothetical, if a DMV decided to have an office that all it did was give eye tests for those people who are applying for licenses, and I would not see any reason why the eye test facility would be subject to any of the physical security requirements that we proposed in the rule. My sense is that there is probably no good business reason for a state to open an office that did only that activity within its DMV, but if that's the choice the state wants to make and again states are free to do so. So a lot of, as with many other parts of the proposed rule, how it applies to the state and what particulars really depends on decisions the state makes and the state will help provide that information to DHS through the Security and Compliance Plan that is called for in the proposed regulation.

>>DARRELL WILLIAMS

I think it's correlated to that. One of the things is that, as the Program Office actually looks to formulate closer relationship with various DMV's. Those are some of the issues we'll take a look at. What is the proposed compliance plans that various DMV's will have for security where the card stock is either stored and/or is shipped from? What is the certification and/or security plans for those items? And then as we go out to various DMV's we will actually sit down and talk to the administrators and find out what their plans are and how those plans will be articulated, so we get a better feel for how secure the cards will be from a central storage and shipping perspective or once they arrive at the various points that they'll be received from the DMV. So we will take a look at those things in our assessments. We have got assessments that'll start as early as the next few weeks and those are the kind of things from an operational perspective we really plan to take a look at to help us better understand as we think about security, as we think about compliance plan, as we think about the security plan the DMV's will ultimately submit in the future.

>>RICHARD BARTH

And broadened up to some extent by also commenting on the fact that we consciously chose to leave the states a lot of flexibility in their implementation for a variety of reasons. One is we wanted to facilitate implementation not make the bar so high that states couldn't reach it relatively efficiently if they want to and while we could have prescribed various specific steps in many, many aspects of this proposed rule we made the decision early on that the diversity among the states is in some ways also a protection, it's a layer of protection against fraudulent activities because something that works in one state won't work in all the states by the variety of different approaches they have towards license issuance. But again, raising the floor for all states so that there aren't substantial weaknesses in one state that becomes known throughout New York City as the place you go to if you want a fraudulent ID or driver's license.

>>DARRELL WILLIAMS

I'm just going to add one other thing to take you back along with what Richard said. We anticipate for the 50 States for example and their territories, each one's security plans to be a bit different. But it'll be tailored to the uniqueness of that specific DMV and the facilities and the personnel within that DMV. We expect each one of the compliance plans to also differ. Now each one will be allowed the flexibility to tailor a plan that works for them that they submit to the DHS for review. So we have taken into consideration those unique features.

>>CHARLES BROWNSTEIN

I guess kind of associated is a question from James in Arizona Department of Transportation asks are card standards pointing to the use of polycarbonate card or is there anything you want to say about card stock and where things might go?

>>JONATHAN FRANKEL

Sure. We propose in the rule a performance standard for the cards that have to meet some fairly substantial adversarial testing requirements. There are some states that have these kinds of adversarial tests, not all do. It is our understanding that a polycarbonate based card would certainly survive well some of those adversarial tests, but that it's not the exclusive material that can do so, so it's really going to be up to the states to choose their materials that they believe will survive the adversarial testing and submit their card stock and to submit their proposed license and identification card to an independent place

that would perform those adversarial tests. We hope that the states are going to do the kind of work necessary so that you don't end up making a bad investment by making a choice on something that fails the adversarial testing requirement, but it is not our understanding that there is only one kind of material that will suffice to meet the adversarial tests that have been proposed in the regulation.

>>CHARLES BROWNSTEIN

A timeline question from, I guess this was really a state certification question from Wayne Petrush(ph) in the Maryland Department of Motor Vehicle Administration. What format and information is DHS expecting to see in an extension request? Will some template be provided? Is there some specific requirement?

>>DARRELL WILLIAMS

For the extension requests, we have not completely developed what that, the extension request package yet. But as we further define the MPRM as get closer to the MPRM being released we will actually provide the extension request guidelines to various states and that will help identify our extension request requirements are, but I assure you that at least early on the extension request which will be due the 1 October, it will be a minimal, we anticipate, not more than a 1-2 page extension request type form that the states will have to fill out and the program office will work very closely with all states that will like to file for or at least request an extension and we will work with them to work through that process. However that paperwork or the guidelines have not been developed yet, they are in the development process.

>>JONATHAN FRANKEL

Just to add to what Darrell said. There has been no decision made yet on this point whether the form or format for the extension request would be specified more explicitly within the final rule, where we would publish that on a website, how we would do that. If that is something that you would find helpful, the United States would find helpful. We would recommend that in any comment that you file for the official docket, to actually go ahead and state that it would be helpful to you or your state if DHS proposed or you know put out a template for the states to use in applying for an extension. But again at this point, certainly no decision has been made about that it and it could certainly take a variety of forms.

>>CHARLES BROWNSTEIN

This is a less specific question, a little more perspective. Sharon Brown with Virginia's Department of Motor Vehicles wants to know, why can't DHS extend the back end compliance date for a year and half like the front end extension, otherwise she thinks requesting an extension probably is not beneficial.

>>RICHARD BARTH

That question has been raised before and again it comes back to the Department of Homeland Security concern that are not just doing some kind of window dressing program here, that there is a serious national security concern linked directly and unequivocally as shown by the 911 Hijackers, two driver's licenses and forms of ID that can be unfortunately too easily fraudulently obtained. If we wanted to just be nice guys and women in the department we would say, do it within the next 20 years and that would be fine, but we have real problems with drawing out this process more than is absolutely necessary. I am sure some states and other stakeholders will comment on that point of view. We will certainly take it seriously because we understand the burden it places on

states that getting compliance extension through December 31 2009 and then just three short years later or so, they are required to bring their entire state population up to speed. Some states have proposed and I hope they're putting it in writing that we help prioritize the different populations within the state to become Real ID compliant. We are looking forward to those comments coming in, in a concrete way which might help mitigate some of your very valid concerns with respect to having the date of May 11 2013, at least as of now in the proposed rule, set pretty much in concrete.

>>CHARLES BROWNSTEIN

Well we've kind of cycled through the topics a couple of times now so let's turn to the grab bag of questions that have come in under the other heading of the drop down menu. Bernard Seriano(ph) from the California Department of Motor Vehicles, asks what is DHS' plan to work with the states to get them ready for Real ID?

>>RICHARD BARTH

Let me start out and then that's basically Darrell's whole job so I'll turn it over to him but let me say that we are having very frequent meetings in the department to try to identify the road map to meet that goal which we share a lot with you, which is working with the states to help get them ready for Real ID. The gratifying part of much of this is that states are coming to us and saying things like, we'd like to be first state to be Real ID compliant. We want to work with the states that so self identify in anyway possible to make sure that if it's at all feasible that they are up to speed and can become certified Real ID compliant by May 11 2008. And so at this point, it is still very much a self identification by the state that they want to either continue with or establish a leadership role in upgrading their security for documents, of document handling, of copying and storage, of verification, etc so that they can meet whatever the final rule says, officially by next May. It is why there is a comment period here. If we have to adjust some of the requirements of the rule for the realities of the world, we will consider all the comments very seriously. But partnering with individual states has already begun, partnering with states that are among the coalition of the willing, if you will is something that we are very much looking forward to and I would love the problem of having too many states wanting to be first to implement Real ID then the opposite extreme from that. And right now, we have got a good, small and growing number of states who are being very proactive in reaching out to us and we are being very proactive in starting to establish some timelines and capabilities where we want to go out to the states, not do the Washington thing, but get out in the state capitals, get out in the factories where your cards are made and help you identify strengths and weaknesses or just confirm strengths in your existing systems, so that we know when the reg(ph) is finally issued sometime in the summer hopefully time period, that we will have some states that are cheering it on and saying yes, we are going to meet that May 11 2008 deadline. Darrell you might want to go into some more detail of what your team is doing to partner with the states.

>>DARRELL WILLIAMS

I'll say a few words on that. One is, I'll take a look at the implementation plan that we've actually written and I will talk in great detail about that, because again that's paperwork and the paperwork doesn't really do justice to the type of outreach that we're doing when we're reaching out to states and making contact. For example, I've gone out to a number of DMV's as I said earlier. I've actually established DHS contact with them, to find out what their current state of capabilities is, what their needs are, what their

current processes can do and then what some of the process gaps are. And others, it is kind of like an informal gap analysis that we've performed to date. However we have got a more formal plan for a gap analysis. So I've got a team, a working group now, that is actually going to go to various states starting in the near future to do DMV assessment. As a part of that assessment process is to actually identify closer and better relationships with the DMV staff. We will do that with a multitude of different states. We will also reach out to states and work with states through AAMVA which we've already done that. We have gone out, for example, as California is well aware, we came out there a couple of weeks ago through AAMVA to sit down with various states and state representatives to find out what some of their issues and concerns were from an operational perspective and we will do more of that. So our plan overall is to build a closer tie, better working relationships with the states and states are really a true stakeholder in this process. For example, on the staff today as Rich mentioned earlier, we have got a state DMV person out in New York who is actually on the staff. So we understand the operational issues that the state is actually going through. We understand that the states are the first, or the DMV's are the first line of defense in regards to interacting with the greatest customers as you meet your customers at your various counters on a daily basis. We think that input is very valuable and we need it, which is why we are reaching out to you. So our plan is, for not only now but as we have gone back through the January time frame as we go back through the implementation time frame for Real ID, is to stay in contact with the states. Mr. Seriano for example, the one who posed the question, we have talked on a number of times at the federation meetings that is held on a consistent basis, which again is a number of states are represented in those particular meetings. We participate in those. So I think we've got a really good plan in place to continue to work with the states, to build closer relationships with the states, to get the states' perspective as of what some of the Real ID's issues and concerns are and actually to get the states involved in helping us identify what some of these problematic issues are as we build our way forward.

>>JONATHAN FRANKEL

Just to add to what Darrell and Rich said. Since congress handed DHS this responsibility in May 2005, the department has been in extensive contact with a number of state DMV's. I won't identify them in case they don't want to be identified for whatever reason for the transcript, but I think that those DMV's who have talked to us, whether we have reached out to them or they have reached out to us, I think have had the universal experience of it's not a one way conversation. DHS is not just preaching DHS is listening. We recognize that the Department of Homeland Security does not have expertise in the operation of Departments of Motor Vehicle. That was a responsibility congress gave to us. We have tried our best to learn as much as we can from the real experts which are those of you out there. We don't say that just to patronize you but it's a recognition that you understand how a DMV works far better than we ever will, perhaps with the exception on the personnel on Darrell's staff who actually have worked at DMV and does understand it. So we listen as with any kind of conversation, we may not always agree with you, you won't always agree with us but we do listen and I think those of you who we have spoken to and have spoken to us have seen some of the things you've said to us reflected even in the Notice of Proposed Rule Making. That your feedback and your ideas do influence us and we are certainly interested in getting the

formal comments that the states and others will submit so we can take those into the appropriate consideration as we develop the final rule within the department.

>>DARRELL WILLIAMS

Say one other thing. I have got a formal plan in talks today, but beyond the formal plan we recognize the states are a valuable team contributor to the Real ID process and we will continue to work in every way possible with the states so if there are states out there that we haven't reached out to or haven't had an opportunity to speak with please I implore you to call me, to call my staff because we want to get your ideas, we want to get your thoughts. The same for the territories, I had a meeting with one territory representative last week. So we're doing the same kind of things, not just with the states but also with the territories because we want a fully comprehensive outreach program that gets all the ideas and all the thoughts the states have to better craft, a way forward that really help states to become compliant with Real ID towards a future.

>>CHARLES BROWNSTEIN

I guess interest in the driver's license as a credential goes beyond even the Department Motor Vehicles? We have a question from Chuck Loder(ph) in Michigan, from Michigan State Police. He wants to know is there a connection between Real ID in the Western Hemisphere Travel Initiative, WHTI?

>>RICHARD BARTH

Excellent question, especially coming from Michigan. Actually the state of Washington was the first one that approached us and invited the Department of Homeland Security to join with the state of Washington and try to merge these two cards in some one shape or form or another and we've executed, the Secretary of Homeland Security and the Governor of the State of Washington have executed an agreement to move in that direction and hopefully as early as January of next year there will be a dual driver's license, probably not yet Real ID compliant but a dual driver's license WHTI compliant document that will be available to Washington State residents. And we hope and expect that that will migrate towards the Real ID compliant document that is WHTI compliant saving the average person some of the costs, saving the state agencies the costs, saving the federal government some costs and also making it easier on the person who's trying to cross the border and not having to fumble through multiple cards for multiple purposes. The state of Michigan, the Governor there met with the Secretary of Homeland Security when the state governors were in town for a National Governors Association conference, in March I believe it was, and she expressed to Secretary Chertoff that she also wanted to have the state of Michigan be part of an early effort to pilot driver's license WHTI compliant cards as soon as possible. They're moving along with their dialogue with the state of Michigan to try to have that happen. And I think that for law enforcement particularly, I think that these highly reliable documents that indicate you are who you say you are, when you pull over someone by a roadside, whether you intercept some crime in process, having a document that that person has that you can trust in law enforcement, indicates that that person is who they say they are will, we believe make you job substantially easier, just one of many other spin-off benefits of the Real ID and also WHTI cards, both of which we are required to have a fairly high degree of confidence that you are who you say your are.

>>DARRELL WILLIAMS

I guess one other item to add to I guess a continuing nexus between Real ID and Western Hemisphere Initiative. Each week WHTI has a meeting and Real ID staff members participate in that meeting to make sure that we continue that bond between the two programs as they're being developed. So, WHTI information has crossed then over to Real ID and Real ID of course participates and share in what our progress and status is to make sure again as we develop and implement these programs that there is a complete understanding of each program and how it impacts the other.

>>JONATHAN FRANKEL

In the proposed rule we have several places where we specifically solicit comments from the states who are interested in issuing a Real ID compliant license that would also comply with the Western Hemisphere Travel Initiative or WHTI. Again as with many things we realize states aren't all similarly situated. Kansas and Missouri for example may not be as interested in issuing a driver's license that would also incorporate WHTI features as some of the northern border or southern border states of Michigan for example so the Real ID proposed rule does not require any state to go through the steps that might be necessary to enable that license also to satisfy WHTI requirements but permits the states the ability to comment on given what the states know about DHS requirements at this point; how a state would attempt to do that, should a state be interested in having a Real ID compliant license also service as a WHTI compliant document.

>>CHARLES BROWNSTEIN

Another question that came in on medical documents. Michael Mitchell via e-mail from the Georgia Department of Driver Services asked: Will residents be allowed to hold a driver's license and an ID card.

>>RICHARD BARTH

Yes; fortunately that's one has a simple answer and the answer is yes. The Real ID driver's license for those states that issue to the individual will be required, I think it's by the law as well as the regulation, to confirm that there's no other Real ID out there that a person's using. Multiple Real ID's for a single individual should not be feasible when the rule is fully implemented. However, if you've got an individual who has as their primary residence Plattsburgh, New York and they quite reasonably, in retirement, obtain a second residence in Tampa, Florida for this "snowboard" months you might very well, for ease of managing your life around the state of Florida, cashing checks and what not, may want an ID or even an non-Real ID compliant driver's license in the state of Florida if that's permitted. Nothing in the rule, nothing in the law, nothing in anything we envision would prohibit that and make it more complicated for that individual. So, yes, you can have a driver's license in one state and you can have an ID card in another state and perhaps multiple ID cards. There is a point of diminishing returns there from a law enforcement prospective but the current rule draft, proposed rule and I predict the final rule are unlikely to put a limit on non-Real ID compliant documents.

>>CHARLES BROWNSTEIN

We have a question from Robert T. Farley with the New York State Senate. He e-mails us; "How can we tell the status of our state's compliance with the Real ID Act.

>>RICHARD BARTH

Darrell?

>>DARRELL WILLIAMS

One of the things when I talked early about in the assessments, one of things that I have my staff doing now is actually assessing on a state by state basis how compliant each state is to a set of Real ID requirements and we've got a requirements matrix that we've identified to again help assess states. Now for the State of New York, of course that becomes a little bit easier because we have a staff member from New York and New York is one of the very first states that will actually do that matrix and align how compliant New York is as it meets the Real ID requirements. However, that matrix is not finished yet. It's an item at work. Once we complete those state statuses and we complete the assessments then we'll certainly make the information available internally. We will also coordinate with each one of the states because we don't want to rate you or rate your status as being more compliant than perhaps you feel you are. So, once that information is actually accomplished we'll get back to the State of New York, to the DMV as well as other states and give you an idea as to where we rate you in regards to compliance. However, we will not do that in isolation. We will also solicit and accept your input as we go through this compliance matrix to try to figure out what your assessment as you meet the Real ID compliance requirements are.

>>CHARLES BROWNSTEIN

Thank you. Beverly Neth with the Department of Motor Vehicles in Nebraska asks, if there's no process for birth/death cross verification, how does the US passport agency, I guess the State Department do that now to issue passports? Do you have any idea? >>JONATHAN FRANKEL

I don't pretend to be an expert on how the Department of State issues passports and what systems it consults. It's not, just to correct one impression in the question; it's not that no state does it or that it's not done at all. It's not done uniformly by all states so whether the Department of State for those states that don't do that kind of birth/death crossmatching has additional information and consults or doesn't consult, I honestly don't know. But it's not that no state has the information, and it's not that it's not done at all. >>CHARLES BROWNSTEIN

Bill Lloyd with the Utah Driver's License Division sends us an email. He asks we have many citizens who live on Indian reservations in many states. Although they have a principal residence there may not be a street address they could use. Would a person in this situation be allowed to use some common address such as a Chapter House in lieu of a street address?

>>JONATHAN FRANKEL

That's an excellent question. And that's the kind of information again I think we actually ask for specifically in the Notice of Proposed Rule Making. I think we had pointed out with some of the territories when we were consulting whether it was American Samoa I believe where they said also don't really use street addresses. So, as with other things we're not asking for the impossible. If there is no street address how can you provide a street address. What we would like to know from you, because you have the knowledge, is what would be the best substitute for that. So whether they have some sort of common address, whether it's something else, that's the kind of information that would be extremely helpful to us as we prepare a final rule. I should also note that that area, address of principal residence is one where we give the states a lot of flexibility in how the state determines that. Again for many reasons, but not least of which is there are those kinds of situations in the states and when you write a national rule, a national rule

could sweep over or be so prescriptive that it wouldn't work in each particular circumstance. So Utah for example will have the flexibility to do what Utah needs to do to ensure that residents of Utah are able to meet that requirement.

>>CHARLES BROWNSTEIN

Thank you. We've a question from Rocky Scott in Maine, from the Maine Information and Analysis Center. He states pinpointing dates of birth for some foreign born cultured groups can be difficult. Has this issue been addressed?

>>JONATHAN FRANKEL

Again, to sort of try to restate the question is, one of the requirements under the Real ID Act is that the individual applying for a license or identification card prove their date of birth. That's one of the pieces of information that has to be verified. In the proposed rule DHS has identified the specific documents that an individual can present to a DMV. I believe that all the documents, probably with the exception of a passport would contain the individual's date of birth. So, we're not asking states to attempt to verify with a foreign country a person not born in the Unites States date of birth. The individual would have had provide that date of birth lets assume again they've become a naturalized US citizen for example. Through the process one goes through to become naturalized, that date of birth would have been provided to the federal government and the federal government would have that information to verify. So, we're not proposing that any state go beyond the boundary or the borders of the Unites States in essence to try to verify information that's been provided or that the documents that we have suggested or proposed an individual use have that information and then you can verify the information from that document. If you believe that we have missed certain kinds of documents or that there are categories of individuals who wouldn't have a document that could establish the pieces of information that needs to be established for Real ID act purposes by all means we would urge you to submit a comment to that effect so that we can make sure we that we haven't inadvertently either disadvantaged anyone who is lawfully entitled to apply for and obtain a Real ID compliant license or simply have missed something through oversight.

>>CHARLES BROWNSTEIN

One more question and then we'll wrap up, given the time. This is from Holly Mitchell at the Ohio Department of Public Safety. The rules state that re-verification is required every other enrollment period; maximum enrollment period is eight years. Does that mean a sixteen-year re-enrollment regardless of the renewal period?

>>JONATHAN FRANKEL

No, the proposed rule doesn't require re-verification every other period. It actually requires re-verification every time the DMV would issue a license or identification card, so, it's envisioned; let's assume again the state would adopt the eight-year maximum period of license validity that's provided for in the statute. When the individual would renew their license the state would be required at that time to re-verify the information the individual had provided eight years before, assuming the state continues to retain that information and that goes back I believe to a question an individual from Hawaii or one of the other states asked earlier about why should the state continue to retain that information. It's important for re-verification. What the proposed rule does propose as a requirement is that at least every other renewal cycle, so again sixteen years if it's eight-year maximum. An individual would need to reappear in person at the DMV so they

could have a current picture taken. So re-verification of information is required every time a license is renewed but the individual does not need to reappear or re-present any of that information. After that maximum of sixteen years the individual does need to come back into the DMV and at that point the DMV would again re-verify the information that had been provided sixteen years ago but the individual applicant or the renewant, if that's a word, wouldn't have to bring in the documents again. So, again, re-verification every time of information every time a license is renewed, and in-person transaction with the DMV at no less than at sixteen-year intervals to at least get a current picture.

>>CHARLES BROWNSTEIN

Well thank you. We have managed to go through a lot of questions. We have about four minutes left and I'll ask Richard Barth to close it for us.

>>RICHARD BARKTH

I can't thank you all enough for joining us today and sticking with this two hour program format. We seem to have had few if any technical glitches and if you did experience any please let us know. I think most of you know how to get a hold of us through our State Local Government Relations Office and please let us know if there were any problems because we want to repeat this kind of format in a more nationwide town hall kind of scenario in the near future. I would like to thank Charles and Darrell and Jonathan for joining me at the table today. But, again more importantly the data came over the wire a few seconds ago that 250 of you have dialed into this web broadcast event and that 250 people probably represents far more who are sitting in conference rooms and joining us through that vehicle. We are committed to as much outreach as is required, to bring as many states along as fast as they can, to meet requirements of Real ID as they'll be expressed in the final rule some time later this year. This program is extremely important to America and your participation and eagerness to work with us is truly recognized and we can't again thank you enough. So, without further adieu I'll return you to your dayto-day jobs and us likewise and look forward to further interactions with many of you over the coming months as we stand this program up and make it real. Thank you. [Closing Music]

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QUESTIONS EMAILED DURING WEBCAST 4/12/2007

APPLICANT DOCUMENTATION

Rocky Scott

Maine

Maine Information and Analysis Center

Pinpointing dates of birth for some foreign born culture groups is sometimes difficult. Is this an issue that has been addressed for the I.D. verification process?

Steven Dale

WV

WV Division of Motor Vehicles

Phone-- What is the process that a DMV must be taken once we determine that a source document is fraudulent? ie illegal alien or committed fraud...

Beverly Neth

Nebraska

Department of Motor Vehicles

If there is no process for birth/death cross verification, how does the US Passport agency do that now for the issuance of passports?

Bill Lloyd

Utah

Driver License Division

Residential Address: We have many citizens who live on Indian Reservations in many states. Although they have a principle residence there is no street address they could use. Would a person in this situation be allowed to use a common address such as a Chapter House in lieu of a street address?

James Rybarczyk

Arizona

Dept of Trans / MVD

Given the storage requirements of data (breeder), isn't there a concern that groups (attorneys, law enf, etc) will begin requesting complete DMV records? State DMVs will become the complete public info bureau?

dennis quinn

new jersey

office of homelnd security

most states require driver license's from the ages 16 or 17. How will juveniles travel who do not have real ID? wouldn't it be easier to require all citizens to have a passport as opposed to making it driver licensed based system

Jeff Hankins

Oklahoma

Dept. of Public Safety

Did the one gentleman say that after May 2013, a person could still get on an airplane even if the DL was not REAL ID compliant? If so, why would a state need to issue compliant DL/IDs?

James Rybarczyk

Arizona

Arizona Dept of Transportation /MVD

What documentation will be accepted for access to federal facilities absent a compliant DL/ID ??

Scott Vien

DE

Division of Motor Vehicles

As a follow up to your response about why we must recertify, your answer was that we must recertify due to the fact that the birth certificate verification system will not be fully functional by 2008. Once this and all other systems are fully functional and all driver's have been fully certified will state's then have to continue to recertify, or will recertification stop at some point for renewals?

Dennis Kamimura

Hawaii

Division of Motor Vehicles and Licensing

What is the purpose of the states retaining the digital image of documents after verification or authentication is completed? Holly Mitchell Ohio Ohio Department of Public Safety Why are addresses verifications required? With inidividuals moving on a regular basis, once they move, does it invalidate the Real ID? Susan Sims Ar **Driver Services** Why is it necessary to re-certify after the initial verification and scanning of documents? **DATABASE CONNECTIVITY** None EMPLOYEE BACKGROUND CHECKS Anne Collins MA RMV Evidence from MA and other states indicates that the proposed background checks would not have screened out the employees that have in fact committed crimes related to wrongful issuance of licenses and ids. While MA currently does criminal background checks as part of employment screening, we are concerned about the element of the regulation that purports to create a new federal right of appeal in a pre-employment setting. Under what provision of law does DHS impose this requirement? Dennis Kamimura Hawaii

Division of Motor Vehicles & Licensing

Why is DHS not providing some kind of national standard for financial background checks?
Anne Collins
MA
RMV
The statute refers to background checks for employees who manufacture or produce cards, but the regulation appears to extend to a much broader set of employees. How does DHS see this requirement as within the scope of the enabling Act?
Nannette
Utah
Driver License Division
How often will background checks be required and is the FP check done through the FBI
dennis quinn
new jersey
ohsp
Will background checks include terror watch lists
Patrick Fernan
WI
DMV
Recent research cited by Wall Street Journal showed no connection between bad credit or financial problems and likelihood of employee committing crime. Why require financial check when there is no disqualification as a result and there is no evidence such a check provides any benefit?

FUNDING

Arkansas
Driver Services
Since it is a requirement to verify an applicant through these federal systems why isn't that access free of charge?
Joseph Ciotto
CT
CT DMV
Phone Please clarify the grant process?
Sam McFerran
DC
DC DMV
AAMVA, the National Governor's Association, and the National Council of State Legislatures came out with a report stating that Real ID will cost the 50 states over \$11 Billion. I am not aware of any funds the Federal government will provide the States, other than the \$40 million grant money. Do you know if DHS is planning to provide greater help to fund the states?
dennis quinn
New Jersey
Homeland Security
Please describe how states will fund Real ID requirements
Dennis Kamimura
Hawaii
DMV
What other funding opportunity is DHS exploring besides the 20% of current DHS grant funding to states? Those moneys are already fully allocated for other DHS projects, which are still very much needed, and would not make a dent in Real ID needed moneys.

Susan Sims

Jim Powers PA Office of Homeland Security For all the internal issues/factors, what happens when May 2008 arrives and states have not implemented REAL ID? Will citizens be prohibited from activities and systems requiring REAL ID verification? Thanks Joseph Ciotto CT dmv Are the grants available for all States? If each State has to comply, why are the grants competitive? Anne Collins MA **RMV** Given the cost to achieve compliance and the limited number of vendors with expertise in the motor vehicle environment, states are going to have to choose priorities for implementing. Has DHS considered setting priorities that may guide state efforts in making these choices? **OTHER** Dennis Krier ILDriver Services, Secretary of State Could you clarify the issuance question about multple DL/ID cards? Our state law requires the surrender of out of state DL's and ID's before they can be issued our document. The question is can a state issue both a compliant DL and a compliant ID at

the same time?

Daria Gerard New Jersey Motor Vehicle Commission Will in-person address changes be required? Will cards be required to be reissued to include a revision date and the new address on the face of the license for these address changes? We assume this cost will need to be passed onto the customer. What will encourage DL/ID holders to change their address if they will have to come into the agency and potentially have to pay for a new license for each change. Motor Vehicle Agencies and Law Enforcement already find that individuals do not reliably or regularly change address even though currently they are allowed to do it more conveniently over the phone, online and via mail. Why then should in-person addresses changes be required? Anne MA **RMV** The idea of allowing multiple licenses and IDs but only one Real ID is significant loss of value to the states. The point of diminishing return for law enforcement is 2. By encouraging multiple ids DHS is undermining current rules. Nannette Utah Driver License Division If a state issues both a REAL ID document and a non REAL ID document, will the state be required to modify their current non REAL ID documents? Wayne Petrush Maryland MD Motor Vehicle Administration When do you expect that the Final Rule will be available? Best case/worst case? shirley andre Iowa

IA DOT

What is your plan to ensure that the "pilot" projects are not either mutually exclusive or duplicative?

Dennis Krier

 \mathbf{IL}

Driver Services, Secretary of State

Do you see a problem if a state chooses to issue both a compliant DL and ID? The record would be either the same or linked together.

Susan Sims

Ar

Driver Services

Is there an appeal process other than DHS for States to use if DHS refuses to approve a state's plan for Real ID compliance?

Catherine

MA

RMV

How will the current airport employees be expected to keep up with knowing which states are Real ID compliant and which states have multiple tiers, etc. Will TSA use document authentication hardware/software to achieve the intended effect of Real ID?

Tom Clinkenbeard

Arizona

Dept of Trans / MVD

The rule requires that the iris and pupil be clearly visible in the DL/ID card digital photo. Is this a prelude to a future biometric requirement? If not, why require that sort of detail?

James Rybarczyk

Arizona

Dept of Trans / MVD

Does DHS envision all states doing away with over-the-counter issuance of credentials? What about options for emergency/immediate issue?

Joseph Cicchirillo

West Virginia

West Virginia Division of Motor Vehicles

What is the process if a DMV identifies an illegal alien through the saved digital images of the breeder documents? Will ICE take action?

Joseph Ciotto

CT

CT DMV

Why are biometrics or facial recognition not mentioned in the REAL ID act?

Bernard C. Soriano

Calirfornia

Department of Motor Vehicles

What is DHS's plan to work with states to help get them ready for Real ID?

James Rybarczyk

Arizona

Dept of Trans / MVD

Wouldn't it be easier for border states to incorporate WHTI technology into DL/ID cards than require constituents carry/pay for two cards?

Wayne Petrush

Maryland

Motor Vehicle Administration

What is the intent of the statute with regard to compliance? Does DHS expect states to reissue/issue all DL/ID cards as Real ID compliant? In other words, are states required to make all DL/ID cards Real ID compliant as opposed to having a 2-tier system where only those customers who request a Real ID compliant card will be issued a compliant card and those who either don't want a compliant card or can't produce documents to obtain a compliant card will be allowed to retain or obtain a non-compliant card?

compliant card will be allowed to retain or obtain a non-compliant card? Michael Mitchellg georgia Department of Driver Services Will a resident be allowed to hold a driver's license and an identification card? John Heller WY Wyoming Office of Homeland Security Is there a list of alternative documents which will be acceptable for use at airports (i.e. passport, military ID, etc.)? If not, when do you expect such a list to be available? Who will prepare/maintain this list? Laura French Arizona Arizona Office of Tourism Is the Read ID going to be compatible with the PASS Card and the different biometrics that have been discussed in relation to WHTI? Robert T. Farley **NYS NYS Senate** How can we tell the status of our state's compliance with the Real ID act Paul Fennewald

Missouri

Missouri Office of Homeland Security

You stated that federal agencies after May, 2008, would not accept IDs from individuals who have ID's from states that did not apply for an extension or met the Real ID compliance. Has Dept. of Justice rendered an opinion re denying access to such things as the U.S. Courts to U.S. Citizens because their state has chosen to not participate in Real ID?

Chuck Loader

Michigan

Michigan State Police

Is there a nexus with the Real ID with the Western Hemisphere Travel Initiative (WHTI)?

Sam McFerran

DC

DC DMV

Which states, referenced in your speech, are closer to completion in becoming compliant with the Real ID?

joan vecchi

Colorado

Colorado DMV

What will happen to citizens of a state that opts out? How will they obtain an ID that will allow them to board a plane or enter a federal building?

William Chornyak

Kansas

KS Emergency Mgt-Homeland Security

Maine legislated a law which passed objecting to the Real ID Act of 2005. What effect and or comment do you have with respect to Maine's legislation?

Jill Laws

Utah Department of Public Safety We would like to learn from those states that are close to meeting the May 2008 date. Who are they? John Landers RΙ DoIT/DMV If the jurisdiction outsources license issuance/renewals to a vendor (i.e. AAA), how must the states handle this when it comes to certification. Holly Mitchell Ohio Ohio Dept. Of Public Safety Has an acceptable document list been created for those states that are not issuing real id compliant credentials? What will they need to board a plane? Silvester Dawson Florida Florida Highway Patrol Will current mobile data terminals mounted in an officer's patrol vehicle require any type of additional technology to allow a Real ID compliant driver license magnetic strip "swipe" to reveal incoded data? More specifically, is there an encryption issue? PHYSICAL SECURITY

Sam McFerran

DC

DC DMV

Real ID seems to be driving most, if not all, DMVS to Central Issuance. The Post Office, therefore, will be responsible for delivering most, if not all, Real ID documents to citizens. Is there anything in the Real ID to address the security of the postal delivery system?

Michael Grim

 \mathbf{IL}

IL Office of Secretary of State

When will the criteria/standards be established regarding specifically what is required with regard to the physical security of facilities? NASPO Standards are referenced for possible adoption, but will need to be modified in order to be realistic for States with 100+ facilities, many of them leased. Also, there needs to be a uniform method and process for States to perform the required Risk Assessment of facilities in order to ensure this is done in a manner fully compliant with the Rules. Is there a working committee addressing this, wherein comments/suggestions may be directed?

Michael Mitchell

georgia

Department of Driver Services

If we are only issuing an interim document at a licensing office, will that office have to meet the physical security requirements? The permanent DL/ID will be centrally issued.

Anne Collins

MA

RMV

For states with central card issuance, doe DHS intend to propose physical plant security standards for motor vehicle offices where no cards are maunfactured?

Kelly Mooij (pronounced "Moy")

New Jersey

New Jersey Motor Vehicle Commission

What is the purpose of a different standard for copied documents vs. digitally imaged

documents (7 years vs. 10 years)? Wouldn't the type of information determine the length of time it is stored?

PRIVACY
None
SECURITY
Mimi Khan
California
Department of Motor Vehicles
Will a list of adversarial testing laboratories be provided to the states by DHS?
James Rybarczyk
Arizona
Dept of Trans / MVD
Are the card standards pointing to use of a polycarbonate card?
Tom Clinkenbeard
Arizona
Dept of Trans / MVD
DHS seems to be leaning toward requiring encryption of barcode data. If this happens, can we have some assurances that law enforcement scanning hardware/software will not become obsolete overnight?
Ed Pemble
Idaho
DMV
It has been proposed that a person's name history be within the bar code on the license. Maiden names are often used for security questions for credit cards. Even if the bar code is encrypted, the encryption keys will have to be distributed to law enforcement, and the

security will eventually be breached once the keys are "out". Doesn't this invite a new opportunity for identity theft?

STATE CERTIFICATION

Scott Friedman

Florida

Florida Department of Law Enforcement

We have been approached by a foreign consulate who wanted to know if there are specific steps they should do to advise visitors who are coming to Florida.

Tom Clinkenbeard

Arizona

Dept of Trans / MVD

The adversarial testing requirements are another burden and expense to the states. Has DHS considered centralizing that process at the federal level to relieve 56 jurisdictions from developing and funding their own programs?

Wayne Petrush

Maryland

MD Motor Vehicle Administration

What format and information is DHS expecting to see on the extension request? Will a template be provided?

Anne Collins

MA

RMV

If states develop a two tiered license system where some customers opt for a "Real ID" while others get the status quo license, how will DHS treat the state?

TIMELINE

Preston Ko

Hawaii

DMV (IT Support)

What is the milestone target date for finalizing specifications for interfacing, connectivity, and security with Federal systems? From an IT perspective, determining an extension period will be dependent on this.

Ric Page

MA

RMV

With so many states considering legislation to prohibit compliance, what will DHS do? The state to state verification will not add value unless all states are on line.

Steve Robertson

New Jersey

Motor Vehicle Commission

The year 2013 keeps being mentioned as the absolute deadline year for compliance, but isn't it still possible that a state may make the decision to go REAL ID compliant, and certify their compliance at any point, even after 2013? With the only consequence being the inability of that state's citizens to access federal facilities and board an airplane?

Ed Pemble

Idaho

Transportation Department DMV

REAL ID allows for an 8 year DL/ID validity period. If all states are to be issuing REAL IDs after December 31, 2009 Why isn't the final date for full implementation, eight years after December 31, 2009? The current deadline (for all licenses to be reissued by May 11, 2013, will cause many individuals to lose the full validity period of thier licenses). Idaho is issuing eight-year licenses TODAY that expire in 2015.

joseph ciotto

CT

DMV

In the event that some verification systems may not be available for several years, is the 2013 deadline for all Real ID compliant credentials realistic??

Sharon Brown

VA

DMV

Why can't DHS extend the back-end compliance date for a year and a half like the frontend extension? Otherwise, requesting an extension isn't beneficial.

Ed Pemble

Idaho

Transportation Department

For states not implementing REAL ID and for states not getting an extension: Will citizens from these states be subject to REAL ID identity requirements at Airports Federal Facilities and Nuclear Power Plants BEFORE other citizens from states who have obtained an extension?

Patrick Fernan

WI

DMV

Given that DHS delayed issuance of rules for 20 months after passage, many of the verification systems do not yet exist, and the majority of Americans live in states with a longer than five-year renewal period, why would the rules still only allow for a five year implementation? Especially given that the delay in rules is in large measure responsible for states needing more time to comply.

Rick Vargas

California

Dept of Motor Vehicles

Can the public comment period be extended from 60 days to 75-90 days?

VERIFICATION

Aymee Santana

Virgin Islands

BMV

Will the states have the option to accept or reject implementation of the Real ID Act? If accepted, will that state legislature be bound to pass legislation to implement the Real ID Act requirement?

Joe Centurione

PA

PennDOT

The reenrollment requirements that require in-person transactions pose one of the biggest problems. Why can't reenrollment be done through electronic verification and not require in-person transactions?

Also, why must address changes be done in person?

Karen Chappell

VA

DMV

SSA states that they have no way to verify that someone is ineligible for an SSN. Is DHS willing to modify SAVE to provide responses that clearly indicate whether aliens, regardless of visa class, are ineligible?

Holly Mitchell

Ohio

Ohio Dept. of Public Safety

The rules states that re-verification is required every other enrollment period. The maximum period is 8 years. Does that mean a 16 year re-enrollment regardless of the renewal period?

Anne Collins

MA
RMV
Will DHS work to make CIS verifications through SAVE free to the states?
Dennis Kamimura
Hawaii
DMV
Verifications from the various databases will be a very high cost item for the jurisdictions. Why does the jurisdictions have to pay for mandatory access to federal databases?
Anne Collins
MA
RMV
Will DHS be working on SSA issues regarding duplicate numbers, cancellation for numbers known to be compromised, and for some verification of the Denial letters?
Michael Mayer
Illinois
Illinois Secretary of State
Will passport requirements be changed to meet or exceed Real ID requirements? If not, Isn't this huge security loophole?
Jeffrey Quinones
Puerto Rico
Office for Public Security
What employees are required by statute to go through a background check?
Joseph Ciotto
СТ

DMV

Does the reverification involve reverification of all previously verified information OR only those systems that were not accessible at the time of the initial verification?

Aymee

Virgin Islands

VI Bureau of Motor Vehicles

Would states and territories have the option of developing a state ID card or will they be able to improve on their current driver's license system to meet the Real ID Act requirement?

Patrick Fernan

WI

DMV

Unless and until the tools are available and reliable, how can any requirement of verification be considered reasonable, especially since there may be states that do not participate in REAL ID and who will not assist in verification?

Registration Report

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