

REAL ID Materials
Provided via Email by Liz Bangerter After
the LJIC's June Meeting



Homeland Security

June 21, 2017

The Honorable Tim Fox
Attorney General
Montana Department of Justice
215 N. Sanders, Third Floor
P.O. Box 201401
Helena, Montana 59620

Dear Attorney General Fox:

The Department of Homeland Security (DHS) recognizes the State of Montana's efforts in supporting our shared goal of improving the security of State-issued driver's licenses and identification cards.

Montana has provided adequate justification, including your State's commitment to becoming fully compliant with all REAL ID requirements, for DHS to grant it an extension through October 10, 2017, to meet the standards of the REAL ID Act and regulation. For the duration of this extension, federal agencies may accept Montana issued driver's licenses and identification cards for official purposes. For your convenience and based on information provided by your state, enclosed is a list of regulatory provisions that Montana currently meets and the timeline for when it expects to implement the outstanding provisions needed to become fully compliant.

I am granting this extension based on information provided by your jurisdiction that indicates a demonstrable commitment to achieving full compliance with the REAL ID Act. I am committed to enforcing the REAL ID Act in accordance with the phased enforcement schedule and regulatory timeframes and am not inclined to grant additional extensions to any states that are not both committed to achieving full compliance *and* making substantial and documented progress in satisfying any unmet requirements. Extensions are provided at my discretion to give states the limited additional amount of time necessary to satisfy outstanding requirements.

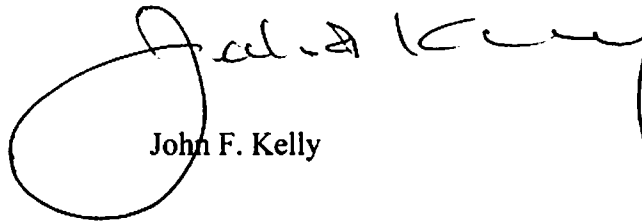
The goal of the REAL ID Act is to improve the reliability and accuracy of state-issued driver's licenses and identification cards and hinder terrorists' ability to evade detection by using fake or fraudulently-obtained IDs. To accomplish this goal, REAL ID established minimum security standards, such as incorporating anti-counterfeiting technology into IDs, preventing insider fraud by those involved in the issuance and production processes, and establishing that a person is who she/he claims to be through documentary evidence and records checks. It has been 12 years since the REAL ID Act was passed and Montana has not met all of the REAL ID requirements. To be considered for further extensions, Montana will need to demonstrate that it

is expediting the implementation of any outstanding REAL ID requirements. Otherwise, following the expiration of your current extension, your residents will need to have an alternative acceptable ID for use as identification for REAL ID official purposes, including at TSA security checkpoints beginning January 22, 2018. A full list of acceptable IDs for boarding commercial aircraft can be found at tsa.gov. I implore you to either move now to take the steps needed to become compliant or prepare your residents to obtain an alternative acceptable form of ID, such as directing them to travel.state.gov for information on obtaining a U.S. passport.

Please do not hesitate to contact me or DHS's Office of State Issued Identification Support at (202) 447-3871 if you have any questions or comments about this extension. For all other homeland security matters, you may contact the DHS Office of Intergovernmental Affairs at (202) 282-9310.

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

Sincerely,



John F. Kelly

Enclosure

cc: General Matt Quinn, Adjutant General, Montana Department of Military Affairs
Sarah R. Garcia, Administrator, Motor Vehicle Division, Montana Department of Justice

The U.S. Department of Homeland Security Findings
Revised 10/13/2016

- I. Based on the information provided, the State of Montana indicates it is meeting the following provisions of the regulation (6 C.F.R. § 37):
- 6 C.F.R. § 37.05(a) Issues REAL ID DL/ID cards valid for a period not to exceed eight years.
 - § 37.11(a) Subjects each applicant to a mandatory facial image capture and retain such image even if a driver license (DL) or identification card (ID) is not issued.
 - § 37.11(b) Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct, and the State must retain this declaration.
 - § 37.11(c) Requires individuals to present at least one of the source documents listed in subsections (i) through (x) when establishing identity.
 - § 37.11(d) (e) (f) and (g) Requires documentation of date of birth, Social Security Number, address of principal residence, and evidence of lawful status
 - § 37.11(h) Has a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3)(If States choose to have such a process).
 - § 37.11(i) Takes sufficient steps in issuing REAL ID DL/ID cards to safeguard the identities of persons identified in section 37.11(i).
 - § 37.13(a) Makes reasonable efforts to ensure that applicants do not have more than one DL or ID already issued by that state under a different identity.
 - § 37.13(b)(1) Verifies lawful status through the Systematic Alien Verification of Entitlements (SAVE) or another method approved by the Department of Homeland Security (DHS).

- § 37.13(b)(2) Verifies Social Security account number with the Social Security Administration.
- § 37.13(b)(3) Verifies birth certificates.
- § 37.13(b)(4) Verifies U.S. passports.
- § 37.15(a)(1) Includes document security features on REAL ID DL/ID cards that are not capable of being reproduced using technologies that are commonly used and made available to the general public.
- § 37.15(b) Issues DL and IDs that contain Level 1, 2, and 3 integrated security features.
- § 37.17(a)-(1) Includes on the surface of cards the following printed information in Latin alpha-numeric characters:
- Full legal name
 - Date of birth
 - Gender
 - Unique DL/ID number
 - Full facial digital photograph
 - Address of principal residence
 - Signature
 - Date of issuance
 - Expiration date
 - State or territory of issuance
- § 37.19 (a)-(j) Includes all of the information on the face of the card in the PDF-417 Machine Readable Zone of the card.

- § 37.21 Issues to individuals with temporary lawful status, temporary or limited-term licenses that expire at the end of the applicant's authorized stay in the United States, or if there is no expiration date, after one year.
- Prior to renewing temporary or limited-term driver's license or identification cards, requires applicants to:
- Present valid documentary evidence that their qualification is still in effect or that they have qualified for another lawful status.
 - Verify information presented through SAVE, or another method approved by DHS.
- § 37.23 (a) Has a procedure in place to verify an applicant's identity each time a REAL ID DL/ID card is reissued.
- § 37.23(b) Conducts remote re-issuance in accordance with section 37.13 verification procedures, (excluding re-issuance of duplicate cards).
- § 37.23(c) Requires in person re-issuance when there is any material change in personally identifiable information since prior issuance, as defined in § 37.03. Such information shall be verified as specified in 37.13.
- § 37.25(a)(1)-(3) Prior to renewing a REAL ID DL/ID:
- Take an updated photograph of all holders of REAL ID driver's license and identification cards no less frequently than every sixteen years
 - Re-verify applicant's SSN and lawful status, as well as information it was unable to verify at previous issuances or renewals because systems or processes did not exist.
 - Holders of temporary or limited term driver's licenses must present evidence of continued lawful status.

- § 37.25(b)(1) If remote REAL ID renewals are permitted:
- Re-verifies applicant's information through SAVE and Social Security Online Verification (SSOLV) (or other methods approved by DHS).
- § 37.25(b)(2) Prohibits the remote renewal of REAL ID DL/ID when there is a material change in personally identifiable information, as defined in §37.03.
- §37.31(b)(1)-(3) If digital imaging is used to retain source documents:
- Stores photo images in a JPEG-compatible format.
- Stores document and signature images that are compressed in Tagged Image Format (TIF) or comparable standard.
- Requires all images are to be retrievable by the Department of Motor Vehicles (DMV) if properly requested by law enforcement.
- § 37.33(a)-(b) Maintains a DMV database containing, at a minimum, items identified in 37.33(a)(1)-(4).
- § 37.41 Has a documented security plan for DMV operations.
- § 37.41(b)(2) Has protections in place that ensures the security of personally identifiable information.
- § 37.41 (b)(4) Implements documented procedures for controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of DL/IDs.
- § 37.41(b)(5) Requires all employees handling source documents or issuing DL or IDs to attend and complete the American Association of Motor Vehicles Administrators approved (or equivalent) fraudulent document recognition training and security awareness training.

§ 37.43 Ensures the physical security of locations where driver's licenses and identification cards are manufactured or produced, and the security of document materials and papers of which such cards are produced.

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

§ 37.71(a) If the State chooses to issue both compliant and noncompliant documents, clearly states on the face of the noncompliant document and in the machine readable zone that the card is not acceptable for official purposes and incorporates a unique design or color indicator that clearly distinguishes them from compliant licenses and identification card.

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

II. Based on the information provided, the State of Montana indicates it is not meeting the following provisions of the regulation (6 C.F.R. § 37):

§ 37.13(b)(5) Verifies REAL ID driver's licenses and identification cards with the State of issuance.

Montana indicates that upon system modernization (2019) they intend to utilize the state to state system. They currently utilize the Problem Driver Pointer System and the Commercial Driver License Information System.

§ 37.15(d) Conducts reviews and submits a report to DHS on card design and ability of the card to resist forgery and counterfeiting.

Montana plans to meet this standard in 2016

- § 37.17 (n) Commits to marking fully compliant DL and IDs with a DHS-approved security marking.
- State law or policy prevents Montana from meeting this requirement.***
- § 37.21(e) Temporary or limited-term driver's licenses and identification cards must clearly indicate on the face of the license and in the machine readable zone that the license or card is a temporary or limited term driver's license or identification card.
- § 37.29 Does not permit an individual to hold more than one REAL ID document, and no more than one DL
- §37.31(a)(1)-(3) Retains copies of the application, declaration, and source documents. Paper copies and microfiche must be retained for seven years. Digital images must be retained for a minimum of 10 years.
- § 37.51 Commits to be in full compliance with Subparts A through D.
- State law or policy prevents Montana from meeting this requirement.***
- § 37.55 Submitted Final Certification package.
- State law or policy prevents Montana from meeting this requirement.***