



State of South Carolina

Office of the Governor

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November 30, 2009

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano,

Let me begin by saying that I appreciate your willingness to work with the states and governors over the last nine months to reduce some of the burdens imposed by REAL ID. I believe this discussion is long overdue and I'm encouraged that you are willing to give REAL ID the debate it deserves – a debate that I believe is necessary if we are going to begin a *de facto* national ID system.

Given the recognized need for states to develop more secured credentials, I am sure you can appreciate that South Carolina has proactively taken, and continues to take, steps to establish one of the most secure driver's licenses in the country. As you recognized in your March 13th letter to me, South Carolina is already in compliance with over 90 percent of REAL ID's requirements – well ahead of the projected implementation deadlines and far in advance of many other states. Many of these changes were taken without the prompting of the federal government.

Before Congress passed REAL ID, South Carolina required applicants to present documents to prove identity, lawful presence, birth date, social security number, and address of principal residence; electronically verified the social security number of every applicant; tied the expiration of the credential to the length of authorized stay for non citizens; captured and stored digital photographs of credential applicants; and established a documented exceptions process for the issuance of credentials. Additionally, prior to the REAL ID Act, South Carolina driver's licenses included levels 1 and 2 security features and displayed all information that is required in the REAL ID benchmarks for material compliance, and all South Carolina Department of Motor Vehicle (SCDMV) field office employees were trained using the American Association of Motor Vehicle Administrators (AAMVA) fraudulent document recognition courses.

The Honorable Janet Napolitano
Page 2
November 30, 2009

South Carolina has also been using new technology to enhance the security of its credentialing process. In 2002, the SCDMV implemented a new customer-centric database that promotes a “one customer, one record” system that ensures that applicants do not have more than one driver’s license or identification card. Since 2008, the SCDMV has continued to integrate new technology into its credentialing process by beginning to use the Systematic Alien Verification for Entitlements Program (SAVE) to verify lawful status for non citizens. Additionally, the SCDMV now uses facial technology to assist in identification of applicants and to deter customers from obtaining multiple credentials.

In addition to new technology, South Carolina has developed an exhaustive security plan related to credential issuance as well as a security plan for the facilities in which credentials are issued. Many of our Department of Motor Vehicle offices are equipped with motion detectors, cameras, and alarms that are monitored by a third party security contractor. Ever mindful of the importance of individuals’ personal information, the SCDMV developed a secure program for collecting, destroying, and accounting for cancelled documents and credentials. Finally, the SCDMV has an internal affairs operation to guard against fraudulent activities committed by customers as well as employees, including a consumer fraud hotline. All field office employees must submit to a name-based criminal history check through the South Carolina Law Enforcement Division (SLED).

South Carolina continues to strengthen the process of issuing secured credentials. For example, the SCDMV is in the process of overhauling our credentialing system to issue a new credential that contains levels 1, 2 and 3 security features and to implement programs to support the integrity of the new credential. The SCDMV expects to begin issuing our upgraded identification cards and licenses in April 2010.

South Carolina is also in the process of awarding a contract for an upgraded queuing system that will allow us to implement the process of “photo first.” Likewise, the SCDMV continues to implement its previously mentioned facility security plan that includes motion detectors, cameras, and alarms in all of our field offices, and the SCDMV is working with SLED to enable broader criminal history checks to be conducted on all Department of Motor Vehicle employees. Again, the state is continuing to make the very security upgrades that REAL ID calls for and remains far ahead of many states in doing so.

Despite South Carolina’s proactive steps to improve the security of our driver’s licenses, I cannot authorize the implementation of REAL ID or confirm our state’s compliance with its requirements in the future. As you know, South Carolina is one of 13 states that have enacted legislation that prevents the state from complying with REAL ID, and I am duty bound to comply with the laws of our state.

The Honorable Janet Napolitano
Page 3
November 30, 2009

Even though South Carolina cannot implement the REAL ID Act, we have established security protocols and procedures that are consistent with the intent of the REAL ID initiatives. Therefore, we ask that our credentials continue to be used as acceptable identification documents for boarding planes as well as for other designated federal purposes. Penalizing citizens carrying South Carolina identification cards and licenses would neither be fair nor sensible when our credentialing process continues to be among the most secure in the nation and meets the intended outcomes of the REAL ID Act.

I appreciate your leadership in working with various governors and the National Governors Association (NGA) to propose legislation that would correct many of the flaws with REAL ID, including the significant costs related to REAL ID's unfunded mandate on the states. However, while we applaud the elimination of some of the costs associated with REAL ID in the newly proposed legislation, we continue to have concerns regarding the law's potential infringements on liberty and privacy rights – because the greatest consideration concerning America's national security is indeed its liberty.

Again, I appreciate your leadership in working on this issue and look forward to continuing this dialogue in the future. Take care.

Sincerely,



Mark Sanford

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