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Subject: Real ID Update

Attachments: idsAAMVASecurityFramework_Feb2004.pdf

Colleagues -

I promised an update. First, thanks for all the return messages. Your reactions and input are helping me sort out and try to better frame this work. We'll follow up with your contacts for the calls for next week, and probably spill into the week after as well.

Yesterday AAMVA's Mike Calvin, Tom Wolfsohn and I met with counterparts from the National Governor's Association and the National Council of State Legislators. Chip Gavin (ME) was on by phone, bringing another motor vehicle voice, but one which is managed through an elected Secretary of State, represented by the National Association of Secretaries of State (NASS). (I mention this because I had never focused on that nuance before - in addition to DC with its Mayor - Maine, Illinois and Michigan DMV's also don't report to Governors.)

Our focus was on ensuring we maintain a united "state" voice in our conversations with DHS, which more formally begin the end of next week. On an initial level, that won't be hard as there are at least three universally shared state reactions:

there's not enough time,
there's not enough money, and
states have to be integrally involved in the development of regulations and details to be able to ascertain how much more of each is required.

It's that last one that created issues and I'm going to be candid about what I think the deal is. Given all but four of us do work for Governors, its understandable that the NGA folks are feeling the pressure on this big time and are taking the role of the lead gorilla. Since the normal nature of our work is to keep our agencies *off* the Governors' (Secretary of States') radar, it's not clear that they're very versed or able to intuit the operational impacts and details of this issue. But they do know it's rife with political mines, whether about federalism and state's rights, civil liberties and privacy protection, immigration and legal presence, basic customer service, etc.

And above all they're hearing/reading reactions about cost, cost, cost. The legislatures obviously have similar issues, but probably with a little more diluted accountability.

So an NGA expects an AAMVA to just tell them the answers. Can this reasonably be done? How much will it cost? How long will it take? To us, those questions seem almost naïve, because we know we can't really know until the regulations and details are defined, e.g. what's a full legal name?, what does data "sharing" mean?, what really constitutes independent verification? etc, etc. So, we react like they're unreasonable, and they react like we're unresponsive and the mood isn't necessarily too chummy.

I think it helps to understand that in the end they individually, and perhaps as a group, have to make the decision whether or not states are actually going to implement this law. The 'non-mandated (and unfunded) mandate' of this law puts them in that bind. It is a law, and they are senior elected officials who want to be law-abiding. Very few have outright denounced it. Many clearly support it - if they can figure out how to do and pay for it. Probably most find things they like and things they don't and lack enough information to sort the rest out. And all of them worry about cost and implementation demands. But in the end, if the impacts, burdens, costs

and/or philosophical fall-out of this are too politically great, they still hold the "no" card.

Hopefully the above wasn't too elementary to share, but what I heard clarified to me that each of us should expect a much higher visibility with our "Governor" on this issue very soon. They'll likely insist on answers before we're going to have the luxury of the information we're waiting for. The major question right now is: **Could** there be a reasonable way to implement this? The desired win/win seems to be a more consistent, secure licensing process, that's also affordable and implementable. They need us to tell them what that would look like so they can insist on it (and its funding).

AAMVA's position in efforts and testimony leading up to all this consistently touts the work of so many of its members resulting in DL/ID security framework and DLA - as at least a starting point. While to many it may have seemed quite a reach when first developed, now compared to Real ID it's become much more reasonable - primarily because it's defined. (There's a copy attached if you haven't looked lately. It and all of the appendices are on the AAMVA web site, accessible from the ID Security button on the left side of the home page.)

I mention this because it may prove to be a useful tool and surrogate to at least have us doing estimates with a similar point of reference and in a way that keeps us closer to a single page. My FY 07 budget is due already on November 17th (be glad you don't have to build in time for the US Congress to review yours!) I'm going to try to credibly make the case for the gap between where we are and the DL/ID framework now, while at the same time waving the flag of "more to come" when Real ID is sorted out.

These e-mails are awkward, as they only represent my personal views, albeit as Chair of this Task Force - and I'm writing to people who are probably a lot more versed in all this than I am. But, since we've committed to better communication and I have the benefit of this closer-up vantage, I hope sharing this helps keep the juices flowing and triggers other input as the Steering Committee prepares to convene and outline a formal strategy. Based on your feedback, there will be more or less of these to follow - but certainly another following the first session with DHS next Friday.

Have a weekend!

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