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Subject:

Attachments: **response letter to SC.doc**

Thanks again for your time today. Below is the language we discussed on the phone – changes that could be made to the South Carolina letter that would allow us to approve the grant packages. Attached is the letter we would propose to send back acknowledging your letter. Look forward to hearing back from you. Kathy

South Carolina letter dated February 27, 2009, signed by Marcia Adams

- Two sentences are problematic: “Specifically, South Carolina **cannot** agree to ‘prioritizing achieving 15 of the 18 benchmarks’ as outlined in the amended grant language of October, 6, 2008. **Instead...**” and “Further, South Carolina cannot agree to the October, 6, 2008 amended Special Condition 10 of the Award Continuation Sheet of the grant agreement requiring the state to work towards 15 of the 18 benchmarks outlined in the REAL ID Material Compliance Checklist by December 31, 2009.”
- They are problematic because the special conditions require agreement. However, the special conditions allow for reporting on why benchmarks cannot be achieved including for reasons of state law or state regulation.
- SC can edit those sentences consistent with the following and the letter will be acceptable: “Specifically, South Carolina cannot agree to ‘prioritizing achieving 15 of the 18 benchmarks as outlined in the amended grant language of October, 6, 2008. Instead South Carolina is agreeing to use grant funds to upgrade the physical security features of its credentials **and changing its processes to take a photo earlier in the process, prioritizing benchmarks 1 and 9.** This initiative is consistent with the principle of increased security reflected in the REAL ID Act, but does not constitute compliance or implementation of the Act. **Further, due to state law, South Carolina will not prioritize or work towards x and y benchmarks. Special Condition 10 notes that a state should provide information as to why a benchmark cannot be achieved.**”

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