



## American Association of Motor Vehicle Administrators

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### MEMO

**To:** AAMVA Board of Directors, Chief Administrators, Chief Law Enforcement Officials and REAL ID Steering Committee Members

**From:** Neil D. Schuster, President and CEO 

**Date:** Friday, January 25, 2008

**Subject:** REAL ID Summary and Preparation for Regional REAL ID Meetings

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On January 11, 2008 U.S. Department of Homeland Security (DHS) Secretary Michael Chertoff announced the final rules on REAL ID. This marked the culmination of a great deal of effort on behalf of the AAMVA community. However, it simultaneously signified a new journey for all member jurisdictions. In the next few weeks and months, our members must gather information, analyze the rules and communicate to their governors and legislatures the advantages and disadvantages of complying with REAL ID and the associated impacts. In addition, our Canadian jurisdiction members must understand how REAL ID will impact their operations.

To facilitate this process, we encourage your participation in our meetings in Baltimore, Atlanta, Chicago and Los Angeles the week of February 4, where AAMVA members will have a unique and valuable opportunity to speak openly and frankly with DHS officials about REAL ID. (For information visit [www.aamva.org/Events/Directory/2008RealIDMtgs/default.htm](http://www.aamva.org/Events/Directory/2008RealIDMtgs/default.htm))

Our staff has worked diligently to develop the attached tools to assist you throughout this process. They include a matrix that compares the proposed rules and the final rules, a checklist of important benchmarks for material compliance with additional guidelines for full compliance (there were 18 benchmarks contained in the final rule for material compliance; the DHS Programs Office has also provided 21 additional guidelines to help states meet full compliance requirements), and an overview of timelines with matching requirements. Also included is the DHS Privacy Impact Assessment for the REAL ID Final Rule.

In addition, AAMVA has developed a process to facilitate an ongoing dialogue between jurisdictions and DHS. The agency has agreed to participate in a process where members can submit questions about REAL ID that AAMVA will forward to DHS. DHS will then respond to AAMVA officially. We

will display the answers on a web page created for this purpose, in addition to answering the questioner directly. In this way, all jurisdictions will benefit from the questions and answers posed by the AAMVA community, and DHS will have an efficient method to communicate with our members. This feature will be available after the regional meetings; look for detailed information to follow in the coming weeks.

Most of the significant changes in the final rules were a result of the heavy emphasis that DHS placed on comments provided by AAMVA and member jurisdictions. As the technical experts in REAL ID and driver's license issuance, DHS relied upon and trusted you to provide accurate information and advice. Our partnership with DHS is much stronger as a result.

How each state reacts to the final rules aside, here are some of the areas that AAMVA and its membership were able to positively influence.

**Costs to Implement** – The costs of REAL ID were and remain an issue for the states. Through a coalition with the National Governors Association (NGA) and the National Conference of State Legislatures (NCSL), we helped provide information that showed the dramatic costs of REAL ID. In the final rules, DHS reports that costs have been reduced by almost 75%. Based on the national impact analysis recommendation put together by NGA, NCSL and AAMVA, DHS accepted our recommendation to extend the re-enrollment scheduled to allow states to renew all 245 million driver's license and identification cards based on year of birth. This should dramatically reduce costs.

**Deadlines and Timelines** — Although there are many factors in the cost of REAL ID compliance, one of the main cost drivers that you consistently communicated was the strict and rapidly approaching deadline for compliance. DHS agreed in the final rules that a more risk-based approach to the timelines was appropriate.

**Physical Card Security** – DHS responded to your feedback that the proposed card security features were too prescriptive. AAMVA consistently advised that a performance-based approach was better suited. Ultimately, it appears DHS agreed.

In regards to the final rule and AAMVA, it is important to highlight three items:

1. From the time Congress passed the law until the NPRM was published, AAMVA and its members provided useful information to DHS about issues and problems, through meetings, white papers and formal comments submitted by the association and the jurisdictions. These efforts were spearheaded by our REAL ID Steering Committee, led by Chair Bonnie Rutledge of Vermont and Vice Chair Judy Brown of Texas. The final rule reflects much of the technical advice provided through the AAMVA channel. I am proud of this fact and want to thank them and the members of the Committee for their leadership in this important area. I also want to recognize the efforts of our Board of Directors and our dedicated staff in ensuring the AAMVA community remains relevant in this important area.
2. I am impressed with how DHS worked with our community. Whether or not your state intends to implement REAL ID, the fact is that DHS—and especially Deputy Secretary Jackson, Assistant Secretary Barth and Program Office Director Darrell Williams—were cooperative and listened intently. The Department moved from a highly prescriptive proposed rule to a more flexible final rule based upon your advice as the technical experts.

3. AAMVA is specifically named in the final rule. The AAMVA card design specs, specifically signature specs, and the AAMVA Fraudulent Document Recognition (FDR) training program are referenced. Also, AAMVA is mentioned as having expertise and a potential role in the verification systems process because of our role with the Commercial Driver's License Information System (CDLIS) and our effective operation of AAMVAnet™. This is testament to our leadership and staff who developed and manage these pertinent efforts.

AAMVA stands ready to support all of our members to the extent possible, whether they begin to issue REAL ID compliant DLs or IDs or choose not to. We are open to thoughts and programmatic ideas from our membership about what information or support we can provide.

I look forward to your help and guidance, and I hope you will contact me whenever AAMVA can assist your jurisdiction.

NDS/sfb

*ATTACHMENTS: (1) REAL ID Comparative Matrix; (2) Material/Full Compliance Checklist; (3) Timelines Overview; (4) State Issuance Overview; (5) DHS Privacy Impact Assessment for the REAL ID Final Rule*