

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

September 18, 2009

The Honorable Mark Sanford
Governor of South Carolina
State Capitol
Columbia, South Carolina 29211

Dear Governor Sanford:

Over the past several months, the Department of Homeland Security (DHS) has participated in vigorous discussions with governors' offices, state legislatures, state motor vehicle administrators, and national associations with the common goal of working together to strengthen the security of state-issued driver's licenses and non-driver identification cards (hereafter "driver's licenses"). Under current law, the highest executive overseeing the department of motor vehicles is charged with demonstrating that your state will be in compliance with REAL ID by December 31, 2009. This letter is to provide clarification of upcoming timelines and statutory deadlines under REAL ID, the Department's responsibility for enforcing REAL ID, and the path forward proposed in S. 1261, the PASS ID Act.

Under REAL ID, states not able to certify full compliance by December 31, 2009, may request an extension until May 10, 2011. A Material Compliance Checklist must accompany the extension request. As of December 31, 2009, DHS and its Components may not accept driver's licenses issued by states that are not in material compliance with REAL ID Act for any official purpose, including identification for domestic air travel.

I am well aware of the burdens presented by this deadline and the statutory prohibitions that will limit participation in 13 states. It is my firm belief that a secure identification system must facilitate the participation by all states, but I am also committed to ensuring baseline security standards for state-issued driver's licenses, which cannot be delayed through endless extensions. The PASS ID Act represents the best path forward to achieving this important security initiative and fulfilling a key 9/11 Commission recommendation.

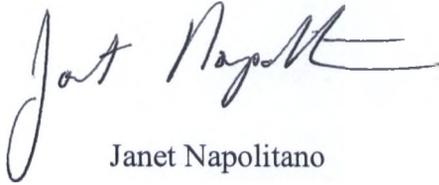
Until such time as Congress acts on the PASS ID Act, the Department remains obligated to enforce the provisions of the REAL ID Act. However, to allow Congress to complete its work, I am extending the deadline for states to submit requests for extensions and the required Material Compliance Checklist until December 1, 2009. DHS will issue a final rule to effect this change in deadline.

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PASS ID represents a unique opportunity for Congress, the states, and the Federal Government to work together to forge practical solutions and make important security advances. I remain committed to working in partnership with Governors and Congress to pass and implement PASS ID, thereby improving the integrity of state-issued driver's licenses. Should you need additional information, please do not hesitate to contact me at (202) 282-8203.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano". The signature is fluid and cursive, with a large initial "J" and a long, sweeping horizontal stroke at the end.

Janet Napolitano