



**Homeland
Security**

JAN 1 1 2017

The Honorable Nikki R. Haley
Governor
Office of the Governor
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Governor Haley:

The U.S. Department of Homeland Security (DHS) is granting the State of South Carolina an extension, through June 6, 2017, to allow the state to meet the requirements of the REAL ID Act of 2005 (P.L. 109-13) and implementing regulation. For the duration of this extension, Federal agencies may accept driver's licenses and identification cards issued by South Carolina for official purposes in accordance with the phased enforcement schedule and Departmental policies.

The Department recognizes South Carolina's efforts in enhancing the security of its driver's licenses and identification cards. DHS grants this limited extension based on the extension request made on the state's behalf by Kevin Shwedo, Executive Director of the South Carolina Department of Motor Vehicles, on December 16, 2016, indicating the commitment of your Administration and of state legislative leaders, including Senate President Pro Tempore Hugh K. Leatherman and House Speaker James H. Lucas, to actively move forward on a legislative solution and your expectation that a vote will occur in the 2017 legislative session. This extension is intended to provide South Carolina with the opportunity to take any necessary steps needed to meet all the requirements of the REAL ID Act and implementing regulation. Failure to take these steps, including not enacting any state legislation needed to authorize and implement compliance, may result in the denial of future extension requests, thereby making South Carolina subject to REAL ID enforcement. Enclosed is a list of DHS's previous findings about the regulatory provisions that South Carolina currently meets, plans to meet, and does not currently commit to meet.

Once South Carolina commits to meeting all the REAL ID requirements (including requirements related to re-credentialing of persons enrolled before South Carolina instituted its 2010 modifications), DHS may grant additional extensions, as necessary, to give South Carolina the time needed to implement the outstanding provisions to achieve full compliance. To assist DHS in determining whether a further extension is warranted, at the time of making an extension request, please provide DHS with information regarding progress towards meeting any outstanding requirements; reasons for not meeting any outstanding requirements; and when South Carolina anticipates seeking a determination of full compliance from the Department.

Extensions are granted at the discretion of the Secretary of Homeland Security and are not an alternative to compliance with the REAL ID Act.

As we continue to implement the phased enforcement of the REAL ID Act, the consequences of continued noncompliance will grow. Currently, military bases, nuclear power plants, and Federal facilities may accept state-issued driver's licenses or identification cards for access purposes only if the document is issued by a state that is REAL ID compliant or that has received an extension. On January 22, 2018, TSA will begin REAL ID enforcement for boarding commercial aircraft.

Please do not hesitate to contact DHS's Office of State Issued Identification Support at (202) 447-3871 if you have any questions or comments about this extension. For all other homeland security matters, you may contact the DHS Office of Intergovernmental Affairs at (202) 282-9310.

We look forward to continuing to work with you on this and other homeland security issues.

Sincerely,



Alan D. Bersin
Assistant Secretary
for International Affairs
& Chief Diplomatic Officer
Office of Policy



Philip A. McNamara
Assistant Secretary
Office of Intergovernmental Affairs

cc: The Honorable Hugh K. Leatherman, President Pro Tempore
The Honorable James H. Lucas, Speaker of the House
Kevin Shwedo, Executive Director, South Carolina Department of Motor Vehicles
Mark Keel, Chief, South Carolina State Law Enforcement Division (SLED)

The U.S. Department of Homeland Security Findings

Revised 9/16/2016

- I. Based on the information provided, the State of South Carolina indicates it is meeting the following provisions of the regulation (6 C.F.R. § 37):

6 C.F.R. § 37.11(b) Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct, and the State must retain this declaration.

§ 37.11(a) Subjects each applicant to a mandatory facial image capture and retain such image even if a driver license (DL) or identification card (ID) is not issued.

§ 37.11(c) Requires individuals to present at least one of the source documents listed in subsections (i) through (x) when establishing identity.

South Carolina indicates that all credentialed individuals who received driver's licenses and identification cards after 2010 meet this requirement.

§ 37.11(d)-(g) Requires documentation of date of birth, Social Security Number, address of principal residence, and lawful status.

South Carolina indicates that all credentialed individuals who received driver's licenses and identification cards after 2010 meet this requirement.

§ 37.11(h) Has a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3)(If States choose to have such a process).

§ 37.11(i) Takes sufficient steps in issuing REAL ID DL/ID cards to safeguard the identities of persons identified in section 37.11(i).

§ 37.13(a) Makes reasonable efforts to ensure that applicants do not have more than one DL or ID already issued by that state under a different identity.

- § 37.13(b)(1) Verifies lawful status through the Systematic Alien Verification of Entitlements (SAVE) or another method approved by the Department of Homeland Security (DHS).
- § 37.13(b)(2) Verifies Social Security account number with the Social Security Administration.
- § 37.13(b)(3) Verifies birth certificates.
- § 37.13(b)(4) Verifies U.S. passports.
- § 37.13(b)(5) Verifies REAL ID driver's licenses and identification cards with the State of issuance.
- § 37.15(a)(1) Includes document security features on REAL ID DL/ID cards that are not capable of being reproduced using technologies that are commonly used and made available to the general public.
- § 37.15(b) Issues DL and IDs that contain Level 1, 2, and 3 integrated security features.
- § 37.15(d) Conducts reviews and submits a report to DHS on card design and ability of the card to resist forgery and counterfeiting.
- § 37.17(a)-(1) Includes on the surface of cards the following printed information in Latin alpha-numeric characters:
- Full legal name
 - Date of birth
 - Gender
 - Unique DL/ID number
 - Full facial digital photograph
 - Address of principal residence
 - Signature
 - Date of issuance
 - Expiration date
 - State or territory of issuance

- § 37.17 (n) Commits to marking fully compliant DL and IDs with a DHS-approved security marking.
- § 37.19 (a)-(j) Includes all of the information on the face of the card in the PDF-417 Machine Readable Zone of the card.
- § 37.21 Issues to individuals with temporary lawful status, temporary or limited-term licenses that expire at the end of the applicant's authorized stay in the United States, or if there is no expiration date, after one year.
- Prior to renewing temporary or limited-term driver's license or identification cards, requires applicants to:
- Present valid documentary evidence that their qualification is still in effect or that they have qualified for another lawful status.
- Verify information presented through SAVE, or another method approved by DHS.
- § 37.21(e) Temporary or limited-term driver's licenses and identification cards must clearly indicate on the face of the license and in the machine readable zone that the license or card is a temporary or limited term driver's license or identification card.
- § 37.23 (a) Has a procedure in place to verify an applicant's identity each time a REAL ID DL/ID card is reissued.
- § 37.23(b) Conducts remote re-issuance in accordance with section 37.13 verification procedures, (excluding re-issuance of duplicate cards).
- § 37.23(c) Requires in person re-issuance when there is any material change in personally identifiable information since prior issuance, as defined in § 37.03. Such information shall be verified as specified in 37.13.

§ 37.25(a)(1)-(3)

Prior to renewing a REAL ID DL/ID:

Take an updated photograph of all holders of REAL ID driver's license and identification cards no less frequently than every sixteen years

Re-verify applicant's SSN and lawful status, as well as information it was unable to verify at previous issuances or renewals because systems or processes did not exist.

Holders of temporary or limited term driver's licenses must present evidence of continued lawful status.

§ 37.25(b)(1)

If remote REAL ID renewals are permitted:

Re-verifies applicant's information through SAVE and Social Security Online Verification (SSOLV) (or other methods approved by DHS).

§ 37.25(b)(2)

Prohibits the remote renewal of REAL ID DL/ID when there is a material change in personally identifiable information, as defined in §37.03.

§ 37.29

Does not permit an individual to hold more than one REAL ID document, and no more than one DL.

§37.31(a)(1)-(3)

Retains copies of the application, declaration and source documents. Paper copies and microfiche must be retained for seven years. Digital images must be retained for a minimum of 10 years.

South Carolina indicates that all credentialed individuals who received driver's licenses and identification cards after 2010 meet this requirement.

- §37.31(b)(1)-(3) If digital imaging is used to retain source documents:
- Stores photo images in a JPEG-compatible format.
 - Stores document and signature images that are compressed in Tagged Image Format (TIF) or comparable standard.
 - Requires all images are to be retrievable by the Department of Motor Vehicles (DMV) if properly requested by law enforcement.
- § 37.33(a)-(b) Maintains a DMV database containing, at a minimum, items identified in 37.33(a)(1)-(4).
- § 37.41 Has a documented security plan for DMV operations.
- § 37.41(b)(2) Has protections in place that ensures the security of personally identifiable information.
- § 37.41 (b)(4) Implements documented procedures for controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of DL/IDs.
- § 37.41(b)(5) Requires all employees handling source documents or issuing DL or IDs to attend and complete the American Association of Motor Vehicles Administrators approved (or equivalent) fraudulent document recognition training and security awareness training.
- § 37.43 Ensures the physical security of locations where driver's licenses and identification cards are manufactured or produced, and the security of document materials and papers of which such cards are produced.
- § 37.45 Conducts name-based and fingerprint-based criminal history and employment eligibility checks on employees in covered positions or an alternative procedure approved by DHS.

§ 37.71(a)

If the State chooses to issue both compliant and noncompliant documents, clearly states on the face of the noncompliant document and in the machine readable zone that the card is not acceptable for official purposes and incorporates a unique design or color indicator that clearly distinguishes them from compliant licenses and identification cards.

South Carolina does not plan to issue non-compliant licenses.

II. Based on the information provided, the State of South Carolina indicates it is not meeting the following provisions of the regulation (6 C.F.R. § 37):

§ 37.05(a) Issues REAL ID DL/ID cards valid for a period not to exceed eight years.

§ 37.11(c) Requires individuals to present at least one of the source documents listed in subsections (i) through (x) when establishing identity.

South Carolina will not meet this requirement for individuals who received driver's licenses and identification cards prior to 2010.

§ 37.11(d)-(g) Requires documentation of date of birth, Social Security Number, address of principal residence, and lawful status.

South Carolina will not meet this requirement for individuals who received driver's licenses and identification cards prior to 2010.

§37.31(a)(1)-(3) Retains copies of the application, declaration and source documents. Paper copies and microfiche must be retained for seven years. Digital images must be retained for a minimum of 10 years.

South Carolina will not meet this requirement for individuals who received driver's licenses and identification cards prior to 2010.

§ 37.51 Commits to be in full compliance with Subparts A through D.

State law prevents South Carolina from meeting this requirement.

§ 37.55 Submitted Final Certification package.

State law prevents South Carolina from meeting this requirement.