

## **Letter to Homeland Security Secretary Michael Chertoff From the National Governors Association's Chairman and Vice Chairman**

Letter raises concerns about the implementation of the REAL ID statute and requests the Secretary to include Governors in the process for developing regulations

October 6, 2005

The Honorable Michael Chertoff  
Secretary  
Department of Homeland Security  
Washington, D.C.

Dear Mr. Secretary:

Although governors and your department currently are focused on assisting the victims of hurricanes Katrina and Rita, we want to reemphasize our commitment to working with you to implement the REAL ID statute. As you could tell from our discussions in Iowa, governors are very concerned about the feasibility of this law. We hope our concerns can be addressed by having your agency work closely with the National Governors Association to develop workable regulations.

Governors share Congress' concern for increasing the security and integrity of driver's licenses and state identifications cards. Following September 11, 2001, our states began to improve the integrity of these documents by adding security technologies such as holograms, watermarks, photos, signatures and fingerprints in bar codes and magnetic strips. We also have addressed the types of acceptable identification documents (so called breeder documents) that must be presented to obtain a driver's license, including foreign identification documents.

Unfortunately, REAL ID ignores state-based solutions in favor of federally imposed and unfunded mandates. It also fails to address several baseline questions that states need answered to evaluate and implement the act's requirements. For example, REAL ID requires states to establish effective procedures to confirm and verify the renewal of more than 227 million existing driver's licenses. What constitutes an effective procedure? Will all existing driver's licenses and ID card holders have to go through the same renewal procedure? Will renewal by Internet or mail be allowed? Specific answers to these questions are necessary to determine the feasibility and cost of implementing the statute by Congress' three year deadline.

Other major concerns include the scope of the requirements for providing physical security for card production, obtaining security clearances for individuals who work with and distribute driver's licenses and ID cards and developing and deploying technology to meet the act's mandates. Needless to say, developing regulations to implement REAL ID

will be a monumental task. For states to begin moving toward the compliance deadline, an expedited and transparent regulation process is necessary.

Governors look forward to working with you to develop reasonable and effective standards and procedures that can truly create a more secure America.

Sincerely,

Governor Mike Huckabee

Governor Janet Napolitano