

OFFICE OF THE DIRECTOR
DEPARTMENT OF MOTOR VEHICLES
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March 18, 2008

The Honorable Michael Chertoff
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

I would like to thank you and your staff for the open dialogue we have maintained regarding the REAL ID Act and corresponding regulations. I appreciate that the Department of Homeland Security (DHS) has recognized the significant impact this program will have on California Department of Motor Vehicles (DMV) operations.

California, along with forty-five other states, requested an extension of the initial implementation date, which clearly highlights the complexities of the unresolved issues. While we acknowledge that a workable REAL ID program may create positive results, a significant number of outstanding issues need to be addressed before we can make any kind of recommendation to our Administration regarding implementation of REAL ID in California. California's request for an extension is not a commitment to implement REAL ID, rather it will allow us to fully evaluate the impact of the final regulations and precede with necessary policy deliberations prior to a final decision on compliance.

The final regulations for the REAL ID Act were discussed at the National Governors Association (NGA) conference in February. It is our understanding that the NGA identified many of the same issues previously expressed by California and other motor vehicle agencies. Specifically, the NGA shares our concerns over: the absence of adequate federal funding; the lack of specificity regarding how to protect and secure personal information; and the design and support of required electronic verification systems that are critical to the program.

Establishing a minimum threshold of standards for all states is important. For example, assessing the existing capabilities such as digitization of information, privacy and protection of personal information, and the ability to verify the authenticity of identity documents is essential because these capabilities vary widely between jurisdictions. Until minimum standards are in place, the REAL ID licensing system envisioned by Congress cannot be achieved. We continue to strongly urge that currently available federal funding be used to help states establish minimum standards.

The Honorable Michael Chertoff

Page 2

March 18, 2008

It is also important that DHS begin now to develop a clear and comprehensive business plan for the e-verification systems that will drive REAL ID. Before states can dedicate staff and resources for implementation, the DHS must identify system standards, security protocols, and anticipated initial and on-going costs for e-verification systems. While the states could provide input towards the development of that plan, it is imperative that the DHS take ownership of the final product.

We would very much appreciate the opportunity to discuss these and other related issues with you as the program moves forward. If you have any questions or require additional clarification on any of the subjects addressed in this letter, please contact me at your convenience at (916) 657-6941.

Sincerely,

GEORGE VALVERDE

Director

c: Dale E. Bonner, Secretary
Business, Transportation and Housing Agency

Matthew Bettenhausen, Director
Governor's Office of Homeland Security