



Homeland Security

July 16, 2008

The Honorable Christine O. Gregoire
Governor of Washington
State Capitol
Olympia, Washington 98504

Dear Governor Gregoire:

Thank you for your February 19, 2008 letter, co-signed by Governor James Douglas, concerning your State's Enhanced Driver's License (EDL) program and the use of the EDLs for official purposes pursuant to the *REAL ID Act of 2005*, P.L. 109-13

The Department of Homeland Security (DHS) has made secure identification a top priority. In that effort the State of Washington took a bold step in partnering with us to develop the EDL program. I commend the State of Washington for its leadership on EDLs and appreciate the hard work involved in bringing your EDL project to fruition by issuing the first EDLs in January. Several other States have now followed your lead.

The EDL program has been coordinated closely with REAL ID from the start. Even though the REAL ID Notice of Proposed Rulemaking had not been published when the Washington EDL Memorandum of Agreement was signed in March 2007, DHS was very clear that the Washington EDL would evolve over time as new capabilities came on line.

You asked whether DHS considers an EDL to be REAL ID-compliant, and therefore acceptable for official purposes as outlined in the REAL ID Act. Because the requirements of REAL ID are phased in, the answer to your question depends on the time period under consideration. All of Washington's driver's licenses will continue to be accepted for official purposes until December 31, 2009 as Washington was granted an extension beyond the May 11, 2008 compliance date. From January 1, 2010 through May 11, 2011, Washington's EDLs will continue to meet REAL ID requirements since they already meet the applicable material compliance benchmarks outlined in the REAL ID final rule. After May 11, 2011, Washington's EDLs will have to meet the full requirements of the REAL ID final rule in order for Washington EDLs to be considered REAL ID-compliant and acceptable for official purposes.

DHS published the REAL ID Final Rule in January 2008. In the rule, DHS was able to dramatically reduce State implementation costs and address privacy issues. Most of the requirements of REAL ID are already part of Washington's EDL business plan. These requirements include: (1) information and security features that must be incorporated into each card; (2) specific application information to establish the identity and U.S. citizenship of an applicant before a card can be issued; (3) ability to verify certain source documents provided by an applicant with document issuing

agencies; and (4) physical security standards for locations where licenses and applicable identification cards are issued.

The Washington State Department of Licensing (DOL) has identified the few REAL ID requirements not already included in the Washington State EDL business plan and is working to incorporate those requirements into its adjudication and issuance process. The Washington EDL will be REAL ID compliant as the capabilities for REAL ID are implemented. At that point, it will be accepted for official purposes under the REAL ID Act.

Full implementation of REAL ID will bring capabilities that are not available today, otherwise they would have been required of the Washington EDL. For example, as part of REAL ID, DHS is supporting development of the Electronic Verification of Vital Events (EVVE) system. The EVVE system will enable DOLs and other government entities to verify birth certificates with issuing agencies around the Nation. Meanwhile, without EVVE and certain other requirements in place, DHS and Washington proceeded with the EDL, recognizing that such enhancements could come over time.

Thank you for your continued support and partnership. If you have any additional questions, please have your staff contact Kathleen Kraninger, Deputy Assistant Secretary for Policy (Screening Coordination), at (202) 447-3871 or kathleen.kraninger@dhs.gov.

Sincerely,



Anne Petera
Assistant Secretary
Intergovernmental Programs