



Homeland  
Security

DEC 21 2015

The Honorable Mark Dayton  
Governor  
116 Veterans Service Building  
20 West 12th Street  
Saint Paul, Minnesota 55155

Dear Governor Dayton:

Thank you for your November 13, 2015 letter regarding enforcement of the REAL ID Act. Secretary Johnson asked that we respond on his behalf.

This letter is to advise you that the U.S. Department of Homeland Security (DHS) has reviewed your correspondence requesting an extension of time to comply with the REAL ID standards. Although DHS recognizes the State of Minnesota's efforts to enhance the security of its driver's licenses and identification cards, Minnesota has not provided adequate justification for continued noncompliance with the REAL ID standards that would warrant granting your request for an extension. As a result, federal agencies may not accept Minnesota driver's licenses and identification cards for official purposes in accordance with the phased enforcement schedule announced on December 20, 2013. We have enclosed a list of regulatory provisions that Minnesota currently meets, and outstanding standards based on information provided by your state.

Minnesota may renew its extension request if there are developments or additional information provided regarding your state's progress towards meeting the outstanding requirements, the reasons that these standards remain unmet, and the reasons for continued noncompliance. Extensions are granted at the discretion of the Secretary of Homeland Security.

As we continue phased enforcement of the REAL ID Act, the consequences of noncompliance will grow with each milestone. As of October 10, 2015, military bases and almost all federal facilities may accept state-issued driver's licenses or identification cards for access purposes only if the document is issued by a REAL ID-compliant state or a state that has received an extension. The Department expects to announce the timing and nature of the next phase of REAL ID enforcement soon.

Governor Mark Dayton

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Please do not hesitate to contact DHS's Office of State Issued Identification Support at (202) 447-3871 with any questions or comments about this notification. 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: Mona Dohman, Commissioner of Public Safety

Enclosure

## The U.S. Department of Homeland Security Findings

*Revised 11/17/2015*

- I. Based on the information provided, the State of Minnesota indicates it is meeting the following provisions of the regulation (6 C.F.R. § 37):
- |                     |  |
|---------------------|--|
| 6 C.F.R. § 37.11(a) | Subjects each applicant to a mandatory facial image capture and retain such image even if a driver's license 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.   |
| § 37.11(d) and (g)  | Requires documentation of date of birth and evidence of lawful status  |
| § 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 driver's license/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 driver's license or ID already issued by that state under a different identity.   |
| § 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.   |
| § 37.15(a)(1)       | Includes document security features on REAL ID driver's licenses/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 driver's licenses and IDs that contain Level 1, 2, and 3 integrated security features.
- § 37.15(d) Conducts reviews and submits a report to the U.S. Department of Homeland Security (DHS) on card design and ability of the card to resist forgery and counterfeiting.
- § 37.17(a)-(l) Includes on the surface of cards the following printed information in Latin alpha-numeric characters:
- Full legal name
  - Date of birth
  - Gender
  - Unique driver's license/ID number
  - Full facial digital photograph
  - Address of principal residence
  - Signature
  - Date of issuance
  - Expiration date
  - State or territory of issuance
- § 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.
- § 37.23 (a) Has a procedure in place to verify an applicant's identity each time a REAL ID driver's license/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) Prior to renewing a REAL ID driver's license/ID:

Take an updated photograph of all holders of REAL ID driver's license and identification cards no less frequently than every 16 years

§ 37.25(a)(3)

Prior to renewing a REAL ID driver's license/ID:

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

§ 37.25(b)(2)

Prohibits the remote renewal of REAL ID driver's license/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 driver's license.

§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.

§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 driver's licenses/IDs.
- § 37.41(b)(5) Requires all employees handling source documents or issuing driver's licenses 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.

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

§ 37.05(a) Issues REAL ID driver's licenses/ID cards valid for a period not to exceed eight years.

*State law or policy prohibits Minnesota from meeting this requirement.*

§ 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.

*State law or policy prohibits Minnesota from meeting this requirement.*

§ 37.11(e)-(f) Requires documentation of the Social Security Number and proof of address

§ 37.13(b)(1) Verifies lawful status through the Systematic Alien Verification of Entitlements (SAVE) or another DHS-approved method.

*State law or policy prohibits Minnesota from meeting this requirement.*

§ 37.13(b)(5) Verifies REAL ID driver's licenses and identification cards with the State of issuance.

*Minnesota indicates it will not be able to meet this provision until the 2016.*

§ 37.17 (n) Commits to marking fully compliant driver's licenses and IDs with a DHS-approved security marking.

*State law or policy prohibits Minnesota from meeting this requirement.*



§ 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.

***State law or policy prohibits Minnesota from meeting this requirement.***

§ 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.

***State law or policy prohibits Minnesota from meeting this requirement.***

§ 37.25(a)(2) Prior to renewing a REAL ID driver's license/ID:

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

***State law or policy prohibits Minnesota from meeting this requirement.***



§ 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).

*State law or policy prohibits Minnesota from meeting this requirement.*

§ 37.51

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

*State law or policy prohibits Minnesota from meeting this requirement.*

§ 37.55

Submitted Final Certification package.

*State law or policy prohibits Minnesota from meeting this requirement.*

§ 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 card.

*State law or policy prohibits Minnesota from meeting this requirement.*