

*State of New Hampshire
Department of Safety
33 Hazen Drive
Concord, NH 03305
(603) 271-2559*

*John J. Barthelmes
Commissioner*

*Earl M. Sweeney
Assistant Commissioner*

March 26, 2008

Stewart A. Baker
Assistant Secretary for Policy
U.S. Department of Homeland Security
Washington, DC 20528

Attention: Darrell Williams, Real ID Office

Dear Secretary Baker:

Based on your March 21, 2008 response to the State of Montana, New Hampshire supplements its letter dated February 25, 2008 with the following.

We appreciate that the Department of Homeland Security recognizes that the State of New Hampshire has made enormous strides over the past several years to improve its homeland security posture.

These efforts have included creating a separate Division of Homeland Security and Emergency Management (HSEM) within the Department of Safety; establishing a Terrorism Intelligence Unit in the Division of State Police that interfaces on a daily basis with HSEM; careful targeting of our Homeland Security grant funds toward the greatest threats to our critical infrastructure; and concerted efforts by our Division of Motor Vehicles to improve the security of our driver licenses from the application process and the breeder documents that are used to issue them to the actual production process.

Due to these latter efforts, New Hampshire has one of the most secure driver licenses and non-driver's identification cards in the nation and coincidentally, should meet most of the standards of the Real ID Act in advance of the projected implementation deadlines. With the support of our Governor's Office and funding from the State Legislature, here are just some of the security measures that we have implemented or are in the process of implementing, some of which have been in effect since just prior to and others after 9/11:

1. Digital photography to prevent persons using the replacement of lost license process to obtain multiple licenses and prevent the issuance of the same license to more than one person.
2. Each license applicant signs a declaration, under penalty of perjury, that the information that he or she is providing at the time of application is valid.

3. New Hampshire has two levels of security in the license card, a unique NH laminate and month and year of birth hidden in the Old Man of the Mountain logo. In addition, our Governor and Council has just awarded a contract to a new vendor, and beginning in May 2008 our driver's licenses will include additional features including three levels of security – a ghost image and hologram, micro-text and invisible UV ink, and microscopic print. We will also have a central print farm for the production of driver licenses and non-driver's ID cards.
4. Verification of Social Security account numbers with the Social Security administration. We do this online with SSOLV.
5. We are also working toward the verification of immigration status through SAVE. We already tie driver license validity to the end of lawful status and expect to join SAVE to provide online verification in addition to the physical documentation that we currently require. We are currently reviewing an MOU that will allow us to connect. This is not a budgeted item and the plan is to transfer sufficient funds to implement it during our next fiscal year that begins July 1, 2008. We currently also check DEERS, the Defense Enrollment Eligibility Reporting System. The status of out-of-state licenses being surrendered by applicants is also checked with PDPS and, if a commercial driver, with CDLIS. In fact, our Director of Motor Vehicles and Attorney General successfully defended the strictness of our process in federal district court against a challenge brought by non-citizen groups.
5. Screening all non-citizen license applications through the State Police Terrorism Intelligence Unit.
6. Issuing only temporary licenses to new applicants and mailing the actual license to ensure the person is receiving mail where they say they live.
7. Requiring non-citizen applicants for a first license to come to central headquarters in Concord rather than a regional location in order to ensure screening by staff with the most proficiency in recognizing foreign and out-of-state documents and the physical presence of uniformed law enforcement officers on-site.
8. More careful screening of employees who handle driver license documents. As our new print farm comes online, the Director of Motor Vehicles intends to institute fingerprint checks and more intensive background checks of new personnel who will be involved with the production and manufacture of these licenses. This is in addition to the regular criminal and motor vehicle record checks that we have been doing all along with personnel that handle cash or sensitive personal records.
9. Providing through a Training Coordinator in our Division of Motor Vehicles, training for those employees in detecting fraudulent documents; and follow-up investigation of suspicious applications by personnel at State Police Troop G that specialize in motor vehicle related matters and identity fraud investigations.

We take secure identification seriously here in New Hampshire, and have done so dating to even before federal interest in the subject. However, because our Legislature voted overwhelmingly in 2007 to pass a bill that prohibits our state from implementing the REAL ID Act in New Hampshire, we cannot authorize implementation of the REAL ID regulations. Whereas the deadline for introducing new legislation has passed, even if our state wished to revisit the issue, it may not again before 2009.

New Hampshire is therefore currently prohibited by law from implementing the REAL ID Act. It nonetheless remains committed to stringent driver license security, and we will continue to improve our programs and processes in the coming months and years. Therefore, we urge your department not to take steps that would penalize the ability of New Hampshire residents to use their valid and very secure New Hampshire driver licenses and non-driver's ID cards for federal identification purposes and commercial air travel.

Very truly yours,

Earl M. Sweeney

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Assistant Commissioner