



Homeland Security

March 21, 2008

The Honorable Mike McGrath
Attorney General of Montana
State Capitol
Helena, MT 59620

Dear Attorney General McGrath:

Thank you and the State of Montana for your continued commitment to improve Montana's driver's license and identification issuance processes. Secure identification is an important part of the nation's protection from terrorism and crime.

We have received your March 21, 2008 letter urging that the Department not take any steps to penalize the use of Montana drivers' licenses for federal identification purposes after May 11, 2008. As you know, the Secretary of Homeland Security has no legal authority to waive compliance with the REAL ID Act. Under the statute, the Department can only grant an extension of the compliance deadline. Therefore, I can only provide the relief you are seeking by treating your letter as a request for an extension.

In addition, by law I can only grant an extension in order "to meet the requirements of" REAL ID. That means that Montana must be on track to meet the requirements of REAL ID; I cannot grant an extension to a state that cannot meet security standards consistent with the statute. Your letter lists a number of security measures that Montana and its legislature have adopted and others that Montana will adopt. These in fact meet the principal security features required at this time by REAL ID; implementing them by the end of 2009 will position Montana to be materially compliant with the first phase of REAL ID implementation.

For these reasons, I agree that, under the statute, the State of Montana has met the requirements for an extension of the compliance date; accordingly the Department grants Montana an extension until December 31, 2009, at which time the next phase of REAL ID compliance will take effect. If you have questions or require additional assistance, please contact Mr. Darrell Williams at darrell.williams1@dhs.gov or (202) 447-3836.

Sincerely,

A handwritten signature in black ink, appearing to read "SAB", with a long horizontal flourish extending to the right.

Stewart A. Baker
Assistant Secretary for Policy