

**Testimony**  
**By: Elizabeth Luce, Director**  
**Washington State Department of Licensing**

**Homeland Security's Subcommittee on Border, Maritime  
and Global Counterterrorism Hearing**

**April 16, 2008**  
**2:00 P.M.**

Chair Sanchez, Ranking Member Souder, and Members of the Committee, my name is Liz Luce, I am the Director of the Washington State Department of Licensing. We license approximately 5 million drivers, almost 7 million vehicles, and over 30 professions. I am pleased to be here to share information about our Enhanced Driver License.

Border security is a big deal, and the state of Washington has brought it down to size.

In June 2006, Washington State Governor Chris Gregoire met with Canada's British Columbia Premier Gordon Campbell to discuss challenges posed by implementation of the Western Hemisphere Travel Initiative (WHTI) to both the state of Washington and British Columbia. Washington State shares more than a border with British Columbia, we also share significant cultural ties and a mutual reliance on trade and tourism. It was at this meeting that Governor Gregoire wrote a note directing me to, "Look into creating a driver license that could also work as a travel document for border crossing."

It was through Governor Gregoire's leadership and vision that we started on our journey to create the country's first Enhanced Driver License and Identification Card - A viable solution for all states in response to the challenges posed by the implementation of WHTI land and sea rules. We have developed a realistic solution that addresses the concerns about security, cost, privacy and ease of travel for Washington State citizens.

I would like to thank the Department of Homeland Security for their unwavering support and partnership throughout our development of the Enhanced Driver License and ID Card program. Members of the WHTI Program Office came to Washington to meet with us in person early in the process, look at our procedures first hand, and work collaboratively with us to ensure our mutual success. We consider our Enhanced Driver License to be a national model for how federal agencies can work with states to bring about solutions that minimize impacts to a state's economy. We value these relationships and look to the future to accomplish mutually beneficial programs.

Ours was not an easy task. We worked closely with the Department of Homeland Security and the Department of State to evaluate and ultimately meet standards for a secure travel document. We conducted an extensive gap analysis of our current systems and procedures, developed an infrastructure within our field offices and management, provided extensive training to our

employees and spent over 33,000 technology hours on various applications that had to be altered to implement the Enhanced Driver License and ID elements.

The card itself has 20 state of the art security features. As required by Homeland Security it also contains a Radio Frequency Identifier (RFID), and a machine readable zone which are both currently used by the Department of State in the issuance of our country's new Passports. The application cost to our customer is \$15.

An Enhanced Driver License is voluntary. Privacy concerns for those who wish to participate in the Enhanced Driver License program have been addressed by the security added to the process as well as encrypting data to and from Homeland Security. We also provide citizen education and a sleeve to protect against unauthorized reading of the RFID number. In addition, our Legislature passed a law this past session that makes it a class C felony for a person to intentionally possess, read, or capture information on another person's Enhanced Driver License without that person's knowledge and consent.

Applicants for the Enhanced Driver License must prove their identity and U.S. Citizenship, and show that they have resided in the state of Washington for more than 30 days. This secure card application approval and issuance process requires that the licensee's picture is taken and run through a facial recognition biometric to ensure we have one record, and one record only, for each driver. We also verify his or her Social Security number.

The response from our staff has been extremely positive. We had 24 EDL licensing positions available and over 100 of our staff applied. Our licensing staff has received extensive training. Staff is required to pass a federal background check, be trained in detecting fraudulent documents and go through interview technique training.

The process of producing a new travel document is not for the "fiscally faint of heart." This effort required significant resources from our state in both staff and dollars. The State of Washington has invested over \$12 million to equip 14 offices to address a consistent demand. We, in concert with the Department of Homeland Security and British Columbia, have demonstrated that it can be done, and now other states are interested in our experience and in offering an EDL to their residents. We are proud of our accomplishment and the precedent we established working collaboratively with DHS.

At this time we have Enhanced Driver License capacity available in only 14 of our 63 licensing locations throughout the state. We would like to offer it in more locations, but are fiscally constrained. Our Legislature has been generous, but to expand to other areas of the state and to realize the full potential and demand for the EDL, we will require external funding.

The public's early response to the Enhanced Driver License has been positive and supportive. This is evident by the fact that we already have booked over 25,000 appointments. In our border communities and the Seattle metropolitan area, we are booked through May, and June is filling quickly.

In an effort to manage the demand we have suspended all paid advertising throughout the state. However, we continue to streamline our processes and enhance our capacity while still maintaining the integrity of this very secure and voluntary program. But the demand remains steady as we speak.

Our citizens are responding because they recognize the value and benefits of the Enhanced Driver License, and the benefits are significant. According to Washington State Attorney General Rob McKenna, "Washington State's Enhanced Driver License and Identification Card program provides citizens with a convenient, low-cost alternative to a passport that provides more protection against identity theft than a conventional license."

Another benefit of Enhanced Driver License that cannot be overlooked is how it can fulfill the intent of the REAL ID Act. The intent to create one secure document that would satisfy both WHTI and REAL ID requirements appears to be supported by Secretary Chertoff. At the REAL ID Press Conference, Secretary Chertoff was quoted as saying "*enhanced driver's licenses will automatically be compliant with REAL ID. But they will have some additional features that are relevant for crossing the border that are not relevant for REAL ID. So you might describe the enhanced driver's license as "REAL ID plus."*"

In addition, the recently published WHTI rules state, "*EDLs are being developed consistent with the requirements of the REAL ID and, as such, can be used for official purposes such as accessing a federal facility, boarding Federally-regulated commercial aircraft, and entering nuclear power plants.*"

Also, in WHTI's Privacy Impact Assessment, January 11, 2008, page 7, it states, "*In addition to implementation of REAL ID, DHS is encouraging States to enter into voluntary agreements to produce enhanced driver's licenses (EDLs) that would serve as alternative documents to passports under the Western Hemisphere Travel Initiative (WHTI). These State-issued EDLs, intended to also meet REAL ID requirements, would be available only to U.S. citizens who voluntarily apply.*"

We believe that our Enhanced Driver License and Identification Cards are REAL ID compliant and as stated by Secretary Chertoff, we believe they are "REAL ID plus," and should be recognized accordingly within the REAL ID rules framework.

We also would like our federal partners to consider expanding the use of Enhanced Driver Licenses and ID Cards for air travel to countries identified by WHTI. It would make the development of an Enhanced Driver License more attractive to more states and make travel easier and less costly for citizens across the country. I realize this option would require a significant investment on the part of the federal government, but I urge you to keep it in mind as more states choose to offer this type of document to their citizens.

In summary, some of our existing challenges of the program include federal funding for the full expansion of Enhanced Driver License capability in all of our offices throughout the state. Another challenge is the recognition of the Enhanced Driver License as a Real ID materially compliant document as suggested by Homeland Security Secretary Michael Chertoff. We have

also requested approval for a priority lane for enhanced card holders at the Blaine Border Crossing. In addition, we ask to gain recognition of the Enhanced Driver License as an alternative document for air travel within the United States. Funding is a large challenge and will be a particularly critical concern as the time nears for the 2010 Olympic events and if the REAL ID Act is implemented and demand for the EDL increases.

There is a lot of confusion out there about how many documents or which documents are needed to cross the border these days. But I can tell you with certainty that at least by land or by sea, you can use Enhanced ID.

Thank you.