

United States Senate

WASHINGTON, DC 20510-4804

ENERGY AND NATURAL
RESOURCES COMMITTEE

ARMED SERVICES COMMITTEE

SPECIAL COMMITTEE ON AGING

August 8, 2012

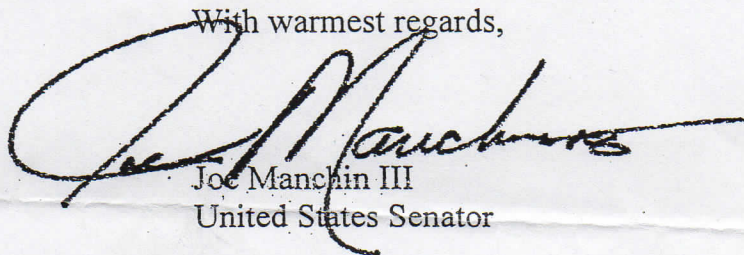
Pastor Butch Paugh
224 Hurd Road
Nettie, West Virginia 26681-4030

Dear Pastor Paugh,

Thank you again for contacting my office regarding the digital photo storage requirements set forth by the Read ID Act of 2005. Please see the enclosed correspondence from the U.S. Department of Homeland Security, in response to my inquiry on your behalf.

I was happy to contact the appropriate officials about this matter and I hope you find the enclosed information useful. Please feel free to contact my office in the future if there is another matter in which I might be of service to you.

With warmest regards,



Joe Manchin III
United States Senator

JM/ch
Enclosure



Homeland Security

The Honorable Joe Manchin
Eastern Panhandle Office
217 West King Street
Room 238
Martinsburg, WV 25401

Dear Senator Manchin,

Thank you for your letter dated June 14, 2012 to Nelson Peacock, Acting Assistant Secretary for Legislative Affairs, on behalf of your constituent Pastor Butch Paugh, regarding his concerns with the digital photo on the West Virginia driver's license.

The REAL ID Act of 2005 and its implementing regulation established minimum standards for state-issued driver's licenses and identification cards. Pursuant to § 202(b) of the REAL ID Act, States must include a digital photo of the person on any REAL ID compliant driver's license or identification card. Moreover, when the REAL ID regulation was promulgated, the Department of Homeland Security (DHS) considered and commented on the concerns of the public who expressed reservations that requiring photographs for REAL ID compliant documents could burden the free exercise of religion for certain groups. While sensitive to this concern, DHS believes that a facial photograph on driver's licenses and identification cards serves an integral security purpose in determining identity of the card holder. Therefore, given these security concerns and statutory mandate, a driver's license or identification card that does not contain a digital photograph cannot be issued as a REAL ID-compliant credential.

Additionally, DHS has provided some flexibility to satisfy individuals who may object to the digital photograph provision for religious reasons. Many States now issue non-photo credentials based on an applicant's religious beliefs. States may continue to issue these driver's licenses and identification cards to such individuals and DHS recommends that these credentials be issued in accordance with the rules for non-compliant driver's licenses and identification cards enumerated in § 37.71 of the REAL ID regulation.

Should you have any additional questions, please contact the DHS Office of Intergovernmental Affairs at (202) 282-9330 or the Office of Policy, Screening Coordination at (202) 447-3871.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelli Ann Walther".

Kelli Ann Walther
Senior Director, Screening Coordination