



July 30, 2021

Steve Yonkers  
Director  
REAL ID Program  
Office of Strategy, Policy, and Plans  
United States Department of Homeland Security  
Washington, DC 20528

**Robin Vos**  
Assembly Speaker  
Wisconsin  
President, NCSL

**Martha R. Wigton**  
Director  
House Budget & Research  
Office  
Georgia  
Staff Chair, NCSL

**Tim Storey**  
Executive Director

**RE: Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Mobile Driver's Licenses**

Dear Mr. Yonkers,

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, commonwealths, and territories, we both welcome the opportunity to provide comments, and appreciate the Department of Homeland Security's (DHS) willingness to engage with states, regarding both minimum federal standards and the broader implications of acceptance of mobile or digital driver's licenses by federal agencies. In order for any minimum federal standards to be adopted widely and in a timely manner, we strongly urge the department to consult with states and their national associations, as representatives of states, consistently throughout the process of these standards.

As the number of states studying the issuance of mobile drivers' licenses (MDL) continues to rise, opportunities to provide a new type of identification for residents are beginning to take shape. Though these opportunities offer both states and the federal government the potential for significant benefits, we urge the Department to examine the lessons learned concerning privacy, security, and public perception that arose during the development and implementation of a REAL ID-compliant physical driver's license, or identification card.

While every state produced physical driver's licenses when REAL ID was enacted into law in 2005, we face an opposite reality in 2021 with only a few states having fully implemented the issuance of mobile driver's licenses. This significant difference in landscape presents DHS with the opportunity to develop minimum standards before a significant number of states finalize their own programs. The states that currently issue MDLs have collected for themselves and provided to DHS, and other states, real world data that has been invaluable in the development of these licenses. Without these data points concerning security, privacy, identity fraud detection, associated lessons learned and best practices, the development of federal standards would be much more complex undertaking.

NCSL supports federal grants and resources to states to offset the cost of bringing existing and new MDL programs into compliance with any minimum federal standards. By providing consistent annual support to states, the department can help to improve the performance of states in developing and issuing MDLs and avoid an unfunded federal mandate.

Finally, we recommend the department make it clear for states and members of the public, throughout its process of developing minimum federal standards, that such standards are not a requirement of a state's MDL program.

NCSL looks forward to continuing a strong relationship with DHS and looks forward to working with the agency as minimum standards are developed, reviewed, and revised. If you have any questions, please do not hesitate to contact NCSL staff Ben Husch (202-624-7779 or [ben.husch@ncsl.org](mailto:ben.husch@ncsl.org)).

Sincerely,

A handwritten signature in blue ink that reads "Tim Storey". The signature is written in a cursive style with a long horizontal line extending from the top of the "T".

Tim Storey  
Executive Director  
National Conference of State Legislatures