



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF
SECRETARY OF TRANSPORTATION

May 23, 2003

Office of Management and Budget
ATTN: OMB Desk Officer
Room 10235
New Executive Office Building
725 17th Street NW
Washington, DC 20503

RE: 20 CFR Part 422
RIN 0960-AF05\
Evidence Requirements for Assignment of Social Security
Numbers (SSNs); Assignment of SSNs for Non-work Purposes

I am writing in response to the proposed rulemaking regarding when the Social Security Administration (SSA) will assign a Social Security Number (SSN) to a legal alien who does not have authorization to work.

The proposed rule as outlined in the Federal Register March 26, 2003 Volume 68, Number 58 would require SSA to issue a nonwork SSN to a legal alien only if they were entitled to receive a federally funded benefit that required them to have an SSN. It would prohibit a legal alien from receiving a SSN for nonwork purposes solely to be able to receive a state or local benefit or service including driver licensing.

The Pennsylvania Department of Transportation is required by Pennsylvania statute (Title 75 Section 1510) to obtain a Social Security Number from a driver's license applicant before issuing a driver's license. If the applicant receives written verification of ineligibility for the SSN, we may then use a Tax Identification Number or other unique identifier. However, the Social Security Number provides the best national identifier to deter fraud and identify unsafe drivers among states. Additionally, it is our understanding that the Internal Revenue Service will not issue an Individual Tax Identification Number for any reason other than tax purposes.

The proposed rule would have a negative impact on persons who legally enter the United States as students, or as spouses of individuals eligible to work in the United States and/or others who are residing legally in the United States for long periods of time for nonwork purposes. It also has a negative impact on state licensing officials in deterring identity fraud and identifying unsafe drivers from other states.

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The proposed rulemaking has implications in relation to highway safety. The use of Social Security Numbers by motor vehicle administrators across the United States has proven to be an effective tool in identifying drivers through the National Driver Registry (NDR) with histories of aggressive and/or careless driving, excessive violations, or driving under the influence who have had their driver's license suspended or revoked. Disallowing the use of a SSN for legal aliens would severely limit our ability to identify problem drivers who are ineligible for licensing because of sanctions in other states.

The Social Security Administration recognizes the importance of the SSN as a unique identifier for federal benefits and programs, including welfare benefits, in order to deter fraud. The fraud deterrent value of the Social Security Number was most recently recognized by the Federal Government in the Help America Vote Act of 2002 which uses the last 4 digits of the SSN to deter voter registration fraud. Additionally, the Federal Government recognizes the SSN's value in deterring driver's license fraud by requiring states to collect the SSN for commercial drivers. The proposal ignores the needs of state driver licensing administrators in deterring fraud for noncommercial licensure. Restricting its use by legal aliens solely for the purpose of federal welfare benefits and other Federal programs is not an acceptable or safe approach in combating the problems of identity fraud and/or working illegally in the United States. States have a compelling interest in deterring identity fraud for licensure, and nonwork SSNs should be available to legal aliens.

Further, Pennsylvania has worked proactively with the American Association of Motor Vehicle Administrators to strengthen the identifying documentation for all applicants for a driver's license. Since for now, the Social Security Number is the only universally accepted identifier, we believe that the Administration should continue to issue nonwork SSNs for purposes associated with licensing.

In addition to the concerns noted above, the Interim Final Rule for the U. S. PATRIOT Act requires states to use the SSN, name and date of birth as identifiers for criminal history checks for commercial drivers with hazardous materials endorsements. Once again, the Federal government has recognized the importance of the SSN as a unique identifier for commercial driver licensing, but has ignored the needs of states to use it for non-commercial licensing.

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I strongly urge you to consider the potential impact of the proposed rule before further proceeding in this direction. If you have any questions or concerns that I may be able to address, please do not hesitate to contact me at (717) 787-3928 or Rebecca Bickley, Director of the Bureau of Driver Licensing, at (717) 787-4701.

Sincerely,



Betty L. Serian, Deputy Secretary
Safety Administration