



March 15, 2017

Dear House Representatives of the Local Government Committee,

My name is Celesté Martinez and I am a Community Organizer with Together Colorado and the I Drive Colorado campaign.

My purpose in speaking with you today is to provide clarity on the provisions as to why Coloradans who are undocumented with valid Social Security Numbers are prevented from receiving public benefits and registering to vote.

Colorado is a REAL ID compliant state, since 2001. This compliance signifies that all SB251 Driver's License participants must be verified through the Systematic Alien Verification for Entitlements (SAVE) system according to REAL ID act of 2005 Section 202 3c to comply with this Federal Regulation. This is again is clearly stated in the original SB13-251 Colorado Road and Community Safety Act in section 42-2-506 II b.

The U.S. Constitutional Provisions clearly defines the first requirement to be a registered and eligible voter is to first be a citizen of the U.S. Since the SB13-251 Driver's License program is specifically for Coloradans who have temporary and are without lawful status, the program does not include automatic or any process for voter registration.

Lastly, SB13-251 specifically states in section 42-2-505 2 in reference to document contents that each license or identification document issued must include:

"NOT VALID FOR FEDERAL IDENTIFICATION, VOTING, OR PUBLIC BENEFIT PURPOSES" CLEARLY DISPLAYED ON THE FACE AND INCORPORATED INTO THE MACHINE READABLE ZONE.

Once again, this requirement is for Colorado to be compliant with the provision of the REAL ID Act Section 202 11 A-B.

Thank you,
Celesté Andrea Martinez
Together Colorado
Denver, Colorado

The I Drive Colorado Campaign includes over 40 Colorado organizations. I Drive Colorado is dedicated to making our communities and roads safer through monitoring and improving access for undocumented Coloradans to licenses and Identification documents.

NOTE: The governor signed this measure on 6/5/2013.

An Act

SENATE BILL 13-251

BY SENATOR(S) Ulibarri and Morse, Aguilar, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Jones, Kefalas, Newell, Schwartz, Steadman, Tochtrop, Todd, Nicholson;
also REPRESENTATIVE(S) Melton, Moreno, Salazar, Buckner, Duran, Foote, Garcia, Hullinghorst, Labuda, Pabon, Rosenthal, Ryden, Williams.

CONCERNING DOCUMENTARY EVIDENCE NEEDED FOR AN INDIVIDUAL TO BE ISSUED AN IDENTITY DOCUMENT BY THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-2-104, **amend** (3) introductory portion and (3) (e); and **add** (6) as follows:

42-2-104. Licenses issued - denied. (3) The department shall not issue any A license to:

(e) ~~Any~~ A person whose presence in the United States is in violation of federal immigration laws;

(6) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE, MINOR DRIVER'S LICENSE, OR INSTRUCTION PERMIT TO AN INDIVIDUAL WHOSE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AUTHORIZATION TO BE PRESENT IN THE UNITED STATES IS TEMPORARY UNLESS THE INDIVIDUAL APPLIES UNDER AND COMPLIES WITH PART 5 OF THIS ARTICLE.

SECTION 2. In Colorado Revised Statutes, 42-2-107, **amend** (1) (c) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - legislative declaration - repeal. (1) (c) The department ~~may~~ SHALL not issue a driver's or minor driver's license to ~~any~~ A person who is not lawfully present in the United States.

SECTION 3. In Colorado Revised Statutes, 42-2-302, **add** (7) as follows:

42-2-302. Department may issue - limitations. (7) THE DEPARTMENT SHALL NOT ISSUE AN IDENTIFICATION CARD TO AN INDIVIDUAL WHOSE AUTHORIZATION TO BE PRESENT IN THE UNITED STATES IS TEMPORARY UNLESS THE INDIVIDUAL APPLIES UNDER AND COMPLIES WITH PART 5 OF THIS ARTICLE.

SECTION 4. In Colorado Revised Statutes, **add** part 5 to article 2 of title 42 as follows:

PART 5
COLORADO ROAD AND COMMUNITY SAFETY ACT

42-2-501. Short title. THIS PART 5 MAY BE KNOWN AND CITED AS THE "COLORADO ROAD AND COMMUNITY SAFETY ACT".

42-2-502. Legislative declaration. THE PURPOSE OF THIS PART 5 IS TO AUTHORIZE AN INDIVIDUAL TO QUALIFY FOR A DRIVER'S LICENSE, MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD DESPITE THE INDIVIDUAL NOT BEING LAWFULLY PRESENT OR BEING TEMPORARILY LAWFULLY PRESENT IN THE UNITED STATES. THIS PART 5 IS NOT INTENDED TO CHANGE OTHER QUALIFICATIONS, REQUIREMENTS, OR CONSEQUENCES OF HOLDING THE DOCUMENT UNDER PARTS 1 TO 3 OF THIS ARTICLE, ARTICLE 7 OF THIS TITLE, OR ANY OTHER PROVISION OF LAW. THE SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES, THE REQUIRED FEES, FINANCIAL

RESPONSIBILITY REQUIREMENTS, RULES OF THE ROAD, ADMINISTRATIVE PROCEDURES AND HEARINGS, QUALIFICATIONS FOR A DRIVER'S LICENSE, VIOLATIONS AND PENALTIES, AND OTHER PROVISIONS THAT APPLY TO DRIVER'S LICENSES, MINOR DRIVER'S LICENSES, INSTRUCTION PERMITS, AND IDENTIFICATION CARDS ARE NOT INTENDED TO BE AFFECTED BY THIS PART 5.

42-2-503. Definitions. AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "IDENTIFICATION DOCUMENT" MEANS A DRIVER'S LICENSE, MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE UNDER PARTS 1 AND 3 OF THIS ARTICLE.

(2) "PROOF OF RETURN FILING" MEANS THE DOCUMENT ISSUED UNDER SECTION 39-21-113 (4) (b), C.R.S., THAT CERTIFIES THAT THE APPLICANT FILED A COLORADO RESIDENT INCOME TAX RETURN.

(3) "TEMPORARILY PRESENT" MEANS A PERSON WHOSE AUTHORITY TO LAWFULLY REMAIN IN THE UNITED STATES IS TEMPORARY AND WHO QUALIFIES FOR A TEMPORARY IDENTIFICATION DOCUMENT CARD UNDER PUB.L. 109-13, DIVISION B, TITLE II, SEC. 202 (c) (2) (C).

42-2-504. Applicability. (1) **This part 5.** THIS PART 5 APPLIES TO IDENTIFICATION DOCUMENTS FOR INDIVIDUALS WHO ARE NOT CITIZENS OF THE UNITED STATES AND WHO DO NOT HAVE PERMANENT RESIDENCY STATUS.

(2) **Other provisions.** PARTS 1 TO 4 OF THIS ARTICLE AND ARTICLE 7 OF THIS TITLE APPLY TO IDENTIFICATION DOCUMENTS ISSUED UNDER THIS PART 5, BUT THIS PART 5 SUPERCEDES PARTS 1 TO 3 OF THIS ARTICLE AND ARTICLE 7 OF THIS TITLE FOR IDENTIFICATION DOCUMENTS ISSUED IN COMPLIANCE WITH THIS PART 5.

(3) **Commercial driver's licenses.** THIS PART 5 DOES NOT AUTHORIZE THE ISSUANCE OF A COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL DRIVING LEARNER'S PERMIT UNDER PART 4 OF THIS ARTICLE TO A PERSON WHO IS NOT LAWFULLY PRESENT IN THE UNITED STATES.

42-2-505. Identification documents - individuals not lawfully

present. (1) Documents issued. AN INDIVIDUAL WHO IS NOT LAWFULLY PRESENT MAY APPLY FOR AN IDENTIFICATION DOCUMENT IN ACCORDANCE WITH THIS PART 5. THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION DOCUMENT TO AN APPLICANT WHO:

(a) QUALIFIES FOR THE DOCUMENT APPLIED FOR EXCEPT FOR QUALIFICATIONS THAT CONFLICT WITH THIS SECTION; AND

(b) (I) SIGNS AN AFFIDAVIT THAT THE APPLICANT IS CURRENTLY A RESIDENT AND PRESENTS PROOF OF RETURN FILING FOR THE IMMEDIATELY PRECEDING YEAR AND EVIDENCE OF RESIDENCE IN COLORADO THAT CONFORMS TO THE STANDARDS OF PUB.L. 109-13, DIVISION B, TITLE II, SEC. 201 ET SEQ. OR ANY RULES PROMULGATED UNDER PUB.L. 109-13, DIVISION B, TITLE II, SEC. 201 ET SEQ.; OR

(II) SIGNS AN AFFIDAVIT THAT THE APPLICANT HAS CONTINUOUSLY BEEN A RESIDENT IN COLORADO FOR THE IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS AND PRESENTS EVIDENCE OF RESIDENCE IN COLORADO FOR THE IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS THAT CONFORMS TO THE STANDARDS OF PUB.L. 109-13, DIVISION B, TITLE II, SEC. 201 ET SEQ. OR ANY RULES PROMULGATED UNDER PUB.L. 109-13, DIVISION B, TITLE II, SEC. 201 ET SEQ.; AND

(c) DOCUMENTS AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER ISSUED BY THE UNITED STATES INTERNAL REVENUE SERVICE;

(d) AFFIRMS IN AN AFFIDAVIT SIGNED BY THE APPLICANT THAT THE APPLICANT HAS APPLIED TO BE LAWFULLY PRESENT WITHIN THE UNITED STATES OR WILL APPLY TO BE LAWFULLY PRESENT AS SOON AS THE APPLICANT IS ELIGIBLE; AND

(e) PRESENTS ONE OF THE FOLLOWING FROM THE APPLICANT'S COUNTRY OF ORIGIN:

(I) A PASSPORT;

(II) A CONSULAR IDENTIFICATION CARD; OR

(III) A MILITARY IDENTIFICATION DOCUMENT.

(2) **Document contents.** (a) ON AN IDENTIFICATION DOCUMENT ISSUED UNDER THIS SECTION, THE DEPARTMENT SHALL PLACE THE PHRASE "NOT VALID FOR FEDERAL IDENTIFICATION, VOTING, OR PUBLIC BENEFIT PURPOSES" CLEARLY DISPLAYED ON THE FACE AND INCORPORATED INTO THE MACHINE READABLE ZONE. THE DEPARTMENT MAY USE A SUBSTANTIALLY SIMILAR PHRASE IF REQUIRED BY FEDERAL LAW.

(b) THE DEPARTMENT SHALL DESIGN THE IDENTIFICATION DOCUMENT ISSUED UNDER THIS SECTION TO BE DISTINGUISHABLE FROM ANOTHER IDENTIFICATION DOCUMENT ISSUED UNDER THIS ARTICLE IN COMPLIANCE WITH FEDERAL LAW.

(3) **Graduated driver's license requirements.** TO BE ISSUED A MINOR DRIVER'S LICENSE UNDER THIS SECTION, AN APPLICANT WHO IS UNDER EIGHTEEN YEARS OF AGE MUST COMPLY WITH SECTION 42-2-104 (4).

42-2-506. Identification documents - individuals temporarily lawfully present. (1) AN INDIVIDUAL WHO IS TEMPORARILY PRESENT IN THE UNITED STATES MAY APPLY FOR AN IDENTIFICATION DOCUMENT UNDER THIS SECTION. THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION DOCUMENT IF:

(a) THE INDIVIDUAL:

(I) QUALIFIES FOR THE DOCUMENT APPLIED FOR EXCEPT FOR QUALIFICATIONS THAT CONFLICT WITH THIS SECTION; AND

(II) PRODUCES DOCUMENTS THAT SATISFY THE DEPARTMENT THAT THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES; AND

(b) THE FEDERAL GOVERNMENT CONFIRMS THE INDIVIDUAL'S STATUS, INCLUDING ELECTRONICALLY THROUGH THE SAVE OR SOLVE SYSTEMS.

42-2-507. Taxpayer identification number - confidentiality. THE DEPARTMENT SHALL KEEP THE APPLICANT'S INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER CONFIDENTIAL AND SHALL NOT PLACE IT ON THE APPLICANT'S DOCUMENT; EXCEPT THAT THIS CONFIDENTIALITY REQUIREMENT DOES NOT EXTEND TO THE STATE CHILD SUPPORT ENFORCEMENT AGENCY, THE DEPARTMENT, OR A COURT OF COMPETENT JURISDICTION WHEN REQUESTING INFORMATION IN THE COURSE OF

ACTIVITIES AUTHORIZED UNDER ARTICLE 13 OF TITLE 26, C.R.S., OR ARTICLE 14 OF TITLE 14, C.R.S.

42-2-508. Fees - rule. THE DEPARTMENT MAY PROMULGATE A RULE IMPOSING AN ADDITIONAL FEE FOR ISSUANCE OF A DOCUMENT ISSUED UNDER THIS PART 5 TO COVER THE DIRECT AND INDIRECT COST OF IMPLEMENTING THIS PART 5.

42-2-509. Renewal. AN IDENTIFICATION DOCUMENT ISSUED UNDER THIS PART 5 EXPIRES THREE YEARS AFTER ISSUANCE. THE HOLDER OF THE DOCUMENT MUST APPLY FOR RENEWAL TO CONTINUE TO HOLD A VALID IDENTIFICATION DOCUMENT.

42-2-510. Peace officers - arrest authority. AN IMMIGRATION STATUS VIOLATION IS A FEDERAL OFFENSE. A PEACE OFFICER IS NOT AUTHORIZED TO ARREST AN INDIVIDUAL MERELY FOR POSSESSING AN IDENTIFICATION DOCUMENT ISSUED UNDER THIS PART 5.

SECTION 5. In Colorado Revised Statutes, **amend** 24-72.1-103 as follows:

24-72.1-103. Identity documents - verifiable. (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, a public entity that provides services shall not accept, rely upon, or utilize an identification document to provide services unless it is a secure and verifiable document.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, a public entity that is issuing an identification card, license, permit, or official document shall not authorize acceptance of an identification document, nor shall a public official acting in an official capacity accept ~~an~~ THE HOLDER'S identification document before issuing ~~such~~ OFFICIAL documents, unless ~~such~~ THE identification document is a secure and verifiable document.

(3) THE DEPARTMENT OF REVENUE MAY ISSUE A DRIVER'S LICENSE, MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD IN ACCORDANCE WITH PART 5 OF ARTICLE 2 OF TITLE 42, C.R.S., BUT THE LICENSE, PERMIT, OR CARD IS NOT A SECURE AND VERIFIABLE DOCUMENT.

SECTION 6. In Colorado Revised Statutes, 24-76.5-103, **amend** (4) (a) (I) as follows:

24-76.5-103. Verification of lawful presence - exceptions - reporting - rules. (4) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state or local public benefits by requiring the applicant to:

(a) Produce:

(I) A valid Colorado driver's license or a Colorado identification card issued pursuant to UNDER article 2 of title 42, C.R.S., UNLESS THE APPLICANT HOLDS A LICENSE OR CARD ISSUED UNDER PART 5 OF ARTICLE 2 OF TITLE 42, C.R.S.; or

SECTION 7. In Colorado Revised Statutes, 39-21-113, **amend** (4) (b) as follows:

39-21-113. Reports and returns - repeal - rule. (4) (b) (I) ~~Nothing in This section shall be construed to~~ DOES NOT prohibit the delivery to a person or his or her duly authorized representative of a copy of any return or report filed in connection with his or her tax. ~~Such copies~~ THE COPY may be certified by the executive director of the department of revenue or the head of any A group, division, or subordinate department, as appointed by the executive director in accordance with article 35 of title 24, C.R.S., and when so certified ~~shall be~~ IS evidence equally with and in like manner as the originals and may be ~~received~~ USED by ~~the courts of this state~~ A COURT as evidence of the contents of the originals.

(II) AN INDIVIDUAL OR HIS OR HER DULY AUTHORIZED REPRESENTATIVE MAY ALSO REQUEST PROOF OF RETURN FILING FOR PARTICULAR TAX YEARS. FOLLOWING REQUEST AND PAYMENT OF THE APPLICABLE FEE, THE DEPARTMENT SHALL PROVIDE PROOF OF RETURN FILING FOR A PERIOD FOR WHICH THE TAXPAYER HAS FILED A RETURN AND REQUESTED PROOF OF RETURN FILING. THE DEPARTMENT SHALL INCLUDE IN THE PROOF OF FILING:

(A) THE INDIVIDUAL'S NAME;

(B) THE INDIVIDUAL'S ADDRESS AS SHOWN ON THE MOST RECENTLY FILED RETURN;

(C) THE DATES OF THE TAX PERIODS OF THE REQUESTED RETURNS;
AND

(D) A STATEMENT AS TO WHETHER THE MOST RECENTLY FILED RETURN WAS FILED AS A RESIDENT OF COLORADO, OR, IF A PART-YEAR RESIDENT, THE DATE THE INDIVIDUAL ACQUIRED OR ABANDONED RESIDENCY.

(III) THE DEPARTMENT SHALL PROMULGATE A RULE ESTABLISHING AND CHARGING A FEE FOR THE ISSUANCE OF PROOF OF RETURN FILING. TO BE VALID, THE CHARGE MUST BE BASED ON THE ACTUAL COST OF ISSUING THE PROOF OF RETURN FILING.

SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2013, the sum of \$436,292, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$7,725 to the executive director's office for the purchase of legal services from the department of law;

(b) \$35,774 to the information technology division for the purchase of computer center services; and

(c) \$392,793 to the division of motor vehicles for contract services and document design.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2013, the sum of \$7,725 and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (a) of subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2013, the sum of \$35,774,

or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in paragraph (b) of subsection (1) of this section.

SECTION 9. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications submitted on or after August 1, 2014.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO



U.S. Constitutional Provisions

Article I, Section 2:

States Determine Qualifications to Vote

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Article I, Section 4:

States Conduct Congressional Elections

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such Regulations, except as to the Places of choosing Senators."

U.S. Senators were originally chosen by their respective State Legislatures until the passage in 1913 of the 17th Amendment which provides for the direct popular election of Senators.

Article II, Section 1:

States Conduct Presidential Elections

This section establishes the right of the States to appoint Electors to the Electoral College. It reads, in part:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

and later:

"The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States."

The clause separating these two paragraphs describes the original manner in which presidential Electors were to cast their votes for President and Vice President - a

procedure which was slightly altered in 1804 by the passage of the 12th Amendment.

There is nothing in the Constitution - or for that matter in federal statute - that requires States to conduct a direct popular vote for President (or for presidential Electors). The manner of choosing presidential Electors remains a matter for each State, although all States since 1860 have employed the direct popular vote for presidential Electors. Before that, however, several States chose their Electors by a vote of their State Legislature rather than by popular vote.

The 15th Amendment (1870)

Eliminating Racial Barriers

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

The 19th Amendment (1920)

Eliminating Sexual Barriers

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

The 24th Amendment (1964)

Eliminating Poll Taxes

"The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

The Voting Rights Act of 1965, as amended, extends the prohibition on poll taxes to cover all elections by virtue of the 14th, 15th and 24th Amendments to the Constitution (see also *Harper v. Virginia State Board of Elections* 383 U.S. 663, 86 S. Ct. 1079, 16 L.Ed. 2d. 169 (1966)).

The 26th Amendment (1971)

18 Year-old Vote

"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

REAL ID Act – Title II

H.R.1268

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Enrolled as Agreed to or Passed by Both House and Senate)

TITLE II--IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

- (1) **DRIVER'S LICENSE**- The term 'driver's license' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.
- (2) **IDENTIFICATION CARD**- The term 'identification card' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.
- (3) **OFFICIAL PURPOSE**- The term 'official purpose' includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.
- (4) **SECRETARY**- The term 'Secretary' means the Secretary of Homeland Security.
- (5) **STATE**- The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

- (a) **Minimum Standards for Federal Use**-
 - (1) **IN GENERAL**- Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.
 - (2) **STATE CERTIFICATIONS**- The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.
- (b) **Minimum Document Requirements**- To meet the requirements of this section, a State shall include, at a minimum, the following information and

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features on each driver's license and identification card issued to a person by the State:

- (1) The person's full legal name.
- (2) The person's date of birth.
- (3) The person's gender.
- (4) The person's driver's license or identification card number.
- (5) A digital photograph of the person.
- (6) The person's address of principle residence.
- (7) The person's signature.
- (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.
- (9) A common machine-readable technology, with defined minimum data elements.

(c) Minimum Issuance Standards-

(1) IN GENERAL- To meet the requirements of this section, a State shall require, as a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

- (A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.
- (B) Documentation showing the person's date of birth.
- (C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.
- (D) Documentation showing the person's name and address of principal residence.

(2) SPECIAL REQUIREMENTS-

(A) IN GENERAL- To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) EVIDENCE OF LAWFUL STATUS- A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person--

- (i) is a citizen or national of the United States;
- (ii) is an alien lawfully admitted for permanent or temporary residence in the United States;
- (iii) has conditional permanent resident status in the United States;
- (iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (vi) has a pending application for asylum in the United States;
- (vii) has a pending or approved application for temporary protected status in the United States;

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- (viii) has approved deferred action status; or
- (ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS-

(i) **IN GENERAL-** If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) **EXPIRATION DATE-** A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(iii) **DISPLAY OF EXPIRATION DATE-** A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) **RENEWAL-** A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) VERIFICATION OF DOCUMENTS- To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

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(d) Other Requirements- To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

- (1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.
- (2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.
- (3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.
- (4) Establish an effective procedure to confirm or verify a renewing applicant's information.
- (5) ~~Confirm with the Social Security Administration a social security account number presented by an applicant using the full social security account number. In the event that a social security account number is already registered to or assigned to another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.~~
- (6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.
- (7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.
- (8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.
- (9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.
- (10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.
- (11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card--
 - (A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and
 - (B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.
- (12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.
- (13) Maintain a State motor vehicle database that contains, at a minimum--
 - (A) all data fields printed on drivers' licenses and identification cards issued by the State; and

REAL ID Act – Title II

(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

(a) Criminal Penalty- Section 1028(a)(8) of title 18, United States Code, is amended by striking 'false authentication features' and inserting 'false or actual authentication features'.

(b) Use of False Driver's License at Airports-

(1) IN GENERAL- The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

(2) FALSE DEFINED- In this subsection, the term 'false' has the same meaning such term has under section 1028(d) of title 18, United States Code.

SEC. 204. GRANTS TO STATES.

(a) In General- The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

(b) Authorization of Appropriations- There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

SEC. 205. AUTHORITY.

(a) Participation of Secretary of Transportation and States- All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(b) Extensions of Deadlines- The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

SEC. 206. REPEAL.

Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is repealed.

SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.

REAL ID Act – Title II

Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.



March 15, 2017

Dear House Representatives of the Local Government Committee,

Hello, my name is Cendy Angeles and I am a community leader from Colorado Springs, since 2007. I entered the country with a work visa that granted me a valid Social Security Number.

Since then she had been faithfully paying taxes every year and giving back to my communities, educating myself on what's possible. I have finished my GED and now I am part of the Colorado Immigrant Rights Coalition and member of I Drive CO to continue to improve our communities.

At the beginning of the SB251 program I had my appointment ready to get a driver's license. It was very painful to realize, since I entered this country legally with a valid social security, the SB251 Colorado Road and Community Safety Act excluded me from this benefit of a driver's license. We need to address this original drafting error of SB251 law to improve the efficiency of the Driver's License program.

Now I have two to children that go to school, go to the doctor and many other activities and I am afraid to drive because at any moment I could have problems for not having a driver's license. Today I ask you in the name of my children to support HB1206. This bill works to improve the SB251 program so every Coloradan has access to a Driver's License. Vote yes for HB1206.

Thank you,
Cendy Angeles
Grupo Esperanza
Colorado Springs, Colorado

The I Drive CO Campaign includes over 40 Colorado organizations. I Drive CO is dedicated to making our communities and roads safer through monitoring and improving access for undocumented Coloradans to licenses and identification documents.



March 15, 2017

Dear House Representatives of the Local Government Committee,

My name is Mateo Lozano Arroyave. I am originally from Colombia. I am 22 years old, the youngest of 5 children, and currently a DACA recipient. I've lived here in the state of Colorado since I was 4 years old. My mother, a mayor, and my Father, a journalist; gave up their careers in Columbia in search of a better life. They became housekeepers, construction workers, janitors, and just about any kind of job that would pay them to keep us away from rampant violence, harsh poverty, and drugs. They are my hero's. My own brother, a father, a family man, a man who did back breaking work for years was one of thousands of people who have been deported. I am here today to also honor and recognize his existence to all of you who are present.

In 2012 President Obama announced Deferred Action for Childhood Arrivals (DACA), which granted a 2 year reprieve of deportation and a two year work permit which included the issuance of a valid social security number. Recipients of the DACA program supports youth who arrived to this country before the age of 16, could pass a criminal background check and not have turned 31 by June 15th, 2012.

The current President of the United States has made it clear that no immigrant is safe; this includes DACA recipients. We have already seen on the news that Donald Trump is threatening to sign an executive order that will strip DACA recipients of their protective status. I ask that we all take a second to think about the consequences and the impact to the state of Colorado if individuals like myself are stripped of our protection. We are important to the economy. As Dreamers, we have utilized this program to achieve our dreams of higher education and beyond. Our skills and talents do not compare with other people in less fortunate countries. Repealing my DACA status and putting myself at greater risk of deportation for not having access to renew my driver's license for having a valid social security would be a severe loss for Colorado.

We can't wait and see what will happen at the Federal level. As Coloradans, we must reform programs like the SB251 Colorado Roads and Community Safety Act to protect the right to a driver's license for Dreamers like myself. As it is written, the SB251 law currently will not allow me to obtain a license if my temporary status is stripped from me. This is because DACA granted me a work permit and a social security number. Those with Social security numbers do not qualify to participate due to a drafting error of the

original law. This unintended error can negatively impact 33,000 people, just like me, if the program is repealed. If DACA is taken away, not only will we lose the ability to work, but also lose our privileges to drive in the state of Colorado. How will I get to school? How will I transport my mother to her doctor's appointment?

Today I urge you to vote YES on HB-1206 Eligibility on the Colorado Road and Community Safety Act. This bill will strengthen the efficiency local efficiency of the SB251 driver's license program. I ask, I plead that you use your vote to protect the right of driver's licenses for all Coloradans by voting yes on HB-1206.

Thank you,
Mateo Lozano Arroyave
DACA Recipient
Denver, Colorado

The I Drive CO Campaign includes over 40 Colorado organizations. I Drive CO is dedicated to making our communities and roads safer through monitoring and improving access for undocumented Coloradans to licenses and identification documents.



The Impact of Allowing All Immigrants Access to Driver's Licenses

February 2017

Providing driver's licenses to all immigrants makes Colorado roads safer and results in greater savings in automobile insurance premiums for all Colorado drivers. Licensed drivers become more knowledgeable about traffic and road laws, purchase insurance and register their vehicles.

Under current law, funding for a program that makes driver's licenses available to undocumented immigrants has to be reauthorized every year and is severely limited. The Colorado Fiscal Institute believes the economic and social benefits of providing driver's licenses to all immigrants far outweigh the administrative costs of the program.

Making driver's licenses readily available to all gives aspiring immigrants the opportunity to purchase insurance and register their card while reducing premiums for all Coloradans.

- Prior to the passage of the Colorado Road and Community Safety Act (SB 13-251) in 2013, 146,000 unlicensed immigrants were ineligible for driver's licenses in Colorado. Due to the reduction in the size of the program and lack of funding, many are still waiting to get their driver's licenses.
- An estimated 16.2 percent of all Coloradans are driving without insurance. However, unlike other uninsured motorists, unlicensed immigrant motorists lack insurance because they are unable to purchase any without a license in Colorado. These unlicensed immigrants make up 18 percent of all Colorado's uninsured motorists.
- Colorado drivers could see savings of \$57 million in insurance premiums every year when all immigrants are able to get driver's licenses and purchase car insurance.
- Insurance companies and the state could also experience increased revenue. In order to register a car, an individual must purchase insurance and can only do so with a license. Insurance companies could see increased revenue of \$102 million annually. In addition, many of these drivers will begin to register their vehicles, and state and local governments can see new revenue from the approximately 120,000 vehicles.

Research shows that there are a number of economic benefits associated with unrestricted, driver's license programs

Those with driver's licenses are more likely to work and spend, participating more broadly in Colorado's economy according to a 2011 study from the Oregon Department of Transportation.¹

- Lack of access to driver's licenses means that immigrants spend more time trying to get around and less time working and putting dollars back into the local economy. In fact, most are less likely to make purchases in general due to a lack of safe access to transportation.
- Licensed drivers are more likely to purchase larger items such as homes, vehicles or household appliances.

¹ Oregon Department of Transportation, Assessment of the Socioeconomic Impact of SB 1080 on Immigrant Groups, June 2011
http://www.oregon.gov/ODOT/TD/TP_RES/docs/reports/2011/sb1080.pdf

Other states have experienced a reduction in fatalities and an increase in insured rates due to unrestricted driver's license programs

Currently, 12 other states offer driver's licenses to immigrants, and most of these programs are seeing positive impacts on the states and local communities.

- **New Mexico:** Since the state began issuing licenses in 2003, the rate of uninsured vehicles decreased almost 24 percentage points, from 33 percent in 2002 to 9.1 percent in 2011.² What's even more impressive is that alcohol-related crashes decreased 32 percent and traffic fatalities fell 23 percent.³
- **Utah:** The state began issuing licenses in 1999, and in 2005 began issuing Driving Privilege Cards. Of the 50,000 undocumented immigrant motorists in Utah, approximately 42,000 have Driving Privilege Cards (DPC).⁴ This caused Utah's uninsured motorist rate to drop from 28 percent to 8 percent. DPC holders have an insurance coverage rate of 75 percent.⁵

Thamanna Vasana,
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Colorado Fiscal Institute
vasan@coloradofiscal.org
720-379-3019 ext. 227

² <http://www.abqjournal.com/main/2012/07/09/news/effects-on-insurance-unclear.html> (Note: there is some conflicting research from the Insurance Research Council) *see also:* "Effects on Insurance Unclear," Albuquerque Journal, July, 9, 2012, <http://www.abqjournal.com/main/2012/07/09/news/effects-on-insurance-unclear.html>;

³ University of New Mexico, Division of Government Research, <http://www.unm.edu/~dgrint/reports/annual/annrept02.pdf> and <http://www.unm.edu/~dgrint/reports/annual/ar2010-9-19-2012draft.pdf>.

⁴ Illinois Coalition for Immigrant and Refugee Rights, "Determining the impact of unlicensed immigrant motorists in Illinois," 2012

⁵ *Ibid*

Methodology

Estimated number of unlicensed immigrant drivers

The Pew Hispanic Center estimates that 180,000 undocumented immigrants (3.6 percent of the total population) live in Colorado in 2010.⁶ Since 2010, the undocumented population has decreased or remained stable in many states, including Colorado. Colorado is now home to approximately 163,000 undocumented immigrants, according to the Migration Policy Institute.⁷

In this study, we estimate the costs and savings associated with a driver's license for all program in Colorado. Using data from the American Community Survey, we find that in 2015, 89.7 percent of foreign born immigrants in Colorado were between the ages of 16 and 74. In comparison, only 75.3 percent of U.S. citizens (native-born) are between the ages of 16 and 74. The age distribution of new and aspiring immigrants is different than that of the U.S.-born population, with a smaller share of children and elderly than either the legal immigrant or the U.S.-born population. As such, the foreign born cohort is the closest proxy for undocumented immigrants.⁸

In order to estimate the number of undocumented immigrants that would be eligible and take advantage of driver's licenses, we assume that the majority of undocumented immigrants that would qualify for the program are between the ages of 16 and 74. The Federal Highway Administration reports that, in 2015, 3,802,022 individuals under the age of 75 had licenses.⁹ This means that approximately 95.4 percent of the eligible population in the state has a license. If undocumented immigrants make use of a license program at the same rate, approximately 134,596 aspiring immigrants would receive a driver's license.

<p>163,000 <i>undocumented immigrants</i> × 89.7% <i>share of immigrants in Colorado between 16 and 74</i> = 146,160 <i>undocumented immigrants that would be eligible for a driver's license</i></p> <p>3,802,022 <i>total licensed drivers</i> ÷ 3,904,879 <i>total population 16 to 74 years of age</i> = 97.4% <i>share of those between 16 and 74 in Colorado with a driver's license</i></p> <p>97.4% <i>of those 16 – 74 likely to get a license</i> × 146,160 <i>of aspiring immigrants who would be eligible for a driver's license</i> = 142,360 <i>undocumented immigrants that will get a license</i></p>

Estimated uninsured and insured vehicles in Colorado

⁶ The Pew Hispanic Center, "Size of U.S. Unauthorized Immigrant Workforce Stable After the Great Recession," November 3, 2016, <http://www.pewhispanic.org/2016/11/03/size-of-u-s-unauthorized-immigrant-workforce-stable-after-the-great-recession/>

⁷ Migration Policy Institute, "Profile of the Unauthorized Population:Colorado," <http://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/CO>

⁸ United States Census Bureau, American Community Survey, 2015 5 Year Estimates

⁹ Federal Highway Administration, Policy and Governmental Offices, "Highway Statistics 2015."

In order to estimate insurance savings, we first estimate the total number of unlicensed drivers. The Insurance Research Council reports that 16.2 percent of Colorado drivers are uninsured, compared to 12.2 percent nationally.¹⁰ This means that approximately 758,288 motorists are driving without insurance in Colorado. This figure includes those that are currently licensed but have not purchased insurance and unlicensed immigrants who are unable to purchase insurance. Of these drivers, 142,360 (or 18.8 percent) are uninsured vehicles driven by undocumented immigrants. It is important to note that the majority of uninsured drivers are those who have U.S. Citizenship or other lawful immigration status. If these aspiring immigrants were able to acquire a license and purchase insurance, and if they did so at the same rate as other Coloradans, only 23,062 undocumented immigrants would not have insurance.

If immigrants get insured at the same rate as other drivers

$$142,360 \times 16.2\% \text{ uninsured} \\ = 23,062 \text{ uninsured immigrant (119,298 insured drivers)}$$

Estimated savings to insured drivers and new revenue for insurance companies and the state

A study by economists at the University of Utah and Columbia University found that not allowing undocumented immigrants to get insurance impacts all drivers, especially in increases to annual premiums.¹¹ The study found that prohibitive license programs in states increases annual coverage costs for drivers by approximately \$17.22 a driver. If unauthorized immigrants are able to get licenses and get insured at a similar rate as all other drivers, this could save all licensed and insured drivers approximately \$57 million in premiums, annually. This saving is due to the fact that uninsured immigrant drivers are just as safe on the roads as resident drivers, and having more safe drivers in an insurance pool results in savings for all drivers.

Annual savings to Colorado driver's if all immigrants can get licenses

$$3,282,330 \text{ insured aspiring immigrant and resident drivers} \\ \times \$17.22 \text{ per individual, per year} \\ = \$56,521,722 \text{ annual premium savings}$$

Allowing undocumented immigrants access to driver's licenses would also increase revenue for automobile insurance companies. A 2016 study by the National Association of Insurance Commissioners estimated that the average insurance premium and expenditure was \$778 in 2013. Adjusting for growth, CFI estimates that the average premium in 2015 would be approximately \$857.32. If undocumented immigrants purchase insurance at the same rate as all other Coloradans then 83.8 percent will purchase insurance, increasing insurance revenue by \$102 million annually.

¹⁰ The Insurance Research Council, "New Study Reveals a Declining Trend in the Percentage of Uninsured Motorists," August 5, 2014; http://www.insurance-research.org/sites/default/files/downloads/IRC%20UM_NewsRelease_1.pdf

¹¹ Cáceres, Mauricio, and Kenneth P. Jameson. "The effects on insurance costs of restricting undocumented immigrants' access to driver licenses." *Southern Economic Journal* 81.4 (2015): 907-927.

New revenue for insurance companies

*142,360 aspiring immigrants that will get a license × 83.8% purchase insurance
= 119,298 immigrants will purchase insurance*

*119,298 immigrants will purchase insurance × \$857.32 in annual premiums
= \$102,276,287 in increased insurance revenue*

Unlicensed immigrants are also currently driving without proper registration for their vehicles. In Colorado, a driver cannot obtain registration for their car without a license and insurance. While it is difficult to estimate the actual new revenue this would create, it will most definitely be new state and local tax revenue that the state would have been previously unable to collect from approximately 120,000 vehicles.

The Impact of Allowing All Immigrants Access to Driver's Licenses

Prior to the passage of the Colorado Road and Community Safety Act in 2013, 142,000 unlicensed immigrants were ineligible for driver's licenses in Colorado. Due to the reduction in size of the program and lack of funding, many are still waiting to get their licenses.

What would happen if all immigrants had access to driver's licenses?

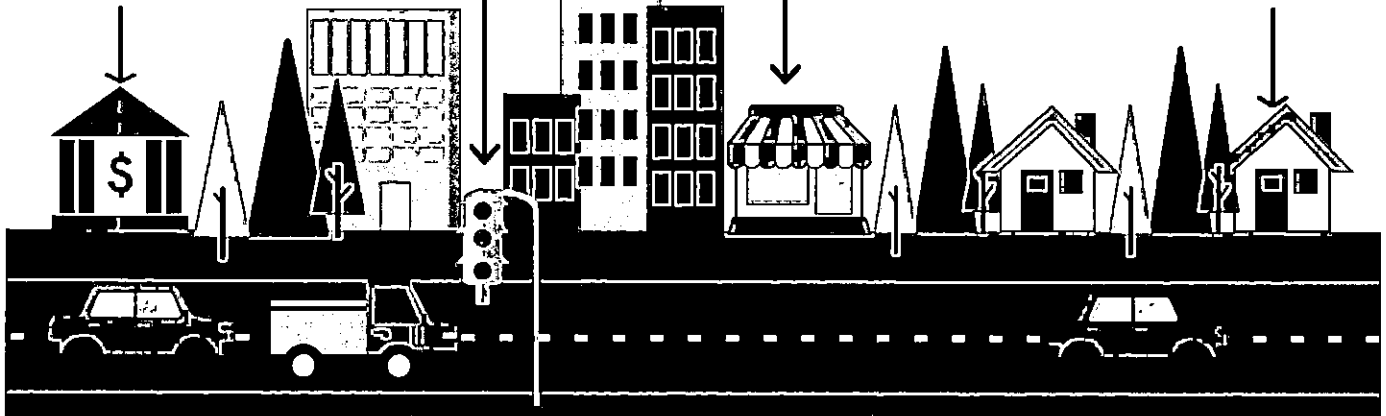
Insurance companies could see increased revenue of \$102 million annually.

More money is put back into the local economy as those with driver's licenses are more likely to work and spend money.¹

Colorado drivers could see savings of \$57 million in insurance premiums every year.

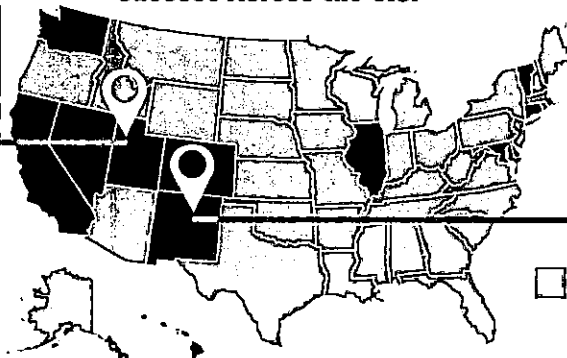
Colorado roads become safer as licensed drivers become more knowledgeable about traffic and road laws.

Licensed drivers are more likely to purchase larger items such as homes, vehicles or household appliances.¹



Success Across the U.S.

Utah began issuing Driving Privilege Cards (DPC) in 2005. As a result, Utah's uninsured motorist rate dropped 20 percent and DPC holders have an insurance coverage rate of 75 percent.^{2,3}



Since New Mexico began issuing licenses in 2003, the rate of uninsured vehicles decreased by almost 24 percent, alcohol-related crashes decreased 32 percent and traffic fatalities fell 23 percent.^{4,5}

Colorado's current driver's license program for undocumented immigrants is restricted by size and funding. For the estimated 142,000 undocumented immigrants that would make use of this program, only three offices in Colorado offer appointments and appointments are capped at 66,000 in total. As a result, many are left waiting to get their driver's licenses.

Colorado should work to remove this cap and increase the number of office locations that take appointments to extend access to driver's licenses to all immigrants.

1 Oregon Department of Transportation, Assessment of the Socioeconomic Impact of SB 1080 on Immigrant Groups, June 2011. http://www.oregon.gov/ODOT/TD/TP_RES/docs/reports/2011/sb1080.pdf
 2 <http://www.abqjournal.com/main/2012/07/09/news/effects-on-insurance-unclear.html> (Note: there is some conflicting research from the Insurance Research Council) see also: "Effects on Insurance Unclear," Albuquerque Journal, July, 9, 2012, <http://www.abqjournal.com/main/2012/07/09/news/effects-on-insurance-unclear.html>;
 3 University of New Mexico, Division of Government Research, <http://www.unm.edu/~dgrint/reports/annual/annrpt02.pdf> and <http://www.unm.edu/~dgrint/reports/annual/or2010-9-19-2012draft.pdf>.
 4 Illinois Coalition for Immigrant and Refugee Rights, "Determining the Impact of Unlicensed Immigrant Motorists in Illinois," 2012
 5 Ibid



Eligibility Colorado Road & Community Safety Act: HB-1206 **Sponsors: Rep. Arndt and Singer, Sen. Coram and Moreno**

The Colorado Road and Community Safety Act, SB-251, provided drivers licenses to all Colorado residents, regardless of immigration status. In August of 2014, five Department of Motor Vehicle offices implemented the program, each offering 31 appointments per day. The SB-251 program has provided documents to nearly 45,000 Coloradans, however, there are major inefficiencies resulting from the initial legislation. HB-1206 seeks to clarify eligibility of identification documents by including valid Social Security Numbers and would also streamline the renewal process.

MINOR DRAFTING ERRORS BAR THOUSANDS FROM LICENSES

- Based on an oversight in the original 2013 legislation, thousands of longtime Colorado residents are unable to access SB-251 licenses. Before the 1996 Personal Responsibility and Work Opportunity Act, immigrants received valid Social Security Numbers. Since that time, there are also individuals who received temporary status and were granted Social Security Numbers. Because these individuals previously received Social Security Numbers they cannot apply for Individual Tax Identification Numbers, the sole qualifying eligibility document for SB-251 licenses. Drafting errors should never permanently hobble our government programs.

UPDATING THE RENEWALS PROCESS IMPROVES GOVERNMENT EFFICIENCY

- Unlike traditional Colorado licenses, the SB-251 documents are valid only for three years and cannot be renewed online. Renewals will begin in August of 2017 and the increased demand for renewal appointments will overload an already bloated system. We need to remove the bureaucratic red tape and allow SB-251 licenses to be renewed online and through any Department of Motor Vehicle office. Our commitment to good government means that we have an efficient and functioning government, one that effectively serves Coloradans at the local level.

AGRICULTURAL AND RURAL LEADERS ARE CALLING FOR SAFER ROADS

- Across the agricultural sector, farmers and producers have seen the economic benefits of SB-251 licenses. In fact, the Colorado Dairy Farmers support HB-1206, recognizing the benefits for its rural workforce. Rural health advocates have also noted the importance of increasing transportation access in some of the most isolated areas of the state. The Tri-County Health Network in southwest Colorado endorsed the legislation, arguing that transportation barriers are one the greatest challenges facing rural health care consumers.

The I Drive Colorado Campaign includes over 40 Colorado organizations. I Drive Colorado is dedicated to making our communities and roads safer through monitoring and improving access for undocumented Coloradans to licenses and Identification documents.

For more information regarding the HB-1206, please contact:

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Elliot Williams, Siegel Public Affairs | 303-903-8598 | Elliot@siegelpa.com

Social Security Numbers for Noncitizens



Does a noncitizen need a Social Security number?

Unless you are a noncitizen who wants to work in the United States, you probably don't need a Social Security number.

Generally, only noncitizens authorized to work in the United States by the Department of Homeland Security (DHS) can get a Social Security number. Social Security numbers are used to report a person's wages to the government and to determine a person's eligibility for Social Security benefits. You need a Social Security number to work, collect Social Security benefits, and receive some other government services.

Lawfully admitted noncitizens can get many benefits and services without a Social Security number. You don't need a number to get a driver's license, register for school, get private health insurance, or apply for school lunch programs or subsidized housing.

Some organizations use Social Security numbers to identify you in their records. Most, however, will identify you by some other means if you request it.

We can't assign you a Social Security number solely for you to be able to get a driver's license or a service that requires a credit check.

Although many companies, such as banks and credit companies, may ask for your Social Security number, you generally aren't required to provide one if you don't have one.

How can I get a Social Security number and card?

If you are an immigrant, there are two ways you can apply.

- You can apply in your home country before you come to the United States when filing an application for an immigrant visa with the U.S. Department of State. In almost all cases, if you apply for a Social Security number and card with your immigrant visa application, you don't have to visit a Social Security office

in the United States. (For more information, see www.socialsecurity.gov/ssnvisa); or

- You can visit a Social Security office in person. See section below for what you need to bring with you to the Social Security office.

If you are not an immigrant, you must visit a Social Security office to apply.

What do I need to bring to the Social Security office?

You need to prove your Identity and work-authorized immigration status.

To prove your identity and work-authorized immigration status, show us your current U.S. immigration documents and your unexpired foreign passport. Acceptable immigration documents include your:

- Form I-551 (Permanent Resident Card, includes machine-readable immigrant visa);
- Admission stamp showing a class of admission permitting work;
- Form I-94 (*Arrival/Departure Record*); or
- Form I-766 (*Employment Authorization Document, EAD, work permit*).

Exchange visitors: If you're a J-1 or J-2 exchange visitor, we also need to see your DS-2019, *Certificate of Eligibility for Exchange Visitor Status*. If you are a J-1 student, student intern, or international visitor, you must provide a letter from your sponsor. The letter should be on sponsor letterhead with an original signature that authorizes your employment.

International students: If you're an F-1 or M-1 student, we need to see your Form I-20, *Certificate of Eligibility for Nonimmigrant Student Status*. For information on other documents that students must provide, ask for *International Students And Social Security Numbers* (Publication No. 05-10181).

You need to prove age.

You must present your foreign birth certificate if you have it or can get it within 10 business days. If not, we can consider other documents, such as your passport or a document issued by DHS, as evidence of your age.

You need to complete an application.

You will need to complete an *Application for a Social Security Card* (Form SS-5). You can do this at the Social Security office or you can find a copy of this form on our website that you can print and bring with you.

Important: All documents must be either originals or copies certified by the issuing agency. We cannot accept photocopies or notarized copies of documents. We also cannot accept a receipt showing you applied for the document.

We may use one document for two purposes. For example, we may use your DHS work permit as proof of both your identity and work-authorized immigration status. Your birth certificate or passport may serve as proof of age. However, you must provide at least two separate documents.

When should I apply?

We recommend you wait 10 days after arriving in the United States to apply for a Social Security number to make it easier for us to verify your DHS documents online, which will speed processing of your Social Security number application.

We will mail your number and card as soon as we have all of your information and have verified your documents with the issuing offices.

How much does applying for a Social Security number and card cost?

Applying for a Social Security number and card is free.

What if I need a number for other reasons?

If you aren't authorized by DHS to work in the United States, you can get a Social Security number only if you can prove you need it for a valid non-work reason. That might happen, for example, if a state or federal law requires you to have a Social Security number to get benefits to which you have already established entitlement.

If you need a number for tax purposes, and you aren't authorized to work in the United States, you can apply for an *Individual Taxpayer Identification Number* from the Internal Revenue Service (IRS). Visit the IRS in person, or call the IRS toll-free number, **1-800-TAXFORM (1-800-829-3676)**, and request Form W-7, *Application For An Individual Taxpayer Identification Number*.

If a business or government agency asks you for a Social Security number and you are not authorized to work in the United States, ask if they can identify you in some other way. In most cases, you'll be able to get the service or license you need without a Social Security number.

Contacting Social Security

Visit www.socialsecurity.gov anytime to apply for benefits, open a *my Social Security* account, find publications or forms, and get answers to frequently asked questions. Or, call us toll-free at **1-800-772-1213** (for the deaf or hard of hearing, call our TTY number, **1-800-325-0778**). We can answer case-specific questions from 7 a.m. to 7 p.m., Monday through Friday. Generally, you'll have a shorter wait time if you call after Tuesday. We treat all calls confidentially. We also want to make sure you receive accurate and courteous service, so a second Social Security representative monitors some telephone calls. We can provide general information by automated phone service 24 hours a day. And, remember, our website, www.socialsecurity.gov, is available to you anytime and anywhere!

INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN) A Powerful Tool for Immigrant Taxpayers

Last updated JANUARY 2016

What is an ITIN?

An Individual Taxpayer Identification Number (ITIN) is a tax processing number issued by the U.S. Internal Revenue Service (IRS). An ITIN consists of nine digits, beginning with the number nine (i.e., 9XX-XX-XXXX).¹ Since 1996, the IRS has issued ITINs to taxpayers and their dependents who are not eligible to obtain a Social Security number (SSN).

Why does the IRS issue ITINs?

All wage earners—regardless of their immigration status—are required to pay federal taxes. The IRS provides ITINs to people who are ineligible for an SSN so that they can comply with tax laws.

Who uses an ITIN?

Taxpayers who file their tax return with an ITIN include undocumented immigrants and their dependents as well as some people who are lawfully present in the U.S., such as certain survivors of domestic violence, Cuban and Haitian entrants, student visa—holders, and certain spouses and children of individuals with employment visas. As of August 2012, the IRS had assigned 21 million ITINs to taxpayers and their dependents.²

Once a person who's been issued an ITIN is eligible to apply for an SSN, he or she may no longer use the ITIN.

What is an ITIN used for?

ITINs are issued by the IRS specifically as a means to pay federal taxes. While the IRS issues them solely for this purpose, ITINs may sometimes be accepted for other purposes, such as for opening an interest-bearing bank account, in employment dispute settlements or for obtaining a mortgage.

Why do undocumented immigrants need an ITIN?

In addition to being required to pay taxes, immigrants benefit from filing income tax returns because:

- It demonstrates that they are complying with federal tax laws.
- Filing federal taxes is a way for immigrants to further contribute to the economy.

LOS ANGELES (Headquarters)
3435 Wilshire Blvd., Suite 2850
Los Angeles, CA 90010
213 639-3900
213 639-3911 fax



WASHINGTON, DC
1121 14th Street, NW, Suite 200
Washington, DC 20005
202 216-0261
202 216-0266 fax

- It is one way that people who may have an opportunity to legalize their immigration status and become U.S. citizens can prove that they have “good moral character.”
- Immigrants can use tax returns to document their work history and physical presence in the U.S. In order to be eligible for legal immigration status under any future immigration reform, people who currently are unauthorized to be in the U.S. most likely will have to be able to prove that they have been employed and have lived continuously in the U.S. for a certain number of years.
- People who file tax returns can claim crucial economic supports, such as the Child Tax Credit, including the refundable portion (also known as the Additional Child Tax Credit).³
- Filing a tax return is required in order to be able to claim premium tax credits for family members—often U.S. citizen children—who are eligible for health care coverage under the Affordable Care Act (ACA).⁴ These tax credits are necessary to help defray the cost of health insurance and thus make it affordable.
- Individuals who are eligible to file their taxes with an ITIN can establish that they are eligible for an exemption from the ACA’s individual mandate, which requires that people have health insurance. Undocumented immigrants are excluded from all ACA benefits, so they are not eligible to buy health insurance through the ACA’s health care marketplace, even at full cost.⁵
- Immigrant workers who receive settlement payments as a result of an employment-related dispute will be subject to the maximum tax withholding rate, unless they have an ITIN.⁶ For example, for a worker with an ITIN, the withholding on back wages paid to the worker because of a settlement will be based on the worker’s family status and the number of exemptions he or she can claim. By contrast, if the worker did *not* have an ITIN, the withholding would be figured as if the worker were single with no exemptions. Similarly, for workers without ITINs, the withholding on payments *other than* wages, e.g., on payments for punitive damages, is figured at the “backup withholding” rate of 28 percent, whereas workers who have ITINs ordinarily would have *no* withholding on such nonwage payments.

What is an ITIN *not* used for?

An ITIN does not authorize a person to work in the U.S. or provide eligibility for Social Security benefits. An ITIN does not provide a person with immigration status.

Do ITIN-filers pay taxes?

Yes! In 2010, over 3 million federal tax returns were filed with ITINs, which accounted for over \$870 million in income taxes.⁷ In the same year, over 3 million unauthorized workers, including ITIN-filers, paid over \$13 billion into Social Security.⁸

Is it safe to use an ITIN?

Generally, yes. The IRS has strong privacy protections in place to ensure that immigrants who report their income and file their taxes are not at risk of having their information shared.⁹ Under Internal Revenue Code section 6103, the IRS is generally prohibited from disclosing taxpayer information, including to other federal agencies. However, certain exceptions apply. For example, the IRS is required to disclose taxpayer information to certain U.S. Treasury Department employees when they request it for tax administration purposes or to other federal agencies if it's needed for a nontax criminal investigation and a federal court has ordered that it be provided.¹⁰

What documents must a person present when applying for an ITIN?

ITIN applicants are required to provide proof of their identity, their foreign status and residency. . In 2015, Congress codified¹¹ the IRS severe restrictions on the types of documents that new ITIN applicants may present.

In order to apply for an ITIN, the applicant must

1. complete a Form W-7, Application for IRS Individual Taxpayer Identification Number,¹² along with his or her federal income tax return,¹³ *and*
2. prove his or her *identity* and *foreign nationality* status by providing a combination of original documents (see the table below) or certified copies of the documents. A certified document is one that the original issuing agency provides and certified as an exact copy of the original document and contains an official stamped seal from that agency. Notarized copies are *not* acceptable.

The IRS will accept only a combination of the 13 documents listed in the table below as proof of identity and/or foreign nationality status. Applicants who can present a passport have to present only one document. Otherwise, they will need to present at least two documents or certified copies of at least two documents.

Document that proves both identity and foreign status	Documents that prove only identity	Documents that prove identity or foreign status (not both)
<ul style="list-style-type: none"> ✓ Passport 	<ul style="list-style-type: none"> ✓ Driver's license issued in the U.S. ✓ Foreign driver's license ✓ Identification card issued by a state within the U.S. ✓ U.S. military identification card 	<ul style="list-style-type: none"> ✓ U.S. Citizenship and Immigration Services photo identification ✓ Visa issued by the U.S. Department of State ✓ Foreign military identification card ✓ National identification card (must be current and include

		<p>photo, name, address, date of birth, and expiration date)</p> <ul style="list-style-type: none"> ✓ Foreign voter registration card ✓ Civil birth certificate ✓ Medical records (only for dependents under age 6) ✓ School records (only for dependents under age 14 or under age 18 if a student)
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How does an applicant file for an ITIN?

An applicant can apply for an ITIN by mail, in person through a designated IRS Taxpayer Assistance Center (TAC),¹⁴ or with the help of an Acceptance Agent (AA) or a Certifying Acceptance Agent (CAA) authorized by the IRS.¹⁵ An applicant who resides outside of the U.S. may apply by mail or in person to an IRS employee or a designated U.S. diplomatic mission or consular post.

Applicants who apply for an ITIN by mail directly with the IRS must submit either the *original* of each supporting document or a *certified copy* of each supporting document. Applicants who do not want or are unable to mail their original documents or certified copies to the IRS may take them in person to a TAC or CAA to have the documents (or certified copies) verified and immediately returned to them. However, not all TACs provide ITIN-related services, or they may provide them only during restricted business hours. Because the number of TACs and CAAs is limited, many ITIN applicants simply aren't able to take their applications and documents to a TAC or CAA.

In addition, TACs are able to verify only two types of documents—passports and foreign identity cards—and CAAs are able to provide in-person verification only for primary and secondary applicants (not dependents). Given these restrictions and the fact that nearly 70 percent of dependent ITIN applicants prove their identity through birth certificates and school records (and do not have passports),¹⁶ most dependents will not have the option of having their identity documents verified in person.

How long does it take to receive an ITIN?

Outside of peak processing times (between January and April), it should take up to six weeks for an applicant to receive his or her ITIN. However, because most ITIN applications must be filed with tax returns, they are typically filed during peak processing times. As a result, it can take 8 to 10 weeks to receive an ITIN. Any original documents or certified copies submitted in support of an ITIN application will be returned within 65 days. If you do not receive your original and certified documents within 65 days of mailing them to the IRS, you may call 1-800-908-9982.¹⁷

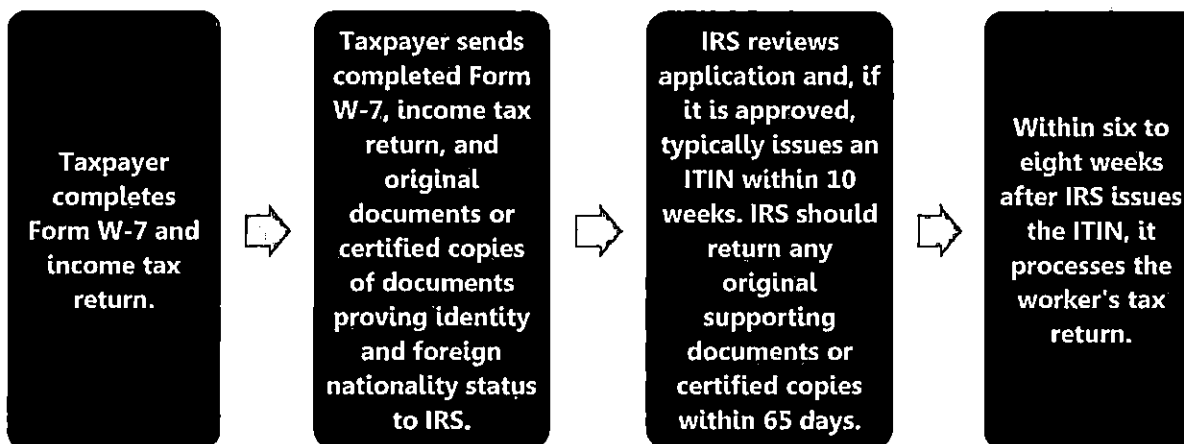
After the ITIN application has been approved, the IRS will process the tax return within 6 to 8 weeks.

Processing ITIN applications¹⁸

All ITIN applications are processed by the ITIN unit in the IRS Submission Processing Center in Austin, Texas. Tax returns attached to the application are sent for processing. Tax examiners in the ITIN unit review ITIN applications and supporting documentation. Based on the tax examiner's review, the application will either be:

- **Assigned:** The IRS mails a notice with the assigned ITIN to the applicant.
- **Rejected:** The IRS mails a notice informing the individual that the ITIN application was rejected, the reason for the rejection and that they must file another application to reapply for an ITIN.
- **Suspended:** The ITIN application is suspended for a procedural issue or because it has questionable information. IRS guidelines define a questionable application as one for which the tax examiner identifies one or more discrepancies on the application. A procedural issue is one in which the applicant did not properly complete the application or did not attach the required documentation to the application.

How do you apply for an ITIN by mail?



How long is an ITIN valid?

ITINs previously were issued for an indefinite period. In 2015¹⁹, Congress mandated that individuals who received ITINs prior to January 1, 2013 are required to renew their ITINs on a staggered schedule between 2017 and 2020. [Please see chart below]. In addition, the new law states that an ITIN will expire if an individual fails to file a tax return for three consecutive years.

ITINs issued to individuals after December 31, 2012 shall remain in effect **unless** the individual does not file a tax return – or is not included as a dependent on the return of another taxpayer - for three consecutive years.

REQUIRED DATE FOR ITIN RENEWAL

If ITIN issued	Then ITIN must be renewed by
Before January 1, 2008	January 1, 2017
In 2008	January 1, 2018
In 2009 or 2010	January 1, 2019
In 2011 or 2012	January 1, 2020

What are the barriers to getting an ITIN?

Because ITIN applicants face many difficulties obtaining certified copies of their identity documents, and because of the limited options for in-person verification of these documents, many ITIN applicants may be forced into the vulnerable position of going without valuable identity documents for weeks or months (or longer, if their documents are lost). For some, this has proven too risky and burdensome. As a result, the ITIN rules that went into effect in 2012 caused a dramatic decline in the number of ITIN applications. In 2013, there were nearly 50 percent fewer ITIN applications than in each of the previous three years.²⁰ In addition, the IRS rejected over 50 percent of the applications that were submitted in 2013.²¹ According to the National Taxpayer Advocate, dramatic declines in applications for ITINs continued in 2014 and 2015 as a result of these stricter application rules, which have now been codified into law.

What problems are created by the barriers to getting an ITIN?

When the requirements for getting an ITIN are too hard to meet:

- Immigrants will not be able to get an ITIN and file income tax returns. As a result, they won't be able to comply with their obligations under federal tax laws.
- Immigrants who can't get an ITIN or file tax returns will face problems if they ever become eligible for immigration relief. Certain applications require proof that the applicant has filed tax returns to establish that he or she has "good moral character."
- Immigrants who can't get an ITIN or file tax returns will also find it harder to prove their work history and that they have been physically present in the U.S. for a certain amount of time, which is also relevant for immigration applications.

- Low-income immigrants will be prevented from claiming tax supports for which they are eligible, including the Child Tax Credit (CTC), the Additional Child Tax Credit (ACTC), and credits under the Affordable Care Act (ACA). Barriers to obtaining the CTC and ACTC can push low-income children deeper into poverty. Similarly, if they can't file tax returns, mixed-immigration status families with members who are eligible for health insurance under the ACA will not be able to prove that they have complied with the individual mandate. And if they received a health insurance premium tax credit, they won't be able to provide the information about their health insurance and income that the IRS needs in order to reconcile the tax credit that was advanced to them with the tax credit for which they're actually eligible. This could prevent them from being able to renew their health insurance the following year.

FOR MORE INFORMATION, CONTACT

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¹ Although all ITINs begin with the number "9," not all taxpayer identification numbers (TINs) starting with the number "9" are ITINs. For example, when a taxpayer files taxes without any TIN (i.e., without an SSN or ITIN), the IRS will issue a temporary IRS number (IRSN) for the taxpayer, which also begins with the number "9," that is used for internal identification purposes until the taxpayer provides a permanent TIN. Unlike IRSNs and other TINs beginning with the number "9," the fourth and fifth numbers in a 9-digit ITIN will always range from 70-88, 90-92, or 94-99. This is important to verify in cases where a taxpayer may mistakenly believe he or she is using an ITIN.

² "The IRS's Handling of ITIN Applications Imposes an Onerous Burden on ITIN Applicants, Discourages Compliance, and Negatively Affects the IRS's Ability to Detect and Deter Fraud," *National Taxpayer Advocate Annual Report to Congress* (Taxpayer Advocate Service, Internal Revenue Service, 2012), www.taxpayeradvocate.irs.gov/userfiles/file/Full-Report/Most-Serious-Problems-ITIN-Individual-Taxpayer-Identification-Number.pdf, figure 1.9.1, p. 156. The full 2012 annual report to Congress is available from www.taxpayeradvocate.irs.gov/2012-Annual-Report/FY-2012-Annual-Report-To-Congress-Full-Report.

³ Letter from Internal Revenue Service Commissioner Douglas H. Shulman to Senate Majority Leader Harry Reid answering questions about the Child Tax Credit, July 20, 2012, www.nilc.org/document.html?id=1098.

⁴ *Frequently Asked Questions: The Affordable Care Act & Mixed-Status Families* (National Immigration Law Center, Oct. 2013), www.nilc.org/aca_mixedstatusfams.html.

⁵ *Id.*

⁶ See, generally, *Backup Withholding for Missing and Incorrect Name/TIN(s)* (Pub 1281, Rev. 2-2011, Catalog No. 63327A, Internal Revenue Service, U.S. Treasury Dept., 2011), www.irs.gov/pub/irs-pdf/p1281.pdf.

⁷ *Recovery Act: Individuals Who Are Not Authorized to Work in the United States Were Paid \$4.2 Billion in Refundable Credits* (Ref. No. 2011-41-061, Treasury Inspector General for Tax Administration, July 7, 2011), www.treasury.gov/tigta/auditreports/2011reports/201141061fr.pdf, appendix IV, table 1, p. 20.

⁸ Stephen Goss, Alice Wade, J. Patrick Skirvin, Michael Morris, K. Mark Bye, and Danielle Huston, *Effects of Unauthorized Immigration on the Actuarial Status of the Social Security Trust Funds* (Actuarial Note No. 151, Office of the Chief Actuary, Social Security Administration, Apr. 2013), www.socialsecurity.gov/OACT/NOTES/pdf_notes/note151.pdf.

⁹ See 26 U.S.C. § 6103, www.law.cornell.edu/uscode/text/26/6103.

¹⁰ See 26 U.S.C. § 6103(i), www.law.cornell.edu/uscode/text/26/6103. Although there are two known incidents in which these exceptions appear to have been violated, they are extremely isolated events. The IRS has reiterated its strong commitment to its confidentiality rules and has subsequently reiterated its commitment to its disclosure rules in an effort to mitigate any chilling effect on ITIN tax-filers.

¹¹ P.L. 114-113, The Consolidated Appropriations Act, 2016.

¹² The form and instructions are available from www.irs.gov/uac/Form-W-7-Application-for-IRS-Individual-Taxpayer-Identification-Number.

¹³ With limited exceptions, ITINs may not be filed for on their own without a complete tax return. For a list of exceptions, such as opening an interest-bearing account, see pp. 7-9 of the IRS Instructions for Form W-7, Application for Individual Taxpayer Identification Number (Rev. August 2013), www.irs.gov/pub/irs-pdf/iw7.pdf.

¹⁴ To find the TAC nearest you and learn about the services it offers, visit www.irs.gov/uac/Contact-Your-Local-IRS-Office-1.

¹⁵ To learn more about the IRS's Acceptance Agent Program, visit www.irs.gov/Individuals/Acceptance-Agent-Program.

¹⁶ "Individual Taxpayer Identification Numbers: ITIN Application Procedures Burden Taxpayers and Create a Barrier to Return Filing," *National Taxpayer Advocate 2013 Annual Report to Congress* (Taxpayer Advocate Service, Internal Revenue Service, 2013), www.taxpayeradvocate.irs.gov/userfiles/file/2013FullReport/INDIVIDUAL-TAXPAYER-IDENTIFICATION-NUMBERS-ITIN-Application-Procedures-Burden-Taxpayers-and-Create-a-Barrier-to-Return-Filing.pdf, p. 224. The full 2013 annual report to Congress is available from www.taxpayeradvocate.irs.gov/2013-Annual-Report/About-the-Report/.

¹⁷ **ITIN Updated Procedures Frequently Asked Questions**

<https://www.irs.gov/Individuals/ITIN-Updated-Procedures-Frequently-Asked-Questions>, accessed 1-8-16.

¹⁸ "Tax Examiners Do Not Have the Tools or Expertise to Authenticate Documents Certified by a Foreign Issuing Agency," Treasury Inspector General for Tax Administration, May 29, 2015, Reference Number: 2015-40-038, accessed 1-6-16.

¹⁹ P.L. 114-113.

²⁰ "Individual Taxpayer Identification Numbers: ITIN Application Procedures Burden Taxpayers and Create a Barrier to Return Filing," *supra* note 15, figure 1.21.5, p. 220.

²¹ *Id.*, figure 1.21.6, p. 221.