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Date: 9/26/2007 10:21:33 AM  
Subject: RE: SAFE Port Act and State CDLs

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#### Abstract

The Transportation Security Administration (TSA) will conduct security threat assessments on Commercial Driver's License (CDL) holders. CDL holders are licensed to operate large commercial motor vehicles that potentially pose threats to transportation security. Congress directed TSA to perform threat assessments on certain CDL holders in the SAFE PORT Act Pub. L. No.109-347, 120 Stat. 1884 (2006). Since the potential threat extends beyond ports, TSA will perform security threat assessments on all CDL holders pursuant to its authority under 49 U.S.C. §114 (f) which gives TSA broad authority "to assess threats to transportation" including vetting persons who could pose a threat to transportation.

#### Introduction

TSA is responsible for assessing threats to transportation. While certain sub-populations of CDL holders currently undergo security threat assessments or other checks by TSA because they are covered under other TSA programs (such as Hazardous Materials Endorsement holders, Transportation Worker Identification Credential holders, airport Security Identification Display Area workers, and airport Sterile Area workers), the vast majority of CDL holders do not undergo a security threat assessment. TSA will perform a security threat assessment (STA) on CDL holders by comparing individuals against Federal terrorism, immigration, and law enforcement databases. TSA will not collect new information about the CDL population to perform the STA but will rely upon licensing data collected by each state's (including the District of Columbia) licensing agency. This data will vary among the various jurisdictions, but generally includes the CDL holders' full name; known aliases, social security number (if collected by the State); date of birth; place of birth; sex; height and weight; hair color; eye color; CDL number; driver's license number and state of licensure; current residential address; mailing address if different than residential address; previous residential address; and immigration status and alien registration number (if applicable).

If the CDL holder poses or is suspected of posing a threat to national or transportation security, TSA will notify the driver by mail of the Initial Determination of Threat Assessment and provide the reason(s) for that determination and directions for how the driver may submit an appeal (as described more fully in Section 7.2). TSA's letter will notify the driver that if the driver's appeal is unsuccessful or if the driver does not respond in a timely manner, TSA's determination will become final. TSA may recommend to the U.S. Department of Transportation, FMCSA, and the Governor of the licensing State that the driver's CDL be revoked.

Because this program entails a new analysis of information about members of the public in an identifiable form, the E-Government Act of 2002 requires that TSA conduct a Privacy Impact Assessment (PIA).

What specific legal authorities/arrangements/agreements define the collection of information?

49 U.S.C. §114, and Section 125 of the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Pub. L. No. 109-347, 120 Stat. 1884 (2006) authorize this collection of information. In addition, TSA has entered into an MOU with FMCSA defining the data exchange and security measures to be implemented.

-----Original Message-----

From: Val.Valenta@scdmv.net [mailto:Val.Valenta@scdmv.net]  
Sent: Thursday, September 20, 2007 4:58 PM  
To: Tauber, Sarah  
Cc: Annie.Phelps@scdmv.net; Marcia.Adams@SCDMV.net; Jimmy.Earley@SCDMV.net  
Subject: SAFE Port Act and State CDLs

Sarah,

I am the General Counsel for the South Carolina Department of Motor

Vehicles. I participated in the September 12 conference call between the TSA and the various states.

My research of South Carolina motor vehicle law has not produced any law that would authorize the SCDMV to revoke a CDL on the basis of the TSA having told us that the driver is on a terrorist watch list. Do you have a cite to some federal law that overrides or supplements state law to give us the authority to revoke commercial driver's licenses?

Thank you for the help.

Val Valenta

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