

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 9

Session of
2007

INTRODUCED BY SCARNATI, PILEGGI, ARMSTRONG, CORMAN, PUNT,
GORDNER, MADIGAN, ROBBINS, ORIE, RAFFERTY, WAUGH, FOLMER,
ERICKSON, McILHINNEY, WONDERLING, BROWNE, D. WHITE,
EICHELBERGER, VANCE, REGOLA, KASUNIC, BOSCOLA, LAVALLE,
LOGAN, MUSTO, PICCOLA, BAKER, PIPPY AND GREENLEAF,
MARCH 29, 2007

SENATOR PICCOLA, STATE GOVERNMENT, AS AMENDED, FEBRUARY 12, 2008

AN ACT

1 Requiring identification of lawful presence in the United States
2 as a prerequisite to the receipt of public benefits.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Proof of
7 Citizenship for Receipt of Public Benefits Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Agency." An agency as defined under 2 Pa.C.S. § 101
13 (relating to definitions).

14 ~~"Public benefits." Any of the following:~~

15 ~~(1) A grant, contract, loan, professional license or~~

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"PUBLIC BENEFITS."

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(1) ANY OF THE FOLLOWING:

(I) A GRANT, CONTRACT, LOAN, PROFESSIONAL LICENSE OR commercial license provided by an agency of the Commonwealth or local government. ~~or by appropriated funds of the Commonwealth or local government.~~

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~~(2) Any retirement, welfare, health, disability, public~~

(II) ANY RETIREMENT, WELFARE, HEALTH, DISABILITY, PUBLIC or assisted housing, postsecondary education, food assistance, unemployment benefit or any other similar benefit for which payments or assistance are provided to an individual, household or family eligibility unit by an agency of the Commonwealth or local government. ~~or by appropriated funds of the Commonwealth or local government.~~

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~~The term does not include any benefits listed under section~~

(2) THE TERM DOES NOT INCLUDE ANY OF THE FOLLOWING:

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(I) BENEFITS LISTED UNDER SECTION 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193, 8 U.S.C. § 1621(b)).

(II) A CONTRACT, PROFESSIONAL LICENSE OR COMMERCIAL LICENSE FOR A NONIMMIGRANT WHOSE VISA FOR ENTRY IS RELATED TO SUCH EMPLOYMENT IN THE UNITED STATES OR TO A CITIZEN OF A FREELY ASSOCIATED STATE, IF SECTION 141 OF THE APPLICABLE COMPACT OF FREE ASSOCIATION APPROVED UNDER THE COMPACT OF FREE ASSOCIATION ACT OF 1985 (PUBLIC LAW 99-239, 99 STAT. 1770) OR THE JOINT RESOLUTION TO APPROVE THE "COMPACT OF FREE ASSOCIATION" BETWEEN THE UNITED STATES AND THE GOVERNMENT OF PALAU, AND FOR OTHER

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PURPOSES (PUBLIC LAW 99-658, 100 STAT. 3672) OR A
SUCCESSOR PROVISION, IS IN EFFECT.

(III) BENEFITS FOR AN ALIEN WHO AS A WORK-AUTHORIZED
NONIMMIGRANT OR AS AN ALIEN LAWFULLY ADMITTED FOR
PERMANENT RESIDENCE UNDER THE IMMIGRATION AND NATIONALITY
ACT (66 STAT. 163, 8 U.S.C. § 1101 ET SEQ.) QUALIFIED FOR
SUCH BENEFITS AND FOR WHOM THE UNITED STATES UNDER
RECIPROCAL TREATY AGREEMENTS IS REQUIRED TO PAY BENEFITS,
AS DETERMINED BY THE SECRETARY OF STATE, AFTER
CONSULTATION WITH THE ATTORNEY GENERAL OF THE UNITED
STATES.

(IV) A PROFESSIONAL LICENSE OR A RENEWED
PROFESSIONAL LICENSE ISSUED BY A FOREIGN NATIONAL NOT
PHYSICALLY PRESENT IN THE UNITED STATES.

(V) ANY FEDERAL PUBLIC BENEFIT UNDER SECTION 401(C)
OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY
RECONCILIATION ACT OF 1996 (PUBLIC LAW 104-193, 8 U.S.C.
§ 1611(C)).

Section 3. Identification required.

(a) General rule.--A person who ~~is at least 18 years of age~~
~~and applies for public benefits from an agency~~ APPLIES DIRECTLY
TO AN AGENCY FOR PUBLIC BENEFITS shall:

(1) Provide one of the following forms of identification
to the agency:

(i) a valid driver's license or identification card
issued by the Department of Transportation;

(ii) a valid identification card issued by any other
agency of the Commonwealth;

(iii) a valid identification card issued by the
United States Government, A STATE GOVERNMENT OR THE

CANADIAN GOVERNMENT;

(iv) a valid United States passport;

(v) a valid Armed Forces of the United States
identification card;

(VI) A FORM OF IDENTIFICATION AS LISTED IN UNITED
STATES ATTORNEY GENERAL'S ORDER NUMBER 2129-97 INTERIM
GUIDANCE ON VERIFICATION OF CITIZENSHIP, QUALIFIED ALIEN
STATUS AND ELIGIBILITY UNDER TITLE IV OF THE PERSONAL
RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF
1996, AS ISSUED BY THE DEPARTMENT OF JUSTICE AT 62 FED.
REG. 61,344 (NOV. 17, 1997).

(2) Execute an affidavit stating that the person is a
United States citizen or legal permanent resident or is
otherwise lawfully present in the United States pursuant to
Federal law.

(b) Recordkeeping of affidavit.--The agency shall maintain
the affidavit required under subsection (a)(2) in accordance
with the applicable records retention schedule.

(C) EXCEPTIONS.--SUBSECTION (A) SHALL NOT APPLY TO:

(1) A PERSON UNDER 18 YEARS OF AGE.

(2) A PERSON CURRENTLY RECEIVING SUPPLEMENTAL SECURITY
INCOME.

(3) A PERSON ENTITLED TO OR ENROLLED IN MEDICARE PART A
OR PART B, OR BOTH.

Section 4. Verification through SAVE program.

(a) General rule.--An agency that administers public
benefits shall verify, through the ~~SAVE~~ SYSTEMATIC ALIEN
VERIFICATION OF ENTITLEMENT (SAVE) program operated by the
Department of Homeland Security, ~~that each~~ OR A SUCCESSOR
PROGRAM DESIGNATED BY THE DEPARTMENT OF HOMELAND SECURITY, THAT

1 EACH NONCITIZEN applicant who has executed an affidavit is an
2 alien legally present in the United States.

3 (b) Presumption of lawful presence by affidavit.--Until such
4 verification of lawful presence is made, the affidavit may be
5 presumed to be proof of lawful presence for purposes of this
6 act.

7 Section 5. Penalties.

8 A person who ~~applies~~ DIRECTLY APPLIES TO AN AGENCY for public <—
9 benefits ~~from an agency~~ in violation of section 3 commits an <—
10 offense under 18 Pa.C.S. § 4904 (relating to unsworn
11 falsification to authorities).

12 Section ~~6~~ 29. Applicability. <—

13 This act shall apply to ~~persons who are at least 18 years of~~ <—
14 ~~age and apply for public benefits from an agency as a new or~~
15 ~~renewal applicant~~ APPLICATIONS FOR PUBLIC BENEFITS AND RENEWAL <—
16 OF PUBLIC BENEFITS FILED DIRECTLY WITH AN AGENCY after the
17 effective date of this section.

18 Section ~~7~~ 30. Effective date. <—

19 This act shall take effect in ~~60~~ 120 days. <—