

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, GREENLEAF AND RHOADES,
MARCH 29, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED,
MARCH 31, 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 "PERSON." AN INDIVIDUAL.

15 "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.

(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. <—

(2) The term does not include any of the following:

(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 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

1 such benefits and for whom the United States under
2 reciprocal treaty agreements is required to pay benefits,
3 as determined by the Secretary of State, after
4 consultation with the Attorney General of the United
5 States.

6 (iv) A professional license or a renewed
7 professional license issued by a foreign national not
8 physically present in the United States.

9 (v) Any Federal public benefit under section 401(c)
10 of the Personal Responsibility and Work Opportunity
11 Reconciliation Act of 1996 (Public Law 104-193, 8 U.S.C.
12 § 1611(c)).

13 Section 3. Identification required.

14 (a) General rule.--A person who applies directly to an
15 agency for public benefits shall:

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

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

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

22 (iii) a valid identification card issued by the
23 United States Government, a state government or the
24 Canadian Government;

25 (iv) a valid United States passport;

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

28 (vi) a form of identification as listed in United
29 States Attorney General's Order Number 2129-97 Interim
30 Guidance on Verification of Citizenship, Qualified Alien

1 Status and Eligibility Under Title IV of the Personal
2 Responsibility and Work Opportunity Reconciliation Act of
3 1996, as issued by the Department of Justice at 62 Fed.
4 Reg. 61,344 (Nov. 17, 1997).

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

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

12 (c) Exceptions.--Subsection (a) shall not apply to:

13 (1) A person under 18 years of age.

14 (2) A person currently receiving Supplemental Security
15 Income OR SOCIAL SECURITY DISABILITY INCOME. <—

16 (3) A person entitled to or enrolled in Medicare Part A
17 or Part B, or both.

18 (4) A PERSON APPLYING FOR PUBLIC BENEFITS ON BEHALF OF A <—
19 PERSON UNDER 18 YEARS OF AGE.

20 Section 4. Verification through SAVE program.

21 (a) General rule.--An agency that administers public
22 benefits shall verify, through the Systematic Alien Verification
23 of Entitlement (SAVE) program operated by the Department of
24 Homeland Security or a successor program designated by the
25 Department of Homeland Security, that each noncitizen applicant
26 who has executed an affidavit is an alien legally present in the
27 United States.

28 (b) Presumption of lawful presence by affidavit.--Until such
29 verification of lawful presence is made, the affidavit may be
30 presumed to be proof of lawful presence for purposes of this

1 act.

2 Section 5. Penalties.

3 A person who directly applies to an agency for public
4 benefits in violation of section 3 commits an offense under 18
5 Pa.C.S. § 4904 (relating to unsworn falsification to
6 authorities).

7 Section 29. Applicability.

8 This act shall apply to applications for public benefits and
9 renewal of public benefits filed directly with an agency after
10 the effective date of this section.

11 Section 30. Effective date.

12 This act shall take effect in 120 days.