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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 9

Session of  
2007

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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

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AS AMENDED ON SECOND CONSIDERATION, APRIL 7, 2008

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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."

16 (1) Any of the following:

1           (i) A grant, contract, ~~loan, professional license or~~ <—  
2           ~~commercial license~~ OR LOAN provided by an agency of the <—  
3           Commonwealth or local government.

4           (ii) Any welfare, health, disability, public or  
5           assisted housing, postsecondary education, food  
6           assistance, unemployment benefit or any other similar  
7           benefit for which payments or assistance are provided to  
8           an individual, household or family eligibility unit by an  
9           agency of the Commonwealth or local government.

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

11           (i) Benefits listed under section 411(b) of the  
12           Personal Responsibility and Work Opportunity  
13           Reconciliation Act of 1996 (Public Law 104-193, 8 U.S.C.  
14           § 1621(b)).

15           (ii) A contract, professional license or commercial  
16           license for a nonimmigrant whose visa for entry is  
17           related to such employment in the United States or to a  
18           citizen of a freely associated state, if section 141 of  
19           the applicable compact of free association approved under  
20           the Compact of Free Association Act of 1985 (Public Law  
21           99-239, 99 Stat. 1770) or the Joint Resolution to approve  
22           the "Compact of Free Association" between the United  
23           States and the Government of Palau, and for other  
24           purposes (Public Law 99-658, 100 Stat. 3672) or a  
25           successor provision, is in effect.

26           (iii) Benefits for an alien who as a work-authorized  
27           nonimmigrant or as an alien lawfully admitted for  
28           permanent residence under the Immigration and Nationality  
29           Act (66 Stat. 163, 8 U.S.C. § 1101 et seq.) qualified for  
30           such benefits and for whom the United States under

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

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

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

12 (VI) SERVICES PROVIDED TO WOMEN, INFANTS AND <—  
13 CHILDREN THROUGH THE SPECIAL SUPPLEMENTAL NUTRITION  
14 PROGRAM FOR WOMEN, INFANTS AND CHILDREN.

15 Section 3. Identification required.

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

18 (1) Provide, IN PERSON, BY MAIL OR BY ELECTRONIC MEANS, <—  
19 one of the following forms of identification to the agency:

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

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

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

27 (iv) a valid United States passport;

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

30 (vi) a form of identification as listed in United

1 States Attorney General's Order Number 2129-97 Interim  
2 Guidance on Verification of Citizenship, Qualified Alien  
3 Status and Eligibility Under Title IV of the Personal  
4 Responsibility and Work Opportunity Reconciliation Act of  
5 1996, as issued by the Department of Justice at 62 Fed.  
6 Reg. 61,344 (Nov. 17, 1997).

7 (2) Execute an affidavit stating that the person is a  
8 United States citizen or legal permanent resident or is  
9 otherwise lawfully present in the United States pursuant to  
10 Federal law. THE AFFIDAVIT SHALL BE PROVIDED, IN PERSON, BY <—  
11 MAIL OR BY ELECTRONIC MEANS, TO THE AGENCY.

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

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

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

17 (2) A person currently receiving Supplemental Security  
18 Income or Social Security disability income.

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

21 (4) A person applying for public benefits on behalf of a  
22 person under 18 years of age.

23 Section 4. Verification through SAVE program.

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

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

5 Section 5. Penalties.

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

10 Section 29. Applicability.

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

14 Section 30. Effective date.

15 This act shall take effect in 120 days.