

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 9

Session of 2011

INTRODUCED BY SCARNATI, CORMAN, BROWNE, WAUGH, ROBBINS, GORDNER, ERICKSON, YAW, ARGALL, FOLMER, ORIE, VOGEL, BAKER, ALLOWAY, D. WHITE, PIPPY, BRUBAKER, RAFFERTY, EICHELBERGER, VANCE, MENSCH, McILHINNEY, PICCOLA, KASUNIC, SOLOBAY, BREWSTER, BOSCOLA AND WOZNIAK, JANUARY 19, 2011

AS AMENDED ON THIRD CONSIDERATION, MAY 23, 2011

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 "AFFIDAVIT." AN UNSWORN STATEMENT THAT IS MADE SUBJECT TO  
13 THE PENALTIES OF 18 PA.C.S. § 4904 (RELATING TO UNSWORN  
14 FALSIFICATION TO AUTHORITIES).



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

1 "Person." An individual.

2 "Public benefits."

3 (1) Any of the following:

4 (i) A grant, contract or loan provided by an agency  
5 of the Commonwealth or local government.

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

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

13 (i) Benefits listed under section 411(b) of the  
14 Personal Responsibility and Work Opportunity  
15 Reconciliation Act of 1996 (Public Law 104-193, 8 U.S.C.  
16 § 1621(b)).

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

28 (iii) Benefits for an alien who as a work-authorized  
29 nonimmigrant or as an alien lawfully admitted for  
30 permanent residence under the Immigration and Nationality

1 Act (66 Stat. 163, 8 U.S.C. § 1101 et seq.) qualified for  
2 such benefits and for whom the United States under  
3 reciprocal treaty agreements is required to pay benefits,  
4 as determined by the Secretary of State, after  
5 consultation with the Attorney General of the United  
6 States.

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

10 (v) Any Federal public benefit under section 401(c)  
11 of the Personal Responsibility and Work Opportunity  
12 Reconciliation Act of 1996 (Public Law 104-193, 8 U.S.C.  
13 § 1611(c)).

14 ~~(vi) Services provided to women, infants and~~ ←  
15 ~~children through the Special Supplemental Nutrition~~  
16 ~~Program for Women, Infants and Children.~~

17 (VI) NUTRITION PROGRAMS ENUMERATED IN SECTION ←  
18 742(B)(2) OF THE PERSONAL RESPONSIBILITY AND WORK  
19 OPPORTUNITY RECONCILIATION ACT OF 1996 (PUBLIC LAW  
20 104-193, 8 U.S.C. § 1615(B)(2)).

21 (VII) PROGRAMS PROVIDING ASSISTANCE IN THE FORM OF  
22 FOOD OR FOOD VOUCHERS, INCLUDING, BUT NOT LIMITED TO, THE  
23 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS  
24 AND CHILDREN.

25 (VIII) PROTECTIVE SERVICES PROVIDED UNDER THE ACT OF  
26 NOVEMBER 6, 1987 (P.L.381, NO.79), KNOWN AS THE OLDER  
27 ADULTS PROTECTIVE SERVICES ACT, AND THE ACT OF OCTOBER 7,  
28 2010 (P.L.484, NO.70), KNOWN AS THE ADULT PROTECTIVE  
29 SERVICES ACT.

30 (IX) SERVICES PROVIDED TO A VICTIM OF A SEVERE FORM

1 OF TRAFFICKING IN PERSONS AS DEFINED UNDER 22 U.S.C. §  
2 7105(B) (1) (C) (RELATING TO PROTECTION AND ASSISTANCE FOR  
3 VICTIMS OF TRAFFICKING).

4 Section 3. Identification required.

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

7 (1) Provide, in person, by mail or by electronic means,  
8 one of the following forms of identification to the agency:

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

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

13 (iii) a valid identification card issued by the  
14 United States Government, a state government or the  
15 Canadian Government;

16 (iv) a valid United States passport;

17 (v) ~~a valid Armed Forces of the United States~~ ←

18 ~~identification card~~ A DOCUMENT FROM AN AGENCY OF THE ←  
19 UNITED STATES OR A STATE NATIONAL GUARD ESTABLISHING THAT  
20 THE PERSON IS A CURRENT MEMBER OF OR A VETERAN OF THE  
21 UNITED STATES ARMED FORCES OR NATIONAL GUARD;

22 (vi) a form of identification as listed in United  
23 States Attorney General's Order Number 2129-97 Interim  
24 Guidance on Verification of Citizenship, Qualified Alien  
25 Status and Eligibility Under Title IV of the Personal  
26 Responsibility and Work Opportunity Reconciliation Act of  
27 1996, as issued by the Department of Justice at 62 Fed.  
28 Reg. 61,344 (Nov. 17, 1997) OR A SUBSEQUENT VERSION OF ←  
29 THAT ATTORNEY GENERAL'S DOCUMENT.

30 (2) Execute an affidavit stating that the person is a

1 United States citizen or legal permanent resident or is  
2 otherwise lawfully present in the United States under Federal  
3 law. The affidavit shall be provided, in person, by mail or  
4 by electronic means, to the agency.

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

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

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

10 (2) A person currently receiving Supplemental Security  
11 Income or Social Security disability income.

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

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

16 (5) A PERSON WHOSE CITIZENSHIP HAS BEEN VERIFIED  
17 PURSUANT TO SECTION 1902(E) OF THE SOCIAL SECURITY ACT (49  
18 STAT. 620, 42 U.S.C. § 1396A(E)).

19 (6) A PERSON WHO DECLARES BY AFFIDAVIT THAT, BECAUSE OF  
20 DOMESTIC VIOLENCE, SHE DOES NOT CURRENTLY POSSESS ANY OF THE  
21 IDENTIFICATION DOCUMENTS LISTED IN SUBSECTION (A) (1). THE  
22 DOMESTIC VIOLENCE SHALL BE VERIFIED USING STATE STANDARDS  
23 DEVELOPED UNDER SECTION 402(A) (7) OF THE PERSONAL  
24 RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF  
25 1996 (PUBLIC LAW 104-193, 42 U.S.C. § 602(A) (7)).

26 Section 4. Verification through SAVE program.

27 (a) General rule.--An agency that administers public  
28 benefits shall verify, through the Systematic Alien Verification  
29 of Entitlement (SAVE) program operated by the Department of  
30 Homeland Security or a successor program designated by the

1 Department of Homeland Security, that each noncitizen applicant  
2 who has executed an affidavit is an alien legally present in the  
3 United States.

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

8 Section 5. Penalties.

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

13 Section 6. Applicability.

14 ~~This~~ (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN  
15 SUBSECTION (B), THIS act shall apply to applications for public  
16 benefits and renewal of public benefits filed directly with an  
17 agency after the effective date of this section. ←

18 (B) FEDERAL FUNDING AND LAW.--THIS ACT SHALL NOT APPLY TO ←  
19 APPLICATIONS FOR PUBLIC BENEFITS AND RENEWAL OF PUBLIC BENEFITS  
20 FILED DIRECTLY WITH AN AGENCY IF COMPLIANCE WITH THIS ACT WOULD  
21 LEAD TO LOSS OF FEDERAL FUNDING OR BE IN CONFLICT WITH ANY  
22 FEDERAL LAW.

23 Section 7. Effective date. ←

24 This act shall take effect in 120 days.