
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1940 Session of
2019

INTRODUCED BY HEFFLEY, RYAN, MILLARD, BARRAR, PYLE, BERNSTINE,
HERSHEY, B. MILLER, KEEFER, MASSER, METCALFE, MOUL,
MACKENZIE, SAYLOR AND ZIMMERMAN, OCTOBER 15, 2019

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 15, 2019

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 "Access device." The Pennsylvania ACCESS card or Electronic
13 Benefit Transfer (EBT) card.

14 "Affidavit." An unsworn statement that is made subject to
15 the penalties of 18 Pa.C.S. § 4904 (relating to unsworn
16 falsification to authorities).

17 "Agency." A government agency.

1 "Authorized cardholder." An individual to whom an access
2 device has been issued for the purpose of accessing:

3 (1) public benefits of which the individual is a
4 recipient;

5 (2) public benefits on behalf of a minor who is a
6 recipient of public benefits;

7 (3) public benefits on behalf of a recipient of public
8 benefits who is unable to use an access device because of a
9 disability; or

10 (4) public benefits on behalf of a household, so long as
11 the individual is an adult member of the household and has
12 been authorized by a recipient of public benefits to access
13 the benefits.

14 "Person." An individual.

15 "Public benefits."

16 (1) Any of the following:

17 (i) A grant, contract or loan provided by an agency
18 of the Commonwealth or a local government.

19 (ii) A welfare, health, disability, public or
20 assisted housing, postsecondary education, food
21 assistance, unemployment benefit or other similar benefit
22 for which payments or assistance are provided to an
23 individual, household or family eligibility unit by an
24 agency of the Commonwealth or a local government.

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

26 (i) Benefits listed under section 411(b) of the
27 Personal Responsibility and Work Opportunity
28 Reconciliation Act of 1996 (Public Law 104-193, 110 Stat.
29 2105).

30 (ii) A contract for a nonimmigrant whose visa for

1 entry is related to employment in the United States or to
2 a citizen of a freely associated state, if section 141 of
3 the applicable compact of free association approved under
4 the Compact of Free Association Act of 1985 (Public Law
5 99-239, 99 Stat. 1770) or the Joint Resolution to approve
6 the "Compact of Free Association" between the United
7 States and the Government of Palau, and for other
8 purposes (Public Law 99-658, 100 Stat. 3672) or a
9 successor provision, is in effect.

10 (iii) Benefits for an alien who as a work-authorized
11 nonimmigrant or as an alien lawfully admitted for
12 permanent residence under the Immigration and Nationality
13 Act (66 Stat. 163, 8 U.S.C. § 1101 et seq.) qualified for
14 benefits and for whom the United States under reciprocal
15 treaty agreements is required to pay benefits, as
16 determined by the Secretary of State, after consultation
17 with the Attorney General of the United States.

18 (iv) A Federal public benefit under section 401(c)
19 of the Personal Responsibility and Work Opportunity
20 Reconciliation Act of 1996.

21 (v) Nutrition programs enumerated in section
22 742(b)(2) of the Personal Responsibility and Work
23 Opportunity Reconciliation Act of 1996.

24 (vi) Programs providing assistance in the form of
25 food or food vouchers, including the Special Supplemental
26 Nutrition Program for Women, Infants and Children.

27 (vii) Protective services provided under the act of
28 November 6, 1987 (P.L.381, No.79), known as the Older
29 Adults Protective Services Act, and the act of October 7,
30 2010 (P.L.484, No.70), known as the Adult Protective

1 Services Act.

2 (viii) Services provided to a victim of a severe
3 form of trafficking in persons as defined under 22 U.S.C.
4 § 7105(b)(1)(C) (relating to protection and assistance
5 for victims of trafficking).

6 (ix) Unemployment benefits for an alien who has
7 obtained employment authorization from the Department of
8 Homeland Security.

9 "Public money." The term includes the cost of arrest,
10 prosecution, incarceration or detainment of an unauthorized
11 alien and any related expenses.

12 "Unauthorized alien." An alien who is not eligible for any
13 State or local public benefits under section 411(a) of the
14 Personal Responsibility and Work Opportunity Reconciliation Act
15 of 1996.

16 Section 3. Identification and eligibility.

17 (a) Requirements.--A person who applies directly to an
18 agency for public benefits shall provide proof of identification
19 and proof of eligibility in accordance with this section.

20 (b) Proof of identification.--

21 (1) Except as provided in paragraph (2), a person
22 subject to subsection (a) must provide, in person, by mail or
23 by electronic means, one of the following forms of
24 identification to the agency:

25 (i) A valid driver's license or identification card
26 issued by the Department of Transportation.

27 (ii) A valid identification card issued by an agency
28 of the Commonwealth.

29 (iii) A valid identification card issued by the
30 United States Government, a state government or the

1 Government of Canada.

2 (iv) A valid United States passport.

3 (v) A document from an agency of the United States
4 or a state National Guard establishing that the person is
5 a current member of or a veteran of the United States
6 Armed Forces or National Guard.

7 (vi) A form of identification as listed in United
8 States Attorney General's Order Number 2129-97 Interim
9 Guidance on Verification of Citizenship, Qualified Alien
10 Status and Eligibility Under Title IV of the Personal
11 Responsibility and Work Opportunity Reconciliation Act of
12 1996 (Public Law 104-193, 110 Stat. 2105), as issued by
13 the Department of Justice at 62 Fed. Reg. 61344 (Nov. 17,
14 1997) or a subsequent version of that Attorney General's
15 order.

16 (2) If the person does not possess a form of
17 identification listed in paragraph (1), the person must
18 provide, in person, by mail or by electronic means, an
19 affidavit stating that the person signing the affidavit is
20 the person who is applying for public benefits and that the
21 person does not possess a form of identification listed in
22 paragraph (1).

23 (c) Proof of eligibility.--To demonstrate eligibility, a
24 person subject to subsection (a) must provide, in person, by
25 mail or by electronic means, one of the following to the agency:

26 (1) An affidavit stating that the person is a United
27 States citizen.

28 (2) An affidavit stating that the person is eligible for
29 State or local benefits under section 411(a) of the Personal
30 Responsibility and Work Opportunity Reconciliation Act of

1 1996.

2 (d) Recordkeeping of affidavit.--The agency shall maintain
3 the affidavit required under subsections (b) and (c) in
4 accordance with the applicable records retention schedule.

5 (e) Exceptions.--Subsection (a) shall not apply to:

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

7 (2) A person currently receiving Supplemental Security
8 Income or Social Security disability income.

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

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

13 (5) A person whose citizenship has been verified under
14 section 1902(ee) of the Social Security Act (49 Stat. 620, 42
15 U.S.C. § 1396a(ee)).

16 (6) A person who declares by affidavit that, because of
17 domestic violence, the person does not currently possess any
18 of the identification documents listed in subsection (a)(1).
19 The domestic violence shall be verified using state standards
20 developed under section 402(a)(7) of the Personal
21 Responsibility and Work Opportunity Reconciliation Act of
22 1996.

23 Section 4. Verification through Systematic Alien Verification
24 for Entitlement (SAVE) Program.

25 (a) General rule.--An agency that administers public
26 benefits shall verify, through the Systematic Alien Verification
27 for Entitlements (SAVE) Program operated by the Department of
28 Homeland Security or a successor program designated by the
29 Department of Homeland Security, that each noncitizen applicant
30 who has executed an affidavit under section 3(c)(2) is eligible

1 for State or local benefits under section 411(a) of the Personal
2 Responsibility and Work Reconciliation Act of 1996 (Public Law
3 104-193, 110 Stat. 2105).

4 (b) Presumption of eligibility by affidavit.--Until
5 verification of eligibility is made, the affidavit executed
6 under section 3(c)(2) may be presumed to be proof that the
7 person is eligible for State or local benefits under section
8 411(a) of the Personal Responsibility and Work Reconciliation
9 Act of 1996.

10 Section 5. Prohibiting issuance of access devices to persons
11 who are not authorized cardholders.

12 An agency may not issue an access device to a person who is
13 not eligible to be an authorized cardholder.

14 Section 6. Possession or use of access device.

15 (a) Offense defined.--A person commits an offense if the
16 person:

17 (1) is not an authorized cardholder and possesses or
18 uses an access device; or

19 (2) possesses or uses an access device that was not
20 issued to the person.

21 (b) Separate offenses.--Each time a person possesses or uses
22 an access device in violation of subsection (a) constitutes a
23 separate offense under this section.

24 (c) Grading.--A person who violates subsection (a) commits a
25 felony of the third degree.

26 Section 7. False statements.

27 A person who knowingly and willfully makes a false,
28 fictitious or fraudulent statement of representation in an
29 affidavit executed under section 3 may be subject to prosecution
30 under 18 Pa.C.S. § 4904 (relating to unsworn falsification to

1 authorities).

2 Section 8. Nondiscrimination.

3 This act shall be enforced without regard to race, religion,
4 gender, ethnicity or national origin.

5 Section 9. Systematic Alien Verification for Entitlements
6 (SAVE) Program.

7 (a) Reporting.--If an agency encounters errors and
8 significant delays when using the SAVE Program under section 4,
9 the agency shall report the errors and delays to the Department
10 of Homeland Security and to the Attorney General.

11 (b) Monitoring.--The Attorney General shall monitor the SAVE
12 Program and the program's verification application for errors
13 and significant delays and report yearly on the errors and
14 significant delays to ensure that the application of the SAVE
15 Program is not wrongfully denying benefits to legal residents of
16 this Commonwealth.

17 Section 10. Notification to the Governor's Office of
18 Administration and posting on PennWATCH.

19 (a) General rule.--An agency, upon determining that public
20 money has been expended on or public benefits provided to an
21 unauthorized alien, shall prepare an invoice listing the cost of
22 the expenditures or benefits. The agency shall transmit the
23 invoice along with any identifying information concerning the
24 unauthorized alien to the Governor's Office of Administration
25 for inclusion in the publicly accessible Internet website known
26 as PennWATCH.

27 (b) Access.--The Governor's Office of Administration shall
28 provide access to the invoices under the act of February 14,
29 2008 (P.L.6, No.3), known as the Right-to-Know Law.

30 Section 11. Applicability.

1 (a) General rule.--Except as otherwise provided in
2 subsection (b), this act shall apply to applications for public
3 benefits and renewal of public benefits filed directly with an
4 agency after the effective date of this section.

5 (b) Federal funding and law.--This act shall not apply to
6 applications for public benefits and renewal of public benefits
7 filed directly with an agency if compliance with this act would
8 lead to loss of Federal funding or be in conflict with any
9 Federal law.

10 Section 12. Effective date.

11 This act shall take effect in 120 days.