

116TH CONGRESS
1ST SESSION

H. R. 848

To restrict certain Federal assistance benefits to individuals verified to be citizens of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2019

Mr. GROTHMAN (for himself, Mr. GOSAR, Mr. GAETZ, Mr. DUNCAN, and Mr. POSEY) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To restrict certain Federal assistance benefits to individuals verified to be citizens of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESTRICTING CERTAIN FEDERAL ASSISTANCE**

4 **BENEFITS TO INDIVIDUALS VERIFIED TO BE**
5 **CITIZENS.**

6 (a) RESTRICTION.—

7 (1) IN GENERAL.—Notwithstanding any other
8 provision of law, an individual is not eligible for a
9 Federal assistance benefit (as defined in paragraph
10 (2) of this subsection) unless the individual meets

1 the citizenship requirement specified in subsection
2 (b)(1).

3 (2) FEDERAL ASSISTANCE BENEFIT.—In this
4 section, the term “Federal assistance benefit”
5 means, with respect to an individual, assistance fur-
6 nished to the individual (or to the household, family,
7 or other similar unit that includes the individual)
8 under any Federal assistance program (as defined in
9 subsection (e)), including any benefit furnished
10 under a grant or contract made pursuant to any
11 such program, but does not include an entity receiv-
12 ing a grant or contract under such a program if the
13 grant or contract is used to furnish assistance other
14 than to the entity receiving the grant or contract.

15 (b) CITIZENSHIP, ATTESTATION, AND CITIZENSHIP
16 VERIFICATION REQUIREMENTS.—

17 (1) CITIZENSHIP REQUIREMENT.—The citizen-
18 ship requirement specified in this paragraph, with
19 respect to an individual, is that the individual must
20 meet—

21 (A) the attestation requirement of para-
22 graph (2); and

23 (B) the citizenship verification requirement
24 of paragraph (3).

1 (2) ATTESTATION REQUIREMENT.—An indi-
2 vidual meets the attestation requirement of this
3 paragraph for a Federal assistance benefit if the in-
4 dividual has filed, in connection with the application
5 for the benefit (or, in the case of an individual who
6 is a recipient of the benefit, filed with the provider
7 of the benefit), a declaration in writing (under pen-
8 alty of perjury and in a form and manner specified
9 under subsection (c)(3)) that the individual is a cit-
10 izen or national of the United States.

11 (3) CITIZENSHIP VERIFICATION REQUIRE-
12 MENT.—

13 (A) IN GENERAL.—An individual meets the
14 citizenship verification requirement of this para-
15 graph—

16 (i) in connection with an application
17 for a Federal assistance benefit, if the in-
18 dividual—

19 (I) furnishes in connection with
20 the application satisfactory documen-
21 tary evidence (as defined in section
22 1903(x)(3) of the Social Security Act
23 (42 U.S.C. 1396b(x)(3)) of United
24 States citizenship or nationality;

1 (II) furnishes in connection with
2 the application a photographic iden-
3 tity document described in section
4 274A(b)(1)(D) of the Immigration
5 and Nationality Act; and

6 (III) furnishes in connection with
7 the application the individual's name
8 and social security account number
9 and has the name and number and
10 citizenship or nationality status con-
11 firmed in accordance with subpara-
12 graphs (B)(ii) and (C)(ii) as being
13 consistent with information in the
14 records maintained by the Commis-
15 sioner of Social Security or the Sec-
16 retary of Homeland Security, respec-
17 tively; or

18 (ii) in the case of a recipient of a Fed-
19 eral assistance benefit, if the individual
20 furnishes to the provider of the benefit the
21 documentary evidence and other informa-
22 tion described in clause (i), and has the in-
23 dividual's name and social security account
24 number and social security number and

1 citizenship or nationality status confirmed
2 as described in clause (i)(III).

3 (B) CONFIRMATION THROUGH SOCIAL SE-
4 CURITY.—

5 (i) TRANSMITTAL OF SSN TO SSA.—

6 An entity that is furnished a name, social
7 security account number, and other iden-
8 tity information for an individual under
9 subparagraph (A) shall submit the name
10 and number to the Commissioner of Social
11 Security for confirmation under clause (ii)
12 of this subparagraph.

13 (ii) CONFIRMATION OR NONCON-
14 FIRMATION BY SSA.—Upon receipt of a
15 submittal under clause (i) from an entity,
16 the Commissioner shall compare the infor-
17 mation submitted with the information in
18 the records maintained by the Commis-
19 sioner and transmit to the entity either a
20 confirmation or nonconfirmation as to
21 whether the number submitted is valid and
22 whether the information in the Social Se-
23 curity Administration indicates that the in-
24 dividual is a citizen or national of the
25 United States.

1 (C) CONFIRMATION THROUGH DHS.—

2 (i) TRANSMITTAL TO DHS.—An entity
3 that is furnished a name and social secu-
4 rity account number and other identity in-
5 formation for an individual under subpara-
6 graph (A) of this paragraph shall submit
7 the name and number and such other iden-
8 tifying information as the Director may re-
9 quire under subsection (c)(3)(B) respecting
10 the individual to the Secretary of Home-
11 land Security for confirmation under
12 clause (ii) of this subparagraph.

13 (ii) REVIEW AND CONFIRMATION OR
14 NONCONFIRMATION BY DHS.—Upon re-
15 ceipt of a submittal under clause (i) from
16 an entity, the Secretary of Homeland Se-
17 curity shall transmit to the entity either a
18 confirmation or nonconfirmation as to
19 whether the information in the records of
20 the Department of Homeland Security in-
21 dicates that the individual is a citizen or
22 national of the United States.

23 (D) VERIFICATION THROUGH SAVE PRO-
24 GRAM.—An entity that is furnished a name and
25 social security account number and other iden-

1 tity information for an individual under sub-
2 paragraph (A) shall verify that the individual is
3 not included as a noncitizen in the Systematic
4 Alien Verification for Entitlements (SAVE)
5 Program of the Department of Homeland Secu-
6 rity.

7 (E) NOTICE.—In the case of an individual
8 who does not provide the documentary evidence
9 referred to in subparagraph (A) or who does
10 not receive confirmation of United States citi-
11 zenship or nationality under subparagraph
12 (B)(ii) or (C)(ii), the entity processing the ap-
13 plication for, or providing, the Federal assist-
14 ance benefit involved shall notify the individual
15 of the individual’s ineligibility under this section
16 with respect to the benefit, and of the oppor-
17 tunity of the individual to appeal the ineligi-
18 bility determination.

19 (F) APPEALS PROCESS.—The head of any
20 department or agency of the Federal Govern-
21 ment who is administering a Federal benefit
22 program shall provide a process through which
23 an individual may appeal a determination made
24 under this Act that an individual is ineligible
25 for a Federal assistance benefit.

1 (4) NATIONAL DEFINED.—In this section, the
2 term “national” means a national of the United
3 States (as defined in section 101(a)(22) of the Im-
4 migration and Nationality Act (8 U.S.C.
5 1101(a)(22)).

6 (c) ADDITIONAL RULES; ADMINISTRATION.—

7 (1) TREATMENT OF CERTAIN FAMILIES AND
8 HOUSEHOLDS.—In the case of a Federal assistance
9 benefit which is made available based on—

10 (A) eligibility for a child, the child shall be
11 treated as meeting the citizenship requirement
12 of subsection (b)(1) if the child, or a parent or
13 legal guardian of the child, meets the require-
14 ment; and

15 (B) eligibility for a household or other
16 family unit, the members of the household or
17 family unit shall be treated as meeting the citi-
18 zenship requirement if any individual who is
19 treated as a member of the household or family
20 unit meets the requirement, except that—

21 (i) if the program under which the
22 benefit is furnished is the program for sup-
23 portive housing for the elderly under sec-
24 tion 202 of the Housing Act of 1959 (12
25 U.S.C. 1701q), the citizenship requirement

1 must be met by an elderly individual who
2 is member of the household; and

3 (ii) if the program under which the
4 benefit is furnished is the program for sup-
5 portive housing for persons with disabilities
6 under section 811 of the Cranston-Gon-
7 zalez National Affordable Housing Act (42
8 U.S.C. 8013), the citizenship requirement
9 must be met by a disabled individual who
10 is a member of the household.

11 (2) SATISFACTION OF REQUIREMENT.—Once an
12 individual meets the citizenship requirement of sub-
13 section (b)(1) with respect to a Federal assistance
14 benefit, the individual shall be treated as continuing
15 to meet the requirement for the benefit so long as
16 the individual otherwise remains continuously eligi-
17 ble for the benefit.

18 (3) GENERAL ADMINISTRATION.—

19 (A) IN GENERAL.—The Director of the Of-
20 fice of Management and Budget may issue such
21 regulations and guidance as may be required to
22 carry out this section.

23 (B) SPECIFICATIONS OF DECLARATION
24 FORM AND VERIFICATION PROCESS.—Not later
25 than 30 days after the date of the enactment of

1 this Act, the Director shall specify the form and
2 manner of the declaration of citizenship form
3 under subsection (b)(2) and the method for
4 verifying citizenship to be used under sub-
5 section (b)(3) consistent with the following:

6 (i) The declaration form shall be
7 based on the declaration form used for
8 purposes of section 1137(d)(1)(A) of the
9 Social Security Act (42 U.S.C. 1320b-
10 7(d)(1)(A)).

11 (ii) The verification process described
12 in subparagraphs (A), (B), and (C) of sub-
13 section (b)(3) shall be based on the process
14 used for purposes of paragraphs (1) and
15 (2) of section 1902(ee) of the Social Secu-
16 rity Act (42 U.S.C. 1396a(ee)).

17 (4) SUPERSEDING OTHER CITIZENSHIP-RE-
18 LATED ELIGIBILITY REQUIREMENTS.—The provi-
19 sions of this section supersede any provisions of law
20 relating to the eligibility for Federal assistance bene-
21 fits of individuals based on citizenship, nationality,
22 or immigration status, unless the Director of the Of-
23 fice of Management and Budget determines that the
24 provisions of the law are more restrictive than the
25 requirements of this section.

1 (d) DISQUALIFICATION FOR WILLFUL AND RE-
2 PEATED NONCOMPLIANCE.—

3 (1) IN GENERAL.—If the Director of the Office
4 of Management and Budget determines that an enti-
5 ty providing a Federal assistance benefit has will-
6 fully and repeatedly furnished the benefit to individ-
7 uals who have not met the citizenship requirement
8 of subsection (b)(1) or has willfully and repeatedly
9 failed to submit information as required under sub-
10 paragraph (B)(i) or (C)(i) of subsection (b)(3), the
11 entity is disqualified from furnishing the benefit,
12 and the Director shall add the name of the entity to
13 the List of Excluded Individuals/Entities, until the
14 Director determines that any such benefit furnished
15 to any such individual has been recovered.

16 (2) MONITORING OF PROGRAMS BY THE IN-
17 SPECTORS GENERAL.—The Inspector General for the
18 respective Federal Department or agency with pri-
19 mary responsibility for a Federal assistance program
20 shall provide for regular reports on compliance of
21 the entities furnishing benefits under the program in
22 applying subsection (a).

23 (e) FEDERAL ASSISTANCE PROGRAM DEFINED.—In
24 this section, the term “Federal assistance program”—

1 (1) means any provision of Federal law (other
2 than the Internal Revenue Code of 1986 or any
3 other Federal law pertaining to taxation) that au-
4 thorizes a benefit to be furnished for which eligibility
5 is based in whole or in part on the income or re-
6 sources of the beneficiary; and

7 (2) includes any provision of the Social Security
8 Act that authorizes a benefit to be furnished.

9 (f) EFFECTIVE DATE.—

10 (1) IN GENERAL.—Subsection (a) shall apply to
11 determinations (including redeterminations) of eligi-
12 bility made on or after the date that is 1 year after
13 the date of the enactment of this Act.

14 (2) TRANSITION RULE.—In no case shall an in-
15 dividual remain eligible for a Federal assistance ben-
16 efit after the date that is 2 years after the date of
17 the enactment of this Act without satisfying the citi-
18 zenship requirement of subsection (b)(1).

○