

111TH CONGRESS
2D SESSION

H. R. 4744

To require, as a condition for purchase of a home mortgage loan by Fannie Mae or Freddie Mac, and insurance of a home mortgage loan under the National Housing Act, that the mortgagor be verified under the E-Verify program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2010

Mr. MARCHANT introduced the following bill; which was referred to the
Committee on Financial Services

A BILL

To require, as a condition for purchase of a home mortgage loan by Fannie Mae or Freddie Mac, and insurance of a home mortgage loan under the National Housing Act, that the mortgagor be verified under the E-Verify program.

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. SHORT TITLE.**

4 This Act may be cited as the “E-Verify Loan Origina-
5 tion Act of 2010”.

1 **SEC. 2. VERIFICATION OF MORTGAGOR UNDER E-**
2 **VERIFICATION PROGRAM.**

3 (a) FANNIE MAE.—Subsection (b) of section 302 of
4 the Federal National Mortgage Association Charter Act
5 (12 U.S.C. 1717(b)) is amended by adding at the end the
6 following new paragraph:

7 “(7)(A) Notwithstanding any other provision of law,
8 after the date of the enactment of the E-Verify Loan
9 Origination Act of 2010, the corporation may not pur-
10 chase any single-family housing mortgage unless the iden-
11 tity and work eligibility of the mortgagor under such mort-
12 gage has been confirmed by an inquiry under subpara-
13 graph (B).

14 “(B) An inquiry under this subparagraph is an in-
15 quiry made through the basic pilot program under section
16 403(a) of the Illegal Immigration Reform and Immigrant
17 Responsibility Act of 1996 (8 U.S.C. 1324a note; com-
18 monly referred to as the E-Verify program). Notwith-
19 standing any other provision of law, lenders for single-
20 family housing mortgages and the corporation may submit
21 such inquiries regarding the identities and work eligibility
22 of mortgagors under such mortgages, and may be provided
23 confirmations and nonconfirmations pursuant to such in-
24 quires, under such basic pilot program.

1 “(C) For purposes of this paragraph, the term ‘sin-
2 gle-family housing mortgage’ means a mortgage that is
3 secured by a 1- to 4-family residence.”.

4 (b) FREDDIE MAC.—Subsection (a) of section 305 of
5 the Federal Home Loan Mortgage Corporation Act (12
6 U.S.C. 1454(a)) is amended by adding at the end the fol-
7 lowing new paragraph:

8 “(6)(A) Notwithstanding any other provision of law,
9 after the date of the enactment of the E-Verify Loan
10 Origination Act of 2010, the Corporation may not pur-
11 chase any single-family housing mortgage unless the iden-
12 tity and work eligibility of the mortgagor under such mort-
13 gage has been confirmed by an inquiry under subpara-
14 graph (B).

15 “(B) An inquiry under this subparagraph is an in-
16 quiry made through the basic pilot program under section
17 403(a) of the Illegal Immigration Reform and Immigrant
18 Responsibility Act of 1996 (8 U.S.C. 1324a note; com-
19 monly referred to as the E-Verify program). Notwith-
20 standing any other provision of law, lenders for single-
21 family housing mortgages and the Corporation may sub-
22 mit such inquiries regarding the identities and work eligi-
23 bility of mortgagors under such mortgages, and may be
24 provided confirmations and nonconfirmations pursuant to
25 such inquiries, under such basic pilot program.

1 “(C) For purposes of this paragraph, the term ‘sin-
2 gle-family housing mortgage’ means a mortgage that is
3 secured by a 1- to 4-family residence.”.

4 (c) FHA.—Title II of the National Housing Act (12
5 U.S.C. 1707 et seq.) is amended by adding at the end
6 the following new section:

7 **“SEC. 543. E-VERIFICATION REQUIREMENT FOR MORTGA-**
8 **GORS.**

9 “(a) PROHIBITION.—Notwithstanding any other pro-
10 vision of law, after the date of the enactment of the E-
11 Verify Loan Origination Act of 2010, the Secretary may
12 not newly insure any single-family housing mortgage un-
13 less the identity and work eligibility of the mortgagor
14 under such mortgage has been confirmed by an inquiry
15 under subsection (b).

16 “(b) E-VERIFY INQUIRIES.—An inquiry under this
17 subsection is an inquiry made through the basic pilot pro-
18 gram under section 403(a) of the Illegal Immigration Re-
19 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
20 1324a note; commonly referred to as the E-Verify pro-
21 gram). Notwithstanding any other provision of law, lend-
22 ers for single-family housing mortgages and the Secretary
23 may submit such inquiries regarding the identities and
24 work eligibility of mortgagors under such mortgages, and

1 may be provided confirmations and nonconfirmations pur-
2 suant to such inquiries, under such basic pilot program.

3 “(c) SINGLE-FAMILY HOUSING MORTGAGE.—For
4 purposes of this paragraph, the term ‘single-family hous-
5 ing mortgage’ means a mortgage that is secured by a 1-
6 to 4-family residence.”.

○