

113TH CONGRESS
2D SESSION

H. R. 5673

To direct the Secretary of the Treasury to establish a program to reimburse States and political subdivisions of States for expenses related to the presence of aliens having no lawful immigration status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2014

Mrs. ELLMERS introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of the Treasury to establish a program to reimburse States and political subdivisions of States for expenses related to the presence of aliens having no lawful immigration status, and for other purposes.

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 “Accountability in For-
5 eign Aid Act of 2014”.

1 **SEC. 2. REIMBURSEMENT FOR STATES AND POLITICAL**
2 **SUBDIVISIONS.**

3 (a) IN GENERAL.—The Secretary of the Treasury
4 shall establish a program for the purpose of reimbursing
5 States, and political subdivisions of States, for expenses
6 required to be incurred and related to the presence within
7 the geographical area of the State or political subdivision
8 of aliens having no lawful immigration status in the
9 United States.

10 (b) EXPENSES DESCRIBED.—The expenses described
11 in subsection (a) shall include expenses such as the fol-
12 lowing:

13 (1) Public elementary and secondary education.

14 (2) Incarceration and detention.

15 (3) Public benefits described in section 411(b)
16 of the Personal Responsibility and Work Oppor-
17 tunity Reconciliation Act of 1996 (8 U.S.C.
18 1621(b)).

19 (c) EXCEPTIONS.—Expenses are not reimbursable
20 under this section if the Secretary of the Treasury deter-
21 mines that—

22 (1) the State or political subdivision has failed
23 to submit sufficient documents, statements, or
24 records necessary to support the request for reim-
25 bursement;

1 (2) the State or political subdivision otherwise
2 has been substantially compensated for the expenses;
3 or

4 (3) such compensation will be forthcoming in a
5 reasonable period of time.

6 (d) PUBLIC ELEMENTARY AND SECONDARY EDU-
7 CATION.—

8 (1) IN GENERAL.—Compensation for a local
9 educational agency under subsection (b)(1) shall be
10 based on—

11 (A) the number of children having no law-
12 ful immigration status in the United States who
13 were in average daily attendance during the
14 preceding school year at the schools of such
15 agency and for whom such agency provided a
16 free public education; multiplied by

17 (B) the average per-pupil expenditure of
18 the State in which the local educational agency
19 is located.

20 (2) DEFINITIONS.—For purposes of this sub-
21 section, the terms “average daily attendance”, “av-
22 erage per-pupil expenditure”, “free public edu-
23 cation”, and “local educational agency” have the
24 meanings given such terms in section 9101 of the

1 Elementary and Secondary Education Act of 1965
2 (20 U.S.C. 7801).

3 (e) INCARCERATION AND DETENTION.—Compensa-
4 tion under subsection (b)(2) shall be the average cost of
5 incarceration of a prisoner in the relevant State, as deter-
6 mined by the Attorney General.

7 (f) APPLICATIONS.—

8 (1) STATE APPLICATIONS.—A State desiring to
9 receive reimbursement for expenses required to be
10 incurred by the State and related to the presence
11 within the geographical area of the State of aliens
12 having no lawful immigration status in the United
13 States shall submit an application for such payment
14 to the Secretary of the Treasury. Such application
15 shall be submitted not later than September 30 of
16 each year.

17 (2) LOCAL APPLICATIONS.—A political subdivi-
18 sion of a State desiring to receive reimbursement for
19 expenses required to be incurred by the political sub-
20 division and related to the presence within the geo-
21 graphical area of the political subdivision of aliens
22 having no lawful immigration status in the United
23 States shall submit an application for such payment
24 to the State. Subject to verification (as determined
25 necessary by the State), the State shall include such

1 local expenses in the State application submitted
2 under paragraph (1). The Governor of the State
3 shall establish deadlines for the submission of local
4 applications under this paragraph, and shall dis-
5 tribute all funds received from the Secretary of the
6 Treasury on behalf of a political subdivision of a
7 State to the political subdivision.

8 (g) INSUFFICIENT APPROPRIATIONS.—

9 (1) IN GENERAL.—If the amount made avail-
10 able to carry out this section for a fiscal year is in-
11 sufficient to pay the full amount determined by the
12 Secretary of the Treasury to be due to all States for
13 the year, the Secretary shall ratably reduce the pay-
14 ment to each State.

15 (2) RESUBMISSION.—If a State or political sub-
16 division of a State does not receive reimbursement
17 for any expense due to a reduction made under
18 paragraph (1), the State or political subdivision may
19 resubmit documentation for the succeeding fiscal
20 year demonstrating the validity of the claimed
21 amount and that the amount has not yet been reim-
22 bursed from any other source.

23 (h) CONFIDENTIALITY OF INFORMATION.—

24 (1) IN GENERAL.—In carrying out this section,
25 the Secretary of the Treasury shall not—

1 (A) make any publication whereby the in-
2 formation furnished by any particular alien can
3 be identified; or

4 (B) permit anyone other than the sworn
5 officers and employees of the Department of the
6 Treasury to examine individually identifiable in-
7 formation.

8 (2) IMMIGRATION OFFICIALS.—Except as pro-
9 vided in this subsection, the Secretary of Homeland
10 Security, the Attorney General, the Secretary of
11 State, any other official or employee of the Depart-
12 ment of Homeland Security, the Department of Jus-
13 tice, or the Department of State, or any bureau or
14 agency thereof, shall not use information collected or
15 furnished in support of requests for reimbursement
16 under this section for any purpose.

17 (3) REQUIRED DISCLOSURES.—The Secretary
18 of the Treasury shall provide the information fur-
19 nished under this section, and any other information
20 derived from such furnished information, to a duly
21 recognized law enforcement entity in connection with
22 a criminal investigation or prosecution of fraud or
23 other malfeasance under this section, when such in-
24 formation is requested in writing by such entity.

1 (i) VERIFICATION OF IMMIGRATION STATUS OF
2 ALIENS.—Notwithstanding any other provision of law,
3 when used for purposes of establishing or demonstrating
4 eligibility for reimbursement under this section, the head
5 of each State or local public agency that incurs costs in
6 connection with a benefit or service provided to an alien
7 may use the immigration status verification system of
8 such agency or the Systematic Alien Verification For Enti-
9 tlements Program (SAVE) of the Department of Home-
10 land Security to determine the immigration status of such
11 alien.

12 **SEC. 3. TRANSFER OF FUNDS.**

13 15 percent of any discretionary amounts made avail-
14 able for each of fiscal years 2016 through 2021 for the
15 Department of State, Foreign Operations, and Related
16 Programs (other than amounts made available for “Bilat-
17 eral Economic Assistance—Funds Appropriated to the
18 President—Global Health Programs” and “Department
19 of State—Nonproliferation, Anti-Terrorism, Demining
20 and Related Programs”) for foreign assistance shall be
21 made available to the Secretary of the Treasury to carry
22 out section 2 of this Act for a 90-day period beginning
23 on the date of the enactment of each Act appropriating
24 such amounts.

○