

Congress of the United States
Washington, DC 20515

April 13, 2020

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Trump:

Thank you for your continued leadership as our nation battles the public health crisis and economic fallout brought on by the COVID-19 pandemic. We appreciate your efforts to ensure that America's medical professionals and first responders have the necessary personal protective equipment (PPE) to combat this virus and care for sick and suffering Americans. We also want to thank you for your leadership in establishing temporary programs to assist individuals and businesses affected by this virus.

One such program to help struggling Americans is the "recovery rebate" program included in Coronavirus Aid, Relief, and Economic Security (CARES) Act, which provides direct assistance in the form of checks worth \$1,200 per adult and \$500 per child. Recent media reports state that this program will only be available for individuals who are in the United States legally. However, we are concerned that language and definitions contained in the CARES Act may allow illegal immigrants to also take advantage of these benefits. As such, we ask you to investigate this matter to ensure that illegal immigrants are not reaping the benefits of our country's generosity.

Specifically, Section 6428(d) of the CARES Act states "nonresident aliens" are not "eligible individuals" to receive these rebates. However, in practice the Internal Revenue Service (IRS) uses the "substantial presence test" to determine residency for tax purposes. Under this IRS test, an individual is deemed a resident if he or she is physically present in the United States for at least 31 days during the current year and has been present for at least 183 days over the past three years. The IRS historically applies this test without regard to immigration status.

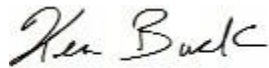
In addition, Section 6428(g) of the CARES Act requires an individual to have a Social Security Number (SSN) in order to receive the rebate. Unfortunately, nearly half of all individuals are present in the United States illegally after overstaying a visa that afforded them a work

authorization and an SSN. Likewise, individuals who received employment authorizations and SSNs after filing an asylum application may still use their SSN after their application is denied.

Accordingly, millions of illegal immigrants currently residing in the United States may unintentionally receive a recovery rebate. As such, we encourage your Administration to investigate this issue to ensure the IRS is only providing benefits to American citizens and other individuals lawfully present in this country.

We sincerely appreciate your attention to these concerns and your prompt action to investigate this matter. Once again thank you for your steady leadership and for all you are doing to help America through this current crisis.

Sincerely,



Ken Buck
Member of Congress



Andy Biggs
Member of Congress



Andy Harris, M.D.
Member of Congress



Mo Brooks
Member of Congress



Jeff Duncan
Member of Congress



Bill Posey
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Scott DesJarlais, M.D.
Member of Congress



H. Morgan Griffith
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Ralph Norman
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Ted S. Yoho, D.V.M.
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Ron Wright
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Debbie Lesko
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Brian Babin, D.D.S.
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Jodey C. Arrington
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