

111TH CONGRESS
2D SESSION

H. R. 4586

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2010

Mr. MARCHANT (for himself, Mr. MCHENRY, Mr. LAMBORN, Mrs. LUMMIS, Mr. POSEY, Mr. HENSARLING, Mr. BURGESS, Mr. KING of Iowa, Mr. BILBRAY, Mr. BISHOP of Utah, Mr. CAMPBELL, Mr. GOHMERT, Mr. LUETKEMEYER, Mr. GINGREY of Georgia, Mr. PITTS, Mr. ROE of Tennessee, Mr. BARTLETT, Mr. FLEMING, Mrs. SCHMIDT, Ms. GRANGER, Ms. FALLIN, Mr. AKIN, and Mr. BRADY of Texas) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To require, as a condition for modification of a home mortgage loan held by Fannie Mae or Freddie Mac or insured 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 “Mortgage E-Verify Act
5 of 2010”.

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

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

6 “(7)(A) Notwithstanding any other provision of law,
7 the corporation may not—

8 “(i) refinance, restructure, or modify, or other-
9 wise authorize or enter into any agreement for the
10 refinancing, restructuring, or modification of any
11 single-family housing mortgage that is held by or
12 that backs any security issued by the corporation, or

13 “(ii) purchase, or issue any security that is
14 backed by, any single-family housing mortgage made
15 for the refinancing, restructuring, or modification of
16 the mortgagor’s previous single-family housing mort-
17 gage on the same property,

18 unless the identity and work eligibility of the mort-
19 gator under such mortgage has been confirmed by
20 an inquiry under subparagraph (B).

21 “(B) An inquiry under this subparagraph is an in-
22 quiry made through the basic pilot program under section
23 403(a) of the Illegal Immigration Reform and Immigrant
24 Responsibility Act of 1996 (8 U.S.C. 1324a note; com-
25 monly referred to as the E-Verify program). Notwith-
26 standing any other provision of law, lenders for single-

1 family housing mortgages and the corporation may submit
2 such inquiries regarding the identities and work eligibility
3 of mortgagors under such mortgages, and may be provided
4 confirmations and nonconfirmations pursuant to such in-
5 quiries, under such basic pilot program.

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

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

13 “(6)(A) Notwithstanding any other provision of law,
14 the Corporation may not—

15 “(i) refinance, restructure, or modify, or other-
16 wise authorize or enter into any agreement for the
17 refinancing, restructuring, or modification of any
18 single-family housing mortgage that is held by or
19 that backs any security issued by the Corporation,
20 or

21 “(ii) purchase, or issue any security that is
22 backed by, any single-family housing mortgage made
23 for the refinancing, restructuring, or modification of
24 the mortgagor’s previous single-family housing mort-
25 gage on the same property,

1 unless the identity and work eligibility of the mort-
2 gator under such mortgage has been confirmed by
3 an inquiry under subparagraph (B)

4 “(B) An inquiry under this subparagraph is an in-
5 quiry made through the basic pilot program under section
6 403(a) of the Illegal Immigration Reform and Immigrant
7 Responsibility Act of 1996 (8 U.S.C. 1324a note; com-
8 monly referred to as the E-Verify program). Notwith-
9 standing any other provision of law, lenders for single-
10 family housing mortgages and the Corporation may sub-
11 mit such inquiries regarding the identities and work eligi-
12 bility of mortgagors under such mortgages, and may be
13 provided confirmations and nonconfirmations pursuant to
14 such inquiries, under such basic pilot program.

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

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

21 **“SEC. 543. E-VERIFICATION REQUIREMENT FOR MODIFICA-**
22 **TION OF MORTGAGES.**

23 “(a) PROHIBITION.—Notwithstanding any other pro-
24 vision of law, the Secretary may not—

1 “(1) authorize or enter into any agreement for
2 the refinancing, restructuring, or modification of any
3 single-family housing mortgage that is insured by
4 the Secretary under this Act, or

5 “(2) insure any single-family housing mortgage
6 made for the refinancing, restructuring, or modifica-
7 tion of the mortgagor’s previous single-family hous-
8 ing mortgage on the same property,
9 unless the identity and work eligibility of the mortgagor
10 under such mortgage has been confirmed by an inquiry
11 under subsection (b).

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

23 “(c) SINGLE-FAMILY HOUSING MORTGAGE.—For
24 purposes of this paragraph, the term ‘single-family hous-

1 ing mortgage' means a mortgage that is secured by a 1-
2 to 4-family residence.”

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