

VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES TO RECEIVE  
A STATE BENEFIT (CONTRACT) – IDAHO CODE SECTION 67-7903.

Idaho Code Section 67-7903 requires the state agency to verify the lawful presence of the natural person in the United States who are receiving public benefits. Public benefits are defined to include contracts.

This process applies only to contracts to be awarded to natural persons, age 18 or older. If you are dealing with a contract where the non-state contracting party is a natural person, age 18 or older, the following process should be used. If you are dealing with a contract where the non-state contracting party is a corporation, partnership, limited liability company or other legal entity (but not a sole proprietorship or natural person), this process is not to be used.

You **MUST** use this process for ALL CONTRACTS where the non-state contracting party is a natural person, age 18 or older. This process **MUST** be applied without regard to race, religion, gender, ethnicity or national origin.

Before issuing a purchase order, or a contract, do the following:

1. Require the contractor to provide (and include in the file)<sup>1</sup>:
  - (a) An Idaho driver's license or an Idaho identification card issued by the Idaho Transportation Department pursuant to section 49-2444, Idaho Code;
  - (b) A valid driver's license or similar document issued for the purpose of identification by another state or territory of the United States, if such license or document contains a photograph of the individual or such other personal identifying information relating to the individual;
  - (c) A United States military card or a military dependent's identification card;
  - (d) A United States Coast Guard merchant mariner card;
  - (e) A native American tribal document; or
  - (f) A valid United States passport;

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<sup>1</sup> If it can be arranged to see the original of the document and make a copy, that would be preferred. However, given that contracts may be with a natural person living miles away, that may not be possible in every case so require a copy of the document.

**AND**

2. Require the contractor (if he/she has not done so already) to provide his/her social security number.<sup>2</sup>

If you determine there is or might be a problem with a particular contractor, please contact your supervisor immediately and do nothing further until directed to do so by your supervisor.

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<sup>2</sup> For vendors to be paid, pay requests are generally processed through the fiscal section of the using agency and then through the State Controller's Office. Generally, this payment process is where the social security number (or TIN) is verified. If there is a problem, the State Controller's Office will notify the using agency fiscal section, who will likely notify Purchasing. This process applies to all state agencies using the STARS system. For example, if the contract is for services provided to the Department of Administration, it would have to be processed through our fiscal section. Other agencies should have some sort of fiscal section as well.