

## **Ensign Amendment # C2 to America's Healthy Future Act of 2009**

**Short Title:** To ensure that illegal immigrants do not fraudulently receive federal health care tax credits.

**Description of Amendment:** The amendment would strengthen the eligibility verification provision in Title I, Subtitle C, and the personal responsibility compliance provision in Title I, Subtitle D.

In order to strengthen the eligibility verification provision in Title I, Subtitle C, the amendment would add citizenship status to the list of items to be verified with Social Security Administration data for persons claiming to be citizens.

Consistent with the Chairman's Mark, individuals whose claims of citizenship or lawful status cannot be verified with federal data must be allowed substantial opportunity to provide documentation or correct federal data related to their case that supports their contention. However, during the period of "substantial opportunity," an individual shall not be provided with presumptive eligibility for the federal health care tax credits.

Any individual who is not initially determined to be a citizen must have his/her eligibility redetermined not less than every five years.

In order to ensure compliance with the personal responsibility requirement in Title I, Subtitle D, no tax credit shall be made available to an individual who does not include on the return of tax for the taxable year such individual's valid identification number and in the case of a joint return, the valid identification number of such individual's spouse; and in the case of any qualifying child taken into account, the valid identification number of such qualifying child. A valid identification number means a valid Social Security Number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

Any false attestation of citizenship shall be subject to penalties of perjury and any individual who falsely claims to be a citizen shall be subject to a fine of not less than \$10,000 per occurrence in connection with the application for any Health Care Affordability tax credits.