

SCHUMER # C11

Schumer Amendment #C11 to Title I, Subtitle C-

Short Title: Eligibility Verification

Description of Amendment:

Eligibility Verification. In order to prevent illegal immigrants from accessing the state exchanges obtaining federal health care tax credits, the bill shall require verification of lawful presence in the United States. For individuals claiming to be U.S. Citizens, citizenship status will be verified by either: (1) comparing the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner of Social Security in order to confirm the validity of the information provided regarding an individual whose identity and citizenship must be confirmed; or (2) authentication of identity and citizenship through any biometric verification system administered by the Secretary of Homeland Security, the Attorney General, or the Commissioner of Social Security that is in existence, operational, and mandatory for all persons seeking employment at the time verification is required.

For individuals who do not claim to be U.S. citizens, but claim to be otherwise lawfully present in the United States, the claim of lawful presence shall be substantiated by authentication through any verification system administered by the Secretary of Homeland Security, the Attorney General, or the Commissioner of Social Security that is existence and operational at the time of verification.

Individuals whose status is expected to expire in less than a year are not allowed to obtain the tax credit. 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.

Within 2 years of enactment, the Government Accountability Office (GAO) shall conduct a study regarding: (1) the rate of erroneous non-confirmations of lawful presence; (2) solutions for remedying systemic difficulties causing erroneous non-confirmations; and (3) the economic impact caused by erroneous non-confirmations and the cost of remedying any systemic difficulties causing erroneous non-confirmations.

All personal information submitted to the state exchange can only be used for purposes of providing insurance coverage through the state exchange, eligibility for and determination of the amount of the health care tax credit, or other administrative functions related to the efficient operation of the state exchange. Appropriate penalties will apply to the use of fraudulent information or stolen identity information in the state exchange. Applicants for insurance coverage or for health care tax credits shall be required to provide only the information that is necessary to determine eligibility for access to the exchange or tax credits. Information provided to the exchange by the applicant or by the IRS, shall not be disclosed or shared with other agencies, entities or individuals for any purpose that is not directly connected with the administration of the health insurance program.

Offset:

Offset to be determined.