

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that Americans are not required to pay for the health benefits for those here illegally by requiring the use of an effective eligibility verification system, consistent with existing law for other federal health related programs, and to also maintain the current, and well-established requirement of law, that legal immigrants should not become a “public charge” or burden to the American taxpayers, to reduce the cost of this bill, and to reduce the deficit and for other purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 4872

To provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS

Viz:

- 1 At the end of subtitle A of title I, insert the following:
- 2 **SEC. 1006. PROVISIONS TO ENSURE EFFECTIVE ELIGI-**
- 3 **BILITY VERIFICATION SYSTEM.**
- 4 (a) **ELIGIBILITY FOR CREDITS AND COST-SHARING**
- 5 **REDUCTIONS.—**

1 (1) CREDITS.—Section 36B of the Internal
2 Revenue Code of 1986, as added by section 1401 of
3 the Patient Protection and Affordable Care Act, is
4 amended—

5 (A) in subsection (c) (1), by striking sub-
6 paragraph (B) and by redesignating subpara-
7 graphs (C) and (D) as subparagraphs (B) and
8 (C), respectively, and

9 (B) by striking paragraph (3) of sub-
10 section (e).

11 (2) REDUCED COST-SHARING.—Section 1402 of
12 the Patient Protection and Affordable Care Act is
13 amended—

14 (A) by striking the last sentence of sub-
15 section (b),

16 (B) by striking paragraph (3) of sub-
17 section (e), and

18 (C) by adding at the end of subsection (f)
19 the following:

20 “(4) SUBSIDIES TREATED AS PUBLIC BEN-
21 EFIT.—Notwithstanding any other provision of this
22 Act or any other provision of law, for purposes of
23 section 403 of the Personal Responsibility and Work
24 Opportunity Reconciliation Act of 1996 (8 U.S.C.

1 1613), the following shall be considered a Federal
2 means-tested public benefit:

3 “(A) The ability of an individual to pur-
4 chase a qualified health plan offered through an
5 Exchange.

6 “(B) The premium tax credit established
7 under section 1401 of this Act (and any ad-
8 vance payment thereof).

9 “(C) The cost sharing reductions estab-
10 lished under this section (and any advance pay-
11 ment thereof).”.

12 (b) ELIGIBILITY DETERMINATIONS.—Section 1411
13 of the Patient Protection and Affordable Care Act is
14 amended—

15 (1) in subsection (a)—

16 (A) by striking so much of such subsection
17 as precedes paragraph (1) and inserting:

18 “(a) VERIFICATION PROCESS.—The Secretary shall
19 ensure that eligibility determinations required by this Act
20 are conducted in accordance with the following require-
21 ments, including requirements for determining:”, and

22 (B) by inserting “eligible” before “alien”
23 in paragraph (1),

24 (2) in subsection (b)(1)—

1 (A) by inserting “the Exchange with the
2 following” after “provide”,

3 (B) by striking “and” at the end of sub-
4 paragraph (A), by redesignating subparagraph
5 (B) as subparagraph (C) and by inserting after
6 subparagraph (A) the following:

7 “(B) a sworn statement, under penalty of
8 perjury, specifically attesting to the fact that
9 each enrollee is either a citizen or national of
10 the United States or an eligible lawful perma-
11 nent resident meeting the requirements of sec-
12 tion 1402(f)(3) of this Act and identifying the
13 applicable eligibility status for each enrollee;
14 and”, and

15 (C) by inserting “and documentation”
16 after “information” in subparagraph (C) (as so
17 redesignated),

18 (3) by striking subparagraphs (A) and (B) of
19 subsection (b)(2) and inserting the following:

20 “(A) In the case of an enrollee whose eligi-
21 bility is based on attestation of citizenship of
22 the enrollee, the enrollee shall provide satisfac-
23 tory evidence of citizenship or nationality (with-
24 in the meaning of section 1903(x) of the Social
25 Security Act (42 U.S.C. 1396b)).

1 “(B) In the case of an individual whose eli-
2 gibility is based on attestation of the enrollee’s
3 immigration status—

4 “(i) such information as is necessary
5 for the individual to demonstrate they are
6 in ‘satisfactory immigration status’ as de-
7 fined and in accordance with the System-
8 atic Alien Verification for Entitlements
9 (SAVE) program established by section
10 1137 of the Social Security Act (42 U.S.C.
11 1320b-7), and

12 “(ii) any other additional identifying
13 information as the Secretary, in consulta-
14 tion with the Secretary of Homeland Secu-
15 rity, may require in order for the enrollee
16 to demonstrate satisfactory immigration
17 status.”,

18 (4) by striking so much of subsection (c) as
19 precedes paragraph (3) and inserting the following:

20 “(c) VERIFICATION OF ELIGIBILITY THROUGH DOC-
21 UMENTATION.—

22 “(1) IN GENERAL.—Each Exchange shall con-
23 duct eligibility verification, using the information
24 provided by an applicant under subsection (b), in ac-
25 cordance with this subsection.

1 “(2) VERIFICATION OF CITIZENSHIP OR IMMI-
2 GRATION STATUS.—

3 “(A) VERIFICATION OF ATTESTATION OF
4 CITIZENSHIP.—Each Exchange shall verify the
5 eligibility of each enrollee who attests that they
6 are a citizen or national of the United States,
7 as required by subsection (b)(1)(A) of this sec-
8 tion, in accordance with the provisions of sec-
9 tion 1903(x) of the Social Security Act.

10 “(B) VERIFICATION OF ATTESTATION OF
11 ELIGIBLE IMMIGRATION STATUS.—Each Ex-
12 change shall verify the eligibility of each en-
13 rollee who attests that they are eligible to par-
14 ticipate in the exchange by virtue of having
15 been a lawful permanent resident for not less
16 than 5 years, as required by subsection
17 (b)(1)(B) of this section, in accordance with the
18 provisions of section 1137 of the Social Security
19 Act.”,

20 (5) by striking subparagraph (B) of subsection
21 (c)(4),

22 (6) by striking subsection (d) and redesignating
23 subsections (e) through (i) as subsections (d)
24 through (h), respectively, and

1 (7) by striking “under section 1902(ee) of the
2 Social Security Act (as in effect on January 1,
3 2010)” in subsection (d)(3) (as redesignated under
4 paragraph (6)) and inserting “in accordance with
5 the secondary verification process established con-
6 sistent with section 1137 of the Social Security Act
7 (as is in effect as of January 1, 2009)”.