

Comparison of Senate and House Bills on Immigration

| | House’s “Affordable Health Care for America Act” (H.R. 3962, 11/7/2009 | Senate’s, “Patient Protection and Affordable Care Act” (H.R. 3590, 11/18/09 with manager’s amendment, 12/19/09 |
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| Eligibility to purchase unsubsidized coverage in individual market through exchange | All individuals unless already enrolled in acceptable coverage | <i>“Qualified individual”</i> State resident, citizen, national, or lawfully present (& reasonable expected to remain so during period for which enrollment is sought) |
| Eligibility for subsidy | <i>“Affordable credit eligible individual”</i> lawfully present (including K, T, U, V visa holders, but excluding other non-immigrants in INA 101(a)(15), <400% fpl | Citizens, nationals or lawfully present (& reasonable expected to remain so during enrollment period for which credit claimed), at 100 to 400% fpl, or lawfully present immigrants under 100% fpl). |
| CHIP for immigrants | No change in immigrant eligibility. Reaffirms current prohibitions on CHIP payments to not lawfully present. States must maintain eligibility standards, methodologies and procedures no more restrictive that those in effect on 6/16/09 | No change in immigrant eligibility. States must maintain eligibility, methods, & procedures to 9/30/19; States can expand income levels any time; from 10/1/15 to 9/30/19 states get 23% increase in match rate “enhanced FMAP” |
| Language re: payments to undocumented | “Nothing in this subtitle shall allow Federal payments for affordability credits on behalf of individuals who are not lawfully present in the United States.” See also: MC/CHIP below | “Nothing in this subtitle or the amendments made by this subtitle allows Federal payments, credits, or cost-sharing reductions for individuals who are not lawfully present in the United States.” |
| Verification mechanism | Declaration re citizenship or lawful presence verified with SSA and DHS, similar to rules that apply to citizens seeking Medicaid/CHIP, and to non- | Citizens provide SSN; immigrants provide SSN (if applicable) and identifying information re immigration status (as determined by HHS and DHS). |

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| | <p>citizens seeking Medicaid. If SSA records not consistent with claim of citizenship, DHS records checked, SSA and USCIS to have procedures for responding to individuals whose records re inconsistent with SSA/DHS, and an opportunity to correct records.</p> | <p>On-line system or other methods determined by Secretary to improve efficiency, reduce burdens and costs while protecting confidentiality.</p> <p>If SSA or DHS records inconsistent with information provided by applicant , CHIPRA Medicaid verification procedures applied. If status can't be verified via federal data exchange makes reasonable effort to address causes of errors, and provides applicant opportunity to provide documents needed to prove status or otherwise resolve inconsistency.</p> |
| <p>Medicaid eligibility for immigrants</p> | <p>No changes, except: lawfully residing under Compact of Free Association made eligible in the states (and in the territories, an option); Reaffirms current prohibitions on Medicaid payments to not lawfully present.</p> | <p>No changes in immigrant eligibility. Support for lift of 5 year bar on Medicaid but not in bill</p> |