

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. BRADY OF TEXAS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Verify First Act”.

3 SEC. 2. VERIFICATION OF STATUS IN UNITED STATES AS
4 CONDITION OF RECEIVING ADVANCE PAY-
5 MENT OF HEALTH INSURANCE PREMIUM TAX
6 CREDIT.

7 (a) APPLICATION TO CURRENT HEALTH INSURANCE
8 PREMIUM TAX CREDIT.—Section 36B of the Internal
9 Revenue Code of 1986, as in effect for months beginning
10 before January 1, 2020, is amended by redesignating sub-
11 section (g) as subsection (h) and by inserting after sub-
12 section (f) the following new subsection:

13 “(g) VERIFICATION OF STATUS IN UNITED STATES
14 FOR ADVANCE PAYMENT.—No advance payment of the
15 credit allowed under this section with respect to any pre-
16 mium under subsection (b)(2)(A) with respect to any indi-
17 vidual shall be made under section 1412 of the Patient
18 Protection and Affordable Care Act unless the Secretary

1 has received confirmation from the Secretary of Health
2 and Human Services that the Commissioner of Social Se-
3 curity or the Secretary of Homeland Security has verified
4 under section 1411(c)(2) of such Act the individual’s sta-
5 tus as a citizen or national of the United States or an
6 alien lawfully present in the United States using a process
7 that includes the appropriate use of information related
8 to citizenship or immigration status, such as social secu-
9 rity account numbers (but not individual taxpayer identi-
10 fication numbers).”.

11 (b) APPLICATION TO NEW HEALTH INSURANCE PRE-
12 MIUM TAX CREDIT.—Section 36B of the Internal Revenue
13 Code of 1986, as amended by the American Health Care
14 Act of 2017 and in effect for months beginning after De-
15 cember 31, 2019, is amended by adding at the end the
16 following new subsection:

17 “(h) VERIFICATION OF STATUS IN UNITED STATES
18 FOR ADVANCE PAYMENT.—No advance payment of the
19 credit allowed under this section with respect to any
20 amount under subparagraph (A) or (B) of subsection
21 (b)(1) with respect to any individual shall be made under
22 section 1412 of the Patient Protection and Affordable
23 Care Act unless the Secretary has received confirmation
24 from the Secretary of Health and Human Services that
25 the Commissioner of Social Security or the Secretary of

1 Homeland Security has verified under section 1411(c)(2)
2 of such Act the individual’s status as a citizen or national
3 of the United States or a qualified alien (within the mean-
4 ing of section 431 of the Personal Responsibility and Work
5 Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641))
6 using a process that includes the appropriate use of infor-
7 mation related to citizenship or immigration status, such
8 as social security account numbers (but not individual tax-
9 payer identification numbers).”.

10 (c) CONFORMING AMENDMENT ON CONTINUOUS
11 HEALTH INSURANCE COVERAGE PROVISION.—Section
12 2710A(b)(1) of the Public Health Service Act, as added
13 by section 133 of the American Health Care Act of 2017,
14 is amended by adding after subparagraph (C) the fol-
15 lowing:

16 “In the case of an individual who applies for ad-
17 vance payment of a credit under section 1412 of the
18 Patient Protection and Affordable Care Act and for
19 whom a determination of eligibility for such advance
20 payment is delayed by reason of the requirement for
21 verification of the individual’s status in the United
22 States under section 1411(c)(2) of such Act, the pe-
23 riod of days beginning with the date of application
24 for advance payment and ending with the date of
25 such verification shall not be taken into account in

1 applying subparagraph (B). The Secretary shall es-
2 tablish a procedure by which information relating to
3 this period is provided to the individual.”.

4 (d) DELAY PERMITTED IN COVERAGE DATE IN CASE
5 OF DELAY IN VERIFICATION OF STATUS FOR INDIVID-
6 UALS APPLYING FOR ADVANCE PAYMENT OF CREDIT.—

7 Section 1411(e) of the Patient Protection and Affordable
8 Care Act (42 U.S.C. 18081(e)) is amended—

9 (1) in paragraph (3), by inserting after “appli-
10 cant’s eligibility” the following: “(other than eligi-
11 bility for advance payment of a credit under section
12 1412)”;

13 (2) by adding at the end the following new
14 paragraph:

15 “(5) DELAY PERMITTED IN COVERAGE DATE IN
16 CASE OF DELAY IN VERIFICATION OF STATUS FOR
17 INDIVIDUALS APPLYING FOR ADVANCE PAYMENT OF
18 CREDIT.—In the case of an individual whose eligi-
19 bility for advance payments is delayed by reason of
20 the requirement for verification under subsection
21 (c)(2), if, for coverage to be effective as of the date
22 requested in the individual’s application for enroll-
23 ment, the individual would (but for this paragraph)
24 be required to pay 2 or more months of retroactive
25 premiums, the individual shall be provided the op-

1 tion to elect to postpone the effective date of cov-
2 erage to the date that is not more than 1 month
3 later than the date requested in the individual's ap-
4 plication for enrollment.”.

5 (e) EFFECTIVE DATES.—

6 (1) APPLICATION TO CURRENT HEALTH INSUR-
7 ANCE PREMIUM TAX CREDIT.—The amendment
8 made by subsection (a) is contingent upon the enact-
9 ment of the American Health Care Act of 2017 and
10 shall apply (if at all) to months beginning after De-
11 cember 31, 2017.

12 (2) APPLICATION TO NEW HEALTH INSURANCE
13 PREMIUM TAX CREDIT.—The amendment made by
14 subsection (b) is contingent upon the enactment of
15 the American Health Care Act of 2017 and shall
16 apply (if at all) to months beginning after December
17 31, 2019, in taxable years ending after such date.

18 (3) CONFORMING AMENDMENT ON CONTINUOUS
19 HEALTH INSURANCE COVERAGE PROVISION.—The
20 amendment made by subsection (c) is contingent
21 upon the enactment of the American Health Care
22 Act of 2017 and shall take effect (if at all) as if in-
23 cluded in such Act.

24 (4) FLEXIBILITY IN COVERAGE DATE IN CASE
25 OF DELAY IN VERIFICATION OF STATUS.—The

1 amendment made by subsection (d) is contingent
2 upon the enactment of the American Health Care
3 Act of 2017 and shall apply (if at all) to applications
4 for advance payments for months beginning after
5 December 31, 2017.

