

GOP learns to love individual mandate — for immigrants

By: David Nather — May 28, 2013

House Republicans were so opposed to forcing people to buy health insurance that they fought Obamacare all the way to the Supreme Court.

But now they may be okay with an individual mandate — if it's for illegal immigrants.

Members of a House immigration group are considering a rule that would force immigrants to buy their own health insurance while they wait for citizenship.

The Republicans and other conservatives say their rule wouldn't be like Obamacare's at all.

Their argument: It's simply fair to ask immigrants to show they won't be a drain on the system before getting full citizenship.

"We're dealing with a very specific circumstance and a very specific group of folks," said Rep. Mario Diaz-Balart (R-Fla.), a member of the House immigration group. "There are going to be requirements that are not required for everyone else."

Americans are willing to allow illegal immigrants to stay in the country, but only "if they're not a public charge," Diaz-Balart said. "It's individual responsibility for these folks to earn their ability to stay in the United States, to work in the United States, and to be legalized in the United States, and a big part of that has to be that they're not a public charge."

Some conservative groups that support immigration reform think the contradiction is so glaring— no mandate for citizens, but one for immigrants — that Republicans should rethink their position.

"That is virtually the opposite of the main point they made against Obamacare," said Alex Nowrasteh of the Cato Institute, one of the leading advocates of immigration reform on the right.

"It's totally reasonable to make sure you don't expand the welfare state, but there's no need to do that by imposing a discredited, Obama-style individual mandate," said Nowrasteh. "I think it's such a glaring and obvious contradiction that they'll have to drop it."

But Republicans in the group want these immigrants to pay for their own medical bills — and they also want to make sure Obamacare doesn't expand as part of immigration reform. Under the health care law, illegal immigrants are not entitled to purchase plans in the exchanges and they aren't eligible for subsidies.

“We want them to have health care, not Obamacare,” Rep. Sam Johnson (R-Texas), another member of the group, said in a brief interview on his way in to the group's negotiating session last week. Democrats sold the mandate as a way to make sure there are fewer “free riders” who don't pay for health insurance, and then rack up medical costs that get passed on to insured people and taxpayers. And Republicans fought it as an example of big-government overreach.

Some pro-immigration reform conservatives, however, say House Republicans should be safe if they explain that health coverage is part of a tradeoff to gain citizenship — not just a big-government requirement on all Americans.

“The only way you explain the difference is that this is in return for something, which is the path to citizenship,” said Grover Norquist, one of the most vocal supporters of the immigration effort. “You have to do X in order to get Y.”

Republicans are hoping voters will agree that immigrants already have to meet special requirements to become citizens, such as proving they have clean records. “Most conservative voters and independent voters will accept that there is a difference between the requirements for a citizen and the requirements for a non-citizen,” said one GOP strategist who advises House Republicans.

The Senate Gang of Eight bill doesn't touch the issue of requiring immigrants to pay their own bills. It just declares that immigrants in the 10-year provisional status can't get Obamacare subsidies — although it says they could buy insurance through the health insurance exchanges with their own money.

Senate Republicans in the Gang of Eight aren't commenting on the House bill. An aide to Sen. Marco Rubio (R-Fla.), one of the group members, said the group has offered help to the House lawmakers but is otherwise steering clear to let them write their own bill. House GOP leaders aren't commenting either.

The House group is still waiting for language to be drafted, and aides to other Republicans in the group didn't respond to requests for comment.

Democrats did win one concession: There will be an exception for emergency care. The House group couldn't have banned that without making big changes in current law — most hospitals already have to give people emergency care regardless of their ability to pay, and immigrants who are poor enough can get emergency health coverage under Medicaid.

The real issue, though, is just how far the House will have to go to convince its GOP members that they can support immigration reform without creating huge new costs — or expanding Obamacare.

The health care law actually bans illegal immigrants from coverage already. They can't get subsidies to buy health plans in the new state exchanges, and in fact, they aren't even allowed to buy those health plans with their own money.

That's because Democrats had to convince their own members that the health reform bill wouldn't do anything to create new benefits for illegal immigrants. But there's also no requirement for them to have coverage — Obamacare's individual mandate doesn't apply to illegal immigrants.

If the House group tries to create a new coverage mandate for them, top Democrats are sure to push back, since they still won't be able to get any subsidies to help cover the costs.

"You can't ask somebody to buy something they can't afford, then deny them the ability to get any help," said Rep. Henry Waxman (D-Calif.), one of the main authors of the health care law.

The debate indicates that House Republicans are more worried than their Senate counterparts about making sure immigration reform doesn't become a long-term cost. But conservatives who support the effort don't think the debate will become a big obstacle, noting that the Heritage Foundation — which predicted immigration reform would cost social programs more than \$6 trillion over 50 years — has been roundly dismissed on the right.

"I think the smart people are saying, 'I want this as close to my position as possible, because there's a lot of good stuff in there,'" said Norquist. "This has the makings of something that's just slowly rolling downhill."