

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4193, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE AMENDMENTS OF 2004

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3722) to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on Federal reimbursement of emergency health services furnished to undocumented aliens.

The Clerk read as follows:

H.R. 3722

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undocumented Alien Emergency Medical Assistance Amendments of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The provision of medical care by public or private health care providers to undocumented aliens is appropriate only—

(A) to protect the health and safety of United States citizens;

(B) to save the life of an undocumented alien in a life-threatening medical emergency; and

(C) to stabilize an emergency medical condition so that an undocumented alien can be repatriated for medical treatment in the alien's own country.

(2) Federal reimbursement of emergency hospital services furnished to undocumented aliens should be conditioned upon obtaining sufficient information to promptly remove the aliens.

(3) Employers who employ undocumented aliens without completing employment authorization verification procedures should be held liable for uncompensated emergency services furnished to such aliens.

SEC. 3. CONDITIONS FOR RECEIPT OF FEDERAL ASSISTANCE FOR EMERGENCY SERVICES FOR UNDOCUMENTED ALIENS.

(a) IN GENERAL.—Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended—

(1) in subsection (d)(1), by adding at the end the following new subparagraph:

“(C) APPLICATION OF REQUIREMENT.—Under such process, the Secretary shall not provide payment under subsection (c) to an eligible provider that is a hospital for eligible services for an alien described in subsection (c)(5)(A) unless the requirements of subsection (f) are met by that provider with respect to such alien.”;

(2) in subsection (e)(2), by adding at the end the following new sentence: “Such term also includes, with respect to an undocumented alien described in subsection (c)(5)(A), costs for emergency medical transportation and evacuation incurred by a hospital in transferring and removing the alien to a foreign country for receipt of appropriate health care services.”; and

(3) by adding at the end the following new subsection:

“(f) REQUIREMENT FOR COLLECTION OF IMMIGRATION-RELATED INFORMATION FOR UNDOCUMENTED ALIENS.—

“(1) IN GENERAL.—No payment may be made under subsection (c) to a hospital with respect to the provision of eligible services to an undocumented alien described in subsection (c)(5)(A) unless the following requirements are met:

“(A) The hospital has obtained in good faith from the alien (or a legal guardian or other representative on behalf of the alien) the following information in a document that is signed by the alien (or such guardian or representative) under oath or affirmation and that is in a form that includes a notice that fraudulent or false statements constitute a criminal act punishable under Federal law:

“(i) The citizenship of the alien.

“(ii) The immigration status of the alien.

“(iii) The address of the alien in the United States.

“(iv) Such personal or financial data regarding the alien as the hospital routinely requires of non-indigent patients, including information regarding health insurance.

“(v) Information on the identity of any current employer of the alien for whom the alien has executed an Internal Revenue Service Form W-4.

A hospital is not liable for the accuracy of the information provided under this subparagraph so long as it exercises reasonable care and good faith in obtaining the information.

“(B) The hospital obtains one or more identifiers for the alien and records such identifiers in a digital, electronic format specified by the Secretary in consultation with the Secretary of Homeland Security. Such format shall be compatible with at least one interoperable database maintained by the Secretary of Homeland Security for the purpose of verifying the identity and immigration status of aliens.

“(C) The hospital transmits to the Secretary of Homeland Security, in a digital, electronic format and manner specified by such Secretary, the information provided under subparagraph (A) and the identifier (or identifiers) obtained under subparagraph (B).

“(2) MAINTENANCE OF HOSPITAL RECORDS.—For a period of at least 5 years, a hospital referred to in paragraph (1) shall maintain the original documents described in paragraph (1)(A) on file and makes such documents available for examination by the Secretary and the Secretary of Homeland Security or their designees.

“(3) PROVISION OF TECHNICAL SUPPORT.—The Secretary of Homeland Security shall provide hospitals under this section with software, training, and technical support services, at no cost to the hospital, to assist and enable hospitals to comply with the requirements of paragraph (1).

“(4) PROMPT ACTION BY DHS.—The Secretary of Homeland Security shall take steps as may be necessary—

“(A) to obtain, process, and promptly review information transmitted under paragraph (1)(C);

“(B) to determine whether an alien for whom such information is transmitted is removable under any provision of Federal immigration law; and

“(C) to initiate removal proceedings under the relevant provisions of the Immigration and Nationality Act in the case of any such alien who is identified as being removable.

“(5) REMOVABILITY.—An undocumented alien who obtains eligible services through a hospital and does not provide for payment for such services and who fails to provide accurate information described in paragraph (1)(A) or an identifier (as defined in paragraph (6)) shall be treated as removable on the ground described in section 237(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(5)).

“(6) DEFINITION OF IDENTIFIER.—In this section, the term ‘identifier’ means a fingerprint or other biometric identifier as the Secretary of Homeland Security may require.

“(g) RESPONSIBILITY OF CERTAIN EMPLOYERS.—

“(1) IN GENERAL.—In the case of an employer of an undocumented alien worker described in paragraph (2) for whom payments are made to a hospital for eligible services under this section, subject to paragraph (3), the employer shall be liable to the Secretary for the amount of the payments so made.

“(2) UNDOCUMENTED ALIEN WORKER DEFINED.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘undocumented alien worker’ means, with respect to an employer, an undocumented alien described in subsection (c)(5)(A)—

“(i) who is an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)));

“(ii) who has provided the employer with an Internal Revenue Service Form W-4; and

“(iii) with respect to whom neither the conditions described in subparagraph (B)(i) or the condition described in subparagraph (B)(ii) have been met.

“(B) CONDITIONS FOR EXEMPTION.—For purposes of subparagraph (A)(iii)—

“(i) FIRST SET OF CONDITIONS.—The conditions described in this clause for an employer and alien are the following:

“(I) The employer and alien have fully complied with all requirements of the employment verification system prescribed in section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)).

“(II) The employer has enrolled the alien in a State workmen's compensation plan.

“(III) The alien is enrolled under a health benefits plan or health insurance coverage that provides such level of coverage with respect to emergency medical and hospitalization benefits as the Secretary shall specify, in consultation with the Secretary of Homeland Security.

“(IV) The employer has assumed responsibility for any cost-sharing (including applicable deductibles and coinsurance) that applies to the alien.

“(ii) ALTERNATIVE CONDITION.—The condition described in this clause for an employer and alien are that the employer has verified the employment authorization of the alien through the voluntary basic employment verification pilot program under section 403(a) of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208), where available, or by any other means made available for such verification purposes by the Secretary of Homeland Security.

“(3) LIMITATION ON LIABILITY.—The liability of an employer under this subsection shall be limited to an employer that employs an undocumented alien worker at the time (as specified under rules of the Secretary of Homeland Security) the eligible services are provided for which payment may be made by the Secretary under this section.