

why is there no World War II Memorial in Washington, D.C. where I can bring my grandchildren so they can understand the causes to which my life was dedicated?

So his desire was that our grandchildren, his grandchildren, America's grandchildren understand. It was rather coincidental, and some would say divine providence, that on the day that the plaza opened to the general public a few weeks ago, the very first group through that site was from Jones Junior High School from the county of Lucas, his home county; and that was not planned.

In fact, when Tim Russert was down there from NBC News, the children were all excited that they could see such a famous reporter. It was totally unplanned. I know Roger Durbin's hand was in that because he intended to be there for that dedication, and he always was dedicated to the future generations.

Thousands of veterans and their families are making their way already to Washington, D.C. to attend this ceremony here on our Nation's Mall. The logistical challenge is daunting. And of the hundreds of thousands of people on the National Mall, over half of them will be World War II veterans and their spouses, and almost all of them will be over 80 years of age.

We are planning a variety of events here in our congressional offices for that weekend. And we are very grateful that the Speaker has permitted the Capitol and its grounds to be open. Along with most Members' offices, our office in Washington will be open to our constituents.

□ 1445

We are also working with the office of the gentleman from Ohio (Mr. STRICKLAND) to host Ohio's veterans at the American Legion Post 8 here on Capitol Hill, both on Saturday evening and Sunday morning. We are expecting several busloads of veterans just from northwest Ohio, and those are the ones that we actually know about. We know some of them, well, they are just going to drive with their grandkids in campers and show up, and we are ready for them.

This concurrent resolution is essentially a formality. But it is the precursor to Congress rolling out the red carpet for the greatest generation America has ever known—our World War II veterans and their families, and other members of the World War II generation who served on the home front, their friends and family members, and other Americans who will be in town for the Memorial Day weekend. It is going to be a very heart-rending weekend. We are looking forward to it with great anticipation.

If my colleagues have been down to the site already, they cannot come away with a dry eye. As veterans and their families, some in wheelchairs, some walking with canes, some just there to reflect, come and touch the

marble stone where perhaps where they fought is engraved. I watched one man go up, just touch the words Okinawa and he just stood there. I met a Purple Heart standing there on the plaza, and he thanked me. I said, sir, I was not even born. This is for you, thank you, because America does remember.

I again want to deeply thank the office of the gentleman from Illinois (Speaker HASTERT); the minority leader's office, the gentlewoman from California (Ms. PELOSI); and both sides of the aisle of the Committee on Transportation and Infrastructure for their help with this concurrent resolution; and I urge its adoption.

God bless our veterans and God bless America. I thank the gentlewoman for the time.

Mr. OBERSTAR. Mr. Speaker, House Concurrent Resolution 423 authorizes the use of the Capitol Grounds for activities associated with the dedication of the World War II Memorial on the National Mall. I'm proud to support this resolution and to support the dedication of the memorial to honor the achievements and sacrifices of our "Greatest Generation."

In 1993, P.L. 103-32 authorized the construction of a memorial on Federal land in the District of Columbia to honor members of the armed services who served in World War II and to commemorate United States participation in that conflict. Further, the public law authorized the American Battle Monuments Commission to solicit and accept private contributions for the memorial. The formal dedication event for the memorial is scheduled for Saturday, May 29, 2004.

The Capitol Grounds will provide additional space for this event, and the Architect of the Capitol is authorized to set up on the Grounds sound devices, related structures, and equipment as may be required to bring the event to a larger audience. Consistent with all events on Capitol Ground, the Capitol Police will enforce the ban on sales, advertisements, displays, and solicitations.

The dedication will be open to the public and free of charge and is expected to draw many hundreds of thousands of visitors and participants to the Capitol. Use of the Capitol Grounds will enable our veterans and the general public to participate more fully in the day's activities and enjoy this much-deserved dedication.

I support the resolution and urge its adoption.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 423.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. PORTER. 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. Con. Res. 420 and H. Con. Res. 423.

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

There was no objection.

#### EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4193) to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit.

The Clerk read as follows:

H.R. 4193

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

#### SECTION 1. EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA.

(a) IN GENERAL.—Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

“(g) EXPANSION OF DESIGNATED AREA BASED ON 2000 CENSUS.—

“(1) IN GENERAL.—At the request of all governments which nominated an area as a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract if—

“(A)(i) at the time such community was nominated, such community would have met the requirements of this section using 1990 census data even if such tract had been included in such community, and

“(ii) such tract has a poverty rate using 2000 census data which exceeds the poverty rate for such tract using 1990 census data, or

“(B)(i) such community would be described in subparagraph (A)(i) but for the failure to meet one or more of the requirements of paragraphs (2)(C)(i), (3)(C), and (3)(D) of subsection (c) using 1990 census data,

“(ii) such community, including such tract, has a population of not more than 200,000 using either 1990 census data or 2000 census data,

“(iii) such tract meets the requirement of subsection (c)(3)(C) using 2000 census data, and

“(iv) such tract meets the requirement of subparagraph (A)(ii).

“(2) EXCEPTION FOR CERTAIN CENSUS TRACTS WITH LOW POPULATION IN 1990.—In the case of any census tract which did not have a poverty rate determined by the Bureau of the Census using 1990 census data, paragraph

(1)(B) shall be applied without regard to clause (iv) thereof.

“(3) SPECIAL RULE FOR CERTAIN CENSUS TRACTS WITH LOW POPULATION IN 2000.—At the request of all governments which nominated an area as a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract if—

“(A) either—

“(i) such tract has no population using 2000 census data, or

“(ii) no poverty rate for such tract is determined by the Bureau of the Census using 2000 census data,

“(B) such tract is one of general distress, and

“(C) such community, including such tract, meets the requirements of subparagraphs (A) and (B) of subsection (c)(2).

“(4) PERIOD IN EFFECT.—Any expansion under this subsection shall take effect as provided in subsection (b).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 101 of the Community Renewal Tax Relief Act of 2000.

**SEC. 2. POPULATION CENSUS TRACTS WITH LOW POPULATIONS TREATED AS LOW-INCOME COMMUNITIES FOR PURPOSES OF NEW MARKETS TAX CREDIT.**

(a) IN GENERAL.—Subsection (e) of section 45D of the Internal Revenue Code of 1986 (relating to low-income community) is amended by adding at the end the following new paragraph:

“(4) TRACTS WITH LOW POPULATION.—A population census tract with a population of less than 2,000 shall be treated as a low-income community for purposes of this section if such tract—

“(A) is within an empowerment zone, the designation of which is in effect under section 1391, and

“(B) is contiguous to one or more low-income communities (determined without regard to this paragraph).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to investments made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from Washington (Mr. McDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the House to pass H.R. 4193. This measure will allow communities benefiting from economic development tax incentives to use those incentives to the maximum extent they possibly can.

The purpose of H.R. 4193 is to increase the flexibility communities have to use both the Renewal Communities and the New Markets Tax Credit tax incentives.

The Community Renewal Tax Relief Act of 2000 authorized the Department of Housing and Urban Development to select, based on a highly competitive process, 40 distressed areas across the country as renewal communities. So, as renewal communities, these distressed areas are able to use tax incentives to promote economic development.

These incentives include: One, a zero percent rate for capital gains from the sale of qualifying assets; two, a 15 percent wage credit to employers for the first \$10,000 of qualified wages; three, a commercial revitalization deduction; four, an additional \$35,000 in section 179 expensing for qualified property; and last, expansion of the Work Opportunity Tax Credit.

Communities were initially selected based on the 1990 census data for population and poverty rates because this was the most current data available at the time. We now have up-to-date 2000 census data showing how the population has shifted and the population and poverty rates have moved. H.R. 4193 is going to allow a renewal community to include additional census tracts which have experienced rising poverty according to the 2000 and 2002 census.

The bill also updates the New Markets Tax Credit by helping more distressed, low-population communities become eligible for the credit's benefit. Today, the profile of these communities makes it hard for them to meet poverty and income tests. Without this adjustment, low-population and economically distressed areas within an Empowerment Zone's boundaries will not get the help they need to develop further.

The House has already acted by unanimous consent to update Renewal Communities with this new 2000 census data. So the addition of the New Markets Tax Credit provision improves the package and does not affect the Federal budget and has broad bipartisan support.

So I urge my colleagues, Mr. Speaker, to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from New York. His description of the bill is quite adequate, I think.

H.R. 4193 is basically a bill that was passed about 10 years ago, and the census data used at that point was the 1990 census. We now have the 2000 census, and this is simply making this bill work better. Communities like Yakima, Washington; Hamilton, Ohio; and Mobile, Alabama, will be among the many beneficiaries of this change in the law.

It is not a big law. We did not even bother having a hearing in the Committee on Ways and Means on it. So it must not be too big, and I urge the adoption of the bill.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 4193.

Over the past decade, few areas of the country have faced the economic and fiscal challenges that my Western New York district has experienced. When a section of the City of Buffalo received a Renewal Community designation by the Department of Housing and Urban Development, I saw the possibility of an economic revival in my district.

When an area is designated as a Renewal Community, businesses located there become

qualified to receive certain tax incentives such as zero-percent capital gains rate on qualified community assets held for five years; work opportunity credits; commercial revitalization deductions; additional Section 179 expensing and the Renewal Community Employment Credit that credits employers \$1500 for each employee who both lives and works in the renewal area.

Because of these significant financial and tax incentives designed for low-income areas, the City of Buffalo has seen many improvements to the local economy. However, like many of the other Renewal Communities across the country, the standards HUD uses to designate renewal communities need to be modified and improved.

The original bill authorizing Renewal Communities, The Community Tax Reform Act of 2000, directs HUD to use poverty, unemployment and population levels based on 1990 census tract data to determine if a tract qualifies for a renewal community designation. To date, HUD has designated 40 Renewal Communities areas across the country using this outdated standard.

Section 1 of H.R. 4193 makes a simple change to these designation requirements by allowing HUD to enlarge a Renewal Community by adding census tracts using 2000 census tract data.

Given the enormous advantages for cities like Buffalo, it just makes sense for areas that continue to face decline to be eligible to use the most current census data available. This bill will provide for the expansion for Renewal Communities across the country so areas like Buffalo and Jamestown, N.Y. can finally realize economic success.

Mr. Speaker, thank you for bringing H.R. 4193 to the floor, and I urge all my colleagues to support this common sense, bipartisan legislation.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H.R. 4193, which the House is considering today under suspension of the rules.

I want to take a moment to recognize the work done by my colleague, Representative QUINN, who introduced the original bill, H.R. 840, which serves as a basis for H.R. 4193. I was proud to be an original cosponsor of the earlier bill, which would expand the areas of Renewal Communities based on more recent census information.

The Renewal Communities Initiative combines tax credits and other provisions designed to revive some of the nation's more impoverished distressed areas. These cities can take advantage of federal wage credits, tax deductions, capital gains exclusions, and bond financing to stimulate economic development and job growth. Each incentive is tailored to meet the particular needs of a business and offers a significant inducement for companies to locate and hire additional workers.

We have come close before to enacting this commonsense change, but this time we cannot fail.

This is too great an issue of importance to the country, and in particular, my district in Western New York.

Due to a loss of population in the 1990's, my area would greatly benefit from this change.

Out of five Renewal Communities designated in New York State, three are in my district: Buffalo, Niagara Falls, and Rochester.

According to Fannie Mae, this technical change would allow 14 more census tracts to qualify in Rochester, 16 more tracts in Buffalo-Lackawanna, and seven additional census tracts in Niagara Falls.

Each city in my district needs these incentives to expand jobs and promote business investment in our downtown areas. The statistics from my district paint the bleak picture.

The March 2004 employment figures released by the U.S. Department of Labor in late April revealed that the Buffalo-Niagara Falls market had the highest unemployment rate increase over the past year among all major metropolitan areas with one million or more residents.

According to the Bureau of Labor Statistics, Buffalo's unemployment rate in March was 7.4 percent, up 1.1 points from 6.3 percent a year ago. The number of unemployed was 42,000 this year. In March, Rochester's unemployment rate was 6.7 percent according, with 700 more area people employed in March than in February. However, that is still 4,400 fewer people than had jobs in March 2003.

Manufacturers have slashed about 4,600 jobs in the last year. The biggest dip was in jobs producing nondurable goods such as film—an 8.7 percent drop. This decrease was mainly a result of Eastman Kodak Co.'s continued downsizing.

The Renewal communities program seeks to entice businesses to develop commercial property and hire local employees. I strongly believe that the federal government can be an important partner in local efforts to spur economic development. The program provides critical tools to help with that partnership.

The expansion of the Renewal Communities program would give these cities the necessary spark to reignite their economic engines. I strongly urge my colleagues to support H.R. 4193.

Mr. ISTOOK. Mr. Speaker, H.R. 4193 that we are considering today, while making some simple changes to the tax code, would provide considerable positive impact to our low-income and distressed areas for years to come. I strongly support this measure, which would inject much-needed wealth into low-income and poverty-stricken areas through the creation of jobs and opportunities, where few now exist.

I am grateful to the Majority Leader, to the Ways and Means Committee, to its Chairman (Mr. THOMAS) and to the gentleman from New York (Mr. HOUGHTON) for bringing H.R. 4193 to the House floor today. Scheduling conflicts prevented them from bringing it to the floor during the last 3 weeks as was originally planned, so it's important to act today. Avoiding delay is the reason for acting today even though I must be absent, due to my long-standing commitment to deliver the commencement address to the graduating class of Oklahoma State University in Oklahoma City. But I am confident H.R. 4193 will be approved without any need for my presence, and thanks to the help from these other Members.

I want to draw your attention to section 2 of the bill, which provides a much-needed correction to the tax code for dealing with what's called the New Markets Tax Credit. This credit is designed to encourage taxpayers to invest in economically-distressed communities that have been designated as Empowerment Zones. Unfortunately, the tax code as it currently stands actually precludes some of the worst hit areas from taking advantage of the

New Markets Tax Credit, which we have the chance today to begin to rectify.

Empowerment Zones were created to rebuild communities in America's poverty-stricken areas through incentives that would entice businesses back to areas that experience high unemployment and shortages of affordable housing. In the words of HUD Secretary Mel Martinez, "This critical partnership between the public and private sectors will give local businesses in distressed neighborhoods an economic boost to help drive revitalization, provide jobs and ultimately build a foundation for stronger communities." Currently, there are 30 areas designated as Empowerment Zones, whose status provides the community with a framework of tax incentives and bond financing that offers a significant inducement for companies to locate in designated distressed areas and to hire additional workers.

The New Markets Tax Credit permits taxpayers to receive a credit against their Federal income taxes for making qualified investments in designated Empowerment Zones, which totals 39 percent of the cost of the investment over a 7-year period. Unfortunately, the current tax code contains a "Catch-22" regarding Empowerment Zones and the New Markets Tax Credit. The credit is administered according to the poverty level of each census tract in an Empowerment Zone. To be eligible for the credit, a census tract must have a 20 percent or greater poverty level assigned to it by the Census Bureau.

The "Catch-22" is that if a census tract has no assigned poverty level then it is not eligible for the credit. Such a case exists in two census tracts of the Oklahoma City Empowerment Zone because they either have no population or an extremely low population. These are census tracts 1027 and 1031.02, which contain large amounts of space with no residences, even though they are in an urban setting (which is not unusual for a city in America's west).

Although the rest of the Oklahoma City Empowerment Zone is New Markets Tax Credit eligible, the federal statute precludes these two census tracts from eligibility as they must have a 20 percent or greater poverty rate. That is an obvious impossibility when there is no population or such an extremely low population that the Census Bureau will not assign a poverty rate. Yet these two tracts face the same compelling economic needs as the rest of the Zone. These two census tracts are in essence donut holes within the Empowerment Zone. They are surrounded by other census tracts that do qualify for the New Markets Tax Credit. Omitting them from that program makes no sense; it is a bureaucratic accident that would defeat the program's purpose. But like a donut, they have none of the tasty dough that makes a donut appealing.

I have worked with the Department of Treasury to try to overcome this obstacle to New Markets Tax Credit eligibility, but existing Federal statute does not grant the Treasury Department the discretionary authority they need to correct the injustice. Therefore, a legislative fix is required. Section 2 corrects this problem by amending the tax code so that census tracts with a population of less than 2,000 are eligible for the NMTC. The 20 percent poverty criteria requirement is waived if the census tract is located in an Empowerment Zone and is contiguous to at least one other low-income community.

Downtown areas often serve as commercial, industrial, and office centers, which consequently have a limited residential population. Ironically, the lack of housing precludes these areas from tax incentives that would help inject affordable housing and energize their economies with activity for the very people these programs are trying to serve. The Oklahoma City Health Sciences Center area serves as one such example. This medical complex is adjacent to downtown Oklahoma City. It includes the Presbyterian Foundation and Research Park, the University of Oklahoma Health Center, and the Oklahoma Blood Institute among other health care providers. These, along with the Oklahoma Medical Research Foundation and the Children's Medical Research Institute, are part of a rapidly-developing area of bio-medical research and treatment facilities that is removing blight and serving a wide ranging constituency. But because the census tract that it is located in, as of the 2000 census, had only 72 residents, it was excluded from this program. The Census Bureau will not publish poverty and income information for a census tract such as this, whose source population is so easily identifiable, thus the Health Sciences Center area has no assigned poverty rate and is not New Markets Tax Credit eligible. Enacting H.R. 4193 will encourage development of much-needed affordable housing in this area, and provide job opportunities that will benefit people of all income and skill levels anchored through the growing bio-medical industry.

Another example of a blighted project that would quickly benefit from passage of H.R. 4193 is the Skirvin Plaza Hotel, located in Oklahoma City's inner city. This beautiful 1910 building, which is an important example of early art deco design has been closed since 1988 and is awaiting a developer. Because its census tract has zero population, the hotel is not New Markets Tax Credit eligible. Although its revitalization would greatly contribute to the quality of life in downtown Oklahoma City through the jobs and economic activity that its reopening would bring. The simple fact that affordable housing does not exist in this census tract denies an estimated \$9 million in equity that could otherwise be raised for restoring and reopening this now empty, abandoned hotel.

I have been advised that Oklahoma City is not alone in this situation. Chicago, Detroit, East St. Louis, and New York are also empowerment zone cities each containing census tracts with no population, for a total of 14 zero population tracts. I have to wonder how many other census tracts in empowerment zones also have extremely low populations. I cannot speak to the specifics of each city's case, but I know that Oklahoma City is not alone in its situation.

Although this legislation has particular importance to Oklahoma City, I believe that many federally-designated Empowerment Zones will benefit from its passage. I strongly encourage all members to vote yes for H.R. 4193.

Mr. McDERMOTT. Mr. Speaker, I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 4193.

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.