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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title XI of the Social Security Act to require hospitals participating in Federal health care programs to report certain information related to immigration status.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROY introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title XI of the Social Security Act to require hospitals participating in Federal health care programs to report certain information related to immigration status.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegal Alien Patient
5 Reporting Act”.

1 **SEC. 2. REQUIRING HOSPITALS PARTICIPATING IN FED-**
2 **ERAL HEALTH CARE PROGRAMS TO REPORT**
3 **CERTAIN INFORMATION RELATED TO IMMI-**
4 **GRATION STATUS.**

5 Part A of title XI of the Social Security Act (42
6 U.S.C. 1301 et seq.) is amended by inserting after section
7 1128K the following new section:

8 **“SEC. 1128L. REQUIRING HOSPITALS TO REPORT CERTAIN**
9 **INFORMATION RELATED TO IMMIGRATION**
10 **STATUS.**

11 “(a) IN GENERAL.—Beginning on the date of the en-
12 actment of this section, the Secretary shall exclude a hos-
13 pital from participation in any Federal health care pro-
14 gram (as defined in section 1128B(f)) if such hospital
15 does not meet the requirements under subsection (b).

16 “(b) IMMIGRATION STATUS REPORTING REQUIRE-
17 MENTS.—For purposes of subsection (a), the requirements
18 under this subsection are, with respect to a hospital, the
19 following:

20 “(1) Any admission, registration, or other in-
21 take form issued by the hospital includes—

22 “(A) a request that the patient (or the pa-
23 tient’s authorized representative) indicate the
24 patient’s immigration status; and

25 “(B) a statement immediately following
26 the request described in subparagraph (A) that

1 the response to such request will not affect pa-
2 tient care or result in a report of the patient's
3 immigration status to a law enforcement entity
4 unless the patient is an alien suspected of or
5 charged with—

6 “(i) any State or local criminal of-
7 fense; or

8 “(ii) any offense under section 274,
9 275, or 276 of the Immigration and Na-
10 tionality Act or under title 18, United
11 States Code.

12 “(2) In the case that a patient (or the patient's
13 authorized representative) indicates in response to a
14 request under paragraph (1)(A) that the patient is
15 an alien who is lawfully admitted for permanent res-
16 idence under the Immigration and Nationality Act,
17 the hospital requests to review documentary evidence
18 of such lawful admission.

19 “(3) Not later than 30 days after the last day
20 of each calendar quarter, the hospital submits a re-
21 port to the Secretary of Health and Human Services
22 and the Secretary of Homeland Security that in-
23 cludes, with respect to all patients that were admit-
24 ted to such hospital (or visited the emergency de-
25 partment of such hospital) during such quarter—

1 “(A) the number of patients that declined
2 to respond to the request under paragraph
3 (1)(A);

4 “(B) the number of patients that indicated
5 in response to such request that they were—

6 “(i) a citizen or national of the United
7 States;

8 “(ii) an alien who is lawfully admitted
9 for permanent residence under the Immi-
10 gration and Nationality Act;

11 “(iii) lawfully present in the United
12 States with status as a nonimmigrant;

13 “(iv) otherwise lawfully present in the
14 United States, including on the basis of—

15 “(I) temporary protected status
16 granted under section 244 of the Im-
17 migration and Nationality Act;

18 “(II) deferred action or deferred
19 enforced departure, including pursu-
20 ant to the memorandum of the De-
21 partment of Homeland Security enti-
22 tled ‘Exercising Prosecutorial Discre-
23 tion with Respect to Individuals Who
24 Came to the United States as Chil-
25 dren’ issued on June 15, 2012;

1 “(III) asylum granted under sec-
2 tion 208 of the Immigration and Na-
3 tionality Act;

4 “(IV) parole granted under sec-
5 tion 212(d)(5) or 236(a)(2)(B) of the
6 Immigration and Nationality Act;

7 “(V) withholding of removal
8 granted under section 241(b)(3) of
9 the Immigration and Nationality Act;

10 “(VI) status as a Cuban and
11 Haitian entrant, as defined in section
12 501(e) of the Refugee Education As-
13 sistance Act of 1980 (Public Law 96–
14 422);

15 “(VII) special immigrant juvenile
16 status granted under section
17 101(a)(27)(J) of the Immigration and
18 Nationality Act; or

19 “(VIII) protection under the
20 United Nations Convention Against
21 Torture and Other Cruel, Inhuman or
22 Degrading Treatment or Punishment;
23 or

24 “(v) not lawfully present in the
25 United States (including whether they were

1 an unaccompanied alien child (as defined
2 in section 462(g)(2) of the Homeland Se-
3 curity Act of 2002)); and

4 “(C) the number of patients that indicated
5 in response to such request that they were an
6 alien lawfully admitted for permanent residence
7 under the Immigration and Nationality Act,
8 and failed to provide documentary evidence of
9 such lawful admission in response to the re-
10 quest under paragraph (2).

11 “(c) REPORT.—Not later than October 1 of each year
12 (beginning with 2026), the Secretary shall submit a report
13 to Congress that includes—

14 “(1) the information reported by all hospitals
15 under subsection (b)(2), aggregated over the pre-
16 ceding calendar year; and

17 “(2) information related to—

18 “(A) the costs of uncompensated care for
19 individuals who are not lawfully present in the
20 United States;

21 “(B) the impact of such uncompensated
22 care on hospitals’ ability to provide services to
23 the public (and the cost of such services);

24 “(C) hospitals’ funding needs; and

1 “(D) such other related information as the
2 Secretary may require.

3 “(d) REGULATIONS.—The Secretary, in coordination
4 with the Secretary of Homeland Security, may issue such
5 rules as are necessary relating to the requirements under
6 subsection (b). Such rules may not require hospitals to
7 disclose to either Secretary any patient names or other
8 personal identifying information.”.