



May 7, 2004

Dear Member of Congress:

We understand that the House of Representatives is expected to soon consider legislation (H.R. 3722) proposed by Representative Rohrabacher (R-CA). The undersigned organizations, representing America's hospitals and health systems, health care providers, and safety net systems, are united in our opposition to H.R. 3722, the "Undocumented Alien Emergency Medical Assistance Amendments of 2004," and urge you to oppose this legislation. We believe it will severely undermine Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) and create unnecessary barriers to life saving treatments at hospitals nationwide.

After months of careful deliberation by the Medicare conferees, the Congress and Administration included essential resources for hospitals providing life saving emergency care to undocumented aliens. The undersigned organizations deeply appreciated the inclusion of Section 1011 in MMA.

We are deeply concerned that H.R. 3722 would weaken Section 1011 by imposing new burdensome requirements on hospitals in order to receive any of the resources from Section 1011. In addition, H.R. 3722 would virtually ensure that illegal immigrants will avoid getting the appropriate and timely life saving health care they need, when they need it. H.R. 3722 could pose a significant public health threat for entire communities because the fear of deportation would inevitably preclude undocumented immigrants from seeking care for communicable diseases until these individuals are extremely ill.

Hospitals provide care to anyone who walks through their doors, - regardless of race, ethnicity or citizenship status, -- twenty-four hours each day, seven days a week. That is the role of community hospitals. Rep. Rohrabacher's legislation, however, seeks to create a new role for hospitals in their communities -- that of border patrol agents. In order to qualify for Section 1011 funding, the Rohrabacher legislation would require that hospitals demand and upload personal data -- including such "identifiers" as fingerprints and digital photographs -- on undocumented aliens to an electronic database set up by the Department of Homeland Security

(DHS) and the Department of Health and Human Services (HHS) for deportation purposes. Furthermore, the bill requires hospitals to retain original documents and data for a period of at least 5 years, thus imposing additional paperwork on an already overwhelmed system.

We do not believe this is in the best interest of the patients we serve and the nurses and physicians that provide emergency care. Today's health care delivery system is very fast-paced and in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect these data diverts us from doing our job of caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency.

We respectfully ask that you oppose this legislation should it come up for a vote.

Sincerely,

Federation of American Hospitals  
American Hospital Association  
National Association of Public Hospitals and Health Systems  
Association of American Medical Colleges  
Catholic Health Association of the United States  
National Association of Children's Hospitals  
VHA Inc