

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2171

To amend the Immigration and Nationality Act to waive the foreign country residence requirement with respect to foreign medical graduates.

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IN THE SENATE OF THE UNITED STATES

JUNE 9 (legislative day, JUNE 7), 1994

Mr. CONRAD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to waive the foreign country residence requirement with respect to foreign medical graduates.

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. WAIVER OF FOREIGN COUNTRY RESIDENCE RE-**  
4                               **QUIREMENT WITH RESPECT TO FOREIGN**  
5                               **MEDICAL GRADUATES.**

6           (a) WAIVER.—Section 212(e) of the Immigration and  
7       Nationality Act (8 U.S.C. 1182(e)) is amended—

8                   (1) in the first proviso by inserting “(or, in the  
9       case of an alien described in clause (iii), pursuant to

1 the request of an interested State agency)” after  
2 “interested United States Government agency”; and

3 (2) by inserting after “public interest” the fol-  
4 lowing: “except that in the case of a waiver re-  
5 quested by an interested State agency the waiver  
6 shall be subject to the requirements of section  
7 214(k)”.

8 (b) RESTRICTIONS ON WAIVER.—Section 214 of that  
9 Act (8 U.S.C. 1184) is amended by adding at the end the  
10 following:

11 “(k)(1) In the case of a request by an interested  
12 State agency for a waiver of the two-year foreign residence  
13 requirement under section 212(e) with respect to an alien  
14 described in clause (iii) of that section, the Attorney Gen-  
15 eral shall not grant such waiver unless—

16 “(A) in the case of an alien whose education or  
17 training is financed, in whole or in part, by the for-  
18 eign country of the alien’s nationality or last resi-  
19 dence or by United States foreign assistance funds  
20 or in the case of an alien who is otherwise contrac-  
21 tually obligated to return to such country, the for-  
22 eign country furnishes the Director a statement in  
23 writing that it has no objection to such waiver;

24 “(B) the alien agrees to continue to work in ac-  
25 cordance with paragraph (2) at the health care facil-

1       ity in which the alien is employed for a total of not  
2       less than 3 years (unless the Attorney General deter-  
3       mines that extenuating circumstances such as the  
4       closure of the facility or hardship to the alien would  
5       justify a lesser period of time);

6           “(C) the alien agrees to practice medicine in ac-  
7       cordance with paragraph 2) for a total of not less  
8       than 3 years only in the geographic area or areas  
9       which are designated by the Secretary of Health and  
10      Human Services as having a shortage of health care  
11      professionals, unless the interested State agency de-  
12      termines that the alien is a health care professional  
13      who is needed in an area that has not been so des-  
14      ignated; and

15           “(D) the grant of such waiver would not cause  
16      the number of waivers allotted for that State for  
17      that fiscal year to exceed twenty.

18           “(2) Whenever an interested State agency requests  
19      the waiver of the two years residence requirement under  
20      section 212(e) with respect to an alien described in clause  
21      (iii) of that section, the Attorney General shall adjust the  
22      status of the alien to that of an alien described in section  
23      101(a)(15)(H)(b).

24           “(3) If an alien whose status was adjusted under  
25      paragraph (2) demonstrates that the alien has worked for

1 a period of three years in a health professional shortage  
2 area (or an area otherwise designated by a State agency),  
3 then the Attorney General shall approve a petition filed  
4 on the alien’s behalf by the health care facility in which  
5 the alien is employed seeking adjustment of the alien’s sta-  
6 tus to that of a special immigrant described in section  
7 101(a)(27)(L).”.

8 (c) SPECIAL IMMIGRANT STATUS.—Section  
9 101(a)(27) of the Immigration and Nationality Act is  
10 amended by adding at the end the following new subpara-  
11 graph:

12 “(L) immigrants whose status have been  
13 adjusted from that of an alien described in  
14 paragraph (15)(H)(b) pursuant to section  
15 214(k)(2), except that not more than 1,000 im-  
16 migrants may be admitted in any fiscal year  
17 under this subparagraph.”.

18 (d) GROUNDS FOR DEPORTATION.—Section 241(a)  
19 of the Immigration and Nationality Act (8 U.S.C.  
20 1251(a)) is amended by adding at the end the following  
21 new subparagraph:

22 “(I) FAILURE TO MAINTAIN EMPLOYMENT  
23 AS A HEALTH CARE PROFESSIONAL.—Any alien  
24 described in section 212(e)(iii) who fails to

1 maintain employment in accordance with sub-  
2 paragraphs (B) and (C) of section 212(k)(1).”.

3 (e) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to aliens admitted to the United  
5 States under section 101(a)(15)(J) of the Immigration  
6 and Nationality Act, or acquiring such status after admis-  
7 sion to the United States, before, on, or after the date  
8 of enactment of this Act.

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