

106TH CONGRESS  
1ST SESSION

# H. R. 2961

To amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1999

Mr. BENTSEN (for himself, Mr. ARCHER, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. LAMPSON, Mrs. NORTHUP, Mr. GREEN of Texas, Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, and Mr. GONZALEZ) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “International Patient  
3 Act of 1999”.

4 **SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND THE PE-**  
5 **RIOD FOR VOLUNTARY DEPARTURE FOR**  
6 **CERTAIN NONIMMIGRANT ALIENS REQUIR-**  
7 **ING MEDICAL TREATMENT WHO WERE AD-**  
8 **MITTED TO THE UNITED STATES UNDER THE**  
9 **VISA WAIVER PILOT PROGRAM.**

10 (a) IN GENERAL.—Section 240B(a)(2) of the Immi-  
11 gration and Nationality Act (8 U.S.C. 1229c(a)(2)) is  
12 amended to read as follows:

13 “(2) PERIOD.—

14 “(A) IN GENERAL.—Subject to subpara-  
15 graph (B), permission to depart voluntarily  
16 under this subsection shall not be valid for a  
17 period exceeding 120 days.

18 “(B) 3-YEAR PILOT PROGRAM WAIVER.—  
19 During the period January 1, 2000, through  
20 December 31, 2002 and subject to subpara-  
21 graphs (C) and (D)(ii), the Attorney General  
22 may, in the discretion of the Attorney General  
23 for humanitarian purposes, waive application of  
24 subparagraph (A) in the case of an alien—

25 “(i) who was admitted to the United  
26 States as a nonimmigrant visitor (de-

1           scribed in section 101(a)(15)(B)) under  
2           the provisions of the visa waiver pilot pro-  
3           gram established pursuant to section 217,  
4           seeks the waiver for the purpose of con-  
5           tinuing to receive medical treatment in the  
6           United States from a physician associated  
7           with a health care facility, and submits to  
8           the Attorney General—

9                   “(I) a detailed diagnosis state-  
10                   ment from the physician, which in-  
11                   cludes the treatment being sought and  
12                   the expected time period the alien will  
13                   be required to remain in the United  
14                   States;

15                   “(II) a statement from the health  
16                   care facility containing an assurance  
17                   that the alien’s treatment is not being  
18                   paid through any Federal or State  
19                   public health assistance, that the  
20                   alien’s account has no outstanding  
21                   balance, and that such facility will no-  
22                   tify the Service when the alien is re-  
23                   leased or treatment is terminated; and

24                   “(III) evidence of financial ability  
25                   to support the alien’s day-to-day ex-

1                   penses while in the United States (in-  
2                   cluding the expenses of any family  
3                   member described in clause (ii)) and  
4                   evidence that any such alien or family  
5                   member is not receiving any form of  
6                   public assistance; or

7                   “(ii) who—

8                                 “(I) is a spouse, parent, brother,  
9                                 sister, son, daughter, or other family  
10                                member of a principal alien described  
11                                in clause (i); and

12                               “(II) entered the United States  
13                                accompanying, and with the same sta-  
14                                tus as, such principal alien.”.

15                   “(C) WAIVER LIMITATIONS.—

16                                “(i) Waivers under subparagraph (B)  
17                                may be granted only upon a request sub-  
18                                mitted by a Service district office to Serv-  
19                                ice headquarters.

20                                “(ii) Not more than 300 waivers may  
21                                be granted for any fiscal year for a prin-  
22                                cipal alien under subparagraph (B)(i).

23                                “(iii)(I) Except as provided in sub-  
24                                clause (II), in the case of each principal  
25                                alien described in subparagraph (B)(i) not

1 more than 1 adult may be granted a waiver  
2 er under subparagraph (B)(ii).

3 “(II) Not more than 2 adults may be  
4 granted a waiver under subparagraph  
5 (B)(ii) in a case in which—

6 “(aa) the principal alien de-  
7 scribed in subparagraph (B)(i) is a  
8 dependent under the age of 18; or

9 “(bb) 1 such adult is age 55 or  
10 older or is physically handicapped.

11 “(D) REPORT TO CONGRESS; SUSPENSION  
12 OF WAIVER AUTHORITY.—

13 “(i) Not later than March 30 of each  
14 year, the Commissioner shall submit to the  
15 Congress an annual report regarding all  
16 waivers granted under subparagraph (B)  
17 during the preceding fiscal year.

18 “(ii) Notwithstanding any other provi-  
19 sion of law, the authority of the Attorney  
20 General under subparagraph (B) shall be  
21 suspended during any period in which an  
22 annual report under clause (i) is past due  
23 and has not been submitted.”.

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