

Calendar No. 775

108TH CONGRESS
2D SESSION**S. 2302**

To improve access to physicians in medically underserved areas.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2004

Mr. CONRAD (for himself, Mr. BROWNBACK, Mr. FEINGOLD, Mrs. MURRAY, Mr. COCHRAN, Mr. KENNEDY, Mr. HAGEL, Mr. BINGAMAN, Mr. ENSIGN, Mr. SCHUMER, Mrs. LINCOLN, Mr. DEWINE, Mr. NELSON of Nebraska, Mr. KOHL, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 7, 2004

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To improve access to physicians in medically underserved
areas.

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. WAIVER OF FOREIGN COUNTRY RESIDENCE RE-**
 2 **QUIREMENT WITH RESPECT TO INTER-**
 3 **NATIONAL MEDICAL GRADUATES.**

4 (a) **EXTENSION OF DEADLINE.**—Section 220(e) of
 5 the Immigration and Nationality Technical Corrections
 6 Act of 1994 (8 U.S.C. 1182 note) (as amended by section
 7 11018 of Public Law 107–273) is amended by striking
 8 “2004.” and inserting “2009.”.

9 (b) **DESIGNATION OF HEALTH PROFESSIONAL**
 10 **SHORTAGE AREAS BY STATE AGENCIES.**—Section
 11 214(l)(1)(D) of the Immigration and Nationality Act (8
 12 U.S.C. 1184(l)(1)(D)) is amended—

13 (1) by striking “professionals,” and inserting
 14 “professionals or in other shortage locations speci-
 15 fied by a State department of public health (or its
 16 equivalent),”; and

17 (2) by striking “in a geographic area designated
 18 by the Secretary.” and inserting “in such a geo-
 19 graphic area or other shortage location.”.

20 (c) **EXEMPTION FROM H-1B NUMERICAL LIMITA-**
 21 **TIONS.**—Section 214(l)(2)(A) of the Immigration and Na-
 22 tionality Act (8 U.S.C. 1184(l)(2)(A)) is amended by add-
 23 ing at the end the following: “The numerical limitations
 24 contained in subsection (g)(1)(A) shall not apply to any
 25 alien whose status is changed under the preceding sen-
 26 tence, if the alien obtained a waiver of the 2-year foreign

1 residence requirement upon a request by an interested
 2 State agency.”.

3 **SECTION 1. MODIFICATION OF VISA REQUIREMENTS WITH**
 4 **RESPECT TO INTERNATIONAL MEDICAL**
 5 **GRADUATES.**

6 (a) *EXTENSION OF DEADLINE.*—

7 (1) *IN GENERAL.*—Section 220(c) of the *Immi-*
 8 *gration and Nationality Technical Corrections Act of*
 9 *1994 (8 U.S.C. 1182 note) (as amended by section*
 10 *11018 of Public Law 107–273) is amended by strik-*
 11 *ing “2004.” and inserting “2006.”.*

12 (2) *EFFECTIVE DATE.*—The amendment made by
 13 paragraph (1) shall take effect as if enacted on May
 14 31, 2004.

15 (b) *EXEMPTION FROM H–1B NUMERICAL LIMITA-*
 16 *TIONS.*—Section 214(l)(2)(A) of the *Immigration and Na-*
 17 *tionality Act (8 U.S.C. 1184(l)(2)(A)) is amended by add-*
 18 *ing at the end the following: “The numerical limitations*
 19 *contained in subsection (g)(1)(A) shall not apply to any*
 20 *alien whose status is changed under the preceding sentence,*
 21 *if the alien obtained a waiver of the 2-year foreign residence*
 22 *requirement upon a request by an interested Federal agency*
 23 *or an interested State agency.”.*

24 (c) *LIMITATION ON MEDICAL PRACTICE AREAS.*—Sec-
 25 *tion 214(l)(1)(D) of the Immigration and Nationality Act*

1 (8 U.S.C. 1184(l)(1)(D)) is amended by striking “agrees to
 2 practice medicine” and inserting “agrees to practice pri-
 3 mary care or specialty medicine”.

4 (d) EXEMPTIONS.—Section 214(l)(1)(D) of the Immi-
 5 gration and Nationality Act (8 U.S.C. 1184(l)(1)(D)) is
 6 further amended—

7 (1) by striking “except that,” and all that follows
 8 and inserting “except that—”; and

9 (2) by adding at the end the following:

10 “(i) in the case of a request by the Depart-
 11 ment of Veterans Affairs, the alien shall not be
 12 required to practice medicine in a geographic
 13 area designated by the Secretary;

14 “(ii) in the case of a request by an inter-
 15 ested State agency, the head of such State agency
 16 determines that the alien is to practice medicine
 17 under such agreement in a facility that serves
 18 patients who reside in one or more geographic
 19 areas so designated by the Secretary of Health
 20 and Human Services (without regard to whether
 21 such facility is located within such a designated
 22 geographic area), and the grant of such waiver
 23 would not cause the number of the waivers
 24 granted on behalf of aliens for such State for a
 25 fiscal year (within the limitation in subpara-

1 *graph (B)) in accordance with the conditions of*
2 *this clause to exceed 5; and*

3 *“(iii) in the case of a request by an inter-*
4 *ested Federal agency or by an interested State*
5 *agency for a waiver for an alien who agrees to*
6 *practice specialty medicine in a facility located*
7 *in a geographic area so designated by the Sec-*
8 *retary of Health and Human Services, the re-*
9 *quest shall demonstrate, based on criteria estab-*
10 *lished by such agency, that there is a shortage of*
11 *health care professionals able to provide services*
12 *in the appropriate medical specialty to the pa-*
13 *tients who will be served by the alien.”.*

Calendar No. 775

108TH CONGRESS
2D Session

S. 2302

A BILL

To improve access to physicians in medically underserved areas.

OCTOBER 7, 2004

Reported with an amendment