

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1933

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IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2011

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To amend the Immigration and Nationality Act to modify the requirements for admission of nonimmigrant nurses in health professional shortage 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. REQUIREMENTS FOR ADMISSION OF NON-**  
2 **IMMIGRANT NURSES IN HEALTH PROFES-**  
3 **SIONAL SHORTAGE AREAS.**

4 (a) EXTENSION OF PERIOD OF AUTHORIZED ADMIS-  
5 SION.—Section 212(m)(3) of the Immigration and Nation-  
6 ality Act (8 U.S.C. 1182(m)(3)) is amended to read as  
7 follows:

8 “(3) The initial period of authorized admission as a  
9 nonimmigrant under section 101(a)(15)(H)(i)(c) shall be  
10 3 years, and may be extended once for an additional 3-  
11 year period.”.

12 (b) NUMBER OF VISAS.—Section 212(m)(4) of the  
13 Immigration and Nationality Act (8 U.S.C. 1182(m)(4))  
14 is amended by striking “500.” and inserting “300.”.

15 (c) PORTABILITY.—Section 214(n) of the Immigra-  
16 tion and Nationality Act (8 U.S.C. 1184(n)) is amended  
17 by adding at the end the following:

18 “(3)(A) A nonimmigrant alien described in subpara-  
19 graph (B) who was previously issued a visa or otherwise  
20 provided nonimmigrant status under section  
21 101(a)(15)(H)(i)(c) is authorized to accept new employ-  
22 ment performing services as a registered nurse for a facil-  
23 ity described in section 212(m)(6) upon the filing by the  
24 prospective employer of a new petition on behalf of such  
25 nonimmigrant as provided under subsection (c). Employ-  
26 ment authorization shall continue for such alien until the

1 new petition is adjudicated. If the new petition is denied,  
2 such authorization shall cease.

3 “(B) A nonimmigrant alien described in this para-  
4 graph is a nonimmigrant alien—

5 “(i) who has been lawfully admitted into the  
6 United States;

7 “(ii) on whose behalf an employer has filed a  
8 nonfrivolous petition for new employment before the  
9 date of expiration of the period of stay authorized by  
10 the Secretary of Homeland Security, except that, if  
11 a nonimmigrant described in section  
12 101(a)(15)(H)(i)(c) is terminated or laid off by the  
13 nonimmigrant’s employer, or otherwise ceases em-  
14 ployment with the employer, such petition for new  
15 employment shall be filed during the 45-day period  
16 beginning on the date of such termination, lay off,  
17 or cessation; and

18 “(iii) who, subsequent to such lawful admission,  
19 has not been employed without authorization in the  
20 United States before the filing of such petition.”.

21 (d) APPLICABILITY.—

22 (1) IN GENERAL.—During the 3-year period be-  
23 ginning on the commencement date described in  
24 paragraph (2), the amendments made by section 2  
25 of the Nursing Relief for Disadvantaged Areas Act

1 of 1999 (Public Law 106–95), and the amendments  
2 made by this section, shall apply to classification pe-  
3 titions filed for nonimmigrant status. This period  
4 shall be in addition to the period described in section  
5 2(e) of the Nursing Relief for Disadvantaged Areas  
6 Act of 1999.

7 (2) COMMENCEMENT DATE.—Not later than 60  
8 days after the date of the enactment of this Act, the  
9 Secretary of Homeland Security shall determine  
10 whether regulations are necessary to implement the  
11 amendments made by this section. If the Secretary  
12 determines that no such regulations are necessary,  
13 the commencement date described in this paragraph  
14 shall be the date of such determination. If the Sec-  
15 retary determines that regulations are necessary to  
16 implement any amendment made by this section, the  
17 commencement date described in this paragraph  
18 shall be the date on which such regulations (in final  
19 form) take effect.

Passed the House of Representatives August 1,  
2011.

Attest:

KAREN L. HAAS,

*Clerk.*