

Union Calendar No. 99

112TH CONGRESS
1ST SESSION

H. R. 1933

[Report No. 112-153]

To amend the Immigration and Nationality Act to modify the requirements for admission of nonimmigrant nurses in health professional shortage areas.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2011

Mr. SMITH of Texas (for himself, Mr. CUELLAR, and Mr. ROSKAM) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 19, 2011

Additional sponsors: Mr. RUSH and Mr. HINOJOSA

JULY 19, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

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,*

3 **SECTION 1. REQUIREMENTS FOR ADMISSION OF NON-**
4 **IMMIGRANT NURSES IN HEALTH PROFES-**
5 **SIONAL SHORTAGE AREAS.**

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

10 “(3) The initial period of authorized admission as a
11 nonimmigrant under section 101(a)(15)(H)(i)(e) shall be
12 3 years, and may be extended once for an additional 3-
13 year period.”

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

17 (c) **APPLICABILITY.**—

18 (1) **IN GENERAL.**—During the 3-year period be-
19 ginning on the commencement date described in
20 paragraph (2), the amendments made by section 2
21 of the Nursing Relief for Disadvantaged Areas Act
22 of 1999 (Public Law 106–95), and the amendments
23 made by subsections (a) and (b) of this section, shall
24 apply to classification petitions filed for non-
25 immigrant status. This period shall be in addition to

1 the period described in section 2(e) of the Nursing
2 Relief for Disadvantaged Areas Act of 1999.

3 ~~(2) COMMENCEMENT DATE.~~—Not later than 60
4 days after the date of the enactment of this Act, the
5 Secretary of Homeland Security shall determine
6 whether regulations are necessary to implement the
7 amendments made by subsection (a) and (b). If the
8 Secretary determines that no such regulations are
9 necessary, the commencement date described in this
10 paragraph shall be the date of such determination.
11 If the Secretary determines that regulations are nec-
12 essary to implement subsection (a) or (b), the com-
13 mencement date described in this paragraph shall be
14 the date on which such regulations (in final form)
15 take effect.

16 **SECTION 1. REQUIREMENTS FOR ADMISSION OF NON-**
17 **IMMIGRANT NURSES IN HEALTH PROFES-**
18 **SIONAL SHORTAGE AREAS.**

19 *(a) EXTENSION OF PERIOD OF AUTHORIZED ADMIS-*
20 *SION.*—*Section 212(m)(3) of the Immigration and Nation-*
21 *ality Act (8 U.S.C. 1182(m)(3)) is amended to read as fol-*
22 *lows:*

23 *“(3) The initial period of authorized admission as a*
24 *nonimmigrant under section 101(a)(15)(H)(i)(c) shall be 3*

1 *years, and may be extended once for an additional 3-year*
2 *period.”.*

3 *(b) NUMBER OF VISAS.—Section 212(m)(4) of the Im-*
4 *migration and Nationality Act (8 U.S.C. 1182(m)(4)) is*
5 *amended by striking “500.” and inserting “300.”.*

6 *(c) PORTABILITY.—Section 214(n) of the Immigration*
7 *and Nationality Act (8 U.S.C. 1184(n)) is amended by add-*
8 *ing at the end the following:*

9 *“(3)(A) A nonimmigrant alien described in subpara-*
10 *graph (B) who was previously issued a visa or otherwise*
11 *provided nonimmigrant status under section*
12 *101(a)(15)(H)(i)(c) is authorized to accept new employ-*
13 *ment performing services as a registered nurse for a facility*
14 *described in section 212(m)(6) upon the filing by the pro-*
15 *spective employer of a new petition on behalf of such non-*
16 *immigrant as provided under subsection (c). Employment*
17 *authorization shall continue for such alien until the new*
18 *petition is adjudicated. If the new petition is denied, such*
19 *authorization shall cease.*

20 *“(B) A nonimmigrant alien described in this para-*
21 *graph is a nonimmigrant alien—*

22 *“(i) who has been lawfully admitted into the*
23 *United States;*

24 *“(ii) on whose behalf an employer has filed a*
25 *nonfrivolous petition for new employment before the*

1 *date of expiration of the period of stay authorized by*
2 *the Secretary of Homeland Security, except that, if a*
3 *nonimmigrant described in section*
4 *101(a)(15)(H)(i)(c) is terminated or laid off by the*
5 *nonimmigrant's employer, or otherwise ceases employ-*
6 *ment with the employer, such petition for new em-*
7 *ployment shall be filed during the 45-day period be-*
8 *ginning on the date of such termination, lay off, or*
9 *cessation; and*

10 *“(iii) who, subsequent to such lawful admission,*
11 *has not been employed without authorization in the*
12 *United States before the filing of such petition.”.*

13 *(d) APPLICABILITY.—*

14 *(1) IN GENERAL.—During the 3-year period be-*
15 *ginning on the commencement date described in para-*
16 *graph (2), the amendments made by section 2 of the*
17 *Nursing Relief for Disadvantaged Areas Act of 1999*
18 *(Public Law 106-95), and the amendments made by*
19 *this section, shall apply to classification petitions*
20 *filed for nonimmigrant status. This period shall be in*
21 *addition to the period described in section 2(e) of the*
22 *Nursing Relief for Disadvantaged Areas Act of 1999.*

23 *(2) COMMENCEMENT DATE.—Not later than 60*
24 *days after the date of the enactment of this Act, the*
25 *Secretary of Homeland Security shall determine*

1 *whether regulations are necessary to implement the*
2 *amendments made by this section. If the Secretary de-*
3 *termines that no such regulations are necessary, the*
4 *commencement date described in this paragraph shall*
5 *be the date of such determination. If the Secretary de-*
6 *termines that regulations are necessary to implement*
7 *any amendment made by this section, the commence-*
8 *ment date described in this paragraph shall be the*
9 *date on which such regulations (in final form) take*
10 *effect.*

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