

118TH CONGRESS
1ST SESSION

H. R. 4942

To provide incentives to physicians to practice in rural and medically underserved communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2023

Mr. SCHNEIDER (for himself, Mr. BACON, Ms. GARCIA of Texas, Mr. VALADAO, Mr. PANETTA, Ms. WILLIAMS of Georgia, Mr. MORELLE, Ms. WILD, Mr. POCAN, Mr. CORREA, Ms. ROSS, Mr. CLEAVER, Mr. MOULTON, Mr. FITZPATRICK, Ms. SEWELL, Mr. COSTA, Mr. CÁRDENAS, Mr. CASTEN, Ms. DELBENE, Mr. VARGAS, Mr. HIGGINS of Louisiana, Mr. AUCHINCLOSS, Mr. GARAMENDI, Ms. JAYAPAL, Ms. MOORE of Wisconsin, Ms. KELLY of Illinois, Ms. BLUNT ROCHESTER, Mr. DAVIS of North Carolina, Mr. BERA, Ms. PINGREE, Mr. STANTON, Ms. VELÁZQUEZ, Ms. FOXX, Mr. VICENTE GONZALEZ of Texas, Mr. KILDEE, Mr. PASCRELL, Mr. DAVID SCOTT of Georgia, Mr. ALLRED, Mr. GOMEZ, Mr. CARBAJAL, Mrs. GONZÁLEZ-COLÓN, Mr. KRISHNAMOORTHY, Mr. MEUSER, Mr. KILMER, Ms. PETERSEN, Mr. VASQUEZ, Mr. PHILLIPS, Ms. SCHOLTEN, Ms. SHERRILL, Mr. COLE, Mr. HIGGINS of New York, and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide incentives to physicians to practice in rural and medically underserved communities, 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 “Conrad State 30 and
3 Physician Access Reauthorization Act”.

4 **SEC. 2. CONRAD STATE 30 PROGRAM.**

5 (a) **EXTENSION.**—Section 220(c) of the Immigration
6 and Nationality Technical Corrections Act of 1994 (Public
7 Law 103–416; 8 U.S.C. 1182 note) is amended by striking
8 “September 30, 2015” and inserting “on the date that
9 is 3 years after the date of the enactment of the Conrad
10 State 30 and Physician Access Reauthorization Act”.

11 (b) **EFFECTIVE DATE.**—The amendment made by
12 subsection (a) shall take effect as if enacted on September
13 30, 2018.

14 **SEC. 3. RETAINING PHYSICIANS WHO HAVE PRACTICED IN**
15 **MEDICALLY UNDERSERVED COMMUNITIES.**

16 Section 201(b)(1) of the Immigration and Nationality
17 Act (8 U.S.C. 1151(b)(1)) is amended by adding at the
18 end the following:

19 “(F)(i) Alien physicians who have completed
20 service requirements of a waiver requested under
21 section 203(b)(2)(B)(ii), including—

22 “(I) alien physicians who completed such
23 service before the date of the enactment of the
24 Conrad State 30 and Physician Access Act; and

25 “(II) the spouse or children of an alien
26 physician described in subclause (I).

1 “(ii) Nothing in this subparagraph may be con-
2 strued—

3 “(I) to prevent the filing of a petition with
4 the Secretary of Homeland Security for classi-
5 fication under section 204(a) or the filing of an
6 application for adjustment of status under sec-
7 tion 245 by an alien physician described in this
8 subparagraph before the date by which such
9 alien physician has completed the service de-
10 scribed in section 214(l) or worked full-time as
11 a physician for an aggregate of 5 years at the
12 location identified in the section 214(l) waiver
13 or in an area or areas designated by the Sec-
14 retary of Health and Human Services as having
15 a shortage of health care professionals; or

16 “(II) to permit the Secretary of Homeland
17 Security to grant a petition or application de-
18 scribed in subclause (I) until the alien has sat-
19 isfied all of the requirements of the waiver re-
20 ceived under section 214(l).”.

21 **SEC. 4. EMPLOYMENT PROTECTIONS FOR PHYSICIANS.**

22 (a) **EXCEPTIONS TO 2-YEAR FOREIGN RESIDENCY**
23 **REQUIREMENT.**—Section 214(l)(1) of the Immigration
24 and Nationality Act (8 U.S.C. 1184(l)(1)) is amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “Attorney General” and inserting “Sec-
3 retary of Homeland Security”;

4 (2) in subparagraph (A), by striking “Director
5 of the United States Information Agency” and in-
6 serting “Secretary of State”;

7 (3) in subparagraph (B), by inserting “, except
8 as provided in paragraphs (7) and (8)” before the
9 semicolon at the end;

10 (4) in subparagraph (C), by striking clauses (i)
11 and (ii) and inserting the following:

12 “(i) the alien demonstrates a bona fide
13 offer of full-time employment at a health facil-
14 ity or health care organization, which employ-
15 ment has been determined by the Secretary of
16 Homeland Security to be in the public interest;
17 and

18 “(ii) the alien—

19 “(I) has accepted employment with
20 the health facility or health care organiza-
21 tion in a geographic area or areas which
22 are designated by the Secretary of Health
23 and Human Services as having a shortage
24 of health care professionals;

1 “(II) begins employment by the later
2 of the date that is—

3 “(aa) 120 days after receiving
4 such waiver;

5 “(bb) 120 days after completing
6 graduate medical education or train-
7 ing under a program approved pursu-
8 ant to section 212(j)(1); or

9 “(cc) 120 days after receiving
10 nonimmigrant status or employment
11 authorization, if the alien or the
12 alien’s employer petitions for such
13 nonimmigrant status or employment
14 authorization not later than 120 days
15 after the date on which the alien com-
16 pletes his or her graduate medical
17 education or training under a pro-
18 gram approved pursuant to section
19 212(j)(1); and

20 “(III) agrees to continue to work for
21 a total of not less than 3 years in the sta-
22 tus authorized for such employment under
23 this subsection, except as provided in para-
24 graph (8).”; and

1 (5) in subparagraph (D), in the matter pre-
2 ceding clause (i), by inserting “(except as provided
3 in paragraph (8))”.

4 (b) ALLOWABLE VISA STATUS FOR PHYSICIANS FUL-
5 FILLING WAIVER REQUIREMENTS IN MEDICALLY UNDER-
6 SERVED AREAS.—Section 214(l)(2)(A) of such Act (8
7 U.S.C. 1184(l)(2)(A)) is amended to read as follows:

8 “(A) Upon the request of an interested Federal
9 agency or an interested State agency for rec-
10 ommendation of a waiver under this section by a
11 physician who is maintaining valid nonimmigrant
12 status under section 101(a)(15)(J) and a favorable
13 recommendation by the Secretary of State, the Sec-
14 retary of Homeland Security may change the status
15 of such physician to any status authorized for em-
16 ployment under this Act. The numerical limitations
17 contained in subsection (g)(1)(A) shall not apply to
18 any alien whose status is changed under this sub-
19 paragraph.”.

20 (c) VIOLATION OF AGREEMENTS.—Section
21 214(l)(3)(A) of such Act (8 U.S.C. 1184(l)(3)(A)) is
22 amended by inserting “substantial requirement of an” be-
23 fore “agreement entered into”.

24 (d) PHYSICIAN EMPLOYMENT IN UNDERSERVED
25 AREAS.—Section 214(l) of such Act, as amended by this

1 section, is further amended by adding at the end the fol-
2 lowing:

3 “(4)(A) If an interested State agency denies an appli-
4 cation for a waiver under paragraph (1)(B) from a physi-
5 cian pursuing graduate medical education or training pur-
6 suant to section 101(a)(15)(J) because the State has re-
7 quested the maximum number of waivers permitted for
8 that fiscal year, the physician’s nonimmigrant status shall
9 be extended for up to 6 months if the physician agrees
10 to seek a waiver under this subsection (except for para-
11 graph (1)(D)(ii)) to work for an employer described in
12 paragraph (1)(C) in a State that has not yet requested
13 the maximum number of waivers.

14 “(B) Such physician shall be authorized to work only
15 for the employer referred to in subparagraph (A) during
16 the period beginning on the date on which a new waiver
17 application is filed with such State and ending on the ear-
18 lier of—

19 “(i) the date on which the Secretary of Home-
20 land Security denies such waiver; or

21 “(ii) the date on which the Secretary approves
22 an application for change of status under paragraph
23 (2)(A) pursuant to the approval of such waiver.”.

1 (e) CONTRACT REQUIREMENTS.—Section 214(l) of
2 such Act, as amended by this section, is further amended
3 by adding at the end the following:

4 “(5) An alien granted a waiver under paragraph
5 (1)(C) shall enter into an employment agreement with the
6 contracting health facility or health care organization
7 that—

8 “(A) specifies the maximum number of on-call
9 hours per week (which may be a monthly average)
10 that the alien will be expected to be available and
11 the compensation the alien will receive for on-call
12 time;

13 “(B) specifies—

14 “(i) whether the contracting facility or or-
15 ganization—

16 “(I) has secured medical malpractice
17 liability protection for the alien under sec-
18 tion 224(g) of the Public Health Service
19 Act (42 U.S.C. 233(g)); or

20 “(II) will pay the alien’s malpractice
21 insurance premiums;

22 “(ii) whether the employer will provide
23 malpractice insurance for the alien; and

24 “(iii) the amount of such liability protec-
25 tion that will be provided;

1 “(C) describes all of the work locations that the
2 alien will work and includes a statement that the
3 contracting facility or organization will not add addi-
4 tional work locations without the approval of the
5 Federal agency or State agency that requested the
6 waiver; and

7 “(D) does not include a non-compete provision.

8 “(6) An alien granted a waiver under this subsection
9 whose employment relationship with a health facility or
10 health care organization terminates under paragraph
11 (1)(C)(ii) during the 3-year service period required under
12 paragraph (1) shall be considered to be maintaining lawful
13 status in an authorized period of stay during the 120-day
14 period referred to in items (aa) and (bb) of subclause (III)
15 of paragraph (1)(C)(ii) or the 45-day period referred to
16 in subclause (III)(cc) of such paragraph.”.

17 (f) RECAPTURING WAIVER SLOTS LOST TO OTHER
18 STATES.—Section 214(l) of such Act, as amended by this
19 section, is further amended by adding at the end the fol-
20 lowing:

21 “(7) If a recipient of a waiver under this subsection
22 terminates the recipient’s employment with a health facil-
23 ity or health care organization pursuant to paragraph
24 (1)(C)(ii), including termination of employment because of
25 circumstances described in paragraph (1)(C)(ii)(III), and

1 accepts new employment with such a facility or organiza-
2 tion in a different State, the State from which the alien
3 is departing may be accorded an additional waiver by the
4 Secretary of State for use in the fiscal year in which the
5 alien's employment was terminated.”.

6 (g) EXCEPTION TO 3-YEAR WORK REQUIREMENT.—
7 Section 214(l) of such Act, as amended by this section,
8 is further amended by adding at the end the following:

9 “(8) The 3-year work requirement set forth in sub-
10 paragraphs (C) and (D) of paragraph (1) shall not apply
11 if—

12 “(A)(i) the Secretary of Homeland Security de-
13 termines that extenuating circumstances, including
14 violations by the employer of the employment agree-
15 ment with the alien or of labor and employment
16 laws, exist that justify a lesser period of employment
17 at such facility or organization; and

18 “(ii) the alien demonstrates, not later than 120
19 days after the employment termination date (unless
20 the Secretary determines that extenuating cir-
21 cumstances would justify an extension), another
22 bona fide offer of employment at a health facility or
23 health care organization in a geographic area or
24 areas which are designated by the Secretary of
25 Health and Human Services as having a shortage of

1 health care professionals, for the remainder of such
2 3-year period;

3 “(B)(i) the interested State agency that re-
4 quested the waiver attests that extenuating cir-
5 cumstances, including violations by the employer of
6 the employment agreement with the alien or of labor
7 and employment laws, exist that justify a lesser pe-
8 riod of employment at such facility or organization;
9 and

10 “(ii) the alien demonstrates, not later than 120
11 days after the employment termination date (unless
12 the Secretary determines that extenuating cir-
13 cumstances would justify an extension), another
14 bona fide offer of employment at a health facility or
15 health care organization in a geographic area or
16 areas which are designated by the Secretary of
17 Health and Human Services as having a shortage of
18 health care professionals, for the remainder of such
19 3-year period; or

20 “(C) the alien—

21 “(i) elects not to pursue a determination of
22 extenuating circumstances pursuant to sub-
23 clause (A) or (B);

1 “(ii) terminates the alien’s employment re-
2 lationship with the health facility or health care
3 organization at which the alien was employed;

4 “(iii) demonstrates, not later than 45 days
5 after the employment termination date, another
6 bona fide offer of employment at a health facil-
7 ity or health care organization in a geographic
8 area or areas, in the State that requested the
9 alien’s waiver, which are designated by the Sec-
10 retary of Health and Human Services as having
11 a shortage of health care professionals; and

12 “(iv) agrees to be employed for the remain-
13 der of such 3-year period, and 1 additional year
14 for each termination under clause (ii).”.

15 **SEC. 5. ALLOTMENT OF CONRAD 30 WAIVERS.**

16 (a) IN GENERAL.—Section 214(l) of the Immigration
17 and Nationality Act (8 U.S.C. 1184(l)), as amended by
18 section 4, is further amended by adding at the end the
19 following:

20 “(9)(A)(i) All States shall be allotted a total of 35
21 waivers under paragraph (1)(B) for a fiscal year if 90 per-
22 cent of the waivers available to the States receiving at
23 least 5 waivers were used in the previous fiscal year.

24 “(ii) When an allotment occurs under clause (i), all
25 States shall be allotted an additional 5 waivers under

1 paragraph (1)(B) for each subsequent fiscal year if 90
2 percent of the waivers available to the States receiving at
3 least 5 waivers were used in the previous fiscal year. If
4 the States are allotted 45 or more waivers for a fiscal year,
5 the States will only receive an additional increase of 5
6 waivers the following fiscal year if 95 percent of the waiv-
7 ers available to the States receiving at least 1 waiver were
8 used in the previous fiscal year.

9 “(B) Any increase in allotments under subparagraph
10 (A) shall be maintained indefinitely, unless in a fiscal year,
11 the total number of such waivers granted is 5 percent
12 lower than in the last year in which there was an increase
13 in the number of waivers allotted pursuant to this para-
14 graph, in which case—

15 “(i) the number of waivers allotted shall be de-
16 creased by 5 for all States beginning in the next fis-
17 cal year; and

18 “(ii) each additional 5 percent decrease in such
19 waivers granted from the last year in which there
20 was an increase in the allotment, shall result in an
21 additional decrease of 5 waivers allotted for all
22 States, provided that the number of waivers allotted
23 for all States shall not drop below 30.”.

1 (b) ACADEMIC MEDICAL CENTERS.—Section
2 214(l)(1)(D) of such Act (8 U.S.C. 1184(l)(1)(D)) is
3 amended—

4 (1) in clause (ii), by striking “and” at the end;

5 (2) in clause (iii), by striking the period at the
6 end and inserting “; and”; and

7 (3) by adding at the end the following:

8 “(iv) in the case of a request by an inter-
9 ested State agency—

10 “(I) the head of such agency deter-
11 mines that the alien is to practice medicine
12 in, or be on the faculty of a residency pro-
13 gram at, an academic medical center (as
14 that term is defined in section
15 411.355(e)(2) of title 42, Code of Federal
16 Regulations, or similar successor regula-
17 tion), without regard to whether such facil-
18 ity is located within an area designated by
19 the Secretary of Health and Human Serv-
20 ices as having a shortage of health care
21 professionals; and

22 “(II) the head of such agency deter-
23 mines that—

24 “(aa) the alien physician’s work
25 is in the public interest; and

1 uate medical education or training as described in section
2 212(j))”.

3 (b) PHYSICIAN NATIONAL INTEREST WAIVER CLARI-
4 FICATIONS.—

5 (1) PRACTICE AND GEOGRAPHIC AREA.—Sec-
6 tion 203(b)(2)(B)(ii)(I) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1153(b)(2)(B)(ii)(I)) is
8 amended by striking items (aa) and (bb) and insert-
9 ing the following:

10 “(aa) the alien physician agrees to
11 work on a full-time basis practicing pri-
12 mary care, specialty medicine, or a com-
13 bination thereof, in an area or areas des-
14 ignated by the Secretary of Health and
15 Human Services as having a shortage of
16 health care professionals, or at a health
17 care facility under the jurisdiction of the
18 Secretary of Veterans Affairs; or

19 “(bb) the alien physician is pursuing
20 such waiver based upon service at a facility
21 or facilities that serve patients who reside
22 in a geographic area or areas designated
23 by the Secretary of Health and Human
24 Services as having a shortage of health
25 care professionals (without regard to

1 whether such facility or facilities are lo-
2 cated within such an area) and a Federal
3 agency, or a local, county, regional, or
4 State department of public health deter-
5 mines the alien physician’s work was or
6 will be in the public interest.”.

7 (2) FIVE-YEAR SERVICE REQUIREMENT.—Sec-
8 tion 203(b)(2)(B)(ii) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1153(B)(ii)) is amended—

10 (A) by moving subclauses (II), (III), and

11 (IV) 4 ems to the left; and

12 (B) in subclause (II)—

13 (i) by inserting “(aa)” after “(II)”;

14 and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(bb) The 5-year service requirement
18 under item (aa) shall begin on the date on
19 which the alien physician begins work in
20 the shortage area in any legal status and
21 not on the date on which an immigrant
22 visa petition is filed or approved. Such
23 service shall be aggregated without regard
24 to when such service began and without re-
25 gard to whether such service began during

1 or in conjunction with a course of graduate
2 medical education.

3 “(cc) An alien physician shall not be
4 required to submit an employment contract
5 with a term exceeding the balance of the 5-
6 year commitment yet to be served or an
7 employment contract dated within a min-
8 imum time period before filing a visa peti-
9 tion under this subsection.

10 “(dd) An alien physician shall not be
11 required to file additional immigrant visa
12 petitions upon a change of work location
13 from the location approved in the original
14 national interest immigrant petition.”.

15 (c) TECHNICAL CLARIFICATION REGARDING AD-
16 VANCED DEGREE FOR PHYSICIANS.—Section
17 203(b)(2)(A) of the Immigration and Nationality Act (8
18 U.S.C. 1153(b)(2)(A)) is amended by adding at the end
19 the following: “An alien physician holding a foreign med-
20 ical degree that has been deemed sufficient for acceptance
21 by an accredited United States medical residency or fel-
22 lowship program is a member of the professions holding
23 an advanced degree or its equivalent.”.

24 (d) SHORT-TERM WORK AUTHORIZATION FOR PHY-
25 SICIANS COMPLETING THEIR RESIDENCIES.—

1 (1) IN GENERAL.—A physician completing
2 graduate medical education or training described in
3 section 212(j) of the Immigration and Nationality
4 Act (8 U.S.C. 1182(j)) as a nonimmigrant described
5 in section 101(a)(15)(H)(i) of such Act (8 U.S.C.
6 1101(a)(15)(H)(i))—

7 (A) shall have such nonimmigrant status
8 automatically extended until October 1 of the
9 fiscal year for which a petition for a continu-
10 ation of such nonimmigrant status has been
11 submitted in a timely manner and the employ-
12 ment start date for the beneficiary of such peti-
13 tion is October 1 of that fiscal year; and

14 (B) shall be authorized to be employed in-
15 cident to status during the period between the
16 filing of such petition and October 1 of such fis-
17 cal year.

18 (2) TERMINATION.—The physician’s status and
19 employment authorization shall terminate on the
20 date that is 30 days after the date on which a peti-
21 tion described in paragraph (1)(A) is rejected, de-
22 nied or revoked.

23 (3) AUTOMATIC EXTENSION.—A physician’s
24 status and employment authorization will automati-
25 cally extend to October 1 of the next fiscal year if

1 all of the visas described in section 101(a)(15)(H)(i)
2 of such Act that were authorized to be issued for the
3 fiscal year have been issued.

4 (e) APPLICABILITY OF SECTION 212(e) TO SPOUSES
5 AND CHILDREN OF J-1 EXCHANGE VISITORS.—A spouse
6 or child of an exchange visitor described in section
7 101(a)(15)(J) of the Immigration and Nationality Act (8
8 U.S.C. 1101(a)(15)(J)) shall not be subject to the require-
9 ments under section 212(e) of such Act (8 U.S.C.
10 1182(e)).

11 **SEC. 7. ANNUAL CONRAD STATE 30 J-1 VISA WAIVER PRO-**
12 **GRAM STATISTICAL REPORT.**

13 The Director of U.S. Citizenship and Immigration
14 Services shall submit an annual report to Congress and
15 to the Department of Health and Human Services that
16 identifies the number of aliens admitted during the most
17 recently concluded fiscal year as a result of the Conrad
18 State 30 J-1 Visa Waiver Program established under sec-
19 tions 212(e) and 214(l) of the Immigration and Nation-
20 ality Act (8 U.S.C. 1182(e) and 1184(l)), broken down
21 by State.

○