

116TH CONGRESS
2D SESSION

H. R. 6905

To direct the Secretary of Homeland Security to establish a program for granting lawful permanent resident status to alien health care professionals providing medical services during the COVID–19 emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2020

Ms. JACKSON LEE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Homeland Security to establish a program for granting lawful permanent resident status to alien health care professionals providing medical services during the COVID–19 emergency, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Implementa-
5 tion of Recruiting, Staffing, and Triage for COVID–19

1 Care Delivery Act of 2020” or the “FIRST COVID–19
2 Care Delivery Act of 2020”.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) The COVID-19 virus, declared a pandemic
6 by the World Health Organization on January 30,
7 2020, has stretched the medical resources and chal-
8 lenged the capacity of the health care delivery sys-
9 tem in all regions of the United States.

10 (2) The admission of alien health care profes-
11 sionals to strengthen the response and mitigation ef-
12 forts of the United States during the COVID-19
13 emergency is in the national security and public
14 health interests of the United States.

15 (3) Attracting and rewarding such qualified
16 alien health care professionals to respond success-
17 fully to the COVID-19 emergency by granting them
18 legal permanent residence and eligibility for full citi-
19 zenship furthers the national interest.

20 **SEC. 3. LAWFUL PERMANENT RESIDENT STATUS THROUGH**
21 **MEDICAL SERVICE DURING COVID–19 EMER-**
22 **GENCY.**

23 (a) IN GENERAL.—The Secretary of Homeland Secu-
24 rity shall adjust the status of a covered alien health care
25 professional, and the noncitizen spouse and any noncitizen

1 minor child of such alien, to that of a lawful permanent
2 resident if such individual, and such spouse or child, is
3 not otherwise ineligible for such status under the immigra-
4 tion laws.

5 (b) WAIVER OF CERTAIN ELIGIBILITY REQUIRE-
6 MENTS.—For purposes of this section, in determining
7 whether an alien is eligible for status as a lawful perma-
8 nent resident, the Secretary—

9 (1) shall waive section 245(c)(8) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1255(c)(8));

11 (2) shall waive any applicable foreign residency
12 requirement under the immigration laws, including
13 the 2-year foreign residency requirement under sec-
14 tion 212(e) of the Immigration and Nationality Act
15 (8 U.S.C. 1182(e));

16 (3) may not consider any period of unlawful
17 presence—

18 (A) after December 1, 2019, in the case of
19 an alien who was lawfully present as a non-
20 immigrant under section 101(a)(15)(J) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1101(a)(15)(J)) on December 1, 2019, whose
23 period of authorized stay expired;

24 (B) prior to a grant of temporary pro-
25 tected status under section 244 of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1254a), in
2 the case of an alien who had such status on De-
3 cember 1, 2019; and

4 (C) prior to a grant of deferred action, in
5 the case of an alien who was, on December 1,
6 2019, a recipient of deferred action under the
7 Deferred Action for Childhood Arrivals Pro-
8 gram of the Secretary of Homeland Security,
9 established pursuant to the memorandum from
10 the Secretary of Homeland Security entitled
11 “Exercising Prosecutorial Discretion with Re-
12 spect to Individuals Who Came to the United
13 States as Children”, dated June 15, 2012; and

14 (4) may not consider any unlawful entry in the
15 case of an alien who is described under section
16 5(1)(A)(ii) or (iii).

17 (c) NUMERICAL LIMITATIONS.—No numerical limita-
18 tion under the immigration laws, or any other law, shall
19 apply to the number of aliens who may receive a benefit
20 under this section in a fiscal year, and no such alien shall
21 be counted toward any such numerical limitation.

1 **SEC. 4. AUTHORIZING ADMISSION OF ADDITIONAL ALIEN**
2 **HEALTH CARE PROFESSIONALS DURING AN**
3 **EMERGENCY PERIOD.**

4 (a) **IN GENERAL.**—Notwithstanding any other provi-
5 sion of law, an alien seeking admission to the United
6 States to perform services as a physician or nurse, includ-
7 ing as a lawful permanent resident or under section
8 101(a)(15)(H) or (J) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(15)), during an emergency period
10 shall not be subject to or counted toward any otherwise
11 applicable numerical limitation.

12 (b) **RETURN OF CERTAIN HEALTH CARE PROFES-**
13 **SIONALS.**—An alien who had previously been admitted to
14 the United States under section 101(a)(15)(J) of the Im-
15 migration and Nationality Act (8 U.S.C. 1101(a)(15))
16 who is described in section 212(e)(iii) of such Act (8
17 U.S.C. 1182(e)(iii)) may be readmitted to the United
18 States to perform health care services during an emer-
19 gency period, notwithstanding the two-year foreign resi-
20 dency requirement under such section 212(e)(iii).

21 (c) **WAIVER OF STATE LICENSING REQUIRE-**
22 **MENTS.**—A State may waive any applicable licensing re-
23 quirements for an alien admitted under such section
24 101(a)(15)(H) or (J) to serve as a nurse or physician dur-
25 ing an emergency period. The head of a Federal agency

1 may not impose any otherwise applicable penalty on a
2 State waiving a requirement described in this subsection.

3 **SEC. 5. NO CAP ON ENROLLMENT IN CMS MEDICAL INTERN**
4 **PROGRAMS.**

5 Notwithstanding any other provision of law, the Ad-
6 ministrator of the Centers for Medicare & Medicaid Serv-
7 ices may not impose any otherwise applicable numerical
8 limitation on the number of medical interns (as deter-
9 mined under section 1886(h)(4) of the Social Security Act
10 (42 U.S.C. 1395ww(h)(4))) who may be enrolled in pro-
11 grams receiving funding from the Centers for Medicare
12 & Medicaid Services during an emergency period, and any
13 intern enrolled in such a program during an emergency
14 period in excess of such a numerical limitation shall be
15 exempt from such numerical limitation after the end of
16 such emergency period.

17 **SEC. 6. DEFINITIONS.**

18 In this Act:

19 (1) Except as otherwise provided, the terms in
20 this Act have the meanings given those terms in the
21 Immigration and Nationality Act (8 U.S.C. 1101 et
22 seq.).

23 (2) The term “covered alien health care profes-
24 sional” means an alien who, on December 1, 2019—

1 (A)(i) was lawfully present as a non-
2 immigrant under section 101(a)(15)(H) or (J)
3 of the Immigration and Nationality Act (8
4 U.S.C. 1101(a)(15)(J));

5 (ii) was a recipient of temporary protected
6 status under section 244 of the Immigration
7 and Nationality Act (8 U.S.C. 1254a); or

8 (iii) a recipient of deferred action under
9 the Deferred Action for Childhood Arrivals Pro-
10 gram of the Secretary of Homeland Security,
11 established pursuant to the memorandum from
12 the Secretary of Homeland Security entitled
13 “Exercising Prosecutorial Discretion with Re-
14 spect to Individuals Who Came to the United
15 States as Children”, dated June 15, 2012; and

16 (B) served as a physician or a nurse dur-
17 ing an emergency period resulting from the
18 COVID-19 pandemic for a period of not less
19 than one year, except that if the duration of
20 such period is less than one year, the require-
21 ment under this paragraph may be fulfilled by
22 serving the remainder of the one-year period be-
23 ginning on the date that the alien began pro-
24 viding service during such emergency period, by
25 serving in an area or areas designated by the

1 Secretary of Health and Human Services as
2 having a shortage of health care professionals.

3 (3) The term “emergency period” means—

4 (A) an emergency period as such term is
5 defined in section 1135(g)(1) of the Social Se-
6 curity Act (42 U.S.C. 1320b-5(g)(1)); and

7 (B) the period during which a declaration
8 of public health emergency made by a State is
9 in effect.

○