

TO EXTEND FOR 5 YEARS THE PROGRAM RELATING TO WAIVER OF THE FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES

MAY 15, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 5571]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5571) to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 5571 reauthorizes the Conrad 30 J Waiver Program and extends the waiver provision for 5 years to ensure that States can recommend such a waiver for areas with a shortage of doctors. The Conrad 30 J Waiver Program allows States to ensure medically underserved areas can hire physicians who receive medical training

in the United States on a J-1 visa for 3 years where there is no other doctor available to fill the position.

BACKGROUND AND NEED FOR THE LEGISLATION

The Immigration and Nationality Act allows for foreign doctors to train in the United States under the “J-1” visa program, otherwise known as nonimmigrants in the Exchange Visitor Program. This Exchange Visitor Program seeks to promote peaceful relations and mutual understanding with other countries through educational and cultural exchange programs. Accordingly, many exchange visitors, including doctors in training, are subject to a requirement that they must return to their home country to share with their countrymen the knowledge, experience, and impressions gained during their stay in the United States. Unless U.S. Citizenship and Immigration Services (USCIS) approves a waiver of this requirement in those cases, the exchange visitors must depart from the United States and live in their home country for 2 years before they are allowed to apply to return to the United States.

A waiver of the 2-year foreign residency requirement (commonly referred to as the “Conrad 30 J Waiver Program”) is available for doctors who have trained in the United States under the J-1 visa if a State or an interested government agency sponsors the physician exchange visitor to work in a health manpower shortage area for 3 years as a nonimmigrant in H-1B status (temporary worker in a specialty occupation). The Secretary of Health and Human Services determines which areas have a health manpower shortage.

The current authorization for the Conrad 30 J Waiver Program will sunset on June 1, 2008. H.R. 5571 would extend this waiver for 5 years to ensure that States can recommend such a waiver for areas with a shortage of doctors. The Conrad 30 J Waiver Program allows States to ensure medically underserved areas can hire physicians who received medical training in the United States on a J-1 visa for 3 years where there is no other doctor available to fill the position.

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 5571.

COMMITTEE CONSIDERATION

On March 12, 2008, the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law met in open session and ordered the bill, H.R. 5571, favorably reported, without amendment, by voice vote, a quorum being present. On April 2, 2008, the Committee met in open session and ordered the bill, H.R. 5571, favorably reported without amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee’s consideration of H.R. 5571.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 5571, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 14, 2008.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5571, a bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG,
DIRECTOR.

Enclosure

cc:

Honorable Lamar S. Smith.
Ranking Member

H.R. 5571—A bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates.

CBO estimates that implementing H.R. 5571 would result in no significant net cost to the Federal Government. The bill would affect direct spending, but we estimate that any effects would be insignificant. Enacting the bill would not affect revenues.

H.R. 5571 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

Current law permits foreign students attending medical school in the United States to remain after graduation if they agree to work

for at least 3 years in certain regions of the country considered to be underserved by physicians or if they accept employment with certain Federal agencies. The program is scheduled to expire on June 1, 2008; H.R. 5771 would extend it through June 1, 2013.

Based on the participation of foreign medical students in the targeted regions or Federal agencies in recent years, CBO expects that the bill's provisions would affect fewer than 2,000 persons annually. The Department of Homeland Security (DHS) would collect fees to provide work permits for those individuals. Those fees are classified as offsetting receipts (a credit against direct spending). The department is authorized to spend such fees without further appropriation, so the net impact on DHS spending would be insignificant for each year.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 5571, will extend the program relating to waiver of the foreign country residence requirement with respect to international medical graduates (the Conrad 30 J Waiver Program) for 5 years, to continue promoting delivery of critically needed medical services to people in the United States lacking adequate access to physician care, including vulnerable populations in low-income and impoverished communities, or in communities with high infant mortality rates or exhibiting other signs of a lack of necessary physician services.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 4 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5571 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Extension of Waiver Program. This section extends the Conrad 30 J Waiver Program for 5 years, until June 1, 2013.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**IMMIGRATION AND NATIONALITY TECHNICAL
CORRECTIONS ACT OF 1994**

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**TITLE II—TECHNICAL CORRECTIONS
OF IMMIGRATION LAWS**

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**SEC. 220. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT
WITH RESPECT TO INTERNATIONAL MEDICAL GRAD-
UATES.**

(a) * * *

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(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to aliens admitted to the United States under section 101(a)(15)(J) of the Immigration and Nationality Act, or acquiring such status after admission to the United States, before, on, or after the date of enactment of this Act and before **[June 1, 2008]** *June 1, 2013*.

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