

The original documents are located in Box 59, folder “1976/10/04 HR10434 Relief of Dr Carlos Montenegro-Gorbitz and their son Carlos Gorbitz-Olguin” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED
OCT 04 1976

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A.F. #

THE WHITE HOUSE
WASHINGTON
October 4, 1976

ACTION

Last Day: October 9

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *J.C. Cannon*

SUBJECT:

H.R. 10434 - Relief of Dr. Carlos Montenegro-Gorbitz, his wife, Maria Elena Olguin De Gorbitz and their son, Carlos Gorbitz-Olguin

Posted
10/5/76

archives
10/12/76

Attached for your consideration is H.R. 10434, sponsored by Representative Hebert.

The enrolled bill would declare Dr. Montenegro-Gorbitz and his family permanent resident aliens of the U.S. upon enactment and would thereby permit him to obtain a license to practice medicine in Louisiana.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg), NSC and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 10434 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 10434 - Relief of
Dr. Carlos Montenegro-Gorbitz, his wife,
Maria Elena Olguin De Gorbitz, and their son,
Carlos Gorbitz-Olguin
Sponsor - Rep. Hebert (D) Louisiana

Last Day for Action

October 9, 1976 - Saturday

Purpose

To grant permanent resident immigrant status to an alien physician and his family.

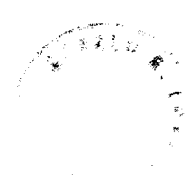
Agency Recommendations

Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

Discussion


The beneficiaries are a 36-year-old physician, his 30-year-old wife, and their 3-year-old son, all natives and citizens of Peru who were admitted to the United States on temporary visas.

Dr. Montenegro-Gorbitz was first admitted to the U.S. on June 20, 1965 as a nonimmigrant visitor for training in the field of medicine; he completed his internship and residency in a New Orleans hospital and was ultimately certified in 1971 by the American Board of Neurological Surgery. He then returned to Peru to practice medicine.



On January 11, 1976, he returned to the U.S. with his family on a nonimmigrant temporary worker visa to do research at a New Orleans hospital. He now hopes to join the medical practice of a group of neurosurgeons in New Orleans. However, he is unable to practice medicine in Louisiana, because state law precludes granting of a medical license to physicians who are not either permanent residents or U.S. citizens. The employing medical firm has advised the Immigration and Naturalization Service that it is unable to locate and employ another physician in the U.S. possessing the necessary qualifications for its specialized practice. Finally, Dr. Montenegro-Gorbitz, though eligible for a priority visa, will be unable to obtain an immigrant visa for approximately two years, because of the current backlog on immigrant visas for Western Hemisphere nations.

H.R. 10434 would declare Dr. Montenegro-Gorbitz and his family permanent resident aliens of the U.S. upon enactment and thereby permit him to obtain a license to practice medicine in Louisiana.


James M. Frey
Assistant Director for
Legislative Reference

Enclosures



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 21

Time: 430pm

FOR ACTION: NSC/S *mn*
 Max Friedersdorf *mn* (for information): Jack Marsh
 Bobbee Kilberg *mn* Jim Connor
 Dick Parsons *mn* Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 2

Time: 1100am

SUBJECT:

H.R. 10434-Relief of Dr. Carlos Montenegro-Gorbitz, et al

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Washington 25, D.C.

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

27 SEP 1976

AND REFER TO THIS FILE NO.

A14 283 873

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H.R. 10434; Office of Management
and Budget request dated September 24, 1976.

Beneficiary or Beneficiaries Doctor Carlos Montenegro-Gorbitz, his wife,
Maria Elena Olguin de Gorbitz and their son, Carlos Gorbitz-Olguin.

Pursuant to your request for the views of the Department of Justice on
the subject bill, a review has been made of the facsimile of the bill, the re-
lating Congressional Committee report or reports, and all pertinent information
in the files of the Immigration and Naturalization Service

On the basis of this review the Immigration and Naturalization Service,
on behalf of the Department of Justice:

- Recommends approval of the bill
- Interposes no objection to approval of the bill

Sincerely,


Commissioner



DEPARTMENT OF STATE

Washington, D.C. 20520

SEP 28 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of September 24, 1976, transmitting for comment enrolled bills, H.R. 10434, "For the relief of Doctor Carlos Montenegro Gorbitz, his wife, Maria Elena Olguin de Gorbitz, and their son, Carlos Gorbitz Olguin", H.R. 10793, "For the relief of Afaf Kanafani Yassine, Najla Yassine, Walid Yassine, Mona Yassine and Maher Yassine", and H.R. 11890, "For the relief of Bernard Julian Phillips".

This Department has no objection to the enactment of these bills.

Sincerely yours,

A handwritten signature in cursive script that reads "Kempton B. Jenkins".

Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

The Honorable
James T. Lynn,
Director,
Office of Management
and Budget.

Date: October 2

Time: 430pm

FOR ACTION: NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsons

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 10434-Relief of Dr. Carlos Montenegro-Gorbitz, et al

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

For Your Comments

___ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection

Barry Roth

10/4

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

sent

Da October 2

Time: 430pm

FOR ACTION: NSC/S
 Max Friedersdorf *M.F.* cc (for information): Jack Marsh
 Bobbie Kilberg Jim Connor
 Dick Parsons Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 10434-Relief of Dr. Carlos Montenegro-Gorbitz, et al

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend Approval. [Signature]

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

sent

Date: October 2

Time: 430pm

FOR ACTION: NSC/S
Max Friedersdorf
Bobbie Kilberg
Dick Parsons

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

H.R. 10434-Relief of Dr. Carlos Montenegro-Gorbitz, et al

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Approved, JQ

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

-sent

NATIONAL SECURITY COUNCIL

October 4, 1976

MEMORANDUM FOR: JAMES M. CANNON

FROM: Jeanne W. Davis *JW*

SUBJECT: *JW* H.R. 7832, H.R. 7624
and H.R. 10434

The NSC Staff has no objection to the following proposed Enrolled Bills:

- H. R. 7832 - Relief of Mrs. Janette F. Byrne
- H. R. 7624 - Relief of Jacinto Camacho
- H. R. 10434 - Relief of Dr. Carlos Montenegro-Gorbitz,
his wife, Maria Elena Olguin De Gorbitz,
and their son, Carlos Gorbitz-Olguin.

CARLOS MONTENEGRO GORBITZ, DOCTOR OF MEDICINE,
MRS. GORBITZ, AND THEIR TWO-YEAR-OLD SON

JUNE 18, 1976.—Committed to the Committee of the Whole House and
ordered to be printed

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

REPORT

[To accompany H.R. 10434]

The Committee on the Judiciary, to whom was referred the bill (H.R. 10434), for the relief of Carlos Montenegro Gorbitz, doctor of medicine, Mrs. Gorbitz, and their 2-year-old son, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to grant the status of permanent residence in the United States to Dr. Carlos Montenegro-Gorbitz, his wife, and their minor child. The bill also provides for the payment of the required visa fees and for deduction of three numbers from the numerical ceiling on Western Hemisphere immigration.

GENERAL INFORMATION

The beneficiaries were admitted to the United States on temporary visas and the principal beneficiary is a neurosurgeon who is employed by Jo Ellen Smith Memorial Hospital in New Orleans, Louisiana, but cannot be licensed to practice in that state until he is a permanent resident of the United States and has made a declaration of intention to become a United States citizen.

Certain pertinent facts in this case are contained in a letter dated February 9, 1976 from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., February 9, 1976.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 10434) for the relief of Carlos Montenegro-Gorbitz, Mrs. Gorbitz and their two-year-old son, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment upon payment of the required visa fees. It would also direct that a deduction of three visa numbers be made.

The beneficiaries, all natives and citizens of Peru, are chargeable to the numerical limitation for immigrants from the Western Hemisphere. They are statutorily ineligible to adjust their status in the United States and will be required to apply for visa outside of this country.

Sincerely,

L. F. CHAPMAN, JR.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 10434

The beneficiaries are all natives and citizens of Peru. Carlos Rodrigo Gorbitz-Montenegro, also known as Carlos Montenegro-Gorbitz, was born December 18, 1939. His wife, Maria Elena Olguin de Gorbitz, was born on October 4, 1945. Their son, Carlos Gorbitz-Olguin, was born February 20, 1973. Dr. Gorbitz-Montenegro received a medical degree in Brazil in 1962. He completed his internship and residence in neurological surgery in the United States and was certified by the American Board of Neurological Surgery in 1971. He is employed as a neurosurgeon by the Jo Ellen Smith Memorial Hospital, New Orleans, Louisiana at a salary of \$2,000 a month. He resides with his wife and child in New Orleans. They have assets of approximately \$4,000. His brother and two sisters reside in Peru.

Dr. Gorbitz-Montenegro first arrived in the United States on June 20, 1965 and was admitted as a nonimmigrant exchange visitor for training in the field of medicine. At this time he was granted temporary extensions of stay until October 31, 1971. He returned to Peru in 1971 and practiced medicine there until his last admission into the United States on January 11, 1976 as a nonimmigrant temporary worker. His wife and child accompanied him and were admitted as the nonimmigrant spouse and child of a temporary worker.

The interested party, Dr. Carl F. Culicchia, is a native-born United States citizen. He is married and has five children. His income is in excess of \$100,000 yearly and he has

assets valued in excess of \$250,000. He operates a neurological computer consulting service for eleven community hospitals which will be expanded to thirty hospitals. Dr. Culicchia has attempted to locate another doctor throughout the United States who is qualified to assist him in this consulting service but cannot.

A report from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., March 19, 1976.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I refer to your request for a report concerning the cases of Dr. Carlos Montenegro Gorbitz, doctor of medicine, Mrs. Gorbitz and their two-year-old son, beneficiaries of H.R. 10434, 94th Congress.

The bill would grant the beneficiaries permanent residence in the United States as of the date of enactment upon payment of the required visa fees. It also provides for the deduction of three numbers from the total number of immigrants and conditional entrants who may be admitted from the beneficiaries' country of birth.

The American Embassy at Lima, where visas were issued to the beneficiaries, has reported that the beneficiary, Dr. Carlos Montenegro Gorbitz, was born in Peru on December 18, 1939, is married and has a minor son.

On November 22, 1974 the beneficiary submitted an application as well as evidence of his qualifications as a doctor of medicine to the Embassy. The beneficiary has a priority date under the Western Hemisphere numerical limitation. Presently, immigrant visas are being issued to natives of the Western Hemisphere with priority dates earlier than November 15, 1973.

The Embassy's investigation has revealed no information which would render Dr. Gorbitz or his immediate family ineligible to receive a visa.

Sincerely yours,

ROBERT J. McCLOSKEY,
Assistant Secretary
for Congressional Relations.

Mr. Hébert, the author of the bill, submitted the following letter and statement which was presented to the Members of a Subcommittee of the Committee on the Judiciary by his Administrative Assistant:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 6, 1976.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, House Committee on the Judiciary, 2137 Rayburn Building, Washington, D.C.

DEAR MR. CHAIRMAN: It is with the deepest regret that I am unable to appear this morning to speak in behalf of H.R. 10434, a bill I have

introduced for the relief of Dr. Carlos Gorbitz, and in which I have a very deep interest. However, today I am compelled to be present for a meeting of the Committee on Standards of Official Conduct, being held simultaneously with this meeting, and which is considering the case of Congressman Bob Sikes. I am sure you can understand the necessity for my being present at that meeting.

As I understand the rules of the committee, a member of my staff can appear before the committee to present my statement in my behalf. Therefore, my Administrative Assistant, Miss Mary Swann, will represent me.

Thank you for your cooperation,
Sincerely yours,

F. EDW. HÉBERT.

STATEMENT OF CONGRESSMAN F. EDWARD HÉBERT ON H.R. 10434, TO BE PRESENTED BY HIS ADMINISTRATIVE ASSISTANT, MARY SWANN, BEFORE THE IMMIGRATION SUBCOMMITTEE, HOUSE JUDICIARY COMMITTEE, ON MAY 6, 1976

I am sorry that Congressman Hébert cannot be present this morning because he is a better speaker than I. However, his interest in the success of this bill could not be greater than mine. I feel this is truly a community service bill.

The benefactor of H.R. 10434 is Dr. Carlos Gorbitz, a native of Lima, Peru, trained in the field of Neurosurgery at the Baylor University in Texas. Dr. Gorbitz is a dedicated man and his specialized training is attested to by the highest authorities and specialists in Neurosurgery. Their attestments are a matter of record in the file of this committee.

Dr. Gorbitz is in the United States on an H-2 visa, to do research at the JoEllen Smith Memorial Hospital on the West Bank of New Orleans. The JoEllen Smith Hospital is a new hospital, opened only last year, of medium capacity. It is located on the West Bank of New Orleans, which is connected to downtown New Orleans by the Mississippi River Bridge, a heavily trafficked and congested artery. There is only one neurosurgeon on the West Bank, Dr. Carl Culicchia. A second neurosurgeon returned to practice in the metropolitan area of New Orleans because he found the demand for his services less taxing there. Dr. Culicchia has been unable to get another neurosurgeon to come to the West Bank to practice. This fact is also documented in the file of this committee, of his efforts to obtain the services of another neurosurgeon for this widespread, fast-growing area.

If you will give your favorable vote to the passage of this bill, allowing Dr. Gorbitz to obtain a permanent residence visa and thus obtain a license to practice medicine in Louisiana, his services will be used to set up an electroencephalography center at the JoEllen Smith Hospital, to serve other outlying areas of Louisiana, through diagnosis and instruction to other physicians in the treatment of their patients. Dr. Gorbitz's services would be used heavily at the center and at the same time would be available to the staff of the JoEllen Smith Hospital. The services of this particular man are desired because he and Dr. Culicchia were both trained at the Baylor University in neurosurgery and possess the same techniques.

Within the past few months there have been many emergencies in this area demanding the treatment of a neurosurgeon, one such case resulted from an automobile accident in front of the hospital. The one neurosurgeon on the West Bank was miles away from the hospital tied-up in traffic. Dr. Gorbitz was in the hospital but was unable to render the treatment to save this patient's life because he is not allowed to practice medicine there due to the lack of a permanent residence visa.

I cannot stress too strongly the need for the services of this dedicated man, which will aid in the treatment of and save the lives of many of our citizens. I beg you to give favorable consideration to this bill and let it move forward.

Mr. Hébert also submitted numerous letters in support of his bill which read, in part, as follows:

DRS. LEVY, CULICCHIA, APPLEBAUM AND MARTIN,
New Orleans, La., October 23, 1975.

HON. F. EDWARD HÉBERT,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN HÉBERT: Upon issuance of the permanent residence visa, followed by his signing of the declaration of intent to become an American citizen, Dr. Carlos Gorbitz will have met all of the requirements set by the Louisiana State Board of Medical Examiners and will be eligible to sit for the Flex examination. He will then be able to apply for licensure to practice medicine in Louisiana.

He cannot obtain a license to practice medicine in Louisiana until the Louisiana State Board requirements are met. In order for him to engage in the practice of medicine as outlined below, he must have a license to practice medicine in Louisiana. His function will be that of a physician engaged in the clinical evaluation and treatment of patients as both a clinical electroencephalographer and neurosurgeon.

Dr. Gorbitz completed his postgraduate training in the United States. This training included four years of neurosurgery residency at the Baylor University Affiliated Residency Program in Houston, Texas. During this period he underwent training in clinical electroencephalography under Dr. Peter Kellaway. He has been certified by the American Board of Neurological Surgery. He is eminently qualified to practice neurosurgery and clinical electroencephalography.

Dr. Gorbitz will join the neurosurgical practice of neurosurgeons in New Orleans, Louisiana. These physicians are engaged in the development of a clinical electroencephalography center which receives telephonically transmitted EEGs from outlying smaller hospitals in Louisiana.

This service consists of:

1. The training of technicians who will transmit the EEGs from outlying hospitals.
2. The administration of the EEG center in New Orleans where the EEG is actually recorded.
3. The interpretation of the EEG followed by the submission of a written report within twenty-four hours to the physicians in the outlying hospitals who have requested the test.

4. Telephone conference with the referring physician in those instances of abnormal EEGs. This is done in order that a more useful correlation between the EEG findings and the patient's clinical picture can be established. Moreover, it is an ongoing educational process with regard to clinical electroencephalography.

5. The delivery of lectures and conferences to the medical staffs in the outlying hospitals, as part of the ongoing educational process having to do with clinical EEG and the disciplines of neurosurgery and neurology.

The center now serves nine outlying small community hospitals. These hospitals total 847 beds. The rapid expansion of the center is planned in the near future; expanding to about twenty hospitals. Because of the time required of the electroencephalographer in the delivery of this medical service as outlined, the expansion can be accomplished only by the acquisition of a competent electroencephalographer.

By virtue of his training, Dr. Gorbitz' addition to the EEG center staff will permit this expansion to occur. An additional ten to twelve community hospitals will be added within six months and the service as outlined will be extended to about twenty hospitals in Louisiana. Our plan is to eventually extend this service to about forty hospitals in Louisiana.

There are very few neurosurgeons who are sufficiently well trained to engage in the practice of institutional clinical electroencephalography.

The neurosurgeon whom Dr. Gorbitz will join has been trained in this field and has practiced neurosurgery and institutional clinical electroencephalography for twelve years. He has been engaged in the development of the EEG center for telephonically transmitted EEGs for about one year.

Dr. Gorbitz is best suited for this position, for he is a neurosurgeon who, as the physician he joins, is competent in the clinical practice of neurosurgery and electroencephalography.

Sincerely,

CARL F. CULICCHIA, M.D.

Enclosures.

THE METHODIST HOSPITAL,
Houston, Tex., October 1, 1975.

HON. F. EDWARD HÉBERT,
2340 Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN HÉBERT: In the United States there are approximately 7,000 clinical EEG laboratories but these do not meet the needs, particularly in rural areas. Furthermore, there are probably fewer than 200 adequately trained electroencephalographers to serve the entire U.S. population of 210 million and consequently, most clinical electroencephalography in the U.S. is substandard. It is generally not recognized by most referring physicians that they are not receiving the diagnostic aid that they should expect from electroencephalography. That poor electroencephalography may confound, or even controvert good clinical evaluation is often obscured by a blind acceptance of the "objective" information obtained by the machine. The all important consideration of skill and experience required to interpret

the EEG information, or even to insure good data is neglected because of the pressure to fill a need.

It has appeared to those of us who have studied the problem, that central EEG facilities to serve communities and outlying districts are a reasonable and practical solution, with the advent of the general use of the telephonically transmitted electroencephalograms, and the extension of this service to outlying communities which heretofore have not had EEG available. The only problem now is providing competent electroencephalographers to do the job. Many individuals who do electroencephalography are either untrained neurologically, or insufficiently trained in clinical electroencephalography, or both. There is a substantial need for neurologically trained individuals who are competent in electroencephalography to interpret the large number of recordings which will result from servicing a significant area of a state or community. There are very few neurological surgeons who are adequately trained to practice institutional electroencephalography.

Dr. Carlos Gorbitz, who is a neurological surgeon with good training in neurology and in clinical electroencephalography, could contribute considerably to patient care in Louisiana in a center which will be engaged in the interpretation of telephonically transmitted electroencephalograms from outlying hospitals. The clinical use of electroencephalography in the diagnosis and management of patients with a wide range of neurological diseases and conditions is burgeoning. The need for reliable electroencephalogram recording and interpretations is not being met, even in the larger metropolitan areas. The need in outlying areas is enormous. Immediate and competent interpretation of the electroencephalograms of a patient who has been injured or who is comatose for unknown cause may save his life. Dr. Gorbitz' special knowledge of these acute problems from the clinical point of view and his EEG experience at The Methodist Hospital where a large number of bedside STAT electroencephalograms are done in emergency rooms, intensive care units, etc., will constitute a major contribution to patient care in the outlying hospitals served by the EEG center in which he is to work.

Yours sincerely,

PETER KELLAWAY, A.M., Ph. D.,
Chief, Neurophysiology Service.

NEURODIAGNOSTIC SYSTEMS,
San Francisco, Calif., October 16, 1975.

HON. F. EDWARD HÉBERT,
2340 Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN HÉBERT: NeuroDiagnostic Systems is actively engaged in extending the technology of telephonically transmitted EEG's and their interpretations to service hospitals in Louisiana and Mississippi. As Medical Director of our Center in New Orleans, Dr. Culicchia is actively engaged in this program and is an integral part of it. When Dr. Gorbitz joins Dr. Culicchia, he will also be an integral part of the New Orleans Center.

We are currently implementing a large expansion program for the Center. We anticipate the Center, which now services nine hospitals, will be servicing between twenty and twenty-five hospitals within the next six months. The total size of the New Orleans Center will probably reach approximately forty hospitals.

Dr. Culicchia's responsibilities as Medical Director of our Center require a considerable amount of his time. He must provide a program of continuing education to the outlying medical staffs in the form of meetings and lectures with them. Further, he is in daily telephone contact with the referring physicians in the outlying areas to provide additional consultation and clinical correlation.

In view of this and his ever busier practice, there is no question that additional professional staff in the form of a qualified electroencephalographer is necessary. It is evident that Dr. Culicchia will require qualified assistance to provide an effective program of health outreach. We have encountered a great shortage of individuals specializing in this field in direct relation to the need for these people. There are very few neurosurgeons competently trained in the field of institutional electroencephalography. Dr. Culicchia is well-trained in this field as is Dr. Gorbitz who, incidentally, received his training at the same institution as did Dr. Culicchia.

We feel that the acquisition of Dr. Gorbitz's service for the Regional Receiving-Interpretation Center will provide additional professional staffing to the Center which is similar in background, approach, and attitude to the present staff. This will, in effect, render the outreach program of lectures, discussion, and telephone consultation and clinical correlations of EEG's with the referring outlying physicians uniform in nature and capable of the rapid growth necessary to meet the needs of this medical service in Louisiana.

We hope that the services of this most talented individual will be available to Louisiana in the near future.

Sincerely,

HARLEY E. SCHEAR, M.D.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 10434 should be enacted and accordingly recommends that the bill do pass.



DR. CARLOS MONTENEGRO-GORBITZ, HIS WIFE, MARIA ELENA OLGUIN DE GORBITZ, AND THEIR SON, CARLOS GORBITZ-OLGUIN

AUGUST 4, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 10434]

The Committee on the Judiciary, to which was referred the bill (H.R. 10434), for the relief of Carlos Montenegro Gorbitz, doctor of medicine, Mrs. Gorbitz, and their two-year-old son, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. Strike out all after the enacting clause and insert in lieu thereof the following:

That, for the purposes of the Immigration and Nationality Act and section 21 (e) of the Act of October 3, 1965, Dr. Carlos Montenegro-Gorbitz, his wife, Maria Elena Olguin de Gorbitz, and their son, Carlos Gorbitz-Olguin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to special immigrants as defined in section 101(a) (27) (A) of the Immigration and Nationality Act.

2. Amend the title to read:

An Act for the relief of Dr. Carlos Montenegro-Gorbitz, his wife, Maria Elena Olguin de Gorbitz, and their son, Carlos Gorbitz-Olguin.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dr. Carlos Montenegro-Gorbitz,

his wife, Maria Elena Olguin de Gorbitz, and their son, Carlos Gorbitz-Olguin. The bill provides for the payment of the required visa fees and for appropriate visa number deductions. The bill has been amended in accordance with established precedents.

STATEMENT OF FACTS

The beneficiaries of the bill are a 36-year-old husband, his 30-year-old wife, and their 3-year-old son, all natives and citizens of Peru who were admitted to the United States on temporary visas. The principal beneficiary is a neurosurgeon who is employed by Jo Ellen Smith Memorial Hospital in New Orleans, Louisiana, however, he cannot be licensed to practice in that state until he becomes a permanent resident of the United States and files a declaration of intention to become a United States citizen.

A letter, with attached memorandum, dated February 9, 1976 to the Chairman of the House Judiciary Committee from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., February 9, 1976.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 10434) for the relief of Carlos Montenegro-Gorbitz, Mrs. Gorbitz and their two-year-old son, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment upon payment of the required visa fees. It would also direct that a deduction of three visa numbers be made.

The beneficiaries, all natives and citizens of Peru, are chargeable to the numerical limitation for immigrants from the Western Hemisphere. They are statutorily ineligible to adjust their status in the United States and will be required to apply for visa outside of this country.

Sincerely,

L. F. CHAPMAN, JR.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 10434

The beneficiaries are all natives and citizens of Peru. Carlos Rodrigo Gorbitz-Montenegro, also known as Carlos Montenegro-Gorbitz, was born December 18, 1939. His wife, Maria Elena Olguin de Gorbitz, was born on October 4, 1945. Their

son, Carlos Gorbitz-Olguin, was born February 20, 1973. Dr. Gorbitz-Montenegro received a medical degree in Brazil in 1962. He completed his internship and residence in neurological surgery in the United States and was certified by the American Board of Neurological Surgery in 1971. He is employed as a neurosurgeon by the Jo Ellen Smith Memorial Hospital, New Orleans, Louisiana at a salary of \$2,000 a month. He resides with his wife and child in New Orleans. They have assets of approximately \$4,000. His brother and two sisters reside in Peru.

Dr. Gorbitz-Montenegro first arrived in the United States on June 20, 1965 and was admitted as a nonimmigrant exchange visitor for training in the field of medicine. At this time he was granted temporary extensions of stay until October 31, 1971. He returned to Peru in 1971 and practiced medicine there until his last admission into the United States on January 11, 1976 as a nonimmigrant temporary worker. His wife and child accompanied him and were admitted as the nonimmigrant spouse and child of a temporary worker.

The interested party, Dr. Carl F. Culicchia, is a native-born United States citizen. He is married and has five children. His income is in excess of \$100,000 yearly and he has assets valued in excess of \$250,000. He operates a neurological computer consulting service for eleven community hospitals which will be expanded to thirty hospitals. Dr. Culicchia has attempted to locate another doctor throughout the United States who is qualified to assist him in this consulting service but cannot.

A report from the Department of State on this legislation reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., March 19, 1976.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I refer to your request for a report concerning the cases of Dr. Carlos Montenegro Gorbitz, doctor of medicine, Mrs. Gorbitz and their two-year-old son, beneficiaries of H.R. 10434, 94th Congress.

The bill would grant the beneficiaries permanent residence in the United States as of the date of enactment upon payment of the required visa fees. It also provides for the deduction of three numbers from the total number of immigrants and conditional entrants who may be admitted from the beneficiaries' country of birth.

The American Embassy at Lima, where visas were issued to the beneficiaries, his reported that the beneficiary, Dr. Carlos Montenegro-Gorbitz, was born in Peru on December 18, 1939, is married and has a minor son.

On November 22, 1974, the beneficiary submitted an application as well as evidence of his qualifications as a doctor of medicine to the

Embassy. The beneficiary has a priority date under the Western Hemisphere numerical limitation. Presently, immigrant visas are being issued to natives of the Western Hemisphere with priority dates earlier than November 15, 1973.

The Embassy's investigation has revealed no information which would render Dr. Gorbitz or his immediate family ineligible to receive a visa.

Sincerely yours,

ROBERT J. McCLOSKEY,
*Assistant Secretary
for Congressional Relations.*

Congressman F. Edward Hébert, the author of the bill, submitted the following information in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 6, 1976.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship and International Law, House Committee on the Judiciary, Rayburn Building, Washington, D.C.

DEAR MR. CHAIRMAN: It is with the deepest regret that I am unable to appear this morning to speak in behalf of H.R. 10434, a bill I have introduced for the relief of Dr. Carlos Gorbitz, and in which I have a very deep interest. However, today I am compelled to be present for a meeting of the Committee on Standards of Official Conduct, being held simultaneously with this meeting, and which is considering the case of Congressman Bob Sikes. I am sure you can understand the necessity for my being present at that meeting.

As I understand the rules of the committee, a member of my staff can appear before the committee to present my statement in my behalf. Therefore, my Administrative Assistant, Miss Mary Swann, will represent me.

Thank you for your cooperation,
Sincerely yours,

F. EDW. HÉBERT.

STATEMENT OF CONGRESSMAN F. EDWARD HÉBERT ON H.R. 10434, TO BE PRESENTED BY HIS ADMINISTRATIVE ASSISTANT, MARY SWANN, BEFORE THE IMMIGRATION SUBCOMMITTEE, HOUSE JUDICIARY COMMITTEE, ON MAY 6, 1976

I am sorry that Congressman Hébert cannot be present this morning because he is a better speaker than I. However, his interest in the success of his bill could not be greater than mine. I feel this is truly a community service bill.

The benefactor of H.R. 10434 is Dr. Carlos Gorbitz, a native of Lima, Peru, trained in the field of Neurosurgery at the Baylor University in Texas. Dr. Gorbitz is a dedicated man and his specialized training is attested to by the highest authorities and specialists in Neurosurgery. Their attestments are a matter of record in the file of this committee.

Dr. Gorbitz is in the United States on an H-2 visa, to do research at the JoEllen Smith Memorial Hospital on the West Bank of New Orleans. The JoEllen Smith Hospital is a new hospital, opened only last year, of medium capacity. It is located on the West Bank of New Orleans, which is connected to downtown New Orleans by the Mississippi River Bridge, a heavily trafficked and congested artery. There is only one neurosurgeon on the West Bank, Dr. Carl Culicchia. A second neurosurgeon returned to practice in the metropolitan area of New Orleans because he found the demand for his services less taxing there. Dr. Culicchia has been unable to get another neurosurgeon to come to the West Bank to practice. This fact is also documented in the file of this committee, of his efforts to obtain the services of another neurosurgeon for this widespread, fast-growing area.

If you will give your favorable vote to the passage of this bill, allowing Dr. Gorbitz to obtain a permanent residence visa and thus obtain a license to practice medicine in Louisiana, his services will be used to set up an electroencephlography center at the JoEllen Smith Hospital, to serve other outlying areas of Louisiana, through diagnosis and instruction to other physicians in the treatment of their patients. Dr. Gorbitz's services would be used heavily at the center and at the same time would be available to the staff of the JoEllen Smith Hospital. The services of this particular man are desired because he and Dr. Culicchia were both trained at the Baylor University in neurosurgery and possess the same techniques.

Within the past few months there have been many emergencies in this area demanding the treatment of a neurosurgeon, one such case resulted from an automobile accident in front of the hospital. The one neurosurgeon on the West Bank was miles away from the hospital tied-up in traffic. Dr. Gorbitz was in the hospital but was unable to render the treatment to save this patient's life because he is not allowed to practice medicine there due to the lack of a permanent residence visa.

I cannot stress too strongly the need for the services of this dedicated man, which will aid in the treatment of and save the lives of many of our citizens. I beg you to give favorable consideration to this bill and let it move forward.

Mr. Hébert also submitted numerous letters in support of his bill which read, in part, as follows:

DRS. LEVY, CULICCHIA, APPLEBAUM AND MARTIN,
New Orleans, La., October 23, 1975.

HON. F. EDWARD HÉBERT,
*Rayburn Building,
Washington, D.C.*

DEAR CONGRESSMAN HÉBERT: Upon issuance of the permanent resident visa, followed by his signing of the declaration of intent to become an American citizen, Dr. Carlos Gorbitz will have met all of the requirements set by the Louisiana State Board of Medical Examiners and will be eligible to sit for the Flex examination. He will then be able to apply for licensure to practice medicine in Louisiana.

He cannot obtain a license to practice medicine in Louisiana until the Louisiana State Board requirements are met. In order for him to

engage in the practice of medicine as outlined below, he must have a license to practice medicine in Louisiana. His function will be that of a physician engaged in the clinical evaluation and treatment of patients as both a clinical electroencephalographer and neurosurgeon.

Dr. Gorbitz completed his postgraduate training in the United States. This training included four years of neurosurgery residency at the Baylor University Affiliated Residency Program in Houston, Texas. During this period he underwent training in clinical electroencephalography under Dr. Peter Kellaway. He has been certified by the American Board of Neurological Surgery. He is eminently qualified to practice neurosurgery. He is eminently qualified to practice clinical electroencephalography.

Dr. Gorbitz will join the neurosurgical practice of neurosurgeons in New Orleans, Louisiana. These physicians are engaged in the development of a clinical electroencephalography center which receives telephonically transmitted EEGs from outlying smaller hospitals in Louisiana.

This service consists of:

1. The training of technicians who will transmit the EEGs from outlying hospitals.
2. The administration of the EEG center in New Orleans where the EEG is actually recorded.
3. The interpretation of the EEG followed by the submission of a written report within twenty-four hours to the physicians in the outlying hospitals who have requested the test.
4. Telephone conference with the referring physician in those instances of abnormal EEGs. This is done in order that a more useful correlation between the EEG findings and the patient's clinical picture can be established. Moreover, it is an ongoing educational process with regard to clinical electroencephalography.
5. The delivery of lectures and conferences to the medical staffs in the outlying hospitals, as part of the ongoing educational process having to do with clinical EEG and the disciplines of neurosurgery and neurology.

The center now serves nine outlying small community hospitals. These hospitals total 847 beds. The rapid expansion of the center is planned in the near future; expanding to about twenty hospitals. Because of the time required of the electroencephalographer in the delivery of this medical service as outlined, the expansion can be accomplished only by the acquisition of a competent electroencephalographer.

By virtue of his training, Dr. Gorbitz' addition to the EEG center staff will permit this expansion to occur. An additional ten to twelve community hospitals will be added within six months and the service as outlined will be extended to about twenty hospitals in Louisiana. Our plan is to eventually extend this service to about forty hospitals in Louisiana.

There are very few neurosurgeons who are sufficiently well trained to engage in the practice of institutional clinical electroencephalography.

The neurosurgeon whom Dr. Gorbitz will join has been trained in this field and has practiced neurosurgery and institutional clinical

electroencephalography for twelve years. He has been engaged in the development of the EEG center for telephonically transmitted EEGs for about one year.

Dr. Gorbitz is best suited for this position, for he is a neurosurgeon who, as the physician he joins, is competent in the clinical practice of neurosurgery and electroencephalography.

Sincerely,

CARL F. CULICCHIA, M.D.

Enclosures.

THE METHODIST HOSPITAL,
Houston, Tex., October 1, 1975.

HON. F. EDWARD HÉBERT,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN HÉBERT: In the United States there are approximately 7,000 clinical EEG laboratories but these do not meet the needs, particularly in rural areas. Furthermore, there are probably fewer than 200 adequately trained electroencephalographers to serve the entire U.S. population of 210 million and consequently, most clinical electroencephalography in the U.S. is substandard. It is generally not recognized by most referring physicians that they are not receiving the diagnostic aid that they should expect from electroencephalography. That poor electroencephalography may confound, or even controvert good clinical evaluation is often obscured by a blind acceptance of the "objective" information obtained by the machine. The all important consideration of skill and experience required to interpret the EEG information, or even to insure good data is neglected because of the pressure to fill a need.

It has appeared to those of us who have studied the problem, that central EEG facilities to serve communities and outlying districts are a reasonable and practical solution, with the advent of the general use of the telephonically transmitted electroencephalograms, and the extension of this service to outlying communities which heretofore have not had EEG available. The only problem now is providing competent electroencephalographers to do the job. Many individuals who do electroencephalography are either untrained neurologically, or insufficiently trained in clinical electroencephalography, or both. There is a substantial need for neurologically trained individuals who are competent in electroencephalography to interpret the large number of recordings which will result from servicing a significant area of a state or community. There are very few neurological surgeons who are adequately trained to practice institutional electroencephalography.

Dr. Carlos Gorbitz, who is a neurological surgeon with good training in neurology and in clinical electroencephalography, could contribute considerably to patient care in Louisiana in a center which will be engaged in the interpretation of telephonically transmitted electroencephalograms from outlying hospitals. The clinical use of electroencephalography in the diagnosis and management of patients with a wide range of neurological diseases and conditions is burgeoning. The need for reliable electroencephalogram recording and inter-

pretations is not being met, even in the larger metropolitan areas. The need in outlying areas is enormous. Immediate and competent interpretation of the electroencephalograms of a patient who has been injured or who is comatose for unknown cause may save his life. Dr. Gorbitz' special knowledge of these acute problems from the clinical point of view and his EEG experience at The Methodist Hospital where a large number of bedside STAT electroencephalograms are done in emergency rooms, intensive care units, etc., will constitute a major contribution to patient care in the outlying hospitals served by the EEG center in which he is to work.

Yours sincerely,

PETER KELLAWAY, A.M., Ph. D.,
Chief, Neurophysiology Service.

NEURODIAGNOSTIC SYSTEMS,
San Francisco, Calif., October 16, 1975.

HON. F. EDWARD HEBERT,
*Rayburn Building,
Washington, D.C.*

DEAR CONGRESSMAN HEBERT: NeuroDiagnostic Systems is actively engaged in extending the technology of telephonically transmitted EEG's and their interpretations to service hospitals in Louisiana and Mississippi. As Medical Director of our Center in New Orleans, Dr. Culicchia is actively engaged in this program and is an integral part of it. When Dr. Gorbitz joins Dr. Culicchia, he will also be an integral part of the New Orleans Center.

We are currently implementing a large expansion program for the Center. We anticipate the Center, which now services nine hospitals, will be servicing between twenty and twenty-five hospitals within the next six months. The total size of the New Orleans Center will probably reach approximately forty hospitals.

Dr. Culicchia's responsibilities as Medical Director of our Center require a considerable amount of his time. He must provide a program of continuing education to the outlying medical staffs in the form of meetings and lectures with them. Further, he is in daily telephone contact with the referring physicians in the outlying areas to provide additional consultation and clinical correlation.

In view of this and his ever busier practice, there is no question that additional professional staff in the form of a qualified electroencephalographer is necessary. It is evident that Dr. Culicchia will require qualified assistance to provide an effective program of health outreach. We have encountered a great shortage of individuals specializing in this field in direct relation to the need for these people. There are very few neurosurgeons competently trained in the field of institutional electroencephalography. Dr. Culicchia is well-trained in this field as is Dr. Gorbitz who, incidentally, received his training at the same institution as did Dr. Culicchia.

We feel that the acquisition of Dr. Gorbitz's service for the Regional Receiving-Interpretation Center will provide additional professional staffing to the Center which is similar in background, approach, and attitude to the present staff. This will, in effect, render the outreach program of lectures, discussion, and telephone consultation and clin-

ical correlations of EEG's with the referring outlying physicians uniform in nature and capable of the rapid growth necessary to meet the needs of this medical service of Louisiana.

We hope that the services of this most talented individual will be available to Louisiana in the near future.

Sincerely,

HARLEY E. SCHEAR, M.D.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 10434), as amended, should be enacted.

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Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Doctor Carlos Montenegro-Gorbitz, his wife, Maria Elena Olguin de Gorbitz, and their son, Carlos Gorbitz-Olguin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act and section 21(e) of the Act of October 3, 1965, Doctor Carlos Montenegro-Gorbitz, his wife, Maria Elena Olguin de Gorbitz, and their son, Carlos Gorbitz-Olguin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to special immigrants as defined in section 101(a)(27)(A) of the Immigration and Nationality Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*