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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 25, 2004

The Honorable Tom Ridge
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Ridge:

We are writing to urge you to delay the effective date of a Department of Homeland Security (DHS) regulation implementing section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208). We are concerned that the regulation will aggravate our nation's current nursing shortage and disrupt the delivery of health care services in many hospitals.

With the implementation of DHS's regulation, any alien who comes to the United States to work as a health care professional (except physicians) must present a certificate issued by the Commission on Graduates of Foreign Nursing Schools (CGFNS). The purpose of the certificate is to ensure that any alien health care professional working in the United States is as competent as a U.S. health care professional in medical knowledge and is proficient in English.

We are particularly concerned that the regulation applies to foreign health care professionals currently licensed to work in a state, who have passed a state licensing exam, and to alien health care professionals who were educated in the United States. This redundant certification will exacerbate current shortages as alien health care professionals currently authorized to work in the United States will have to be re-certified through CGFNS. We fear this will have an adverse impact on a number of states throughout the country that rely on foreign nurses to staff their hospitals and nursing homes. We are also concerned that implementation of the regulation will disrupt the delivery of health care services along northern border states because many of the hospitals near the border employ Canadian nurses who commute across the border each day. As you know, the regulation requires Canadian nurses, who have heretofore been governed under the North American Free Trade Agreement, to present their health care certificate each time they cross the border.

Currently CGFNS is the only authorized entity to issue these health care certificates. Implementation of this regulation will result in an increased burden to CGFNS's already heavy workload, causing significant delays in an already lengthy

