



Bill Analysis: The Healthcare Workforce Resilience Act

The Healthcare Workforce Resilience Act is a bipartisan bill that would respond to the healthcare worker shortage in the midst of the novel coronavirus (COVID-19) pandemic by recapturing 40,000 unused employment-based visas and using them to expedite processing for immigrant doctors and nurses. The unused visas would be targeted to respond to the current crisis and guaranteed not to displace American workers. The bill upholds family unity and would provide relief to thousands of essential healthcare workers and their families who are ready to help but left waiting for years in the green card backlog.

Background:

The COVID-19 pandemic has revealed for all what close followers of the U.S. healthcare system have known for some time: The country is facing a severe and enduring nursing and physician shortage. Even before the pandemic, nurses were one of the top [three occupations](#) with the most job openings. The national physician shortage is [estimated](#) at 35,000 and growing, with many rural U.S. counties lacking a single working doctor. While some of the hardest-hit states have sought innovative solutions during the current crisis – Governor Abbot (R-Texas) [waiving](#) certain licensing requirements for physicians, for example, or Governor Cuomo (D-New York) [encouraging](#) nurses to come out of retirement – the shortages are pervasive and demand federal action.

At the same time, thousands of nurses and physicians are stuck in the green card backlog, waiting in line to be able to join the depleted healthcare workforce. Furthermore, hundreds of thousands of employment-based (EB) visas have been left unused between 1992 and 2020 (even as many EB categories continue to face lengthy backlogs). [Some](#) of these unused visas have been recaptured for emergency measures in the past, although this has happened only twice and last occurred [in 2005](#) during another severe nursing shortage. Although the country is in the midst of a critical workforce need, many of these visas remain unused and risk going to waste.

To address these issues, on May 5, 2020, Senator David Perdue (R-Georgia) joined with Senators Durbin (D-Illinois), Young (R-Indiana) and Coons (D-Delaware) to introduce the Healthcare Workforce Resilience Act.

Specifically, the Healthcare Workforce Resilience Act would:

- **Recapture unused visas to bolster our essential healthcare workforce.** The bill would respond to severe nursing and doctor shortages by reserving 25,000 additional visas for physicians and 15,000 additional visas for professional nurses. The visas would not count towards the annual visa limit and would be recaptured from the pool of over 220,000 EB visas left unused between 1992 and 2020. A hospital or health care provider would need to petition for each position, so the doctors and nurses would already have work lined up before they receive their visas.

- **Ensure help comes fast and responds to the problem at hand.** The bill requires the Department of State and the Department of Homeland Security to expedite the processing of the recaptured visas so that immigrant nurses and doctors are able to stand with us in the fight against this disease as soon as possible. Although the healthcare worker shortage is a long-term problem, the legislation recognizes and responds to the urgency of this moment. The bill would only stay in effect until 90 days after the declaration of a national emergency pertaining to the COVID-19 outbreak is ended.
- **Guarantee the new healthcare workers will not displace current U.S. workers.** The bill would help fill pressing healthcare worker shortages, and therefore, would not impact the employment or wages of current American healthcare workers. It would require an official attestation from the employers of each new healthcare worker that the hiring has not displaced and will not displace a U.S. worker.
- **Provide relief to thousands stuck in the green card backlog.** The bill would exempt the visas from per country caps and each visa would be issued in the order of when the visa petition was filed. Thousands of healthcare workers who have already had their petitions approved but are stuck waiting in lengthy green card backlogs (such as Indian nurses in the [EB-3 category](#)) would be given relief. These are qualified nurses and doctors, ready to help but left waiting in line. By freeing these individuals to support our healthcare workforce, the bill would also reduce the green card backlog and allow the immigration system to run a little more smoothly.
- **Honor family unity.** The bill would allow the spouses and dependent children of healthcare workers to join them in the United States. These dependents would not count towards the 40,000 visas reserved for the doctors and nurses, but they would be subtracted from the total pool of unused visas available for recapture. The bill upholds the dignity of the immigrant workers by ensuring status for them and their families.

Conclusion:

The COVID-19 pandemic has transformed the nation's already-critical healthcare worker shortage into an emergency. American hospitals and lawmakers on both sides of the aisle have come together to recognize the value of immigrants to the nation and the important role they can play in meeting this important workforce need. The Healthcare Workforce Resilience Act is a timely response to the crisis at hand, ensuring unused visas do not go to waste, honoring family unity, and providing help to Americans where it is needed most.