

116TH CONGRESS
2D SESSION

S. 4055

To address health workforce shortages and disparities highlighted by the COVID–19 pandemic through additional funding for the National Health Service Corps and the Nurse Corps, and to establish a National Health Service Corps Emergency Service demonstration project.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2020

Mr. DURBIN (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To address health workforce shortages and disparities highlighted by the COVID–19 pandemic through additional funding for the National Health Service Corps and the Nurse Corps, and to establish a National Health Service Corps Emergency Service demonstration project.

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 “Strengthening Amer-
5 ica’s Health Care Readiness Act”.

1 **SEC. 2. ADDITIONAL FUNDING FOR THE NATIONAL HEALTH**
 2 **SERVICE CORPS.**

3 (a) ADDITIONAL FUNDING.—Section 10503(b) of the
 4 Patient Protection and Affordable Care Act (42 U.S.C.
 5 254b–2(b)) is amended—

6 (1) in paragraph (1)(F), by striking “and” at
 7 the end;

8 (2) in paragraph (2)(H), by striking the period
 9 and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(3) to be transferred to the Secretary of
 12 Health and Human Services \$5,000,000,000 for fis-
 13 cal year 2020, to provide additional funding to carry
 14 out the National Health Service Corps Scholarship
 15 Program under section 338A of the Public Health
 16 Service Act, the National Health Service Corps Loan
 17 Program under section 338B of such Act, and the
 18 National Health Service Corps Emergency Service
 19 under section 2812A of such Act.”.

20 (b) CRITERIA FOR USE OF ADDITIONAL FUNDING
 21 FOR IN-DEMAND PROFESSIONALS.—Not less than 40 per-
 22 cent of the amounts made available under paragraph (3)
 23 of section 10503(b) of the Patient Protection and Afford-
 24 able Care Act (42 U.S.C. 254b–2(b)) (as amended by sub-
 25 section (a)) shall be allocated to awards to eligible appli-
 26 cants to the National Health Service Corps Scholarship

1 Program under section 338A of the Public Health Service
 2 Act (42 U.S.C. 254l), the National Health Service Corps
 3 Loan Repayment Program under section 338B of such
 4 Act (42 U.S.C. 254l–1), or the National Health Service
 5 Corps Emergency Service under section 2812A of such
 6 Act (as added by subsection (c)) who are members of
 7 groups that are historically underrepresented in health
 8 care professions, including racial and ethnic minorities
 9 and individuals from low-income urban and rural commu-
 10 nities. To carry out the requirements of this subsection,
 11 the Secretary may coordinate with entities receiving fund-
 12 ing under section 739 or 821 of the Public Health Service
 13 Act (42 U.S.C. 293c, 296m) to identify, provide
 14 mentorship and support, and recruit such eligible appli-
 15 cants.

16 (c) NATIONAL HEALTH SERVICE CORPS EMERGENCY
 17 SERVICE DEMONSTRATION PROJECT.—Part B of title
 18 XXVIII of the Public Health Service Act is amended by
 19 inserting after section 2812 (42 U.S.C. 300hh–11) the fol-
 20 lowing:

21 **“SEC. 2812A. NATIONAL HEALTH SERVICE CORPS EMER-**
 22 **GENCY SERVICE DEMONSTRATION PROJECT.**

23 “(a) IN GENERAL.—From the amounts made avail-
 24 able under section 10503(b)(3) of the Patient Protection
 25 and Affordable Care Act for each of fiscal years 2021

1 through 2025, to the extent permitted by, and consistent
 2 with, the requirements of applicable State law, the Sec-
 3 retary shall allocate up to \$50,000,000 to establishing, as
 4 a demonstration project, a National Health Service Corps
 5 Emergency Service (referred to in this section as the
 6 ‘emergency service’) under which a qualified individual
 7 currently or previously participating in the National
 8 Health Service Corps agrees to engage in service through
 9 the National Disaster Medical System established under
 10 section 2812, as described in this section.

11 “(b) PARTICIPANTS.—

12 “(1) NHSC ALUMNI.—

13 “(A) QUALIFIED INDIVIDUALS.—An indi-
 14 vidual may be eligible to participate in the
 15 emergency service under this section if such in-
 16 dividual participated in the Scholarship Pro-
 17 gram under section 338A or the Loan Repay-
 18 ment Program under section 338B, and who
 19 satisfied the obligated service requirements
 20 under such program, in accordance with the in-
 21 dividual’s contract.

22 “(B) PRIORITY AND INCREASED FUNDING
 23 AMOUNTS.—

24 “(i) PRIORITY.—In selecting eligible
 25 individuals to participate in the program

1 under this paragraph, the Secretary shall
2 give priority—

3 “(I) first, to qualified individuals
4 who continue to practice at the site
5 where the individual fulfilled his or
6 her obligated service under the Schol-
7 arship Program or Loan Repayment
8 Program through the time of the ap-
9 plication to the program under this
10 section; and

11 “(II) secondly, to qualified indi-
12 viduals who continue to practice in
13 any site approved for obligated service
14 under the Scholarship Program or
15 Loan Repayment Program other than
16 the site at which the individual served.

17 “(ii) INCREASED FUNDING
18 AMOUNTS.—The Secretary may grant in-
19 creased award amounts to certain partici-
20 pants in the program under this section
21 based on the site where a participant ful-
22 filled his or her obligated service under the
23 Scholarship Program or Loan Repayment
24 Program.

1 “(C) PRIVATE PRACTICE.—An individual
 2 participating in the emergency service under
 3 this section may practice a health profession in
 4 any private capacity when not obligated to ful-
 5 fill the requirements described in subsection (c).

6 “(2) CURRENT NHSC MEMBERS.—

7 “(A) IN GENERAL.—An individual who is
 8 participating in the Scholarship Program under
 9 section 338A or the Loan Repayment Program
 10 under section 338B may apply to participate in
 11 the program under this section while fulfilling
 12 the individual’s obligated services under such
 13 program.

14 “(B) CLARIFICATIONS.—Notwithstanding
 15 any other provision of law or any contract with
 16 respect to service requirements under the Schol-
 17 arship Program or Loan Repayment Program,
 18 an individual fulfilling service requirements de-
 19 scribed in subsection (c) shall not be considered
 20 in breach of such contract under such Scholar-
 21 ship Program or Loan Repayment Program,
 22 provided that the individual notifies the site at
 23 which the individual is fulfilling his or her obli-
 24 gated service requirements under such contract.

1 “(C) NO CREDIT TOWARD OBLIGATED
 2 SERVICE.—No period of service under the Na-
 3 tional Disaster Medical System described in
 4 subsection (c)(1) shall be counted toward satis-
 5 fying a period of obligated service under the
 6 Scholarship Program or Loan Repayment Pro-
 7 gram.

8 “(c) PARTICIPANTS AS MEMBERS OF THE NATIONAL
 9 DISASTER MEDICAL SYSTEM.—

10 “(1) SERVICE REQUIREMENTS.—An individual
 11 participating in the program under this section shall
 12 participate in the activities of the National Disaster
 13 Medical System under section 2812 in the same
 14 manner and to the same extent as other participants
 15 in such system.

16 “(2) RIGHTS AND REQUIREMENTS.—An indi-
 17 vidual participating in the program under this sec-
 18 tion shall be considered participants in the National
 19 Disaster Medical System and shall be subject to the
 20 rights and requirements of subsections (c) and (d) of
 21 section 2812.

22 “(d) EMERGENCY SERVICE PLAN.—In carrying out
 23 this section, the Secretary, in coordination with the Ad-
 24 ministrators of the Health Resources and Services Admin-
 25 istration and the Assistant Secretary for Preparedness

1 and Response, shall establish an action plan for the service
2 commitments, deployment protocols, coordination efforts,
3 training requirements, liability, workforce development,
4 and such other considerations as the Secretary determines
5 appropriate. Such action plan shall—

6 “(1) ensure adherence to the missions of both
7 the National Health Service Corps and National
8 Disaster Medical Service;

9 “(2) ensure an adequate health care workforce
10 during a public health emergency declared by the
11 Secretary under section 319 of this Act, a major dis-
12 aster declared by the President under section 401 of
13 the Robert T. Stafford Disaster Relief and Emer-
14 gency Assistance Act, an emergency declared by the
15 President under section 501 of the Robert T. Staf-
16 ford Disaster Relief and Emergency Assistance Act,
17 or a national emergency declared by the President
18 under the National Emergencies Act; and

19 “(3) describe how the program established
20 under this section will be implemented in a manner
21 consistent with, and in furtherance of, the assess-
22 ments and goals for workforce and training de-
23 scribed in the review conducted by the Secretary
24 under section 2812(b)(2).

1 “(e) CONTRACTS FOR CERTAIN PARTICIPATING INDIVIDUALS.—An individual who is participating in the emergency service program under this section shall receive loan repayments in an amount equal to 50 percent of the highest new award made for the year under the National Health Service Corps Loan Repayment Program pursuant to a contract entered into at the same time under section 338B(g), in a manner similar to the manner in which payments are made under such section, pursuant to the terms of a contract between the Secretary and such individual. The Secretary shall establish a system of contracting for purposes of this subsection which shall be similar to the contract requirements and terms under subsections (c), (d), and (f) of section 338B. Amounts received by an individual under this subsection shall be in addition to any amounts received by an individual described in subsection (b)(2) pursuant to the Scholarship Program under section 338A or the Loan Repayment Program under section 338B, as applicable.

20 “(f) BREACH OF CONTRACT.—If an individual breaches the written contract of the individual under subsection (e) by failing either to begin such individual’s service obligation in accordance with such contract or to complete such service obligation, the United States shall be

1 entitled to recover from the individual an amount equal
2 to the sum of—

3 “(1) the total of the amounts paid by the
4 United States under such contract on behalf of the
5 individual for any period of such service not served;

6 “(2) an amount equal to the product of the
7 number of months of service that were not com-
8 pleted by the individual, multiplied by \$3,750; and

9 “(3) the interest on the amounts described in
10 paragraphs (1) and (2), at the maximum legal pre-
11 vailing rate, as determined by the Treasurer of the
12 United States, from the date of the breach.

13 “(g) REPORT.—Not later than 4 years after the date
14 of enactment of this section, the Secretary shall submit
15 to the Committee on Health, Education, Labor, and Pen-
16 sions of the Senate and the Committee on Energy and
17 Commerce of the House of Representatives a report that
18 evaluates the demonstration project established under this
19 section, including—

20 “(1) the effects of such program on health care
21 access in underserved areas and health professional
22 shortage areas and on public health emergency re-
23 sponse capacity;

24 “(2) the effects of such program on the health
25 care provider workforce pipeline, including any im-

1 pact on the demographic representation among, and
 2 the fields or specialties pursued by, students in ap-
 3 proved graduate training programs in medicine, os-
 4 teopathic medicine, dentistry, behavioral and mental
 5 health, or other health profession;

6 “(3) the impact of such program on the enroll-
 7 ment, participation, and completion of requirements
 8 in the underlying scholarship and loan repayment
 9 programs of the National Health Service Corps;

10 “(4) the effects of such program on the Na-
 11 tional Disaster Medical System’s response capability,
 12 readiness, and workforce strength; and

13 “(5) recommendations for improving the dem-
 14 onstration project described in this section, and any
 15 other considerations as the Secretary determines ap-
 16 propriate.”.

17 **SEC. 3. FUNDING FOR THE NURSE CORPS SCHOLARSHIP**
 18 **AND LOAN REPAYMENT PROGRAM.**

19 (a) FUNDING.—There are hereby appropriated, out
 20 of amounts in the Treasury not otherwise appropriated,
 21 \$1,000,000,000 for fiscal year 2020, for purposes of car-
 22 rying out section 846 of the Public Health Service Act
 23 (42 U.S.C. 297n), to remain available until expended, ex-
 24 cept that—

1 (1) of the amount appropriated under this
2 heading and made available for scholarships and
3 loan repayment, not less than 40 percent shall be al-
4 located for eligible applicants who are members of
5 groups that are historically underrepresented in
6 health care professions, including racial and ethnic
7 minorities and individuals from low-income urban
8 and rural communities; and

9 (2) to carry out the requirements of paragraph
10 (1), the Secretary may coordinate with entities re-
11 ceiving funding under section 821 to identify, re-
12 cruit, and select individuals to receive such scholar-
13 ships.

14 (b) EMERGENCY DESIGNATION.—

15 (1) IN GENERAL.—The amounts provided by
16 this section are designated as an emergency require-
17 ment pursuant to section 4(g) of the Statutory Pay-
18 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

19 (2) DESIGNATION IN SENATE.—In the Senate,
20 this section is designated as an emergency require-
21 ment pursuant to section 4112(a) of H. Con. Res.
22 71 (115th Congress), the concurrent resolution on
23 the budget for fiscal year 2018.

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