

117TH CONGRESS
1ST SESSION

S. 54

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

JANUARY 26, 2021

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 2021, 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.—For each of fiscal years 2022
 24 through 2026, from the amounts made available under
 25 section 10503(b)(3) of the Patient Protection and Afford-

1 able Care Act, 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 give advance and
 23 reasonable notification to the site at which the
 24 individual is fulfilling his or her obligated serv-
 25 ice requirements under such contract, and the

1 site approves the individual's deployment
2 through the National Disaster Medical System.

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

10 “(c) PARTICIPANTS AS MEMBERS OF THE NATIONAL
11 DISASTER MEDICAL SYSTEM.—

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

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

24 “(d) EMERGENCY SERVICE PLAN.—In carrying out
25 this section, the Secretary, in consultation with the Ad-

1 administrator of the Health Resources and Services Admin-
2 istration and the Assistant Secretary for Preparedness
3 and Response, shall establish an action plan for the service
4 commitments, deployment protocols, coordination efforts,
5 training requirements, liability, workforce development,
6 and such other considerations as the Secretary determines
7 appropriate. Such action plan shall—

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

11 “(2) outline the type of providers determined by
12 the Assistant Secretary to be priorities for participa-
13 tion in the program established under this section;

14 “(3) describe how such deployments will be de-
15 termined and prioritized in a manner consistent
16 with—

17 “(A) the National Health Service Corps
18 contracts; and

19 “(B) the National Disaster Medical Sys-
20 tem’s deployment policy of not hindering civil-
21 ian responders already engaged in an emer-
22 gency response;

23 “(4) ensure an adequate health care workforce
24 during a public health emergency declared by the
25 Secretary under section 319 of this Act, a major dis-

1 aster declared by the President under section 401 of
2 the Robert T. Stafford Disaster Relief and Emer-
3 gency Assistance Act, an emergency declared by the
4 President under section 501 of the Robert T. Staf-
5 ford Disaster Relief and Emergency Assistance Act,
6 or a national emergency declared by the President
7 under the National Emergencies Act; and

8 “(5) describe how the program established
9 under this section will be implemented in a manner
10 consistent with, and in furtherance of, the assess-
11 ments and goals for workforce and training de-
12 scribed in the review conducted by the Secretary
13 under section 2812(b)(2).

14 “(e) CONTRACTS FOR CERTAIN PARTICIPATING INDIV-
15 VIDUALS.—An individual who is participating in the emer-
16 gency service program under this section shall receive loan
17 repayments in an amount up to 50 percent (as determined
18 by the Secretary) of the highest new award made for the
19 year under the National Health Service Corps Loan Re-
20 payment Program pursuant to a contract entered into at
21 the same time under section 338B(g), in a manner similar
22 to the manner in which payments are made under such
23 section, pursuant to the terms of a contract between the
24 Secretary and such individual. The Secretary shall estab-
25 lish a system of contracting for purposes of this subsection

1 which shall be similar to the contract requirements and
 2 terms under subsections (c), (d), and (f) of section 338B.
 3 Amounts received by an individual under this subsection
 4 shall be in addition to any amounts received by an indi-
 5 vidual described in subsection (b)(2) pursuant to the
 6 Scholarship Program under section 338A or the Loan Re-
 7 payment Program under section 338B, as applicable.

8 “(f) BREACH OF CONTRACT, TERMINATION, WAIVER,
 9 AND SUSPENSION.—

10 “(1) RECOVERY OF AMOUNTS IN THE EVENT
 11 OF A BREACH.—If an individual breaches the written
 12 contract of the individual under subsection (e) by
 13 failing either to begin such individual’s service obli-
 14 gation in accordance with such contract or to com-
 15 plete such service obligation, the United States shall
 16 be entitled to recover from the individual an amount
 17 equal to the sum of—

18 “(A) the total of the amounts paid by the
 19 United States under such contract on behalf of
 20 the individual for any period of such service not
 21 served;

22 “(B) an amount equal to the product of
 23 the number of months of service that were not
 24 completed by the individual, multiplied by
 25 \$3,750; and

1 “(C) the interest on the amounts described
2 in subparagraphs (A) and (B), at the maximum
3 legal prevailing rate, as determined by the
4 Treasurer of the United States, from the date
5 of the breach.

6 “(2) TERMINATION OF CONTRACT.—The Sec-
7 retary may terminate a contract under subsection
8 (e) in accordance with the termination standards
9 that are—

10 “(A) applicable to contracts entered into
11 under section 338B; and

12 “(B) in effect in the fiscal year in which
13 such contract was entered.

14 “(3) WAIVER OR SUSPENSION OF OBLIGA-
15 TION.—If an individual participating in the program
16 under this section submits a written request to the
17 Secretary, the Secretary may waive or suspend a
18 service or payment obligation arising under this sub-
19 section or a contract under subsection (e), in whole
20 or in part, in accordance with the standards set
21 forth in section 62.12 of title 42, Code of Federal
22 Regulations (or any successor regulations).

23 “(g) REPORT.—Not later than 4 years after the date
24 of enactment of this section, the Secretary shall submit
25 to the Committee on Health, Education, Labor, and Pen-

1 sions of the Senate and the Committee on Energy and
 2 Commerce of the House of Representatives a report that
 3 evaluates the demonstration project established under this
 4 section, including—

5 “(1) the effects of such program on health care
 6 access in underserved areas and health professional
 7 shortage areas and on public health emergency re-
 8 sponse capacity;

9 “(2) the effects of such program on the health
 10 care provider workforce pipeline, including any im-
 11 pact on the demographic representation among, and
 12 the fields or specialties pursued by, students in ap-
 13 proved graduate training programs in medicine, os-
 14 teopathic medicine, dentistry, behavioral and mental
 15 health, or other health profession;

16 “(3) the impact of such program on the enroll-
 17 ment, participation, and completion of requirements
 18 in the underlying scholarship and loan repayment
 19 programs of the National Health Service Corps;

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

23 “(5) recommendations for improving the dem-
 24 onstration project described in this section, and any

1 other considerations as the Secretary determines ap-
 2 propriate.”.

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

5 There are hereby appropriated, out of amounts in the
 6 Treasury not otherwise appropriated, \$1,000,000,000 for
 7 fiscal year 2021, for purposes of carrying out section 846
 8 of the Public Health Service Act (42 U.S.C. 297n), to re-
 9 main available until expended, except that—

10 (1) of the amount appropriated under this
 11 heading and made available for scholarships and
 12 loan repayment, not less than 40 percent shall be al-
 13 located for eligible applicants who are members of
 14 groups that are historically underrepresented in
 15 health care professions, including racial and ethnic
 16 minorities and individuals from low-income urban
 17 and rural communities; and

18 (2) to carry out the requirements of paragraph
 19 (1), the Secretary may coordinate with entities re-
 20 ceiving funding under section 821 to identify, re-
 21 cruit, and select individuals to receive such scholar-
 22 ships.

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