

TITLE VIII NURSING WORKFORCE REAUTHORIZATION
ACT OF 2019

SEPTEMBER 24, 2019.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 728]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 728) to amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Title VIII Nursing Workforce Re-
authorization Act of 2019”.

89-006

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. General provisions.
- Sec. 3. Nurse practitioners, nurse midwives, nurse anesthetists, and other advanced education nurses.
- Sec. 4. Increasing nursing workforce diversity.
- Sec. 5. Strengthening capacity for basic nurse education and practice.
- Sec. 6. Student loans.
- Sec. 7. National Advisory Council on Nurse Education and Practice.
- Sec. 8. Other provisions.

SEC. 2. GENERAL PROVISIONS.

(a) APPLICATION.—Section 802(c) of the Public Health Service Act (42 U.S.C. 296a(c)) is amended by striking “shall address relevant national nursing needs that the project will meet” and inserting “shall address relevant national nursing needs that the project will address and how the project aligns with the national nursing service goals referred to in section 806(a)”.

(b) USE OF FUNDS.—Section 803 of the Public Health Service Act (42 U.S.C. 296b) is amended by adding at the end the following:

“(c) SUPPLEMENT NOT SUPPLANT.—Funds awarded as a grant under this title for a project or activity shall be used to supplement, not supplant, the non-Federal funds that would otherwise be made available for such project or activity.”.

(c) GENERALLY APPLICABLE PROVISIONS.—Section 806 of the Public Health Service Act (42 U.S.C. 296e) is amended—

(1) in subsection (b), by amending paragraph (2) to read as follows:

“(2) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon the submission of—

“(A) data demonstrating that satisfactory progress has been made by the program or project in meeting the performance outcome standards (as described in section 802) of such program or project; and

“(B) a detailed description of activities conducted by such program or project to meet such performance outcome standards.”;

(2) in subsection (e)(2), by inserting “, and have relevant expertise and experience” after “who are not officers or employees of the Federal Government”; and

(3) by adding at the end the following:

“(i) ANNUAL REPORT ON NURSING WORKFORCE PROGRAMS.—Annually, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing an assessment of the programs and activities of the Department of Health and Human Services related to enhancing the nursing workforce, including the extent to which programs and activities under this title meet identified goals and performance measures developed for the respective programs and activities.”.

SEC. 3. NURSE PRACTITIONERS, NURSE MIDWIVES, NURSE ANESTHETISTS, AND OTHER ADVANCED EDUCATION NURSES.

Section 811 of the Public Health Service Act (42 U.S.C. 296j) is amended—

(1) in subsection (b)—

(A) by striking “R.N./Master’s” and inserting “R.N./graduate”; and

(B) by inserting “clinical nurse leaders,” before “or public health nurses”; (2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(3) by inserting after subsection (e) the following new subsection:

“(f) AUTHORIZED CLINICAL NURSE SPECIALIST PROGRAMS.—Clinical nurse specialist programs eligible for support under this section are education programs that—

“(1) provide registered nurses with full-time clinical nurse specialist education; and

“(2) have as their objective the education of clinical nurse specialists who will upon completion of such a program be qualified to effectively provide care through the wellness and illness continuum to inpatients and outpatients experiencing acute and chronic illness.”; and

(4) by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$77,585,000 for each of fiscal years 2020 through 2024.”.

SEC. 4. INCREASING NURSING WORKFORCE DIVERSITY.

Section 821 of the Public Health Service Act (42 U.S.C. 296m) is amended by adding at the end the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$18,037,000 for each of fiscal years 2020 through 2024.”.

SEC. 5. STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE.

(a) **NURSE EDUCATION, PRACTICE, QUALITY, AND RETENTION GRANTS.**—Section 831 of the Public Health Service Act (42 U.S.C. 296p) is amended—

(1) in the section heading, by striking “**AND QUALITY**” and inserting “**QUALITY, AND RETENTION**”;

(2) in subsection (b), by amending paragraph (2) to read as follows:

“(2) providing care for underserved populations and high-risk groups, which may include the elderly, individuals with HIV/AIDS, individuals with mental health or substance use disorders, individuals who are homeless, and victims and survivors of domestic violence;”;

(3) in subsection (c), by amending paragraph (1) to read as follows:

“(1) **GRANTS FOR CAREER LADDER PROGRAMS.**—The Secretary may award grants to and enter into contracts with eligible entities for programs—

“(A) to promote career advancement for—

“(i) nursing personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals, including to become professional registered nurses, advanced practice registered nurses, and nurses with graduate nursing education; and

“(ii) individuals, including licensed practical nurses, licensed vocational nurses, certified nurse assistants, and diploma degree or associate degree nurses, to become baccalaureate-prepared registered nurses or nurses with graduate nursing education;

“(B) to assist individuals in obtaining education and training required to enter the nursing profession and advance within such profession, such as by providing career counseling and mentoring; and

“(C) to develop and implement internships, accredited fellowships, and accredited residency programs in collaboration with one or more accredited schools of nursing to encourage mentoring and development of specialties.”;

(4) by striking subsection (e) (relating to preference);

(5) by redesignating subsections (f) through (h) as subsections (e) and (g), respectively;

(6) in subsection (e), as so redesignated, by striking “The Secretary shall submit to the Congress before the end of each fiscal year a” and inserting “As part of the report on nursing workforce programs described in section 806(i), the Secretary shall”;

(7) by amending subsection (f), as redesignated by paragraph (5), to read as follows:

“(f) **DEFINITIONS.**—For purposes of this section:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ includes an accredited school of nursing, a health care facility, a partnership of such a school and facility, a federally qualified health center, or a nurse-managed health clinic.

“(2) **NURSE-MANAGED HEALTH CLINIC.**—The term ‘nurse-managed health clinic’ means a nurse-practice arrangement, managed by advanced practice nurses, that provides primary care or wellness services to underserved or vulnerable populations that is associated with a school, college, university or department of nursing, federally qualified health center, or independent nonprofit health or social services agency.”; and

(8) in subsection (g), as redesignated by paragraph (5), by striking “such sums as may be necessary for each of fiscal years 2010 through 2014” and inserting “\$43,590,000 for each of fiscal years 2020 through 2024”.

(b) **NURSE RETENTION GRANTS.**—Section 831A of the Public Health Service Act (42 U.S.C. 296p–1) is repealed.

SEC. 6. STUDENT LOANS.

(a) **LOAN REPAYMENT AND SCHOLARSHIP PROGRAMS.**—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended—

(1) in subsection (b)(1), by striking “he began such practice” and inserting “the individual began such practice”;

(2) in subsection (d)(1), by striking “(for fiscal years 2003 and 2004) and may (for fiscal years thereafter)”;

(3) in subsection (h), in the matter preceding paragraph (1), by striking “Not later than” through “regarding” and inserting “The annual report on nursing workforce programs, as required by section 806(i), shall include information regarding the programs carried out under this section, including”; and

(4) in subsection (i)(1), by striking “such sums as may be necessary for each of fiscal years 2003 through 2007” and inserting “\$90,620,000 for each of fiscal years 2020 through 2024”.

(b) NURSE FACULTY LOAN PROGRAM.—Section 846A(f) of the Public Health Service Act (42 U.S.C. 297n–1(f)) is amended by striking “such sums as may be necessary for each of fiscal years 2010 through 2014” and inserting “\$29,640,000 for each of fiscal years 2020 through 2024”.

SEC. 7. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

Section 851 of the Public Health Service Act (42 U.S.C. 297t) is amended—

(1) in subsection (b)(1)(A)(iv), by striking “and nurse anesthetists” and inserting “nurse anesthetists, and clinical nurse specialists”;

(2) in subsection (d), by amending paragraph (3) to read as follows:

“(3) not later than 2 years after the date of enactment of the Title VIII Nursing Workforce Reauthorization Act of 2019, and every 2 years thereafter, prepare and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.”; and

(3) in subsection (g), by striking “under this title” and inserting “for carrying out parts B, C, and D of this title”.

SEC. 8. OTHER PROVISIONS.

(a) PUBLIC SERVICE ANNOUNCEMENTS.—Part G of title VIII of the Public Health Service Act (42 U.S.C. 297w et seq.) is repealed.

(b) FUNDING.—Part I of title VIII of the Public Health Service Act (42 U.S.C. 298d) is repealed.

(c) ELIMINATING LIMITATION ON ASSIGNMENT.—Section 846(a) of the Public Health Service Act (42 U.S.C. 297n(a)) is amended, in the matter following paragraph (3), by striking “After fiscal year 2007,” and all that follows through the period at the end.

I. PURPOSE AND SUMMARY

H.R. 728, the “Title VIII Nursing Workforce Reauthorization Act of 2019”, was introduced on January 23, 2019, by Reps. David Joyce (R–OH), Doris Matsui (D–CA), Rodney Davis (R–IL), Kathy Castor (D–FL), David McKinley (R–WV), Tulsi Gabbard (D–HI), Suzanne Bonamici (D–OR), and Lauren Underwood (D–IL) and referred to the Committee on Energy and Commerce. H.R. 728 would reauthorize funding at the Health Resources and Services Administration (HRSA) for nursing workforce, education, and training programs. The five-year reauthorization includes annual authorizations of: \$77,585,000 for advanced education nursing grants; \$18,037,000 for nursing workforce diversity programs; \$43,590,000 for nurse education, practice, and quality grants; \$90,620,000 for Nurse Corps loan repayment and scholarship programs; and \$29,640,000 for the nurse faculty loan repayment program. The bill also recognizes the role of clinical nurse specialist programs and makes technical changes to existing nurse workforce programs to recognize diversity in the nursing profession and nurses practicing in a variety of settings.

II. BACKGROUND AND NEED FOR LEGISLATION

Nurses provide frontline care in a variety of settings and often work to supervise and coordinate care for patients. The Bureau of Labor Statistics projects that an additional 203,700 nurses will be needed every year to meet demand, filling newly created positions, and replacing retiring nurses.¹ While there is a growth in enrollment at nursing schools, enrollment is not growing fast enough to

¹Elka Torpey, Bureau of Labor Statistics, *Employment Outlook for Bachelor’s-Level Occupations*, www.bls.gov/careeroutlook/2018/article/bachelors-degree-outlook.htm#Healthcare%20and%20science (2018).

meet the projected demand for nurses.² Title VIII of the Public Health Service Act (PHSA) includes programs administered by HRSA to support and educate nursing students and professionals through targeted grant programs.

H.R. 728 reauthorizes and updates Title VIII programs that will help to bolster the recruitment, training, and support for nursing students and professionals. In addition, H.R. 728 includes provisions that recognize clinical nurse specialist programs and the need for diversity in the nursing profession, and improved access to nurses in rural and underserved areas.

Advanced Nursing Education Programs include Advanced Nursing Workforce Education (ANEW) grants, the Advanced Nursing Education Nurse Practitioner Residency (ANE-NPR) program, the Advanced Nursing Education for Sexual Assault Nurse Examiners (ANE-SANE) program, and the Nurse Anesthetist Traineeships (NAT) Program. ANEW grants prepare primary care advanced practice registered nursing (APRN) students to practice in rural and underserved settings through academic and clinical training.³ The ANE-NPR program funds 12-month nurse practitioner (NP) residency programs to help primary care NPs transition to community-based settings.⁴ The ANE-SANE program funds grants to support partnerships that will recruit, train, and retain nurses to conduct sexual assault forensic examinations.⁵ Nurse Anesthetist Traineeships provide clinical training in medically underserved communities and/or primary care settings during the academic year.⁶

The nursing profession is predominantly white and female.⁷ To help alleviate health disparities, observers have long promoted increasing the diversity of the nursing workforce.⁸ In addition to reducing disparities, researchers have noted that achieving greater diversity among health care workforce will produce a more culturally competent workforce, improve access to high-quality care for the medically underserved, increase the breadth and depth of the U.S. health research agenda, and expand the pool of medically trained executives and policymakers ready to serve in leadership positions in the healthcare system.⁹ Despite the benefits of a more diverse workforce, health professional schools including nursing schools, have struggled to diversify the pool of health professional students and the future healthcare workforce.¹⁰ The Nursing Workforce Diversity Program supports the goal of diversifying the nursing student pool by providing stipends, scholarships, and a variety of pre-entry preparation, advanced education preparation, and re-

²American Assn. of Colleges of Nursing, *Fact Sheet: Nursing Shortage*, www.aacnnursing.org/Portals/42/News/Factsheets/Nursing-Shortage-Factsheet.pdf (2019).

³Health Resources and Services Admin., Fiscal Year 2020 Justification of Estimates for Appropriations Committees 135 (2019).

⁴*Id.* at 136.

⁵*Id.*

⁶*Id.*

⁷See Nat'l Forum of State Nursing Workforce Centers, *2017 National Nursing Workforce Study*, www.ncsbn.org/workforce.htm (2018) (reporting that 9.1% of registered nurses (RNs) were male, and 19.2% were minorities).

⁸Ernest Grant, *We Can All Help Increase Diversity in Nursing*, *Modern Healthcare*, May 9, 2019, www.modernhealthcare.com/opinion-editorial/commentary-we-can-all-help-increase-diversity-nursing.

⁹Jordan J. Cohen, Barbara A. Gabriel, and Charles Terrell, The Case for Diversity in the Health Care Workforce, *Health Affairs*, Vol. 21, Issue 5, at 90 (2002).

¹⁰Jordan J. Cohen, Barbara A. Gabriel, and Charles Terrell, *The Case for Diversity in the Health Care Workforce*, *Health Affairs*, Vol. 21, Issue 5, at 90 (2002).

tention activities for individuals from disadvantaged backgrounds, including racial and ethnic minorities who are underrepresented among registered nurses (RNs).¹¹

Nurse Education, Practice, Quality, and Retention programs aim to increase the number of Bachelor of Science in Nursing students who receive clinical experience and training in medically underserved and rural communities, with the goal of increasing the number of students who choose to work in those settings upon graduation.¹² These programs include the Behavioral Health Integration Program, the Registered Nurses in Primary Care Training Program, and the Veteran Registered Nurses in Primary Care Training Program.

The Nurse Corps aims to support nurses and nursing students working in communities with inadequate access to care and limited access to behavioral health services by funding scholarships or educational loan repayment.¹³ In exchange for a scholarship or loan repayment, Nurse Corps members serve in Critical Shortage Facilities in health professional shortage areas and medically underserved communities.¹⁴

To promote continued growth of nursing workforce, the Nurse Faculty Loan Program awards funds to nursing schools that provide student loans to graduate-level nursing students who are interested in serving as faculty. After graduating, loan recipients are eligible to have up to 85 percent of loan principal and interest canceled in exchange for serving as full-time faculty at an accredited school of nursing.¹⁵

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 728:

The Subcommittee on Health held a legislative hearing in the 115th Congress entitled “Supporting Tomorrow’s Health Providers: Examining Workforce Programs Under the Public Health Service Act.” Witnesses at the hearing included:

- Adrian Billings, M.D., Ph.D., FAAFP, Chief Medical Officer, Preventive Care Health Services and Associate Professor, Department of Family and Community Medicine, Texas Tech University Health Sciences Center-Permian Basin;
- Neil S. Calman, M.D., FAAFP, President, American Association of Teaching Health Centers, President and CEO, Institute for Family Health, Chair, Department of Family Medicine and Community Health, Icahn School of Medicine at Mount Sinai;
- Janice A. Knebl, D.O., M.B.A., Dallas Southwest Osteopathic Physicians Endowed Chair and Professor in Geriatrics, University of North Texas Health Science Center;
- Juliann Sebastian, Ph.D., R.N., FAAN, Chair of the Board of Directors, American Association of Colleges of Nursing, Dean and Professor, College of Nursing, University of Nebraska Medical Center.

¹¹ *Supra* note 3 at 139.

¹² *Id.* at 143.

¹³ *Id.* at 150.

¹⁴ *Id.*

¹⁵ *Id.* at 147.

IV. COMMITTEE CONSIDERATION

H.R. 728, the “Title VIII Nursing Workforce Reauthorization Act of 2019”, was introduced on January 23, 2019, by Reps. David Joyce (R–OH), Doris Matsui (D–CA), Rodney Davis (R–IL), Kathy Castor (D–FL), David McKinley (R–WV), Tulsi Gabbard (D–HI), Suzanne Bonamici (D–OR), and Lauren Underwood (D–IL) and referred to the Committee on Energy and Commerce. Subsequently, the bill was referred to the Subcommittee on Health on January 25, 2019. The Subcommittee met in open markup session, pursuant to notice, on July 11, 2019, for consideration of H.R. 728. An amendment offered by Ms. Matsui was agreed to by a voice vote. Subsequently, the Subcommittee on Health agreed to a motion by Ms. Eshoo, Chairwoman of the Subcommittee, to forward favorably H.R. 728, amended, to the full Committee on Energy and Commerce by a voice vote.

On July 17, 2019, the full Committee met in open markup session, pursuant to notice, to consider H.R. 728, as amended by the subcommittee. During consideration of the bill, no amendments were offered. Subsequently, the full Committee on Energy and Commerce agreed to a motion by Mr. Pallone, Chairman of the Committee, to order the bill H.R. 728 reported favorably to the House, as amended, by a voice vote, a quorum being present.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. There were no recorded votes taken in connection with ordering H.R. 728 reported or on any amendments to the bill.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to extend advanced education nursing grants to support clinical nurse specialist programs and to support a robust and diverse nursing workforce.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 728 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 728 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Title VIII Nursing Workforce Reauthorization Act of 2019” and lists a table of contents.

Section 2. General provisions

Section 2 states general provisions. These include an amendment to general application language which would require that all applications submitted for grants under Title VIII programs “shall address relevant national nursing needs that the project will address and how the project aligns with . . . national nursing service goals.” Additionally, there is a requirement that funds awarded for grants under Title VIII should only be used to supplement, not supplant non-Federal funds otherwise available for projects. Furthermore, this section requires the Secretary to annually evaluate

programs and projects operated by grantees and would require an annual report on nursing workforce programs.

Section 3. Nurse practitioners, nurse midwives, nurse anesthetists, and other advanced education nurses

Section 3 makes technical changes to Advance Nursing Education Programs and includes authorized clinical nurse specialist programs as an eligible program for support. Section 3 provides an annual authorization of \$77,585,000 for Advanced Nursing Education Programs each fiscal year 2020 through 2024.

Section 4. Increasing nursing workforce diversity

Section 4 provides an annual authorization of \$18,037,000 each fiscal year 2020 through 2024 for the Nursing Workforce Diversity Program.

Section 5. Strengthening capacity for basic nurse education and practice

Section 5 incorporates existing nurse retention programs, including career ladder programs, into the same section of the PHSA which provides nurse education, practice, and quality grants.¹⁶ Section 5 provides an annual authorization of \$43,590,000 each fiscal year 2020 through 2024 for nurse education, practice, quality, and retention grants.

Section 6. Student loans

Section 6 provides annual authorizations of \$90,620,000 for the Nurse Corps student loan repayment and scholarship program and \$29,640,000 for the nurse faculty loan repayment program. Authorizations would be for each fiscal year 2020 through 2024. This section also makes technical changes within the Nurse Corps program.

Section 7. National Advisory Council on Nurse Education and Practice

Section 7 ensures clinical nurse specialists may be included on the National Advisory Council on Nurse Education and Practice and requires the National Advisory Council to issue a report on its activities every two years.

Section 8. Other provisions

Section 8 repeals the requirement that the Secretary develop and issue public service announcements that advertise and promote the nursing profession and makes a technical change to reflect specific authorizations made for each program under Title VIII. This section also ensures that Nurse Corps members may serve in a wider variety of health care settings.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic,

¹⁶ 42 U.S.C. 296p.

and existing law in which no change is proposed is shown in roman):

PUBLIC HEALTH SERVICE ACT

* * * * *

TITLE VIII—NURSING WORKFORCE DEVELOPMENT

PART A—GENERAL PROVISIONS

* * * * *

SEC. 802. APPLICATION.

(a) **IN GENERAL.**—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

(b) **PLAN.**—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

(c) **PERFORMANCE OUTCOME STANDARDS.**—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards **[shall address relevant national nursing needs that the project will meet]** *shall address relevant national nursing needs that the project will address and how the project aligns with the national nursing service goals referred to in section 806(a).* The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

(d) **LINKAGES.**—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

SEC. 803. USE OF FUNDS.

(a) **IN GENERAL.**—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

(b) **MAINTENANCE OF EFFORT.**—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

(c) *SUPPLEMENT NOT SUPPLANT.*—Funds awarded as a grant under this title for a project or activity shall be used to supplement, not supplant, the non-Federal funds that would otherwise be made available for such project or activity.

* * * * *

SEC. 806. GENERALLY APPLICABLE PROVISIONS.

(a) **AWARDING OF GRANTS AND CONTRACTS.**—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

(b) **INFORMATION REQUIREMENTS.**—

(1) **IN GENERAL.**—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

[(2) **EVALUATIONS.**—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.]

(2) *EVALUATIONS.*—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon the submission of—

(A) *data demonstrating that satisfactory progress has been made by the program or project in meeting the performance outcome standards (as described in section 802) of such program or project; and*

(B) *a detailed description of activities conducted by such program or project to meet such performance outcome standards.*

(c) **TRAINING PROGRAMS.**—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

(d) **DURATION OF ASSISTANCE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

(2) **LIMITATION.**—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent

with any other provision of this title that relates to the period during which payments may be made under the award.

(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

(1) IN GENERAL.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government, *and have relevant expertise and experience*. In providing for the establishment of peer review groups and procedures, the Secretary shall, except as otherwise provided, ensure sex, racial, ethnic, and geographic representation among the membership of such groups.

(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

(f) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under this title; and

(2) discipline-specific workforce information is developed and analytical activities are carried out as part of—

(A) the advanced education nursing activities under part B;

(B) the workforce diversity activities under part C; and

(C) basic nursing education and practice activities under part D.

(g) STATE AND REGIONAL PRIORITIES.—Activities under grants or contracts under this title shall, to the extent practicable, be consistent with related Federal, State, or regional nursing professions program plans and priorities.

(h) FILING OF APPLICATIONS.—

(1) IN GENERAL.—Applications for grants or contracts under this title may be submitted by health professions schools, schools of nursing, academic health centers, State or local governments, or other appropriate public or private nonprofit entities as determined appropriate by the Secretary in accordance with this title.

(2) FOR-PROFIT ENTITIES.—Notwithstanding paragraph (1), a for-profit entity may be eligible for a grant or contract under this title as determined appropriate by the Secretary.

(i) ANNUAL REPORT ON NURSING WORKFORCE PROGRAMS.—Annually, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing an assessment of the programs and activities of the Department of Health and Human Services related to enhancing the nursing workforce, including the extent to which programs and activities

under this title meet identified goals and performance measures developed for the respective programs and activities.

* * * * *

PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, NURSE ANESTHETISTS, AND OTHER ADVANCED EDUCATION NURSES

SEC. 811. ADVANCED EDUCATION NURSING GRANTS.

(a) **IN GENERAL.**—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

- (1) projects that support the enhancement of advanced nursing education and practice; and
- (2) traineeships for individuals in advanced nursing education programs.

(b) **DEFINITION OF ADVANCED EDUCATION NURSES.**—For purposes of this section, the term “advanced education nurses” means individuals trained in advanced degree programs including individuals in combined [R.N./Master’s] *R.N./graduate* degree programs, post-nursing master’s certificate programs, or, in the case of nurse midwives, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, clinical nurse specialists, nurse midwives, nurse anesthetists, nurse educators, nurse administrators, *clinical nurse leaders*, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

(c) **AUTHORIZED NURSE PRACTITIONER.**—Nurse practitioner programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

- (1) meet guidelines prescribed by the Secretary; and
- (2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, acute care, and other health care settings.

(d) **AUTHORIZED NURSE-MIDWIFERY PROGRAMS.**—Midwifery programs that are eligible for support under this section are educational programs that—

- (1) have as their objective the education of midwives; and
- (2) are accredited by the American College of Nurse-Midwives Accreditation Commission for Midwifery Education.

(e) **AUTHORIZED NURSE ANESTHESIA PROGRAMS.**—Nurse anesthesia programs eligible for support under this section are education programs that—

- (1) provide registered nurses with full-time anesthetist education; and
- (2) are accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

(f) **AUTHORIZED CLINICAL NURSE SPECIALIST PROGRAMS.**—*Clinical nurse specialist programs eligible for support under this section are education programs that—*

- (1) *provide registered nurses with full-time clinical nurse specialist education; and*

(2) *have as their objective the education of clinical nurse specialists who will upon completion of such a program be qualified to effectively provide care through the wellness and illness continuum to inpatients and outpatients experiencing acute and chronic illness.*

[(f)] (g) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced nurse education programs eligible for support under this section.

[(g)] (h) TRAINEESHIPS.—

(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

(A) the tuition, books, and fees of the program of advanced nurse education with respect to which the traineeship is provided; and

(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

(2) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced education nurses who will practice in health professional shortage areas designated under section 332.

(i) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section \$77,585,000 for each of fiscal years 2020 through 2024.*

PART C—INCREASING NURSING WORKFORCE DIVERSITY

SEC. 821. WORKFORCE DIVERSITY GRANTS.

(a) IN GENERAL.—

(1) AUTHORITY.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, stipends for diploma or associate degree nurses to enter a bridge or degree completion program, student scholarships or stipends for accelerated nursing degree programs, pre-entry preparation, advanced education preparation, and retention activities.

(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the National Advisory Council on Nurse Education and Practice and consult with nursing associations including the National Coalition of Ethnic Minority Nurse Associations, American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the National Black Nurses Association, the National Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the Native American Indian and Alaskan Nurses Association, and the National Council of State Boards

of Nursing, and other organizations determined appropriate by the Secretary.

(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for individuals from disadvantaged backgrounds and ethnic and racial minorities in the school or schools involved in the projects.

(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

(d) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section \$18,037,000 for each of fiscal years 2020 through 2024.*

PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

SEC. 831. NURSE EDUCATION, PRACTICE, [AND QUALITY] QUALITY, AND RETENTION GRANTS.

(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—

(1) expanding the enrollment in baccalaureate nursing programs; or

(2) providing education in new technologies, including distance learning methodologies.

(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities for—

(1) establishing or expanding nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities;

[(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims of domestic violence;]

(2) providing care for underserved populations and high-risk groups, which may include the elderly, individuals with HIV/AIDS, individuals with mental health or substance use disorders, individuals who are homeless, and victims and survivors of domestic violence;

(3) providing coordinated care, and other skills needed to practice in existing and emerging organized health care systems; or

(4) developing cultural competencies among nurses.

(c) RETENTION PRIORITY AREAS.—The Secretary may award grants to and enter into contracts with eligible entities to enhance

the nursing workforce by initiating and maintaining nurse retention programs pursuant to paragraph (1) or (2).

【(1) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—

【(A) to promote career advancement for nursing personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals including to become professional nurses, advanced education nurses, licensed practical nurses, certified nurse assistants, and home health aides; and

【(B) to assist individuals in obtaining education and training required to enter the nursing profession and advance within such profession, such as by providing career counseling and mentoring.】

(1) GRANTS FOR CAREER LADDER PROGRAMS.—*The Secretary may award grants to and enter into contracts with eligible entities for programs—*

(A) *to promote career advancement for—*

(i) *nursing personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals, including to become professional registered nurses, advanced practice registered nurses, and nurses with graduate nursing education; and*

(ii) *individuals, including licensed practical nurses, licensed vocational nurses, certified nurse assistants, and diploma degree or associate degree nurses, to become baccalaureate-prepared registered nurses or nurses with graduate nursing education;*

(B) *to assist individuals in obtaining education and training required to enter the nursing profession and advance within such profession, such as by providing career counseling and mentoring; and*

(C) *to develop and implement internships, accredited fellowships, and accredited residency programs in collaboration with one or more accredited schools of nursing to encourage mentoring and development of specialties.*

(2) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of nurses and enhance patient care that is directly related to nursing activities by enhancing collaboration and communication among nurses and other health care professionals, and by promoting nurse involvement in the organizational and clinical decisionmaking processes of a health care facility.

(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give a preference to applicants that have not previously received an award under this paragraph.

(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Sec-

retary measurable and substantive improvement in nurse retention or patient care.

(d) **OTHER PRIORITY AREAS.**—The Secretary may award grants to or enter into contracts with eligible entities to address other areas that are of high priority to nurse education, practice, and retention, as determined by the Secretary.

[(e) **PREFERENCE.**—For purposes of any amount of funds appropriated to carry out this section for fiscal year 2003, 2004, or 2005 that is in excess of the amount of funds appropriated to carry out this section for fiscal year 2002, the Secretary shall give preference to awarding grants or entering into contracts under subsections (a)(2) and (c).]

[(f)] (e) **REPORT.**— [The Secretary shall submit to the Congress before the end of each fiscal year a] *As part of the report on nursing workforce programs described in section 806(i), the Secretary shall report on the grants awarded and the contracts entered into under this section. Each such report shall identify the overall number of such grants and contracts and provide an explanation of why each such grant or contract will meet the priority need of the nursing workforce.*

[(g) **ELIGIBLE ENTITY.**—For purposes of this section, the term “eligible entity” includes a school of nursing, as defined in section 801(2), a health care facility, or a partnership of such a school and facility.]

(f) **DEFINITIONS.**—*For purposes of this section:*

(1) **ELIGIBLE ENTITY.**—*The term “eligible entity” includes an accredited school of nursing, a health care facility, a partnership of such a school and facility, a federally qualified health center, or a nurse-managed health clinic.*

(2) **NURSE-MANAGED HEALTH CLINIC.**—*The term “nurse-managed health clinic” means a nurse-practice arrangement, managed by advanced practice nurses, that provides primary care or wellness services to underserved or vulnerable populations that is associated with a school, college, university or department of nursing, federally qualified health center, or independent nonprofit health or social services agency.*

[(h)] (g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section [such sums as may be necessary for each of fiscal years 2010 through 2014] \$43,590,000 for each of fiscal years 2020 through 2024.

[SEC. 831A. NURSE RETENTION GRANTS.

[(a) **RETENTION PRIORITY AREAS.**—The Secretary may award grants to, and enter into contracts with, eligible entities to enhance the nursing workforce by initiating and maintaining nurse retention programs pursuant to subsection (b) or (c).

[(b) **GRANTS FOR CAREER LADDER PROGRAM.**—The Secretary may award grants to, and enter into contracts with, eligible entities for programs—

[(1) to promote career advancement for individuals including licensed practical nurses, licensed vocational nurses, certified nurse assistants, home health aides, diploma degree or associate degree nurses, to become baccalaureate prepared registered nurses or advanced education nurses in order to meet the needs of the registered nurse workforce;

[(2) developing and implementing internships and residency programs in collaboration with an accredited school of nursing, as defined by section 801(2), to encourage mentoring and the development of specialties; or

[(3) to assist individuals in obtaining education and training required to enter the nursing profession and advance within such profession.

[(c) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

[(1) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of nurses and enhance patient care that is directly related to nursing activities by enhancing collaboration and communication among nurses and other health care professionals, and by promoting nurse involvement in the organizational and clinical decision-making processes of a health care facility.

[(2) PRIORITY.—In making awards of grants under this subsection, the Secretary shall give preference to applicants that have not previously received an award under this subsection (or section 831(c) as such section existed on the day before the date of enactment of this section).

[(3) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this subsection beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in nurse retention or patient care.

[(d) OTHER PRIORITY AREAS.—The Secretary may award grants to, or enter into contracts with, eligible entities to address other areas that are of high priority to nurse retention, as determined by the Secretary.

[(e) REPORT.—The Secretary shall submit to the Congress before the end of each fiscal year a report on the grants awarded and the contracts entered into under this section. Each such report shall identify the overall number of such grants and contracts and provide an explanation of why each such grant or contract will meet the priority need of the nursing workforce.

[(f) ELIGIBLE ENTITY.—For purposes of this section, the term “eligible entity” includes an accredited school of nursing, as defined by section 801(2), a health care facility, or a partnership of such a school and facility.

[(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2012.]

PART E—STUDENT LOANS

* * * * *

LOAN REPAYMENT AND SCHOLARSHIP PROGRAMS

SEC. 846. (a) IN GENERAL.—In the case of any individual—

(1) who has received a baccalaureate or associate degree in nursing (or an equivalent degree), a diploma in nursing, or a graduate degree in nursing;

(2) who obtained (A) one or more loans from a loan fund established under subpart II, or (B) any other educational loan for nurse training costs; and

(3) who enters into an agreement with the Secretary to serve as nurse for a period of not less than two years at a health care facility with a critical shortage of nurses, or in a accredited school of nursing, as defined by section 801(2), as nurse faculty;

the Secretary shall make payments in accordance with subsection (b), for and on behalf of that individual, on the principal of and interest on any loan of that individual described in paragraph (2) of this subsection which is outstanding on the date the individual begins the service specified in the agreement described in paragraph (3) of this subsection. **After fiscal year 2007, the Secretary may not, pursuant to any agreement entered into under this subsection, assign a nurse to any private entity unless that entity is non-profit.**

(b) **MANNER OF PAYMENTS.**—The payments described in subsection (a) shall be made by the Secretary as follows:

(1) Upon completion by the individual for whom the payments are to be made of the first year of the service specified in the agreement entered into with the Secretary under subsection (a), the Secretary shall pay 30 percent of the principal of, and the interest on each loan of such individual described in subsection (a)(2) which is outstanding on the date **he began such practice** *the individual began such practice*.

(2) Upon completion by that individual of the second year of such service, the Secretary shall pay another 30 percent of the principal of, and the interest on each such loan.

(3) Upon completion by that individual of a third year of such service, the Secretary shall pay another 25 percent of the principal of, and the interest on each such loan.

(c) **PAYMENT BY DUE DATE.**—Notwithstanding the requirement of completion of practice specified in subsection (b), the Secretary shall, on or before the due date thereof, pay any loan or loan installment which may fall due within the period of service for which the borrower may receive payments under this subsection, upon the declaration of such borrower, at such times and in such manner as the Secretary may prescribe (and supported by such other evidence as the Secretary may reasonably require), that the borrower is then serving as described by subsection (a)(3), and that the borrower will continue to so serve for the period required (in the absence of this subsection) to entitle the borrower to have made the payments provided by this subsection for such period; except that not more than 85 percent of the principal of any such loan shall be paid pursuant to this subsection.

(d) **SCHOLARSHIP PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall **[(for fiscal years 2003 and 2004) and may (for fiscal years thereafter)]** carry out a program of entering into contracts with eligible individuals under which such individuals agree to serve as nurses for a period of not less than 2 years at a health care facility with a critical shortage of nurses, in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance at schools of nursing.

(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term “eligible individual” means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in a school of nursing.

(3) SERVICE REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this subsection unless the individual agrees to serve as a nurse at a health care facility with a critical shortage of nurses for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

(i) is entered into by the facility and the individual and is approved by the Secretary; and

(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

(4) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of subpart III of part D of title III shall, except as inconsistent with this section, apply to the program established in paragraph (1) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Scholarship Program established in such subpart.

(e) PREFERENCES REGARDING PARTICIPANTS.—In entering into agreements under subsection (a) or (d), the Secretary shall give preference to qualified applicants with the greatest financial need.

(f) BREACH OF AGREEMENT.—The Secretary may make payments under subsection (a) on behalf of an individual only if the agreement under such subsection provides that section 860(c) is applicable to the individual.

(g) BREACH OF AGREEMENT.—

(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a “nursing program”), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the

program in accordance with requirements established by the Secretary);

(ii) is dismissed from the nursing program for disciplinary reasons; or

(iii) voluntarily terminates the nursing program.

(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.

(h) REPORTS.— [Not later than 18 months after the date of enactment of the Nurse Reinvestment Act, and annually thereafter, the Secretary shall prepare and submit to the Congress a report describing the programs carried out under this section, including statements regarding] *The annual report on nursing workforce programs, as required by section 806(i), shall include information regarding the programs carried out under this section, including—*

(1) the number of enrollees, scholarships, loan repayments, and grant recipients;

(2) the number of graduates;

(3) the amount of scholarship payments and loan repayments made;

(4) which educational institution the recipients attended;

(5) the number and placement location of the scholarship and loan repayment recipients at health care facilities with a critical shortage of nurses;

(6) the default rate and actions required;

(7) the amount of outstanding default funds of both the scholarship and loan repayment programs;

(8) to the extent that it can be determined, the reason for the default;

(9) the demographics of the individuals participating in the scholarship and loan repayment programs;

(10) justification for the allocation of funds between the scholarship and loan repayment programs; and

(11) an evaluation of the overall costs and benefits of the programs.

(i) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of payments under agreements entered into under subsection (a) or (d), there are authorized to be appropriated [such sums as may be necessary for each of fiscal years 2003 through 2007] *\$90,620,000 for each of fiscal years 2020 through 2024.*

(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1), the Secretary may, as determined appropriate by the Secretary, allocate amounts between the program under subsection (a) and the program under subsection (d).

NURSE FACULTY LOAN PROGRAM

SEC. 846A. (a) SCHOOL OF NURSING STUDENT LOAN FUND.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any accredited school of nursing for the establishment and operation of a student loan fund in accordance with this section, to increase the number of qualified nursing faculty.

(b) AGREEMENTS.—Each agreement entered into under subsection (a) shall—

(1) provide for the establishment of a student loan fund by the school involved;

(2) provide for deposit in the fund of—

(A) the Federal capital contributions to the fund;

(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such school;

(C) collections of principal and interest on loans made from the fund; and

(D) any other earnings of the fund;

(3) provide that the fund will be used only for loans to students of the school in accordance with subsection (c) and for costs of collection of such loans and interest thereon;

(4) provide that loans may be made from such fund only to students pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program described in section 811(b); and

(5) contain such other provisions as are necessary to protect the financial interests of the United States.

(c) LOAN PROVISIONS.—Loans from any student loan fund established by a school pursuant to an agreement under subsection (a) shall be made to an individual on such terms and conditions as the school may determine, except that—

(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

(2) in the case of any individual, the total of the loans for any academic year made by schools of nursing from loan funds established pursuant to agreements under subsection (a) may not exceed \$35,500, during fiscal years 2010 and 2011 fiscal years (after fiscal year 2011, such amounts shall be adjusted to provide for a cost-of-attendance increase for the yearly loan rate and the aggregate loan;

(3) an amount up to 85 percent of any such loan (plus interest thereon) shall be canceled by the school as follows:

(A) upon completion by the individual of each of the first, second, and third year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in an accredited a school of nursing, the school shall cancel 20 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment; and

(B) upon completion by the individual of the fourth year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of nursing, the school shall cancel 25 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment;

(4) such a loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

(5) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study at a school of nursing; and

(6) such a loan shall—

(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study at a school of nursing, bear interest on the unpaid balance of the loan at the rate of 3 percent per annum; or

(B) subject to subsection (e), if the school of nursing determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by an accredited school of nursing under subsection (c)(6)(B).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section [such sums as may be necessary for each of fiscal years 2010 through 2014] \$29,640,000 for each of fiscal years 2020 through 2024 .

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PART F—NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE

SEC. 851. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the National Advisory Council on Nurse

Education and Practice (in this section referred to as the “Advisory Council”).

(b) COMPOSITION.—

(1) IN GENERAL.—The Advisory Council shall be composed of—

(A) not less than 21, nor more than 23 individuals, who are not officers or employees of the Federal Government, appointed by the Secretary without regard to the Federal civil service laws, of which—

(i) 2 shall be selected from full-time students enrolled in schools of nursing;

(ii) 2 shall be selected from the general public;

(iii) 2 shall be selected from practicing professional nurses; and

(iv) 9 shall be selected from among the leading authorities in the various fields of nursing, higher, secondary education, and associate degree schools of nursing, and from representatives of advanced education nursing groups (such as nurse practitioners, nurse midwives, [and nurse anesthetists] *nurse anesthetists, and clinical nurse specialists*), hospitals, and other institutions and organizations which provide nursing services; and

(B) the Secretary (or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson)).

(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Council and each such member shall serve a 4 year term. In making such appointments, the Secretary shall ensure a fair balance between the nursing professions, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved. A majority of the members shall be nurses.

(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Council under paragraph (1), the Secretary shall ensure the adequate representation of minorities.

(c) VACANCIES.—

(1) IN GENERAL.—A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(2) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) DUTIES.—The Advisory Council shall—

(1) provide advice and recommendations to the Secretary and Congress concerning policy matters arising in the administration of this title, including the range of issues relating to the nurse workforce, education, and practice improvement;

(2) provide advice to the Secretary and Congress in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the

range of issues relating to nurse supply, education and practice improvement; and

[(3) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.]

(3) not later than 2 years after the date of enactment of the Title VIII Nursing Workforce Reauthorization Act of 2019, and every 2 years thereafter, prepare and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.

(e) MEETINGS AND DOCUMENTS.—

(1) MEETINGS.—The Advisory Council shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Council shall prepare and make available an agenda of the matters to be considered by the Advisory Council at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Council shall prepare and make available a summary of the meeting and any actions taken by the Council based upon the meeting.

(f) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Advisory Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) EXPENSES.—The members of the Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(g) FUNDING.—Amounts appropriated [under this title] *for carrying out parts B, C, and D of this title* may be utilized by the Secretary to support the nurse education and practice activities of the Council.

(h) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that

the provisions of such Act do not conflict with the requirements of this section.

[PART G—PUBLIC SERVICE ANNOUNCEMENTS

[SEC. 861. PUBLIC SERVICE ANNOUNCEMENTS.

[(a) IN GENERAL.—The Secretary shall develop and issue public service announcements that advertise and promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals to enter the nursing profession.

[(b) METHOD.—The public service announcements described in subsection (a) shall be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach as wide and diverse an audience as possible.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.

[SEC. 862. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.

[(a) IN GENERAL.—The Secretary may award grants to eligible entities to support State and local advertising campaigns through appropriate media outlets to promote the nursing profession, highlight the advantages and rewards of nursing, and encourage individuals from disadvantaged backgrounds to enter the nursing profession.

[(b) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received through such grant to acquire local television and radio time, place advertisements in local newspapers, or post information on billboards or on the Internet in a manner intended to reach as wide and diverse an audience as possible, in order to—

[(1) advertise and promote the nursing profession;

[(2) promote nursing education programs;

[(3) inform the public of financial assistance regarding such education programs;

[(4) highlight individuals in the community who are practicing nursing in order to recruit new nurses; or

[(5) provide any other information to recruit individuals for the nursing profession.

[(c) LIMITATION.—An eligible entity that receives a grant under subsection (a) shall not use funds received through such grant to advertise particular employment opportunities.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2007.]

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[PART I—FUNDING

[SEC. 871. AUTHORIZATION OF APPROPRIATIONS.

[For the purpose of carrying out parts B, C, and D (subject to section 851(g)), there are authorized to be appropriated

\$338,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2016.】

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