

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.

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## 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

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## 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 Schol-  
21 arship 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 INDI-  
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.

○