

118TH CONGRESS
1ST SESSION

S. 862

To address health workforce shortages through additional funding for the National Health Service Corps, and to establish a National Health Service Corps Emergency Service demonstration project.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

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 through additional funding for the National Health Service 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 “Restoring America’s
5 Health Care Workforce and Readiness Act”.

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

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

6 (1) in subparagraph (G), by striking “; and”
7 and inserting a semicolon;

8 (2) in subparagraph (H), by striking the period
9 and inserting a semicolon; and

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

11 “(I) \$625,000,000 for fiscal year 2024;

12 “(J) \$675,000,000 for fiscal year 2025;

13 and

14 “(K) \$825,000,000 for fiscal year 2026.”.

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

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

22 “(a) **IN GENERAL.**—For each of fiscal years 2024
23 through 2026, from the amounts made available under
24 section 10503(b)(2) of the Patient Protection and Afford-
25 able Care Act, to the extent permitted by, and consistent
26 with, the requirements of applicable State law, the Sec-

1 retary shall allocate up to \$50,000,000 to establishing, as
2 a demonstration project, a National Health Service Corps
3 Emergency Service (referred to in this section as the
4 ‘emergency service’) under which a qualified individual
5 currently or previously participating in the National
6 Health Service Corps agrees to engage in service through
7 the National Disaster Medical System established under
8 section 2812, as described in this section.

9 “(b) PARTICIPANTS.—

10 “(1) NHSC ALUMNI.—

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

20 “(B) PRIORITY AND INCREASED FUNDING
21 AMOUNTS.—

22 “(i) PRIORITY.—In selecting eligible
23 individuals to participate in the program
24 under this paragraph, the Secretary shall
25 give priority—

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

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

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

23 “(C) PRIVATE PRACTICE.—An individual
24 participating in the emergency service under
25 this section may practice a health profession in

1 any private capacity when not obligated to ful-
2 fill the requirements described in subsection (c).

3 “(2) CURRENT NHSC MEMBERS.—

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

11 “(B) CLARIFICATIONS.—Notwithstanding
12 any other provision of law or any contract with
13 respect to service requirements under the Schol-
14 arship Program or Loan Repayment Program,
15 an individual fulfilling service requirements de-
16 scribed in subsection (c) shall not be considered
17 in breach of such contract under such Scholar-
18 ship Program or Loan Repayment Program,
19 provided that the individual give advance and
20 reasonable notification to the site at which the
21 individual is fulfilling his or her obligated serv-
22 ice requirements under such contract, and the
23 site approves the individual’s deployment
24 through the National Disaster Medical System.

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

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

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

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

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

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

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

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

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

15 “(A) the National Health Service Corps
16 contracts; and

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

21 “(4) ensure an adequate health care workforce
22 during a public health emergency declared by the
23 Secretary under section 319 of this Act, a major dis-
24 aster declared by the President under section 401 of
25 the Robert T. Stafford Disaster Relief and Emer-

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

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

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

1 Amounts received by an individual under this subsection
2 shall be in addition to any amounts received by an indi-
3 vidual described in subsection (b)(2) pursuant to the
4 Scholarship Program under section 338A or the Loan Re-
5 payment Program under section 338B, as applicable.

6 “(f) BREACH OF CONTRACT, TERMINATION, WAIVER,
7 AND SUSPENSION.—

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

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

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

24 “(C) the interest on the amounts described
25 in subparagraphs (A) and (B), at the maximum

1 legal prevailing rate, as determined by the
2 Treasurer of the United States, from the date
3 of the breach.

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

8 “(A) applicable to contracts entered into
9 under section 338B; and

10 “(B) in effect in the fiscal year in which
11 such contract was entered.

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

21 “(g) REPORT.—Not later than 4 years after the date
22 of enactment of this section, the Secretary shall submit
23 to the Committee on Health, Education, Labor, and Pen-
24 sions of the Senate and the Committee on Energy and
25 Commerce of the House of Representatives a report that

1 evaluates the demonstration project established under this
2 section, including—

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

7 “(2) the effects of such program on the health
8 care provider workforce pipeline, including any im-
9 pact on the fields or specialties pursued by students
10 in approved graduate training programs in medicine,
11 osteopathic medicine, dentistry, behavioral and men-
12 tal health, or other health profession;

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

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

20 “(5) recommendations for improving the dem-
21 onstration project described in this section, and any
22 other considerations as the Secretary determines ap-
23 propriate.”.

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