

116TH CONGRESS
2D SESSION

S. 3634

To address health workforce shortages and disparities highlighted by the COVID–19 pandemic through additional funding for the National Health Service Corps and Nurse Corps.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2020

Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. BLUMENTHAL, Ms. STABENOW, Mr. MERKLEY, Mr. JONES, Ms. KLOBUCHAR, Ms. HIRONO, Mrs. GILLIBRAND, Ms. SMITH, Mr. SANDERS, Ms. HARRIS, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To address health workforce shortages and disparities highlighted by the COVID–19 pandemic through additional funding for the National Health Service Corps and Nurse Corps.

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 “Health Heroes 2020
5 Act”.

1 **SEC. 2. ADDITIONAL FUNDING FOR THE SCHOLARSHIP**
2 **PROGRAM OF THE NATIONAL HEALTH SERV-**
3 **ICE CORPS.**

4 (a) **ADDITIONAL FUNDING.**—Section 10503(b) of the
5 Patient Protection and Affordable Care Act (42 U.S.C.
6 254b–2(b)) is amended—

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

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

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

12 “(3) to be transferred to the Secretary of
13 Health and Human Services—

14 “(A) \$25,000,000,000 for fiscal year 2020,
15 to provide additional funding to carry out sub-
16 section (i) of section 338A of the Public Health
17 Service Act and the National Health Service
18 Corps Loan Program under section 338B of
19 such Act, of which—

20 “(i) \$15,000,000,000 shall be allo-
21 cated to the program under section 338A;
22 and

23 “(ii) \$10,000,000,000 shall be allo-
24 cated to the program under such section
25 338B; and

1 “(B) \$690,000,000 for each of fiscal years
2 2021 through 2026, to provide additional
3 amounts to carry out the National Health Serv-
4 ice Corps Scholarship Program under section
5 338A of the Public Health Service Act, the Na-
6 tional Health Service Corps Loan Repayment
7 Program under section 338B of such Act, and
8 the reserve service program under section 338O
9 of such Act.”.

10 (b) CRITERIA FOR USE OF ADDITIONAL FUNDING
11 FOR IN-DEMAND PROFESSIONALS.—Section 338A of the
12 Public Health Service Act (42 U.S.C. 254l) is amended
13 by adding at the end the following:

14 “(i) Not less than 40 percent of the amounts made
15 available to carry out this section under 10503(b)(3)(A)(i)
16 of the Patient Protection and Affordable Care Act shall
17 be allocated to scholarships under this section for eligible
18 applicants who are members of groups that are historically
19 underrepresented in health care professions, including ra-
20 cial and ethnic minorities and individuals from low-income
21 urban and rural communities. To carry out the require-
22 ments of this subsection, the Secretary may coordinate
23 with entities receiving funding under section 739 to iden-
24 tify, recruit, and select individuals to receive such scholar-
25 ships.”.

1 (c) NATIONAL HEALTH SERVICE CORPS RESERVE
2 DEMONSTRATION PROJECT.—

3 (1) IN GENERAL.—Subpart III of part D of
4 title III of the Public Health Service Act (42 U.S.C.
5 254l et seq.) is amended by adding at the end the
6 following:

7 **“SEC. 3380. NATIONAL HEALTH SERVICE CORPS RESERVE**
8 **SERVICE DEMONSTRATION PROJECT.**

9 “(a) IN GENERAL.—From the amounts made avail-
10 able under section 10503(b)(3)(B) of the Patient Protec-
11 tion and Affordable Care Act for each of fiscal years 2021
12 through 2024, the Secretary shall, to the extent permitted
13 by, and consistent with, the requirements of applicable
14 State law, use such sums as the Secretary determines nec-
15 essary to establish, as a demonstration project, a National
16 Health Service Corps Reserve Service (referred to in this
17 section as the ‘reserve service’) under which a qualified
18 individual agrees to engage in service for a period specified
19 in a contract under this section in such reserve service
20 under this section.

21 “(b) RESERVE SERVICE REQUIREMENTS.—An indi-
22 vidual whose obligated service under a contract under sec-
23 tion 338A is provided, pursuant to a contract under sub-
24 section (a), as reserve service, and any other participating
25 individual described in subparagraph (B) of subsection

1 (c)(2) may practice a health profession in any private ca-
2 pacity, subject to the following requirements:

3 “(1) In the event of a public health emergency
4 declared under section 319, a major disaster de-
5 clared by the President under section 401 of the
6 Robert T. Stafford Disaster Relief and Emergency
7 Assistance Act, or an emergency declared by the
8 President under section 501 of the Robert T. Staf-
9 ford Disaster Relief and Emergency Assistance Act
10 or a national emergency declared by the President
11 under the National Emergencies Act, for the dura-
12 tion of such emergency or disaster, such individual
13 shall be subject to serve in such capacity as the Sec-
14 retary shall determine appropriate to carry out the
15 purposes of this section, and in accordance with the
16 Secretary’s plan to increase surge capacity in re-
17 sponse to public health emergencies or disasters.
18 Such service may be furnished in coordination with
19 the Corps described in section 204, a State, terri-
20 torial, or local public health department, or through
21 the process described in section 319(e).

22 “(2) Not less frequently than 2 days each
23 month, and for a total of not fewer than 30 days
24 each year, as directed by the Secretary, such indi-
25 vidual shall—

1 “(A) conduct trainings on public health
2 preparedness and response activities, which may
3 be in coordination with the State, territorial, or
4 local health department; or

5 “(B) furnish health care services to low-in-
6 come individuals in a health professional short-
7 age area (as defined under section 332(a)), a
8 medically underserved population (as defined
9 under section 330(b)(3)), or a medically under-
10 served area or area at high risk of a public
11 health emergency as designated by the Sec-
12 retary.

13 “(c) QUALIFIED INDIVIDUALS.—An individual may
14 be eligible to participate in the reserve service under this
15 section if such individual meets one of the following cri-
16 teria:

17 “(1) An individual participating in the Scholar-
18 ship Program under section 338A may satisfy the
19 obligated service requirement under such program if
20 the individual’s contract provides for such service.

21 “(2) An individual who participated in the Loan
22 Repayment Program under section 338B and who
23 satisfied the obligated service requirements under
24 such program, in accordance with the individual’s
25 contract.

1 “(3) An individual who—

2 “(A) did not participate in the Scholarship
3 Program under section 338A or the Loan Re-
4 payment Program under section 338B;

5 “(B) has a graduate degree in medicine,
6 osteopathic medicine, dentistry, or another
7 health profession, or an appropriate graduate
8 degree from a program of behavioral or mental
9 health, or is certified as a nurse midwife, nurse
10 practitioner, or physician assistant;

11 “(C) holds a license issued by a State, the
12 District of Columbia, or a territory to practice
13 the applicable profession;

14 “(D) is otherwise qualified to practice, and
15 has experience practicing, in a profession—

16 “(i) described in section 338B(a)(1);

17 or

18 “(ii) another high-demand health care
19 field or specialty that the Secretary identi-
20 fies, through a process conducted every 3
21 years, as a field or specialty of national
22 priority, based on relative workforce short-
23 ages, expected workforce changes, or pro-
24 jected changes in patient needs; and

1 “(E) satisfies any other eligibility or appli-
2 cation requirements specified by the Secretary
3 in order to demonstrate the individual’s quali-
4 fications.

5 “(d) RESERVE SERVICE PLAN.—In carrying out this
6 section, the Secretary shall establish, in coordination with
7 the Surgeon General and State, tribal, and local health
8 departments, an action plan for the service commitments,
9 priority areas, coordination efforts, training requirements,
10 and such other considerations as the Secretary determines
11 appropriate, to ensure the complementary, additive capac-
12 ity of such individuals providing reserve service.

13 “(e) CONTRACTS FOR CERTAIN PARTICIPATING INDI-
14 VIDUALS.—An individual described in subparagraph (B)
15 of subsection (c)(2) who is participating in the reserve
16 service program under this section shall receive loan re-
17 payments in an amount equal to 50 percent of the amount
18 of payments that would be required with respect to a par-
19 ticipant of the same clinical profession in the Loan Repay-
20 ment Program pursuant to a contract entered into at the
21 same time under section 338B(g), in a manner similar to
22 the manner in which payments are made under such sec-
23 tion, pursuant to the terms of a contract between the Sec-
24 retary and such individual. The Secretary shall establish
25 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 “(f) REPORT.—Not later than 5 years after the date
 4 of enactment of this section, the Secretary shall submit
 5 to the Committee on Health, Education, Labor, and Pen-
 6 sions of the Senate and the Committee on Energy and
 7 Commerce of the House of Representatives a report that
 8 evaluates the demonstration project established under this
 9 section, including—

10 “(1) the effects of such program on health care
 11 access, public health emergency response capacity,
 12 and the provider workforce pipeline; and

13 “(2) any other considerations as the Secretary
 14 determines appropriate.”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) SCHOLARSHIP PROGRAM.—Section
 17 338A of the Public Health Service Act (42
 18 U.S.C. 254l) is amended—

19 (i) in subsection (b)(2), by inserting
 20 “, or be eligible for, or hold, an appoint-
 21 ment in the reserve service under section
 22 3380” before the semicolon;

23 (ii) in subsection (c)(2)(B), by insert-
 24 ing “or through reserve service under an

1 agreement under section 3380” after “sec-
2 tion 338D”; and

3 (iii) in the flush text of subsection
4 (f)(1)(B)(v), by inserting “, including serv-
5 ice under the reserve service in accordance
6 with section 3380, as applicable” before
7 the semicolon at the end.

8 (B) OBLIGATED SERVICE.—Section 338C
9 of the Public Health Service Act (42 U.S.C.
10 254m) is amended—

11 (i) in subsection (a), by inserting “or
12 3380” after “section 338D”; and

13 (ii) in subsection (c)—

14 (I) in paragraph (1), by striking
15 “, or” and inserting a semicolon;

16 (II) in paragraph (2), by striking
17 “agreement,” and inserting “agree-
18 ment; or”; and

19 (III) by inserting after paragraph
20 (2) the following:

21 “(3) in the case of an individual who enters into
22 an agreement with the Secretary under section
23 3380, on the date specified in such agreement,”.

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

3 (a) FUNDING.—There are hereby appropriated, out
4 of amounts in the Treasury not otherwise appropriated,
5 \$5,000,000,000 for fiscal year 2020, for purposes of car-
6 rying out section 846 of the Public Health Service Act
7 (42 U.S.C. 297n), to remain available until expended, ex-
8 cept that—

9 (1) of the amount appropriated under this
10 heading and made available for scholarships, not less
11 than 40 percent shall be allocated to scholarships for
12 eligible applicants who are members of groups that
13 are historically underrepresented in health care pro-
14 fessions, including racial and ethnic minorities and
15 individuals from low-income urban and rural com-
16 munities; and

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

22 (b) EMERGENCY DESIGNATION.—

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

1 (2) DESIGNATION IN SENATE.—In the Senate,
2 this section is designated as an emergency require-
3 ment pursuant to section 4112(a) of H. Con. Res.
4 71 (115th Congress), the concurrent resolution on
5 the budget for fiscal year 2018.

6 **SEC. 4. FLEXIBILITY FOR MEMBERS OF NATIONAL HEALTH**
7 **SERVICE CORPS DURING EMERGENCY PERI-**
8 **ODS.**

9 Section 333 of the Public Health Service Act (42
10 U.S.C. 254f) is amended by adding at the end the fol-
11 lowing:

12 “(f) During any public health emergency declared by
13 the Secretary under section 319, the Secretary may, not-
14 withstanding any other provision of this section, assign
15 Corps members, with the voluntary agreement of such
16 Corps members, to provide such health services at such
17 places, and for such number of hours, as the Secretary
18 determines necessary to respond to such emergency, pro-
19 vided that the total number of hours required are the same
20 as were required of such members prior to the change of
21 assignment.”.

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