

110TH CONGRESS  
2D SESSION

# H. R. 5924

To provide relief for the shortage of nurses in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2008

Mr. WEXLER (for himself and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide relief for the shortage of nurses in the United States, and for other purposes.

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 “Emergency Nursing  
5 Supply Relief Act”.

6 **SEC. 2. NURSING SHORTAGE RELIEF.**

7 (a) INCREASING VISA NUMBERS.—Section 106 of the  
8 American Competitiveness in the Twenty-first Century

1 Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note)  
2 is amended by adding at the end the following:

3 “(e) VISA SHORTAGE RELIEF FOR NURSES AND  
4 PHYSICAL THERAPISTS.—

5 “(1) IN GENERAL.—Subject to paragraph (2),  
6 for petitions filed during the period beginning on the  
7 date of the enactment of the Emergency Nursing  
8 Supply Relief Act and ending on September 30,  
9 2011, for employment-based immigrants (and their  
10 family members accompanying or following to join  
11 under section 203(d) of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1153(d)), which are or have  
13 been approved based on Schedule A, Group I as de-  
14 fined in section 656.5 of title 20, Code of Federal  
15 Regulations, as promulgated by the Secretary of  
16 Labor, the numerical limitations set forth in sections  
17 201(d) and 202(a) of such Act (8 U.S.C. 1151(d)  
18 and 1152(a)) shall not apply.

19 “(2) LIMITATION ON NUMBER OF VISAS.—The  
20 Secretary of State may not issue more than 20,000  
21 immigrant visa numbers in any one fiscal year (plus  
22 any available visa numbers under this paragraph not  
23 used during the preceding fiscal year) to principal  
24 beneficiaries of petitions pursuant to paragraph (1).

1           “(3) EXPEDITED REVIEW.—The Secretary of  
2           Homeland Security shall provide a process for re-  
3           viewing and acting upon petitions with respect to  
4           immigrants described in paragraph (1) not later  
5           than 30 days after the date on which a completed  
6           petition has been filed.

7           “(f) FEE FOR USE OF VISAS UNDER SUBSECTION  
8 (a).—

9           “(1) IN GENERAL.—The Secretary of Homeland  
10          Security shall impose a fee upon each petitioning  
11          employer who uses a visa provided under subsection  
12          (e) to provide employment for an alien as a profes-  
13          sional nurse, except that—

14                 “(A) such fee shall be in the amount of  
15                 \$1,500 for each such alien nurse (but not for  
16                 dependents accompanying or following to join  
17                 who are not professional nurses); and

18                 “(B) no fee shall be imposed for the use of  
19                 such visas if the employer demonstrates to the  
20                 Secretary that—

21                         “(i) the employer is a health care fa-  
22                         cility that is located in a county or parish  
23                         that received individual and public assist-  
24                         ance pursuant to Major Disaster Declara-  
25                         tion number 1603 or 1607; or

1           “(ii) the employer is a health care fa-  
2           cility that has been designated as a Health  
3           Professional Shortage Area facility by the  
4           Secretary of Health and Human Services  
5           as defined in section 332 of the Public  
6           Health Service Act (42 U.S.C. 254e).

7           “(2) FEE COLLECTION.—A fee imposed by the  
8           Secretary of Homeland Security pursuant to para-  
9           graph (1) shall be collected by the Secretary as a  
10          condition of approval of an application for adjust-  
11          ment of status by the beneficiary of a petition or by  
12          the Secretary of State as a condition of issuance of  
13          a visa to such beneficiary.”.

14          (b) CAPITATION GRANTS TO INCREASE THE NUM-  
15          BER OF NURSING FACULTY AND STUDENTS; DOMESTIC  
16          NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII  
17          of the Public Health Service Act (42 U.S.C. 296p et seq.)  
18          is amended by adding at the end the following:

19          “**SEC. 832. CAPITATION GRANTS.**

20                 “(a) IN GENERAL.—For the purpose described in  
21          subsection (b), the Secretary, acting through the Health  
22          Resources and Services Administration, shall award a  
23          grant each fiscal year in an amount determined in accord-  
24          ance with subsection (c) to each eligible school of nursing

1 that submits an application in accordance with this sec-  
2 tion.

3 “(b) PURPOSE.—A funding agreement for a grant  
4 under this section is that the eligible school of nursing  
5 involved will expend the grant to increase the number of  
6 nursing faculty and students at the school, including by  
7 hiring new faculty, retaining current faculty, purchasing  
8 educational equipment and audiovisual laboratories, en-  
9 hancing clinical laboratories, repairing and expanding in-  
10 frastructure, or recruiting students.

11 “(c) GRANT COMPUTATION.—

12 “(1) AMOUNT PER STUDENT.—Subject to para-  
13 graph (2), the amount of a grant to an eligible  
14 school of nursing under this section for a fiscal year  
15 shall be the total of the following:

16 “(A) \$1,800 for each full-time or part-time  
17 student who is enrolled at the school in a grad-  
18 uate program in nursing that—

19 “(i) leads to a master’s degree, a doc-  
20 toral degree, or an equivalent degree; and

21 “(ii) prepares individuals to serve as  
22 faculty through additional course work in  
23 education and ensuring competency in an  
24 advanced practice area.

1           “(B) \$1,405 for each full-time or part-time  
2 student who—

3           “(i) is enrolled at the school in a pro-  
4 gram in nursing leading to a bachelor of  
5 science degree, a bachelor of nursing de-  
6 gree, a graduate degree in nursing if such  
7 program does not meet the requirements of  
8 subparagraph (A), or an equivalent degree;  
9 and

10           “(ii) has not more than 3 years of  
11 academic credits remaining in the pro-  
12 gram.

13           “(C) \$966 for each full-time or part-time  
14 student who is enrolled at the school in a pro-  
15 gram in nursing leading to an associate degree  
16 in nursing or an equivalent degree.

17           “(2) LIMITATION.—In calculating the amount  
18 of a grant to a school under paragraph (1), the Sec-  
19 retary may not make a payment with respect to a  
20 particular student—

21           “(A) for more than 2 fiscal years in the  
22 case of a student described in paragraph (1)(A)  
23 who is enrolled in a graduate program in nurs-  
24 ing leading to a master’s degree or an equiva-  
25 lent degree;

1           “(B) for more than 4 fiscal years in the  
2           case of a student described in paragraph (1)(A)  
3           who is enrolled in a graduate program in nurs-  
4           ing leading to a doctoral degree or an equiva-  
5           lent degree;

6           “(C) for more than 3 fiscal years in the  
7           case of a student described in paragraph  
8           (1)(B); or

9           “(D) for more than 2 fiscal years in the  
10          case of a student described in paragraph  
11          (1)(C).

12          “(d) ELIGIBILITY.—In this section, the term ‘eligible  
13 school of nursing’ means a school of nursing that—

14           “(1) is accredited by a nursing accrediting  
15           agency recognized by the Secretary of Education;

16           “(2) has a passage rate on the National Council  
17           Licensure Examination for Registered Nurses of not  
18           less than 80 percent for each of the 3 academic  
19           years preceding submission of the grant application;  
20           and

21           “(3) has a graduation rate (based on the num-  
22           ber of students in a class who graduate relative to,  
23           for a baccalaureate program, the number of students  
24           who were enrolled in the class at the beginning of  
25           junior year or, for an associate degree program, the

1 number of students who were enrolled in the class  
2 at the end of the first year) of not less than 80 per-  
3 cent for each of the 3 academic years preceding sub-  
4 mission of the grant application.

5 “(e) REQUIREMENTS.—The Secretary may award a  
6 grant under this section to an eligible school of nursing  
7 only if the school gives assurances satisfactory to the Sec-  
8 retary that, for each academic year for which the grant  
9 is awarded, the school will comply with the following:

10 “(1) The school will maintain a passage rate on  
11 the National Council Licensure Examination for  
12 Registered Nurses of not less than 80 percent.

13 “(2) The school will maintain a graduation rate  
14 (as described in subsection (d)(3)) of not less than  
15 80 percent.

16 “(3)(A) Subject to subparagraphs (B) and (C),  
17 the first-year enrollment of full-time nursing stu-  
18 dents in the school will exceed such enrollment for  
19 the preceding academic year by 5 percent or 5 stu-  
20 dents, whichever is greater.

21 “(B) Subparagraph (A) shall not apply to the  
22 first academic year for which a school receives a  
23 grant under this section.



1           “(C) With respect to any academic year, the  
2 Secretary may waive application of subparagraph  
3 (A) if—

4                   “(i) the physical facilities at the school in-  
5 volved limit the school from enrolling additional  
6 students; or

7                   “(ii) the school has increased enrollment in  
8 the school (as described in subparagraph (A))  
9 for each of the 2 preceding academic years.

10           “(4) Not later than 1 year after receiving a  
11 grant under this section, the school will formulate  
12 and implement a plan to accomplish at least 2 of the  
13 following:

14                   “(A) Establishing or significantly expand-  
15 ing an accelerated baccalaureate degree nursing  
16 program designed to graduate new nurses in 12  
17 to 18 months.

18                   “(B)           Establishing           cooperative  
19 intradisciplinary education among schools of  
20 nursing with a view toward shared use of tech-  
21 nological resources, including information tech-  
22 nology.

23                   “(C) Establishing cooperative interdiscipli-  
24 nary training between schools of nursing and  
25 schools of allied health, medicine, dentistry, os-

1           teopathy, optometry, podiatry, pharmacy, public  
2           health, or veterinary medicine, including train-  
3           ing for the use of the interdisciplinary team ap-  
4           proach to the delivery of health services.

5           “(D) Integrating core competencies on evi-  
6           dence-based practice, quality improvements, and  
7           patient-centered care.

8           “(E) Increasing admissions, enrollment,  
9           and retention of qualified individuals who are  
10          financially disadvantaged.

11          “(F) Increasing enrollment of minority and  
12          diverse student populations.

13          “(G) Increasing enrollment of new grad-  
14          uate baccalaureate nursing students in graduate  
15          programs that educate nurse faculty members.

16          “(H) Developing post-baccalaureate resi-  
17          dency programs to prepare nurses for practice  
18          in specialty areas where nursing shortages are  
19          most severe.

20          “(I) Increasing integration of geriatric con-  
21          tent into the core curriculum.

22          “(J) Partnering with economically dis-  
23          advantaged communities to provide nursing  
24          education.

1           “(K) Expanding the ability of nurse man-  
2           aged health centers to provide clinical education  
3           training sites to nursing students.

4           “(5) The school will submit an annual report to  
5           the Secretary that includes updated information on  
6           the school with respect to student enrollment, stu-  
7           dent retention, graduation rates, passage rates on  
8           the National Council Licensure Examination for  
9           Registered Nurses, the number of graduates em-  
10          ployed as nursing faculty or nursing care providers  
11          within 12 months of graduation, and the number of  
12          students who are accepted into graduate programs  
13          for further nursing education.

14          “(6) The school will allow the Secretary to  
15          make on-site inspections, and will comply with the  
16          Secretary’s requests for information, to determine  
17          the extent to which the school is complying with the  
18          requirements of this section.

19          “(f) REPORTS TO CONGRESS.—The Secretary shall  
20          evaluate the results of grants under this section and sub-  
21          mit to Congress—

22                 “(1) not later than 18 months after the date of  
23                 the enactment of this section, an interim report on  
24                 such results; and

1           “(2) not later than September 30, 2010, a final  
2           report on such results.

3           “(g) APPLICATION.—An eligible school of nursing  
4           seeking a grant under this section shall submit an applica-  
5           tion to the Secretary at such time, in such manner, and  
6           containing such information and assurances as the Sec-  
7           retary may require.

8           “(h) AUTHORIZATION OF APPROPRIATIONS.—In ad-  
9           dition to the amounts in the Domestic Nursing Enhance-  
10          ment Account, established under section 833, there are  
11          authorized to be appropriated such sums as may be nec-  
12          essary to carry out this section.

13          **“SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.**

14          “(a) ESTABLISHMENT.—There is established in the  
15          general fund of the Treasury a separate account which  
16          shall be known as the ‘Domestic Nursing Enhancement  
17          Account.’ Notwithstanding any other provision of law,  
18          there shall be deposited as offsetting receipts into the ac-  
19          count all fees collected under section 106(f) of the Amer-  
20          ican Competitiveness in the Twenty-first Century Act of  
21          2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing  
22          in this subsection shall prohibit the depositing of other  
23          moneys into the account established under this section.

24          “(b) USE OF FUNDS.—Amounts collected under sec-  
25          tion 106(f) of the American Competitiveness in the Twen-

1 ty-first Century Act of 2000, and deposited into the ac-  
2 count established under subsection (a) shall be used by  
3 the Secretary of Health and Human Services to carry out  
4 section 832. Such amounts shall be available for obligation  
5 only to the extent, and in the amount, provided in advance  
6 in appropriations Acts. Such amounts are authorized to  
7 remain available until expended.”.

8 (c) GLOBAL HEALTH CARE COOPERATION.—

9 (1) IN GENERAL.—Title III of the Immigration  
10 and Nationality Act (8 U.S.C. 1401 et seq.) is  
11 amended by inserting after section 317 the fol-  
12 lowing:

13 **“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING**  
14 **HEALTH CARE IN DEVELOPING COUNTRIES.**

15 “(a) IN GENERAL.—Notwithstanding any other pro-  
16 vision of this Act, the Secretary of Homeland Security  
17 shall allow an eligible alien and the spouse or child of such  
18 alien to reside in a candidate country during the period  
19 that the eligible alien is working as a physician or other  
20 health care worker in a candidate country. During such  
21 period the eligible alien and such spouse or child shall be  
22 considered—

23 “(1) to be physically present and residing in the  
24 United States for purposes of naturalization under  
25 section 316(a); and

1           “(2) to meet the continuous residency require-  
2           ments under section 316(b).

3           “(b) DEFINITIONS.—In this section:

4           “(1) CANDIDATE COUNTRY.—The term ‘can-  
5           didate country’ means a country that the Secretary  
6           of State determines to be—

7                   “(A) eligible for assistance from the Inter-  
8                   national Development Association, in which the  
9                   per capita income of the country is equal to or  
10                  less than the historical ceiling of the Inter-  
11                  national Development Association for the appli-  
12                  cable fiscal year, as defined by the International  
13                  Bank for Reconstruction and Development;

14                  “(B) classified as a lower middle income  
15                  country in the then most recent edition of the  
16                  World Development Report for Reconstruction  
17                  and Development published by the International  
18                  Bank for Reconstruction and Development and  
19                  having an income greater than the historical  
20                  ceiling for International Development Associa-  
21                  tion eligibility for the applicable fiscal year; or

22                  “(C) qualified to be a candidate country  
23                  due to special circumstances, including natural  
24                  disasters or public health emergencies.

1           “(2) ELIGIBLE ALIEN.—The term ‘eligible  
2 alien’ means an alien who—

3           “(A) has been lawfully admitted to the  
4 United States for permanent residence; and

5           “(B) is a physician or other healthcare  
6 worker.

7           “(c) CONSULTATION.—The Secretary of Homeland  
8 Security shall consult with the Secretary of State in car-  
9 rying out this section.

10          “(d) PUBLICATION.—The Secretary of State shall  
11 publish—

12           “(1) not later than 180 days after the date of  
13 the enactment of this section, a list of candidate  
14 countries;

15           “(2) an updated version of the list required by  
16 paragraph (1) not less often than once each year;  
17 and

18           “(3) an amendment to the list required by  
19 paragraph (1) at the time any country qualifies as  
20 a candidate country due to special circumstances  
21 under subsection (b)(1)(C).”.

22           (2) RULEMAKING.—

23           (A) REQUIREMENT.—Not later than 180  
24 days after the date of the enactment of this  
25 Act, the Secretary of Homeland Security shall

1 promulgate regulations to carry out the amend-  
2 ments made by this subsection.

3 (B) CONTENT.—The regulations promul-  
4 gated pursuant to paragraph (1) shall—

5 (i) permit an eligible alien (as defined  
6 in section 317A of the Immigration and  
7 Nationality Act, as added by paragraph  
8 (1)) and the spouse or child of the eligible  
9 alien to reside in a foreign country to work  
10 as a physician or other healthcare worker  
11 as described in subsection (a) of such sec-  
12 tion 317A for not less than a 12-month pe-  
13 riod and not more than a 24-month period,  
14 and shall permit the Secretary to extend  
15 such period for an additional period not to  
16 exceed 12 months, if the Secretary deter-  
17 mines that such country has a continuing  
18 need for such a physician or other  
19 healthcare worker;

20 (ii) provide for the issuance of docu-  
21 ments by the Secretary to such eligible  
22 alien, and such spouse or child, if appro-  
23 priate, to demonstrate that such eligible  
24 alien, and such spouse or child, if appro-



1            appropriate, is authorized to reside in such  
2            country under such section 317A; and

3            (iii) provide for an expedited process  
4            through which the Secretary shall review  
5            applications for such an eligible alien to re-  
6            side in a foreign country pursuant to sub-  
7            section (a) of such section 317A if the Sec-  
8            retary of State determines a country is a  
9            candidate country pursuant to subsection  
10           (b)(1)(C) of such section 317A.

11           (3) TECHNICAL AND CONFORMING AMEND-  
12           MENTS.—

13           (A)                                 DEFINITION.—Section  
14           101(a)(13)(C)(ii) of the Immigration and Na-  
15           tionality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is  
16           amended by adding at the end the following:  
17           “except in the case of an eligible alien, or the  
18           spouse or child of such alien, who is authorized  
19           to be absent from the United States under sec-  
20           tion 317A.”.

21           (B) DOCUMENTARY REQUIREMENTS.—Sec-  
22           tion 211(b) of such Act (8 U.S.C. 1181(b)) is  
23           amended by inserting “, including an eligible  
24           alien authorized to reside in a foreign country  
25           under section 317A and the spouse or child of

1 such eligible alien, if appropriate,” after  
2 “101(a)(27)(A),”.

3 (C) INELIGIBLE ALIENS.—Section  
4 212(a)(7)(A)(i)(I) of such Act (8 U.S.C.  
5 1182(a)(7)(A)(i)(I)) is amended by inserting  
6 “other than an eligible alien authorized to re-  
7 side in a foreign country under section 317A  
8 and the spouse or child of such eligible alien, if  
9 appropriate,” after “Act,”.

10 (D) CLERICAL AMENDMENT.—The table of  
11 contents of such Act is amended by inserting  
12 after the item relating to section 317 the fol-  
13 lowing:

“Sec. 317A. Temporary absence of aliens providing health care in developing  
countries.”.

14 (4) AUTHORIZATION OF APPROPRIATIONS.—  
15 There are authorized to be appropriated to U.S.  
16 Citizenship and Immigration Services such sums as  
17 may be necessary to carry out this subsection and  
18 the amendments made by this subsection.

19 (d) ATTESTATION BY HEALTH CARE WORKERS.—

20 (1) ATTESTATION REQUIREMENT.—Section  
21 212(a)(5) of the Immigration and Nationality Act (8  
22 U.S.C. 1182(a)(5)) is amended by adding at the end  
23 the following:

1           “(E) HEALTH CARE WORKERS WITH  
2 OTHER OBLIGATIONS.—

3           “(i) IN GENERAL.—An alien who  
4 seeks to enter the United States for the  
5 purpose of performing labor as a physician  
6 or other health care worker is inadmissible  
7 unless the alien submits to the Secretary of  
8 Homeland Security or the Secretary of  
9 State, as appropriate, an attestation that  
10 the alien is not seeking to enter the United  
11 States for such purpose during any period  
12 in which the alien has an outstanding obli-  
13 gation to the government of the alien’s  
14 country of origin or the alien’s country of  
15 residence.

16           “(ii) OBLIGATION DEFINED.—In this  
17 subparagraph, the term ‘obligation’ means  
18 an obligation incurred as part of a valid,  
19 voluntary individual agreement in which  
20 the alien received financial assistance to  
21 defray the costs of education or training to  
22 qualify as a physician or other health care  
23 worker in consideration for a commitment  
24 to work as a physician or other health care

1 worker in the alien's country of origin or  
2 the alien's country of residence.

3 “(iii) WAIVER.—The Secretary of  
4 Homeland Security may waive a finding of  
5 inadmissibility under clause (i) if the Sec-  
6 retary determines that—

7 “(I) the obligation was incurred  
8 by coercion or other improper means;

9 “(II) the alien and the govern-  
10 ment of the country to which the alien  
11 has an outstanding obligation have  
12 reached a valid, voluntary agreement,  
13 pursuant to which the alien's obliga-  
14 tion has been deemed satisfied, or the  
15 alien has shown to the satisfaction of  
16 the Secretary that the alien has been  
17 unable to reach such an agreement  
18 because of coercion or other improper  
19 means; or

20 “(III) the obligation should not  
21 be enforced due to other extraordinary  
22 circumstances, including undue hard-  
23 ship that would be suffered by the  
24 alien in the absence of a waiver.”.

25 (2) EFFECTIVE DATE; APPLICATION.—

1           (A) EFFECTIVE DATE.—The amendment  
2           made by paragraph (1) shall take effect on the  
3           date that is 180 days after the date of the en-  
4           actment of this Act.

5           (B) APPLICATION BY THE SECRETARY.—  
6           Not later than the effective date described in  
7           subparagraph (A), the Secretary of Homeland  
8           Security shall begin to carry out subparagraph  
9           (E) of section 212(a)(5) of the Immigration  
10          and Nationality Act, as added by paragraph  
11          (1), including the requirement for the attesta-  
12          tion and the granting of a waiver described in  
13          clause (iii) of such subparagraph (E), regard-  
14          less of whether regulations to implement such  
15          subparagraph have been promulgated.

16 **SEC. 3. NURSE TRAINING AND RETENTION DEMONSTRATION GRANT ACT OF 2008.**  
17

18          (a) FINDINGS.—Congress makes the following find-  
19          ings:

20               (1) America’s healthcare system depends on an  
21               adequate supply of trained nurses to deliver quality  
22               patient care.

23               (2) Over the next 15 years, this shortage is ex-  
24               pected to grow significantly. The Health Resources  
25               and Services Administration has projected that by

1       2020, there will be a shortage of nurses in every  
2       State and that overall only 64 percent of the de-  
3       mand for nurses will be satisfied, with a shortage of  
4       1,016,900 nurses nationally.

5           (3) To avert such a shortage, today's network  
6       of healthcare workers should have access to edu-  
7       cation and support from their employers to partici-  
8       pate in educational and training opportunities.

9           (4) With the appropriate education and sup-  
10      port, incumbent healthcare workers and incumbent  
11      bedside nurses are untapped sources which can meet  
12      these needs and address the nursing shortage and  
13      provide quality care as the American population  
14      ages.

15      (b) PURPOSES OF GRANT PROGRAM.—It is the pur-  
16      pose of this section to authorize grants to—

17           (1) address the projected shortage of nurses by  
18      funding comprehensive programs to create a career  
19      ladder to nursing (including Certified Nurse Assist-  
20      ants, Licensed Practical Nurses, Licensed Vocational  
21      Nurses, and Registered Nurses) for incumbent ancil-  
22      lary healthcare workers;

23           (2) increase the capacity for educating nurses  
24      by increasing both nurse faculty and clinical oppor-  
25      tunities through collaborative programs between

1 staff nurse organizations, healthcare providers, and  
2 accredited schools of nursing; and

3 (3) provide training programs through edu-  
4 cation and training organizations jointly adminis-  
5 tered by healthcare providers and healthcare labor  
6 organizations or other organizations representing  
7 staff nurses and frontline healthcare workers, work-  
8 ing in collaboration with accredited schools of nurs-  
9 ing and academic institutions.

10 (c) GRANTS.—Not later than 6 months after the date  
11 of enactment of this Act, the Secretary of Labor (referred  
12 to in this section as the “Secretary”) shall establish a  
13 partnership grant program to award grants to eligible en-  
14 tities to carry out comprehensive programs to provide edu-  
15 cation to nurses and create a pipeline to nursing for in-  
16 cumbent ancillary healthcare workers who wish to advance  
17 their careers, and to otherwise carry out the purposes of  
18 this section.

19 (d) ELIGIBLE ENTITIES.—To be eligible to receive a  
20 grant under this section an entity shall—

21 (1) be—

22 (A) a healthcare entity that is jointly ad-  
23 ministered by a healthcare employer and a labor  
24 union representing the healthcare employees of  
25 the employer and that carries out activities

1 using labor management training funds as pro-  
2 vided for under section 302 of the Labor-Man-  
3 agement Relations Act, 1947 (18 U.S.C.  
4 186(c)(6));

5 (B) an entity that operates a training pro-  
6 gram that is jointly administered by—

7 (i) one or more healthcare providers  
8 or facilities, or a trade association of  
9 healthcare providers; and

10 (ii) one or more organizations which  
11 represent the interests of direct care  
12 healthcare workers or staff nurses and in  
13 which the direct care healthcare workers or  
14 staff nurses have direct input as to the  
15 leadership of the organization; or

16 (C) a State training partnership program  
17 that consists of non-profit organizations that  
18 include equal participation from industry, in-  
19 cluding public or private employers, and labor  
20 organizations including joint labor-management  
21 training programs, and which may include rep-  
22 resentatives from local governments, worker in-  
23 vestment agency one-stop career centers, com-  
24 munity based organizations, community col-  
25 leges, and accredited schools of nursing; and



1           (2) submit to the Secretary an application at  
2           such time, in such manner, and containing such in-  
3           formation as the Secretary may require.

4           (e) ADDITIONAL REQUIREMENTS FOR HEALTHCARE  
5 EMPLOYER DESCRIBED IN SUBSECTION (d).—To be eligi-  
6 ble for a grant under this section, a healthcare employer  
7 described in subsection (d) shall demonstrate—

8           (1) an established program within their facility  
9           to encourage the retention of existing nurses;

10          (2) it provides wages and benefits to its nurses  
11          that are competitive for its market or that have been  
12          collectively bargained with a labor organization; and

13          (3) support for programs funded under this sec-  
14          tion through 1 or more of the following:

15               (A) The provision of paid leave time and  
16               continued health coverage to incumbent  
17               healthcare workers to allow their participation  
18               in nursing career ladder programs, including  
19               Certified Nurse Assistants, Licensed Practical  
20               Nurses, Licensed Vocational Nurses, and Reg-  
21               istered Nurses.

22               (B) Contributions to a joint labor-manage-  
23               ment or other jointly administered training  
24               fund which administers the program involved.

1           (C) The provision of paid release time, in-  
2           centive compensation, or continued health cov-  
3           erage to staff nurses who desire to work full- or  
4           part-time in a faculty position.

5           (D) The provision of paid release time for  
6           staff nurses to enable them to obtain a bachelor  
7           of science in nursing degree, other advanced  
8           nursing degrees, specialty training, or certifi-  
9           cation program.

10          (E) The payment of tuition assistance to  
11          incumbent healthcare workers.

12          (f) OTHER REQUIREMENTS.—

13           (1) MATCHING REQUIREMENT.—

14           (A) IN GENERAL.—The Secretary may not  
15           make a grant under this section unless the ap-  
16           plicant involved agrees, with respect to the costs  
17           to be incurred by the applicant in carrying out  
18           the program under the grant, to make available  
19           non-Federal contributions (in cash or in kind  
20           under subparagraph (B)) toward such costs in  
21           an amount equal to not less than \$1 for each  
22           \$1 of Federal funds provided in the grant. Such  
23           contributions may be made directly or through  
24           donations from public or private entities, or  
25           may be provided through the cash equivalent of

1           paid release time provided to incumbent worker  
2           students.

3                   (B) DETERMINATION OF AMOUNT OF NON-  
4           FEDERAL CONTRIBUTION.—Non-Federal con-  
5           tributions required in subparagraph (A) may be  
6           in cash or in kind (including paid release time),  
7           fairly evaluated, including equipment or services  
8           (and excluding indirect or overhead costs).

9                   (C) SUPPLEMENT, NOT SUPPLANT.—  
10          Funds made available under this section shall  
11          supplement, and not supplant, resources dedi-  
12          cated by an entity, or other Federal, State, or  
13          local funds available to carry out activities de-  
14          scribed in this section.

15                  (2) REQUIRED COLLABORATION.—Entities car-  
16          rying out or overseeing programs carried out with  
17          assistance provided under this section shall dem-  
18          onstrate collaboration with accredited schools of  
19          nursing which may include community colleges and  
20          other academic institutions providing associate,  
21          bachelor's, or advanced nursing degree programs or  
22          specialty training or certification programs.

23                  (g) ACTIVITIES.—Amounts awarded to an entity  
24          under a grant under this section shall be used for the fol-  
25          lowing:

1           (1) To carry out programs that provide edu-  
2           cation and training to establish nursing career lad-  
3           ders to educate incumbent healthcare workers to be-  
4           come nurses (including Certified Nurse Assistants,  
5           Licensed Practical Nurses, Licensed Vocational  
6           Nurses, and Registered Nurses). Such programs  
7           shall include one or more of the following:

8                   (A) Preparing incumbent workers to return  
9                   to the classroom through English as a second  
10                  language education, GED education, precollege  
11                  counseling, college preparation classes, and sup-  
12                  port with entry level college classes that are a  
13                  prerequisite to nursing.

14                  (B) Providing tuition assistance with pref-  
15                  erence for dedicated cohort classes in commu-  
16                  nity colleges, universities, accredited schools of  
17                  nursing with supportive services including tu-  
18                  toring and counseling.

19                  (C) Providing assistance in preparing for  
20                  and meeting all nursing licensure tests and re-  
21                  quirements.

22                  (D) Carrying out orientation and  
23                  mentorship programs that assist newly grad-  
24                  uated nurses in adjusting to working at the  
25                  bedside to ensure their retention post gradua-

1           tion, and ongoing programs to support nurse  
2           retention.

3           (E) Providing stipends for release time and  
4           continued healthcare coverage to enable incum-  
5           bent healthcare workers to participate in these  
6           programs.

7           (2) To carry out programs that assist nurses in  
8           obtaining advanced degrees and completing specialty  
9           training or certification programs and to establish  
10          incentives for nurses to assume nurse faculty posi-  
11          tions on a part-time or full-time basis. Such pro-  
12          grams shall include one or more of the following:

13           (A) Increasing the pool of nurses with ad-  
14           vanced degrees who are interested in teaching  
15           by funding programs that enable incumbent  
16           nurses to return to school.

17           (B) Establishing incentives for advanced  
18           degree bedside nurses who wish to teach in  
19           nursing programs so they can obtain a leave  
20           from their bedside position to assume a full- or  
21           part-time position as adjunct or full time fac-  
22           ulty without the loss of salary or benefits.

23           (C) Collaboration with accredited schools  
24           of nursing which may include community col-  
25           leges and other academic institutions providing

1           associate, bachelor's, or advanced nursing de-  
2           gree programs, or specialty training or certifi-  
3           cation programs, for nurses to carry out innova-  
4           tive nursing programs which meet the needs of  
5           bedside nursing and healthcare providers.

6           (h) PREFERENCE.—In awarding grants under this  
7 section the Secretary shall give preference to programs  
8 that—

9           (1) provide for improving nurse retention;

10          (2) provide for improving the diversity of the  
11 new nurse graduates to reflect changes in the demo-  
12 graphics of the patient population;

13          (3) provide for improving the quality of nursing  
14 education to improve patient care and safety;

15          (4) have demonstrated success in upgrading in-  
16 cumbent healthcare workers to become nurses or  
17 which have established effective programs or pilots  
18 to increase nurse faculty; or

19          (5) are modeled after or affiliated with such  
20 programs described in paragraph (4).

21           (i) EVALUATION.—

22           (1) PROGRAM EVALUATIONS.—An entity that  
23 receives a grant under this section shall annually  
24 evaluate, and submit to the Secretary a report on,  
25 the activities carried out under the grant and the

1 outcomes of such activities. Such outcomes may in-  
2 clude—

3 (A) an increased number of incumbent  
4 workers entering an accredited school of nurs-  
5 ing and in the pipeline for nursing programs;

6 (B) an increasing number of graduating  
7 nurses and improved nurse graduation and li-  
8 censure rates;

9 (C) improved nurse retention;

10 (D) an increase in the number of staff  
11 nurses at the healthcare facility involved;

12 (E) an increase in the number of nurses  
13 with advanced degrees in nursing;

14 (F) an increase in the number of nurse  
15 faculty;

16 (G) improved measures of patient quality  
17 as determined by the Secretary; and

18 (H) an increase in the diversity of new  
19 nurse graduates relative to the patient popu-  
20 lation.

21 (2) GENERAL REPORT.—Not later than Sep-  
22 tember 30, 2011, the Secretary of Labor shall, using  
23 data and information from the reports received  
24 under paragraph (1), submit to Congress a report

1       concerning the overall effectiveness of the grant pro-  
2       gram carried out under this section.

3       (j) AUTHORIZATION OF APPROPRIATIONS.—There  
4       are authorized to be appropriated to carry out this section  
5       for fiscal years 2010, 2011, and 2012, such sums as may  
6       be necessary. Funds appropriated under this subsection  
7       shall remain available until expended without fiscal year  
8       limitation.

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