

Public Law 92-158

AN ACT

To amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses.

November 18, 1971
[H. R. 8630]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nurse Training
Act of 1971.

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Nurse Training Act of 1971".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

58 Stat. 682.
42 USC 201
note.

CONSTRUCTION GRANTS

SEC. 2. (a) AUTHORIZATION LEVEL.—Section 801 (42 U.S.C. 296(a)) is amended to read as follows:

82 Stat. 780.

"AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

"SEC. 801. There are authorized to be appropriated for grants to assist in the construction of new facilities for collegiate, associate degree, or diploma schools of nursing, and for grants to assist in the replacement or rehabilitation of existing facilities for such schools, \$35,000,000 for the fiscal year ending June 30, 1972, \$40,000,000 for the fiscal year ending June 30, 1973, and \$45,000,000 for the fiscal year ending June 30, 1974."

(b) FEDERAL SHARE.—

(1) Clause (A) of section 803(a) (42 U.S.C. 296b(a)) is amended (A) by inserting "(i)" immediately before "for a project" the first time it appears, (B) by striking out "and in the case of a grant" and inserting in lieu thereof "(ii)", (C) by inserting "and (iii) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment," immediately before "such amount", and (D) by striking out "66% per centum" and inserting in lieu thereof "75 per centum".

78 Stat. 911.

(2) Clause (B) of such section is amended (A) by striking out "66% per centum" and inserting in lieu thereof "75 per centum" and (B) by striking out "50 per centum" and inserting in lieu thereof "67 per centum".

(c) LOAN GUARANTEES.—Part A of this title VIII is amended by adding after section 808 (42 U.S.C. 296g) the following new section:

82 Stat. 783.

"LOAN GUARANTEES AND INTEREST SUBSIDIES

"SEC. 809. (a) In order to assist nonprofit private schools of nursing to carry out construction projects for training facilities, the Secretary may, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, guarantee (in accordance with this section and subject to subsection (f)) to non-Federal lenders making loans to such schools for such construction projects payment when due of the principal of and interest on any loan for construction of such facilities if the loan was made to a school which is eligible (as determined under regulations of the Secretary) for a grant under this part to assist a construction project for such facilities. The Secretary may make commit-

Nonprofit private nursing schools.

ments, on behalf of the United States, to make such loan guarantees prior to the making of such loans. No such loan guarantee (1) may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to any amount which, when added to any grant for construction under this part or any other law of the United States, exceeds 90 per centum of the cost of construction of the project, or (2) may apply to more than 90 per centum of the loss of principal of and interest on the loan.

“(b) In the case of any nonprofit private school of nursing which is eligible (as determined under regulations of the Secretary) for a grant under this part to assist a construction project for training facilities, and to whom a loan has been made by a non-Federal lender to assist it in carrying out such project, the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may, subject to subsection (f), pay to the holder of such loan (and for and on behalf of the school which received such loan) amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan.

Application.

“(c) A loan guarantee or interest subsidy payment may be made under this section only upon an application (submitted in such manner and containing such information as the Secretary may by regulations require) approved by the Secretary. The Secretary may not approve an application for a loan guarantee or interest subsidy payment unless he determines that the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Secretary may not approve an application for a loan guarantee, unless he determines that the loan would not be available on reasonable terms and conditions without the guarantee under this section.

Recovery right.

“(d) (1) The United States shall be entitled to recover from any school of nursing for whom a loan guarantee was made under this section the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery; and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

“(2) To the extent permitted by paragraph (3), any terms and conditions applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

“(3) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

Fund.

“(e) There is established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this subsection referred to as the ‘fund’) which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (1) to enable him to discharge his responsibilities under guarantees issued by him under this section, and (2) for interest subsidy payments authorized by this section. There are authorized to be appropriated from time to time such amounts as

Appropriation.

may be necessary to provide the sums required for the fund; except that the amount appropriated for interest subsidy payments may not exceed \$1,000,000 in the fiscal year ending June 30, 1972, \$2,000,000 in the fiscal year ending June 30, 1973, and \$4,000,000 in the fiscal year ending June 30, 1974. There shall also be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets. If at any time the sums in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or to make interest subsidy payments authorized by this section, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued hereunder and for that purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which the securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from the fund.

40 Stat. 288,
506.
31 USC 774.

“(f) (1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

Limitations.

“(2) In any fiscal year no loan guarantee may be made under subsection (a) and no agreement to make interest subsidy payments may be entered into under subsection (b) if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

“(A) the principal of the loans guaranteed under subsection (a) in such fiscal year, and

“(B) the principal of the loans for which no guarantee has been made under subsection (a) and with respect to which an agreement to make interest subsidy payments is entered into under subsection (b) in such fiscal year,

to exceed the amount of grant funds obligated under this part in such fiscal year for construction grants; except that this paragraph shall not apply if the amount of grant funds so obligated in such fiscal year equals the sums appropriated for such fiscal year under section 801.

Ante, p. 465.
Administrative
assistance.

“(g) The Secretary, with the consent of the Secretary of Housing and Urban Development, may obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this section as will promote efficiency and economy thereof.”

(d) INTERIM FACILITIES.—

(1) Section 843(i) (42 U.S.C. 298b(i)) is amended by adding

78 Stat. 918.

at the end the following: "For purposes of this paragraph, the term 'buildings' includes interim facilities."

"Interim facilities."
78 Stat. 918.

(2) Section 843 (42 U.S.C. 298b) is amended by adding at the end thereof the following new paragraph:

"(j) The term 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than ten years) basis while facilities of a more permanent nature are being planned and constructed."

78 Stat. 909,
911.

(3) Sections 802(b) (2) (A) and 804 (42 U.S.C. 296a (b) (2) (A), 296c) are each amended by inserting "(or in the case of interim facilities, within such shorter period as the Secretary shall by regulation prescribe)" immediately after "twenty years".

(e) TECHNICAL AMENDMENTS.—

(1) Section 802(a) (42 U.S.C. 296a(a)) is amended to read as follows:

"(a) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under this part for any fiscal year must be filed."

(2) Section 802 (b) (3) (B) (42 U.S.C. 296a (b)) is amended to read as follows: "(B) in the case of an application for a grant to assist in the replacement or rehabilitation of existing facilities, such application is for aid in construction which will replace or rehabilitate facilities of, or used by, an existing school of nursing, which facilities either are so obsolete as to require the school to curtail substantially either its enrollment or the quality of the training provided or are required to meet an increase in student enrollment;"

(f) ENROLLMENT INCREASE; WAIVER.—

(1) Effective in the case of grants made after the date of enactment of this Act, section 802 (b) (2) (D) (42 U.S.C. 296a (b) (2) (D)) is amended by inserting immediately before the semicolon at the end thereof the following: ", and the requirements of this clause (D) shall be in addition to the requirements of section 806 (e) of this Act, where applicable".

Post, p. 470.

(2) Section 802 (b) (42 U.S.C. 296a (b)) is amended by adding at the end thereof the following new sentence: "If a school of nursing applies for a grant in a fiscal year for a construction project to expand its training capacity and if under paragraph (2) of subsection (e) of section 806 such school is not required to meet in such fiscal year the enrollment increase prescribed by such subsection because of limitations of physical facilities, the Secretary, after consultation with the National Advisory Council on Nurse Training, may waive (in whole or in part) the enrollment increase prescribed by paragraph (2) (D) of this subsection if the application for such construction project contains or is supported by reasonable assurances satisfactory to the Secretary that the number of first-year students enrolled at such school during the first full school year after the completion of such project and for each of the next nine school years thereafter will be not less than the number of first-year students that such school would be required to enroll under section 806 (e) (without regard to paragraph (2) thereof) for a grant under section 806 (a)."

SPECIAL PROJECT GRANTS AND CONTRACTS; FINANCIAL DISTRESS
GRANTS

SEC. 3. (a) AUTHORIZATION LEVEL.—Section 808 (42 U.S.C. 296g) is amended to read as follows:

82 Stat. 783.

“SEC. 808. For payments under grants and contracts under section 805(a) there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1972; \$28,000,000 for the fiscal year ending June 30, 1973; and \$35,000,000 for the fiscal year ending June 30, 1974. There are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1972, \$10,000,000 for the fiscal year ending June 30, 1973, and \$5,000,000 for the fiscal year ending June 30, 1974, to make grants under section 805(b), and, to the extent that sums appropriated under this sentence are not used for such grants, for grants under section 805(a).”

Infra.

(b) ASSISTANCE AUTHORIZED.—Effective with respect to appropriations made under section 808 of the Public Health Service Act (42 U.S.C. 296g) for fiscal years beginning after June 30, 1971, section 805 (42 U.S.C. 296d) is amended to read as follows:

82 Stat. 781.

“SPECIAL PROJECT GRANTS AND CONTRACTS; FINANCIAL DISTRESS
GRANTS

“SEC. 805. (a) From appropriations under section 808 the Secretary may make grants to public and other non-profit private schools of nursing and other public or non-profit private agencies, organizations and institutions, and enter into contracts with any public or private agencies, organizations, or institutions, to meet the costs of special projects to—

“(1) assist in—

“(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

“(B) other cooperative arrangements among hospitals and academic institutions,

leading to the establishment of nurse training programs;

“(2) develop training programs, and train, for new roles, types, or levels of nursing personnel, including programs for the training of pediatric nurse practitioners or other types of nurse practitioners;

“(3) develop programs for cooperative interdisciplinary training among schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the team approach to the delivery of health services;

“(4) assist in increasing the supply, or improving the distribution, of adequately trained nursing personnel or to promote the full utilization of nursing skills;

“(5) effect significant improvements in the curriculums of schools of nursing;

“(6) research, develop, or demonstrate advances in the various fields related to education in nursing;

“(7) plan, develop, or establish new programs or modifications of existing programs of nursing education;

“(8) increase educational opportunities for disadvantaged students;

“(9) provide continuing education for nurses;

“(10) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(11) otherwise strengthen, improve or expand programs to train nursing personnel, or

"(12) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

Ante, p. 469.

"(b) The Secretary may also make grants from appropriations under section 808 to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(c) An application for a grant under subsection (b) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (b).

"(d) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance (including assistance under this section which may be provided without regard to section 807) to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs."

Federal medical facilities, utilization.

82 Stat. 782.
42 USC 296f.

INSTITUTIONAL SUPPORT

SEC. 4. (a) CAPITATION GRANTS.—Effective with respect to appropriations for fiscal years beginning after June 30, 1971, section 806 (42 U.S.C. 296e) is amended to read as follows:

82 Stat. 781.

"CAPITATION GRANTS

"SEC. 806. (a) GRANT COMPUTATION.—The Secretary shall make annual grants to schools of nursing for the support of the education programs of such schools. The amount of the annual grant to each such school with an approved application shall be computed as follows:

"(1) Each such school shall receive—

“(A) \$250 for each full-time student enrolled in such school in such year (other than a student who will graduate from such school in such year);

“(B) \$500 for each full-time student enrolled in such school who will graduate in such year; and

“(C) \$100 for each enrollment bonus student (as determined under subsection (d)) enrolled in such school in such year; and

“(2) Each such school which has a training program for the training of nurse midwives, family health nurses, pediatric nurse practitioners, or similar nurse practitioners shall receive—

“(A) \$250 for each full-time student enrolled in such program in such year (other than a student who will complete the training provided under such program in such year); and

“(B) \$900 for each full-time student enrolled in such program who will complete the training provided under such program in such year.

“(b) **APPORTIONMENT OF APPROPRIATIONS.**—If the total of the grants to be made under subsection (a) for any fiscal year to schools with approved applications exceeds the amounts appropriated under subsection (i) for such grants, the amount of the grant for that fiscal year to each such school shall be an amount which bears the same ratio to the amount determined for the school for that fiscal year under subsection (a) as the total of the amounts appropriated under subsection (i) for that year bears to the amount required to make grants to each school in accordance with subsection (a).

“(c) **ENROLLMENT BONUS STUDENT DEFINED.**—For purposes of subsection (a), a full-time student enrolled for any school year in a school of nursing shall be considered to be an enrollment bonus student if—

“(1) he enrolled in such school as a first-year student for a school year beginning after June 30, 1971; and

“(2) the size of the class of first-year students which enrolled in such school for such school year met the applicable requirement of subsection (d) (1) (A) or (d) (2) (A), and the application of such school for a grant under this section for the fiscal year in which such school year began met the applicable requirement of subsection (d) (1) (B) or (d) (2) (B).

Any student who is considered to be an enrollment bonus student for the school year for which he enrolled as a first-year student in a school shall be considered to be an enrollment bonus student for each school year thereafter for which he is enrolled in such school (other than as a student enrolled in a training program described in subsection (a) (2)).

“(d) **CLASS SIZE AND APPLICATION REQUIREMENTS FOR GRANTS FOR BONUS ENROLLMENT STUDENTS.**—

“(1) **School year 1971-1972.**—If the school year for which a class enrolled as a class of first-year students in a school was the first school year beginning after June 30, 1971—

“(A) the number of students who enrolled in such class for such school year must exceed the number of first-year students who enrolled in such school for the preceding school year by 5 per centum of such number or by five students, whichever is greater; and

“(B) the application of such school for a grant under this section for the fiscal year ending June 30, 1972, contains or is supported by reasonable assurances that, for the first school year beginning after June 30, 1972 and for each school year

thereafter, the number of students enrolled in such school as a class of first-year students will not be less than a number equal to the sum of—

“(i) the minimum enrollment of first-year students required under subparagraph (A); and

“(ii) 5 per centum of the average of the first-year enrollment of full time students in such school for the two school years having the highest such enrollment during the five school years during the period of July 1, 1966, through June 30, 1971, or ten students, whichever is greater.

“(2) School years after school year 1971-1972.—If the school year for which a class enrolled as a class of first-year students in a school was any school year beginning after June 30, 1972—

“(A) the number of students who enrolled in such class for such school year—

“(i) if such school has not previously received a grant for bonus enrollment students, must be not less than the sum of (I) the minimum number of first-year students which such school is required pursuant to subsection (e) (or would be required pursuant to subsection (e) except for paragraph (2) thereof) to enroll for such school year, and (II) 5 per centum of that number or 5 students, whichever is greater; or

“(ii) if such school has previously qualified for a bonus enrollment grant under this section, must be not less than the sum of (I) the minimum number of students which such school was required, pursuant to paragraph (1) (B) or (2) (B) (as the case may be), to assure the Secretary would be enrolled for such school year, and (II) 5 per centum of that number or 5 students, whichever is greater; and

“(B) the application of such school for a grant under this section for the fiscal year in which such school year begins contains or is supported by reasonable assurances that, for the first school year beginning after the close of such fiscal year and for each fiscal year thereafter, the number of students enrolled in such school as a class of first year students will not be less than the minimum number of students such school was required under subparagraph (A) to enroll as first year students.

“(e) MAINTENANCE OF EFFORT AND ENROLLMENT INCREASE REQUIREMENTS.—

“(1) The Secretary shall not make a grant under this section to any school in a fiscal year beginning after June 30, 1971, unless the application for such grant contains or is supported by reasonable assurances satisfactory to the Secretary—

“(A) that for the first school year beginning after the close of the fiscal year in which such grant is made and for each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the average of the first-year enrollment of such students in such school for the two school years having the highest such enrollment during the five school years during the period July 1, 1966, through June 30, 1971, by at least 5 per centum of such average first-year enrollment, or by ten students, whichever is greater; and

“(B) that the applicant will expend in carrying out its function as a school of nursing, during the fiscal year for

which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the 3 fiscal years immediately preceding the fiscal year for which such grant is sought.

The requirements of subparagraph (A) shall be in addition to the requirements of section 802(b)(2)(D) of this Act, where applicable.

“(2) The Secretary is authorized to waive (in whole or in part) the provisions of paragraph (1)(A) if he determines, after consultation with the National Advisory Council on Nurse Training, that the required increase in first-year enrollment of full-time students in a school cannot, because of limitations of physical facilities available to the school for training or because of other relevant factors, be accomplished without lowering the quality of training provided therein.

“(f) PLAN REQUIREMENT.—

“(1) In the case of a school which has not received a grant under subsection (a) in a fiscal year beginning after June 30, 1971, an application by such school for such a grant for a fiscal year beginning after that date may not be approved by the Secretary unless the application contains or is accompanied by a plan to carry out, or establish and carry out, during the two-school year period commencing not later than the first day of the fiscal year next following the fiscal year in which the grant is made, specific projects in at least three of the following categories of projects:

“(A) Projects to assist in—

“(i) mergers between hospital training programs or between hospital training programs and academic institutions, or

“(ii) affiliation agreements with hospitals or academic institutions;

leading to the establishment of nurse training programs.

“(B) Projects to train for new roles, types, or levels of nursing personnel, including programs for the training of pediatric nurse practitioners or other types of nurse practitioners, in cooperation with appropriate academic institutions or hospitals.

“(C) Projects to establish cooperative intradisciplinary training among schools of nursing with a view toward establishment of interchangeable curriculum or shared use of resources.

“(D) Projects to establish cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the team approach to the delivery of health services.

“(E) Projects to assist in increasing the supply of adequately trained nursing personnel or to promote the full utilization of nursing skills.

“(F) Projects to effect significant improvements in the curricula of schools of nursing (including projects with a view toward the assumption of greater patient care responsibilities).

78 Stat. 909.
42 USC 296a.

Waiver.

“(G) Projects to provide in-service or other training and education to upgrade the skills of licensed vocational or licensed practical nurses, nursing assistants, and aides, and other paraprofessional nursing personnel.

“(H) Projects to increase admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged.

On-site inspections.

“(2) The Secretary may make on-site inspections of any school, or require the supplying of information or data from any school, receiving a grant under subsection (a) to determine the extent to which such school is carrying out the specific projects required to be included in the plan submitted by such school (pursuant to paragraph (1)) in connection with its application for such grant.

Reports to congressional committees.

“(3) The Secretary shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives two reports containing full and complete information as to the extent to which schools receiving grants under subsection (a) are carrying out the specific projects included in plans submitted by them pursuant to paragraph (1). The first such report shall be submitted not later than January 1, 1973, and the second such report shall be submitted not later than September 1, 1974.

82 Stat. 785.
42 USC 298c.

“(g) ENROLLMENT AND GRADUATION DETERMINATIONS.—

“(1) For purposes of this part and part D, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or the number of graduates, as the case may be, on the basis of estimates or on the basis of the number of students who were enrolled in a school, or in a particular year-class in a school, or were graduates, in an earlier year, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

“Full-time students.”

“(2) For purposes of this part and part D, the term ‘full-time students’ (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study in an accredited program in a school of nursing.

“(h) APPLICATIONS FOR NEW SCHOOLS.—In the case of a new school of nursing which applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subsection (a) shall be the number of full-time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) There are authorized to be appropriated \$78,000,000 for the fiscal year ending June 30, 1972, \$82,000,000 for the fiscal year ending June 30, 1973, and \$88,000,000 for the fiscal year ending June 30, 1974, for grants under this section.

“(2) No funds appropriated under any provision of this Act (other than this subsection) may be used to make grants under this section.”

Ante, p. 465.

(b) START-UP GRANTS.—Part A of title VIII is amended by adding after the section 809 of such title (added by section 2(c) of this Act) the following new section:

“START-UP GRANTS FOR NEW NURSE TRAINING PROGRAMS

“SEC. 810. (a) The Secretary may make grants to any public or non-profit private entity to assist in meeting the costs of planning, developing, or initiating new programs of nurse training. In considering applications for grants under this section, the Secretary shall take into account—

“(1) the number of students proposed to be enrolled in such program, and

“(2) the other resources available to such program.

“(b) The Secretary shall give special consideration to each application for grant assistance under this section for a new program of nurse training which contains or is reasonably supported by assurances that, because of the use that the program will make of existing facilities (including Federal medical facilities), it will be able to accelerate the date on which it will begin its teaching program.

“(c) The amount of any grant under this section shall be determined by the Secretary, but in no event may any grant exceed \$100,000 for any fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

“(d) There are authorized to be appropriated to carry out this section not to exceed \$4,000,000 for the fiscal year ending June 30, 1972, \$8,000,000 for the fiscal year ending June 30, 1973, and \$12,000,000 for the fiscal year ending June 30, 1974. Sums appropriated under this subsection shall remain available until expended.”

Appropriation.

(c) TECHNICAL AMENDMENTS.—

(1) Sections 807(a) and 807(c) (42 U.S.C. 296f(a), 296f(c)) are each amended by striking out “805 or 806” and inserting in lieu thereof “805, 806, or 810”.

82 Stat. 782.

(2) Section 807(c) (1) is amended by inserting “or 810” immediately after “805”.

(3) Section 807(c) is amended by striking out “this part” each place it appears in paragraphs (3) and (4) and inserting in lieu thereof “those sections”.

(4) Section 807(c) is further amended by striking out paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES

SEC. 5. Authorization of Appropriations for Advanced Traineeships.—Section 821(a) (42 U.S.C. 297(a)) is amended (1) by striking out “and” after “1970,” and (2) by inserting after “1971,” the following: “\$20,000,000 for the fiscal year ending June 30, 1972, \$22,000,000 for the fiscal year ending June 30, 1973, and \$24,000,000 for the fiscal year ending June 30, 1974.”

78 Stat. 913;
82 Stat. 783.

LOANS

SEC. 6. (a) LOAN CEILINGS.

(1) Effective with respect to academic years (or their equivalent as determined under regulations of the Secretary of Health, Education, and Welfare under section 823 of the Public Health Service Act (42 U.S.C. 297b) beginning after June 30, 1971, subsection (a) of such section is amended by striking out “\$1,500” and inserting in lieu thereof “\$2,500”.

(2) Section 823 (a) (42 U.S.C. 297b (a)) is amended by striking out “\$6,000” and inserting in lieu thereof “\$10,000”.

78 Stat. 914;
82 Stat. 784.

(b) LOAN REPAYMENT AND FORGIVENESS.

(1) (A) Section 823(b) (3) (42 U.S.C. 297b(c)) is amended to read as follows:

"(3) an amount up to 85 per centum of any such loan (plus interest thereon) shall be canceled for full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or non-profit private agency, institution, or organization (including neighborhood health centers), at the rate of 15 per centum of the amount of such loan (plus interest) unpaid on the first day of such service for each of the first, second, and third complete year of such service, and 20 per centum of such amount (plus interest) for each complete fourth and fifth year of such service;"

(B) Section 823 is amended by adding at the end thereof the following new subsection:

"(h) (1) In the case of any individual—

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

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

"(C) who enters into an agreement with the Secretary to serve as a nurse for a period of at least two years in an area in a State determined by the Secretary, after consultation with the appropriate State health authority (as determined by the Secretary by regulations), to have a shortage of and need for nurses;

the Secretary shall make payments in accordance with paragraph (2), for and on behalf of that individual, on the principal of and interest on any loan of that individual described in subparagraph (B) of this paragraph which is outstanding on the date the individual begins the service specified in the agreement described in subparagraph (C) of this paragraph.

"(2) The payments described in paragraph (1) shall be made by the Secretary as follows:

"(A) 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 paragraph (1), the Secretary shall pay 30 per centum of the principal of, and the interest on each loan of such individual described in paragraph (1) (B) which is outstanding on the date he began such practice.

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

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

"(3) Notwithstanding the requirement of completion of practice specified in paragraph (2), 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 engaged as described by paragraph (1) or paragraph (2) (C), and that the borrower will continue to be so engaged for the period required (in the absence of this paragraph) to entitle the borrower to have made the payments provided by this

Shortage area,
service agree-
ment.

subsection for such period; except that not more than 85 per centum of the principal of any such loan shall be paid pursuant to this paragraph.

“(4) A borrower who fails to fulfill an agreement with the Secretary entered into under paragraph (1) or assurances provided pursuant to paragraph (2) (C) shall be liable to reimburse the Secretary for any payments made pursuant to paragraph (2) (A) or paragraph (3) in consideration of such agreement.

Reimbursement.

(i) Notwithstanding the amendment made by section 6 (b) of the Nurse Training Act of 1971 to this section—

Ante, p. 475.

“(A) any person who obtained one or more loans from a loan fund established under this part, who before the date of the enactment of the Nurse Training Act of 1971 became eligible for cancellation of all or part of such loans (including accrued interest) under this section (as in effect on the day before such date), and who on such date was not engaged in a service for which loan cancellation was authorized under this section (as so in effect), may at any time elect to receive such cancellation in accordance with this subsection (as so in effect); and

“(B) in the case of any person who obtained one or more loans from a loan fund established under this part and who on such date was engaged in a service for which cancellation of all or part of such loans (including accrued interest) was authorized under this section (as so in effect), this section (as so in effect) shall continue to apply to such person for purposes of providing such loan cancellation until he terminates such service.

“Nothing in this subsection shall be construed to prevent any person from entering into an agreement for loan cancellation under subsection (h) (as amended by section 6 (b) (2) of the Nurse Training Act of 1971).”

(2) Part B of title VIII of such Act is amended by adding after section 829 thereof the following new section:

“SEC. 830. (a) Upon application by a person who received, and is under an obligation to repay, any loan made to such person as a nursing student, the Secretary may undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations establishing criteria therefor, that the applicant—

Loan forgiveness.

82 Stat. 785.
42 USC 297h.

“(1) failed to complete the nursing studies with respect to which such loan was made;

“(2) is in exceptionally needy circumstances;

“(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

“(4) has not resumed, or cannot reasonably be expected to resume, such nursing studies within two years following the date upon which the applicant terminated the studies with respect to which such loan was made.”

(c) AUTHORIZATION LEVEL.—Section 824 (42 U.S.C. 297c) is amended (1) by striking out “and \$21,000,000” and all that follows up to, and including, the word “education”, and inserting in lieu of the matter stricken the following: “\$21,000,000 for the fiscal year ending June 30, 1971, \$25,000,000 for the fiscal year ending June 30, 1972, \$30,000,000 for the fiscal year ending June 30, 1973, and \$35,000,000 for the fiscal year ending June 30, 1974, and such sums for the fiscal year ending June 30, 1975, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1974, to continue or complete their education”.

78 Stat. 915;
82 Stat. 784.

(d) TECHNICAL AMENDMENTS.—

Ante, p. 145.

(1) Section 826 (42 U.S.C. 297e) is amended by striking out "1975" each place it occurs and inserting in lieu thereof "1977".

(2) The first sentence of section 827(a) (1) (42 U.S.C. 297f) is amended by striking out "next four fiscal years" and inserting in lieu thereof "next six fiscal years".

82 Stat. 783.

(3) Section 822(b) (4) (42 U.S.C. 297a(b) (4)) is amended by striking out "1971" and inserting in lieu thereof "1974".

78 Stat. 913;
82 Stat. 784.

(e) EXPANSION OF ELIGIBILITY FOR LOANS.—Sections 822(b) (4) and 823(b) (1) and the part of section 823(b) (2) preceding clause (A) thereof (42 U.S.C. 297a(b) (4), 297b(b) (1), 297b(b) (2)) are each amended by striking out "full-time course of study" and inserting in lieu thereof "full-time or half-time course of study".

SCHOLARSHIP GRANTS

82 Stat. 786.

SEC. 7. Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act (42 U.S.C. 298c) for fiscal years beginning after June 30, 1971—

(1) subsection (b) of such section is amended to read as follows:

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1972, and for each of the next two fiscal years to each such school shall be equal to \$3,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974.";

Ante, p. 145.

(2) subsection (c) (1) of such section is amended (A) by striking out "1970, and the next two fiscal years" in clause (A) and inserting in lieu thereof "1972, and the next two fiscal years", (B) by striking out "1972" in clause (B) and inserting in lieu thereof "1974", and (C) by striking out "1973, and each of the three" in such clause and inserting in lieu thereof "1975, and each of the two";

(3) subsection (c) (2) of such section is further amended by striking out "\$1,500" and inserting in lieu thereof "\$2,000"; and

(4) subsection (c) (1) of such section is amended by inserting "or half-time" immediately after "full-time" each place it occurs.

GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF
EDUCATIONAL TALENT FOR THE NURSING PROFESSION80 Stat. 1239.
42 USC 298c-7.

SEC. 8. Section 868 of the Public Health Service Act (together with the heading thereto) is amended to read as follows:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF
EDUCATIONAL TALENT FOR THE NURSING PROFESSION

"SEC. 868. (a) To assist in meeting the need for additional professional personnel in the nursing professions, the Secretary is authorized to make grants to public or nonprofit health or educational entities or enter into contracts with such entities not to exceed \$100,000 per year per contract (without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)) for the purpose of—

“(1) identifying individuals with a potential for education or training in the nursing profession (including veterans of the Armed Forces of the United States with training or experience in the health field, and individuals who due to socioeconomic factors are financially or otherwise disadvantaged) and encouraging and assisting them (A) to enroll in a school of nursing which is accredited as defined in section 843(f); or (B) if they are not qualified to enroll in such a school to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school;

78 Stat. 918;
82 Stat. 783, 787.
42 USC 298b.

“(2) publicizing especially to licensed vocational nurses existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

“(3) establishing such programs as the Secretary determines will enhance and facilitate the enrollment, pursuit, and completion of study by individuals referred to in clause (1) in such schools.

“(b) For the purposes of carrying out the provisions of this section, there is authorized to be appropriated \$3,500,000 for the fiscal year ending June 30, 1972; \$5,000,000 for the fiscal year ending June 30, 1973; and \$6,500,000 for the fiscal year ending June 30, 1974.”

Appropriation.

ADVISORY COUNCIL

SEC. 9. Section 841(a)(1) (42 U.S.C. 298(a)(1)) is amended—

78 Stat. 917.

(1) by striking out “sixteen members” in the first sentence and inserting in lieu thereof “nineteen members”;

(2) by striking out “Four” in the second sentence and inserting in lieu thereof “Three of the appointed members shall be selected from full-time students enrolled in schools of nursing, four”; and

(3) by adding at the end thereof the following: “The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council.”

ADVANCE FUNDING

SEC. 10. Part C of title VIII of the Public Health Service Act is amended by adding after section 843 the following new section:

“ADVANCE FUNDING

“SEC. 844. Any appropriation Act which appropriates funds for any fiscal year for grants, contracts, or other payments under this title may also appropriate for the next fiscal year the funds that are authorized to be appropriated for such payments for such next fiscal year; but no funds may be made available therefrom for obligation for such payments before the fiscal year for which such funds are authorized to be appropriated.”

PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX

SEC. 11. Part C of title VIII of the Public Health Service Act is amended by adding at the end thereof the following new section:

42 USC 298.

“PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX

“SEC. 845. The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of nursing unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the

Secretary that the school will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any school unless the school furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs."

REPORT

Ante, p. 465.

SEC. 12. The Secretary shall prepare and submit to the Congress, prior to June 30, 1974, a final report on the administration of title VIII of the Public Health Service Act which shall include an estimate of the increase in the number of persons entering the nursing profession effected under such title prior to the enactment of this Act; an estimate of such increase effected in consequence of the enactment of this Act; an estimate of the number of nurses in relation to the need of the public therefor; and an appraisal of title VIII, as amended by this Act, to meet long-term national needs for nurses. The Secretary shall submit to the Congress a first interim report prior to June 30, 1973, and a second interim report prior to January 31, 1974, describing his preliminary findings in the preparation of his final report.

TECHNICAL AMENDMENTS

42 USC 296-298.

78 Stat. 917.

SEC. 13. Parts A, B, and C (other than section 841 (a) thereof) of title VIII are each amended by striking out "Surgeon General" each place it appears and inserting in lieu thereof "Secretary". Section 803 (b) (42 U.S.C. 296b (b)) is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's". Section 841 (a) (42 U.S.C. 298 (a)) is amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary (or his delegate)".

Approved November 18, 1971.

Public Law 92-159

AN ACT

November 18, 1971
[H. R. 5060]

To amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

Airborne hunting.
Prohibition.
70 Stat. 1119.
16 USC 742a
note.
Penalty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof the following new section:

"SEC. 13. (a) Any person who—

"(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

"(2) uses an aircraft to harass any bird, fish, or other animal; or

"(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

Exception.

"(b) (1) This section shall not apply to any person if such person is employed by, or is an authorized agent of or is operating under a