

Public Law 96-76
96th Congress

An Act

To amend title VIII of the Public Health Service Act to extend through fiscal year 1980 the program of assistance for nurse training, and for other purposes.

Sept. 29, 1979
[S. 230]

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

TITLE I—NURSE TRAINING

SEC. 101. (a) This title may be cited as the "Nurse Training Amendments of 1979".

(b) Whenever in this Act (other than sections 204, 208, and 313) 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.

SEC. 102. Section 801 (relating to authorizations for construction grants) (42 U.S.C. 296) is amended by striking out "and" after "1977," and by inserting after "for fiscal year 1978" the following: ", and \$2,000,000 for the fiscal year ending September 30, 1980".

SEC. 103. (a) Subsections (a) and (b) of section 805 (relating to loan guarantees and interest subsidies) (42 U.S.C. 296d) are each amended by striking out "1978" and inserting in lieu thereof "1980".

(b) Subsection (e) of such section is amended by inserting after "in fiscal year 1978" the following: "and in each of the next two fiscal years".

SEC. 104. Subsection (f)(1) of section 810 (relating to capitation grants) (42 U.S.C. 296e) is amended by striking out "and" after "1977," and by inserting after "fiscal year 1978" the following: "and \$24,000,000 for the fiscal year ending September 30, 1980".

SEC. 105. The first sentence of subsection (d) of section 820 (relating to special project grants and contracts) (42 U.S.C. 296k) is amended by striking out "and" after "1977," and by inserting before the period the following: ", and \$17,000,000 for the fiscal year ending September 30, 1980".

SEC. 106. Subsection (b) of section 821 (relating to advanced nurse training programs) (42 U.S.C. 296l) is amended by striking out "and" after "1977," and by inserting after "for fiscal year 1978" the following: ", and \$13,500,000 for the fiscal year ending September 30, 1980".

SEC. 107. Subsection (e) of section 822 (relating to nurse practitioner programs) (42 U.S.C. 296m) is amended by striking out "and" after "1977," and by inserting before the period the following: ", and \$15,000,000 for the fiscal year ending September 30, 1980".

SEC. 108. Subsection (b) of section 830 (relating to traineeships) (42 U.S.C. 297) is amended by striking out "and" after "1977," and by inserting before the period "and \$15,000,000 for the fiscal year ending September 30, 1980".

SEC. 109. (a) Subsection (b)(4) of section 835 (relating to loan agreements) (42 U.S.C. 297a) is amended by striking out "1978" and inserting in lieu thereof "1980".

Public Health
Service Act,
amendment.
Nurse Training
Amendments of
1979.
42 USC 201 note.

42 USC 201 note.

42 USC 296l.

(b) Section 837 (relating to authorizations for student loan funds) (42 U.S.C. 297c) is amended (1) by striking out "and" after "1977," in the first sentence and (2) by inserting before the period in the first sentence ", and \$13,500,000 for the fiscal year ending September 30, 1980", (3) by striking out "fiscal year 1979" and inserting in lieu thereof "the fiscal year ending September 30, 1981", and (4) by striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1980".

(c)(1) Subsection (a) of section 839 (relating to distribution of assets) (42 U.S.C. 297e) is amended by striking out "September 30, 1980, and not later than December 31, 1981" and inserting in lieu thereof "September 30, 1983, and not later than December 31, 1983".

(2) Paragraph (1) of such subsection is amended by striking out "1980" and inserting in lieu thereof "1983".

(3) Subsection (b) of such section is amended by striking out "1980" each place it occurs and inserting in lieu thereof "1983".

SEC. 110. (a) Subsection (b) of section 845 (relating to scholarship grants) (42 U.S.C. 297j) is amended (1) by striking out "next two fiscal years" in the first sentence and inserting in lieu thereof "next four fiscal years", (2) by striking out "1979" and inserting in lieu thereof "1981", and (3) by striking out "1978" and inserting in lieu thereof "1980".

(b) Subsection (c)(1) of such section is amended (1) by striking out "next two fiscal years" in subparagraph (A) and inserting in lieu thereof "next four fiscal years", (2) by striking out "1978" in subparagraph (B) and inserting in lieu thereof "1980", and (3) by striking out "1979" in such subparagraph and inserting in lieu thereof "1981".

(c) The amendments made by subsections (a) and (b) do not authorize appropriations for the fiscal year ending September 30, 1979, for scholarships under section 845 of the Public Health Service Act in addition to the amount available for such scholarships under section 101(a) of Public Law 95-482.

SEC. 111. Subpart I of part B of title VIII (relating to traineeships) is amended by adding after section 830 (42 U.S.C. 297) the following new section:

"TRAINEESHIPS FOR TRAINING OF NURSE ANESTHETISTS

"SEC. 831. (a)(1) The Secretary may make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Commissioner of Education, of licensed, registered nurses to be nurse anesthetists.

"(2) Payments to institutions under this subsection may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. Such payments may be used only for traineeships and shall be limited to such amounts as the Secretary finds necessary to cover the costs of tuition and fees, and a stipend and allowances (including travel and subsistence expenses) for the trainees.

"(b) For the purpose of making grants under subsection (a), there are authorized to be appropriated \$2,000,000 for the fiscal year ending September 30, 1980."

SEC. 112. Section 836(b)(3) (relating to student loans) (42 U.S.C. 297b(b)(3)) is amended (1) by inserting after "(3)" the following: "in the case of a student who received such a loan before the date of enactment of the Nurse Training Amendments of 1979," and (2) by

42 USC 297j
note.

42 USC 297j.
92 Stat. 1603.

42 USC 297-1.

striking out "any such loan" and inserting in lieu thereof "any such loan made before such date".

SEC. 113. (a)(1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall arrange, in accordance with subsection (b), for the conduct of a study—

Study.
42 USC 296 note.

(A) to determine the need to continue a specific program of Federal financial support for nursing education,

(B) to determine the reasons nurses do not practice in medically underserved areas and to develop recommendations for actions which could be taken to encourage nurses to practice in such areas, and

(C) to determine the rate at which and the reasons for which nurses leave the nursing profession and to develop recommendations for actions which could be taken to encourage nurses to remain or re-enter the nursing profession, including actions involving practice settings conducive to the retention of nurses.

(2) The part of the study described in paragraph (1)(A), shall include consideration of the following:

(A) The need for nurses under the present health care delivery system and under such system as it may be modified by increased use of ambulatory care facilities or as it may be changed by the enactment of legislation for national health insurance. Determination of such need shall include determination of the need for nurses trained in each type of school of nursing (as defined in section 853(2) of the Public Health Service Act), for nurses with graduate training in the varying nurse practitioner clinical specialties, and for nurse administrators and nurse educators.

42 USC 298b.

(B) The cost of nursing education and a comparison of the cost of education at each type of school of nursing (as so defined) and comparison of the cost of each of the graduate programs of nursing.

(C) The availability of other sources of support for nursing education, including support under general programs of Federal financial support for postsecondary education, under State and other public programs, and from private sources.

(b)(1) The Secretary shall first request the National Academy of Sciences (hereinafter in this section referred to as the "Academy"), acting through the Institute of Medicine, to conduct the study, required by subsection (a), under an arrangement whereby the actual expenses incurred by the Academy directly related to the conduct of such study will be paid by the Secretary. If the Academy agrees to such request, the Secretary shall enter into such an agreement with the Academy.

(2) If the Academy declines the Secretary's request to conduct such study under such an arrangement, then the Secretary, after consulting with the Committee on Labor and Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, shall enter into a similar arrangement with another appropriate public or nonprofit private entity to conduct such study.

(3) Any arrangement entered into under paragraph (1) or (2) of this subsection for the conduct of a study shall require that such study be completed and reports thereon be submitted within such period as the Secretary may require to meet the requirements of subsection (c).

Reports.

(4) The Secretary shall undertake such preliminary activities as may be necessary to enable the Secretary to enter into an arrangement for the conduct of the study at the earliest possible date.

Report to
congressional
committees.

(c) Not later than six months after the date the arrangement for the conduct of the study is entered into under subsection (b), the Secretary and the entity conducting the study shall each report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives their respective preliminary recommendations respecting the matters described in subparagraphs (A), (B), and (C) of subsection (a)(1) and, if a need for continued Federal financial support for nursing is found, the form in which the support should be provided. Not later than two years after such date, the Secretary and the entity which conducted the study shall each report to such Committees recommendations respecting such matters (including the form of Federal financial support for nursing) and the basis for such recommendations.

Recommendations.

TITLE II—OTHER HEALTH PROGRAMS

SEC. 201. Section 729(a) (relating to limits on Federal loan insurance and insured loans) (42 U.S.C. 294b(a)) is amended—

(1) by inserting before the period in the first sentence a comma and the following: “except that in the case of loans to students in schools of medicine, osteopathy, and dentistry, the Secretary may increase the total of such loans which may be covered by Federal loan insurance to \$15,000 if he determines that the costs of education at such schools requires such increase”; and

(2) by inserting before the period in the second sentence a comma and the following: “except that the Secretary may increase such amount for borrowers who are or were students in schools of medicine, osteopathy, and dentistry to \$60,000 if he determines that the costs of education at such schools requires such increase”.

SEC. 202. (a) Section 752(b)(5)(A) (relating to service requirements for National Health Service Corps scholarships) (42 U.S.C. 294u(b)(5)(A)) is amended by striking out “(not to exceed three years)” and inserting in lieu thereof “(not to exceed three years or such greater period as the Secretary, consistent with the needs of the Corps, may authorize)”.

(b)(1) Such section 752(b)(5)(A) is further amended by adding after the first sentence the following: “With respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that the Secretary shall, at the request of such individual, defer such date until the end of the period of time (not to exceed one year or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training.”.

(2) The last sentence of such section is amended by striking out “such”.

(3) Section 752(b)(5)(B) is amended by striking out “other than a school of medicine, osteopathy, or dentistry” and inserting in lieu thereof “other than a school referred to in subparagraph (A)”.

(c) Section 338(a) is amended by striking out “\$70,000,000” and inserting in lieu thereof “\$82,000,000”.

SEC. 203. Section 781(c) (relating to requirements for participation of schools in area health education center programs) (42 U.S.C. 295g-1(c)) is amended by adding after and below paragraph (4) the following:

42 USC 294u.

42 USC 254k.

"The requirement of paragraph (3) shall not apply to a medical or osteopathic school participating in an area health education center program if another such school participating in the same program meets the requirement of that paragraph."

SEC. 204. Section 802(a) of the Health Professions Educational Assistance Act of 1976 (relating to transitional provisions on area health education centers) is amended—

42 USC 295g-1
note.

(1) by striking out "for the next fiscal year" and inserting in lieu thereof "for the next three fiscal years";

(2) by striking out "no payment shall be made to an entity under such a contract" and inserting in lieu thereof "no payment under such a contract shall be made to an entity which had not first entered into such a contract before October 12, 1976, (1)"; and

(3) by inserting before the period at the end thereof the following: ", or (2) for any fiscal year beginning after September 30, 1979".

SEC. 205. (a) Paragraph (4) of section 788(b) (42 U.S.C. 295g-8(b)(4)) is repealed and paragraphs (5) and (6) of such section are redesignated as paragraphs (4) and (5), respectively.

(b) Subparagraph (B) of section 788(e)(2) is amended by striking out "\$5,000,000" and inserting in lieu thereof "\$10,000,000".

SEC. 206. (a) Section 748(b)(3)(B) (42 U.S.C. 294e(b)(3)(B)) is amended (1) by striking out "or" at the end of clause (iv), (2) by striking out the period at the end of clause (v) and inserting in lieu thereof ", or", and (3) by adding after clause (v) the following:

42 USC 294r.

"(vi) maternal and child health."

(b) Section 792(a) (42 U.S.C. 295h-1(a)) is amended (1) by striking out "or" at the end of paragraph (3), (2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof ", or", and (3) by adding after paragraph (4) the following new paragraph:

"(5) maternal and child health."

SEC. 207. Section 771(d)(5) (42 U.S.C. 295f-1(d)(5)) is amended by striking out "may waive (in whole or in part) application to a school of dentistry of the requirement of any paragraph of this subsection if the Secretary" and inserting in lieu thereof "may—

"(A) in the case of a school of dentistry which increased its enrollment of full-time first-year students in accordance with paragraph (3), waive (in whole or in part and under such conditions as the Secretary may prescribe) application of the requirement of subsection (a)(1) that it maintain its increased enrollment of such students, and

"(B) in the case of any school of dentistry, waive (in whole or in part) application of the requirement of any paragraph of this subsection,

if the Secretary determines".

SEC. 208. Section 401 of the Health Programs Extension Act of 1973 (42 U.S.C. 300a-7) is amended by adding at the end thereof the following new subsection:

"(e) No entity which receives, after the date of enactment of this paragraph, any grant, contract, loan, loan guarantee, or interest subsidy under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Assistance and Bill of Rights Act may deny admission or otherwise discriminate against any applicant (including applicants for internships and residencies) for training or study because of the applicant's reluctance, or willingness, to counsel, suggest, recommend, assist, or in any way participate in the performance of abortions or sterilizations

42 USC 201 note.
42 USC 2689
note.
42 USC 6001
note.

contrary to or consistent with the applicant's religious beliefs or moral convictions."

SEC. 209. Section 1701(b) (42 U.S.C. 300u(b)) is amended by striking out "and" after "1978," and by inserting before the period a comma and the following: "\$14,000,000 for the fiscal year ending September 30, 1980, \$15,000,000 for the fiscal year ending September 30, 1981, and \$16,000,000 for the fiscal year ending September 30, 1982".

Public Health
Service
Administrative
Amendments of
1979.
42 USC 201 note.

TITLE III—PUBLIC HEALTH SERVICE ADMINISTRATION

SEC. 301. This title may be cited as the "Public Health Service Administrative Amendments of 1979".

SEC. 302. (a) Section 203 (42 U.S.C. 204) is amended by adding at the end thereof the following new sentence: "Warrant officers may be appointed to the Service for the purpose of providing support to the health and delivery systems maintained by the Service and any warrant officer appointed to the Service shall be considered for purposes of this Act and title 37, United States Code, to be a commissioned officer within the commissioned corps of the Service."

(b) Section 205(b) (42 U.S.C. 206(b)) is amended by striking out "six" and inserting in lieu thereof "eight" and by inserting after "the Chief Dental Officer of the Service," the following: "the Chief Nurse Officer of the Service, the Chief Pharmacist Officer of the Service,".

SEC. 303. Section 205(c) (42 U.S.C. 206(c)) is amended to read as follows:

"(c)(1) The Surgeon General, with the approval of the Secretary, is authorized to create special temporary positions in the grade of Assistant Surgeons General when necessary for the proper staffing of the Service. The Surgeon General may assign officers of either the Regular Corps or the Reserve Corps to any such temporary position, and while so serving they shall each have the title of Assistant Surgeon General.

"(2) Except as provided in this paragraph, the number of special temporary positions created by the Surgeon General under paragraph (1) shall not on any day exceed 1 per centum of the highest number, during the ninety days preceding such day, of officers of the Regular Corps on active duty and officers of the Reserve Corps on active duty for more than thirty days. If on any day the number of such special temporary positions exceeds such 1 per centum limitation, for a period of not more than one year after such day, the number of such special temporary positions shall be reduced for purposes of complying with such 1 per centum limitation only by the resignation, retirement, death, or transfer to a position of a lower grade, of any officer holding any such temporary position."

SEC. 304. (a) The third sentence of subsection (a) of section 206 (42 U.S.C. 207(a)) is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

"(5) Officers of the assistant grade—first lieutenant;

"(6) Officers of the junior assistant grade—second lieutenant;

"(7) Chief warrant officers of (W-4) grade—chief warrant officer (W-4);

"(8) Chief warrant officers of (W-3) grade—chief warrant officer (W-3);

"(9) Chief warrant officers of (W-2) grade—chief warrant officer (W-2); and

"(10) Warrant officers of (W-1) grade—warrant officer (W-1)."

(b) Section 206(c) (42 U.S.C. 207(c)) is repealed.

(c) The first sentence of section 206(d) (42 U.S.C. 207(d)) is amended by striking out "junior assistant grade" and inserting in lieu thereof the following: "warrant officer (W-1) grade".

SEC. 305. Section 207(a)(1) (42 U.S.C. 209(a)(1)) is amended by inserting immediately after "original appointments to the Regular Corps may be made only in the" the following: "warrant officer (W-1), chief warrant officer (W-2), chief warrant officer (W-3), chief warrant officer (W-4),".

SEC. 306. Section 209(c) (42 U.S.C. 210(b)(c)) is amended by striking out "assistant grade" and by inserting in lieu thereof the following: "warrant officer (W-1) grade".

SEC. 307. (a) Section 210(d)(1) (42 U.S.C. 211(d)(1)) is amended by striking out "Officers in the junior assistant grade" and by inserting in lieu thereof the following: "Officers in the warrant officer (W-1) grade, chief warrant officer (W-2) grade, chief warrant officer (W-3) grade, chief warrant officer (W-4) grade, and junior assistant grade".

(b) Section 210(g) (42 U.S.C. 211(g)) is amended—

(1) in the first sentence by striking out "an officer of the Regular Corps in the junior assistant grade" and inserting in lieu thereof the following: "an officer of the Regular Corps in the warrant officer (W-1) grade or junior assistant grade";

(2) in the second sentence by striking out "an officer of the Regular Corps in the assistant, senior assistant," and inserting in lieu thereof the following: "an officer of the Regular Corps in the chief warrant officer (W-2), chief warrant officer (W-3), assistant, senior assistant,";

(3) in paragraph (1) by striking out "if in the assistant grade" and inserting in lieu thereof the following: "if in the chief warrant officer (W-2) or assistant grade"; and

(4) in paragraph (2) by striking out "if in the senior assistant grade" and inserting in lieu thereof the following: "if in the chief warrant officer (W-3) or senior assistant grade".

SEC. 308. Section 211(e) (42 U.S.C. 212(e)) is amended by striking out "a part of a year of active service of six months or more shall be counted as a whole year and a part of a year of active service which is less than six months shall be disregarded" and by inserting in lieu thereof the following: "a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded".

SEC. 309. (a) Section 214(c) (42 U.S.C. 215(c)) is amended by striking out the comma immediately after "nonprofit educational research" and by inserting immediately after "Service" the following: "to any appropriate committee of the Congress or".

(b) Section 214(d) (42 U.S.C. 215(d)) is amended by inserting after the first sentence the following new sentence: "In the case of detail of personnel under subsections (b) or (c) to be paid from applicable Service appropriations, the Secretary may condition such detail on an agreement by the State, subdivision, or institution concerned that such State, subdivision, or institution concerned shall reimburse the United States for the amount of such payments made by the Service."

SEC. 310. (a) The first sentence of section 218(b) (42 U.S.C. 218a(b)) is amended to read as follows: "Any officer whose tuition, fees, and other necessary expenses are paid pursuant to subsection (a) while attending an educational institution or training program for a period in excess of thirty days shall be obligated to pay to the Service an amount equal to two times the total amount of such tuition, fees, and other necessary expenses received by such officer during such period, and two times the total amount of any compensation received by, and

any allowance paid to, such officer during such period, if after return to active service such officer voluntarily leaves the Service within (1) six months, or (2) twice the period of such attendance, whichever is greater.”.

(b) The third sentence of section 218(b) (42 U.S.C. 218a(b)) is amended by striking out “reimbursement” wherever it appears and by inserting in lieu thereof the following: “payment”.

SEC. 311. Section 219(c) (42 U.S.C. 219-1(c)) is repealed.

SEC. 312. Section 221(a) (42 U.S.C. 213a(a)) is amended by adding at the end thereof the following new paragraphs:

“(12) Section 1552, Correction of military records: claims incident thereto.

“(13) Section 1553, Review of discharge or dismissal.

“(14) Section 1554, Review of retirement or separation without pay for physical disability.”.

SEC. 313. (a) The table in section 201(a) of title 37, United States Code, is amended by striking out “Surgeon General.” in the fourth column of such table and by inserting in such column to correspond with pay grade O-9 the following: “Surgeon General.”.

(b)(1) Section 1006(a) of title 37, United States Code, is amended by inserting immediately after “member of an armed force” the following: “or of the Public Health Service”.

(2) Section 1006(b) of such title is amended by inserting immediately after “member of an armed force” the following: “or of the Public Health Service”.

(3) Section 1006(c) of such title is amended by inserting immediately after “member of an armed force” the following: “or of the Public Health Service”.

(4) Section 1006(c) of such title is amended by inserting immediately after “members of the armed forces” the following: “or of the Public Health Service”.

(5) Section 1006(d) of such title is amended by inserting immediately after “from his armed force” the following: “or from the Public Health Service”.

(6) Section 1006(e) of such title is amended by inserting before the period the following: “and the Public Health Service”.

(7) Section 1006(h) of such title is amended by inserting immediately after “members of an armed force” the following: “or of the Public Health Service”.

(c) Section 415(d) of title 37, United States Code, is amended to read as follows:

“(d) An allowance of \$250 for uniforms and equipment may be paid to each commissioned officer of the Public Health Service who is—

“(1) on active duty or on inactive duty training status; and

“(2) required by directive of the Surgeon General to wear a uniform.

An officer is not entitled to more than one allowance under this subsection.”

SEC. 314. The amendments made by sections 303, 304, 305, 306, 307, and 313 shall take effect on October 1, 1979.

Effective date.
42 USC 206 note.

Approved September 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-183 accompanying H.R. 3633 (Comm. on Interstate and Foreign Commerce) and No. 96-419 (Comm. of Conference).

SENATE REPORTS: No. 96-101 (Comm. on Labor and Human Resources) and No. 96-313 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 7, considered and passed Senate.

July 23, 27, H.R. 3633 considered and passed House; passage vacated and S. 230, amended, passed in lieu.

Sept. 7, Senate agreed to conference report.

Sept. 20, House agreed to conference report.