

111TH CONGRESS  
1ST SESSION

# H. R. 2536

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

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2009

Mr. WEXLER (for himself, Mr. SENSENBRENNER, Mrs. LOWEY, Mr. BILBRAY, and Mr. COHEN) 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

---

## 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 any time prior to September 30,  
7 2012, for employment-based immigrants (and their  
8 family members accompanying or following to join  
9 under section 203(d) of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1153(d))), which are or have  
11 been approved based on Schedule A, Group I as de-  
12 fined in section 656.5 of title 20, Code of Federal  
13 Regulations, as promulgated by the Secretary of  
14 Labor, the numerical limitations set forth in sections  
15 201(d) and 202(a) of such Act (8 U.S.C. 1151(d)  
16 and 1152(a)) shall not apply.

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

23 “(3) EXPEDITED REVIEW.—The Secretary of  
24 Homeland Security shall provide a process for re-  
25 viewing and acting upon petitions with respect to

1 immigrants described in paragraph (1) not later  
2 than 30 days after the date on which a completed  
3 petition has been filed.

4 “(f) FEE FOR USE OF VISAS UNDER SUBSECTION  
5 (a).—

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

11 “(A) such fee shall be in the amount of  
12 \$1,500 for each such alien nurse (but not for  
13 dependents accompanying or following to join  
14 who are not professional nurses); and

15 “(B) no fee shall be imposed for the use of  
16 such visas if the employer demonstrates to the  
17 Secretary that—

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

23 “(ii) the employer is a health care fa-  
24 cility that has been designated as a Health  
25 Professional Shortage Area facility by the

1 Secretary of Health and Human Services  
2 as defined in section 332 of the Public  
3 Health Service Act (42 U.S.C. 254e).

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

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

16 **“SEC. 832. CAPITATION GRANTS.**

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

24 “(b) PURPOSE.—A funding agreement for a grant  
25 under this section is that the eligible school of nursing

1 involved will expend the grant to increase the number of  
 2 nursing faculty and students at the school, including by  
 3 hiring new faculty, retaining current faculty, purchasing  
 4 educational equipment and audiovisual laboratories, en-  
 5 hancing clinical laboratories, repairing and expanding in-  
 6 frastructure, or recruiting students.

7 “(c) GRANT COMPUTATION.—

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

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

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

17 “(ii) prepares individuals to serve as  
 18 faculty through additional course work in  
 19 education and ensuring competency in an  
 20 advanced practice area.

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

23 “(i) is enrolled at the school in a pro-  
 24 gram in nursing leading to a bachelor of  
 25 science degree, a bachelor of nursing de-

gree, a graduate degree in nursing if such  
program does not meet the requirements of  
subparagraph (A), or an equivalent degree;  
and

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

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

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

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

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

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

4           “(D) for more than 2 fiscal years in the  
5           case of a student described in paragraph  
6           (1)(C).

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

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

11          “(2) has a passage rate on the National Council  
12          Licensure Examination for Registered Nurses of not  
13          less than 80 percent for each of the 3 academic  
14          years preceding submission of the grant application;  
15          and

16          “(3) has a graduation rate (based on the num-  
17          ber of students in a class who graduate relative to,  
18          for a baccalaureate program, the number of students  
19          who were enrolled in the class at the beginning of  
20          junior year or, for an associate degree program, the  
21          number of students who were enrolled in the class  
22          at the end of the first year) of not less than 80 per-  
23          cent for each of the 3 academic years preceding sub-  
24          mission of the grant application.

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

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

9               “(2) The school will maintain a graduation rate  
10 (as described in subsection (d)(3)) of not less than  
11 80 percent.

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

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

20              “(C) With respect to any academic year, the  
21 Secretary may waive application of subparagraph  
22 (A) if—

23                      “(i) the physical facilities at the school in-  
24 volved limit the school from enrolling additional  
25 students; or



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

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

8                   “(A) Establishing or significantly expand-  
9                   ing an accelerated baccalaureate degree nursing  
10                  program designed to graduate new nurses in 12  
11                  to 18 months.

12                  “(B)           Establishing           cooperative  
13                  intradisciplinary education among schools of  
14                  nursing with a view toward shared use of tech-  
15                  nological resources, including information tech-  
16                  nology.

17                  “(C) Establishing cooperative interdiscipli-  
18                  nary training between schools of nursing and  
19                  schools of allied health, medicine, dentistry, os-  
20                  teopathy, optometry, podiatry, pharmacy, public  
21                  health, or veterinary medicine, including train-  
22                  ing for the use of the interdisciplinary team ap-  
23                  proach to the delivery of health services.

1           “(D) Integrating core competencies on evi-  
2           dence-based practice, quality improvements, and  
3           patient-centered care.

4           “(E) Increasing admissions, enrollment,  
5           and retention of qualified individuals who are  
6           financially disadvantaged.

7           “(F) Increasing enrollment of minority and  
8           diverse student populations.

9           “(G) Increasing enrollment of new grad-  
10          uate baccalaureate nursing students in graduate  
11          programs that educate nurse faculty members.

12          “(H) Developing post-baccalaureate resi-  
13          dency programs to prepare nurses for practice  
14          in specialty areas where nursing shortages are  
15          most severe.

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

18          “(J) Partnering with economically dis-  
19          advantaged communities to provide nursing  
20          education.

21          “(K) Expanding the ability of nurse man-  
22          aged health centers to provide clinical education  
23          training sites to nursing students.

24          “(5) The school will submit an annual report to  
25          the Secretary that includes updated information on

1 the school with respect to student enrollment, stu-  
2 dent retention, graduation rates, passage rates on  
3 the National Council Licensure Examination for  
4 Registered Nurses, the number of graduates em-  
5 ployed as nursing faculty or nursing care providers  
6 within 12 months of graduation, and the number of  
7 students who are accepted into graduate programs  
8 for further nursing education.

9 “(6) The school will allow the Secretary to  
10 make on-site inspections, and will comply with the  
11 Secretary’s requests for information, to determine  
12 the extent to which the school is complying with the  
13 requirements of this section.

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

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

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

22 “(g) APPLICATION.—An eligible school of nursing  
23 seeking a grant under this section shall submit an applica-  
24 tion to the Secretary at such time, in such manner, and

1 containing such information and assurances as the Sec-  
2 retary may require.

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

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

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

19 “(b) USE OF FUNDS.—Amounts collected under sec-  
20 tion 106(f) of the American Competitiveness in the Twen-  
21 ty-first Century Act of 2000, and deposited into the ac-  
22 count established under subsection (a) shall be used by  
23 the Secretary of Health and Human Services to carry out  
24 section 832. Such amounts shall be available for obligation  
25 only to the extent, and in the amount, provided in advance

1 in appropriations Acts. Such amounts are authorized to  
2 remain available until expended.”.

3 (c) GLOBAL HEALTH CARE COOPERATION.—

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

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

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

18 “(1) to be physically present and residing in the  
19 United States for purposes of naturalization under  
20 section 316(a); and

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

23 “(b) DEFINITIONS.—In this section:

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

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

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

19          “(C) qualified to be a candidate country  
20      due to special circumstances, including natural  
21      disasters or public health emergencies.

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

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

1                   “(B) is a physician or other healthcare  
2                   worker.

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

6           “(d) PUBLICATION.—The Secretary of State shall  
7 publish—

8                   “(1) not later than 180 days after the date of  
9                   the enactment of this section, a list of candidate  
10                  countries;

11                  “(2) an updated version of the list required by  
12                  paragraph (1) not less often than once each year;  
13                  and

14                  “(3) an amendment to the list required by  
15                  paragraph (1) at the time any country qualifies as  
16                  a candidate country due to special circumstances  
17                  under subsection (b)(1)(C).”.

18           (2) RULEMAKING.—

19                   (A) REQUIREMENT.—Not later than 180  
20                   days after the date of the enactment of this  
21                   Act, the Secretary of Homeland Security shall  
22                   promulgate regulations to carry out the amend-  
23                   ments made by this subsection.

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

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

16 (ii) provide for the issuance of docu-  
17 ments by the Secretary to such eligible  
18 alien, and such spouse or child, if appro-  
19 priate, to demonstrate that such eligible  
20 alien, and such spouse or child, if appro-  
21 priate, is authorized to reside in such  
22 country under such section 317A; and

23 (iii) provide for an expedited process  
24 through which the Secretary shall review  
25 applications for such an eligible alien to re-



side in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: “except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,”.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting “, including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “101(a)(27)(A),”.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting

1 “other than an eligible alien authorized to re-  
 2 side in a foreign country under section 317A  
 3 and the spouse or child of such eligible alien, if  
 4 appropriate,” after “Act,”.

5 (D) CLERICAL AMENDMENT.—The table of  
 6 contents of such Act is amended by inserting  
 7 after the item relating to section 317 the fol-  
 8 lowing:

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

9 (4) AUTHORIZATION OF APPROPRIATIONS.—  
 10 There are authorized to be appropriated to U.S.  
 11 Citizenship and Immigration Services such sums as  
 12 may be necessary to carry out this subsection and  
 13 the amendments made by this subsection.

14 (d) ATTESTATION BY HEALTH CARE WORKERS.—

15 (1) ATTESTATION REQUIREMENT.—Section  
 16 212(a)(5) of the Immigration and Nationality Act (8  
 17 U.S.C. 1182(a)(5)) is amended by adding at the end  
 18 the following:

19 “(E) HEALTH CARE WORKERS WITH  
 20 OTHER OBLIGATIONS.—

21 “(i) IN GENERAL.—An alien who  
 22 seeks to enter the United States for the  
 23 purpose of performing labor as a physician  
 24 or other health care worker is inadmissible

1 unless the alien submits to the Secretary of  
2 Homeland Security or the Secretary of  
3 State, as appropriate, an attestation that  
4 the alien is not seeking to enter the United  
5 States for such purpose during any period  
6 in which the alien has an outstanding obli-  
7 gation to the government of the alien's  
8 country of origin or the alien's country of  
9 residence.

10 “(ii) OBLIGATION DEFINED.—In this  
11 subparagraph, the term ‘obligation’ means  
12 an obligation incurred as part of a valid,  
13 voluntary individual agreement in which  
14 the alien received financial assistance to  
15 defray the costs of education or training to  
16 qualify as a physician or other health care  
17 worker in consideration for a commitment  
18 to work as a physician or other health care  
19 worker in the alien's country of origin or  
20 the alien's country of residence.

21 “(iii) WAIVER.—The Secretary of  
22 Homeland Security may waive a finding of  
23 inadmissibility under clause (i) if the Sec-  
24 retary determines that—

1                   “(I) the obligation was incurred  
2                   by coercion or other improper means;

3                   “(II) the alien and the govern-  
4                   ment of the country to which the alien  
5                   has an outstanding obligation have  
6                   reached a valid, voluntary agreement,  
7                   pursuant to which the alien’s obliga-  
8                   tion has been deemed satisfied, or the  
9                   alien has shown to the satisfaction of  
10                  the Secretary that the alien has been  
11                  unable to reach such an agreement  
12                  because of coercion or other improper  
13                  means; or

14                  “(III) the obligation should not  
15                  be enforced due to other extraordinary  
16                  circumstances, including undue hard-  
17                  ship that would be suffered by the  
18                  alien in the absence of a waiver.”.

19                  (2) EFFECTIVE DATE; APPLICATION.—

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

24                  (B) APPLICATION BY THE SECRETARY.—

25                  Not later than the effective date described in

1           subparagraph (A), the Secretary of Homeland  
2           Security shall begin to carry out subparagraph  
3           (E) of section 212(a)(5) of the Immigration  
4           and Nationality Act, as added by paragraph  
5           (1), including the requirement for the attesta-  
6           tion and the granting of a waiver described in  
7           clause (iii) of such subparagraph (E), regard-  
8           less of whether regulations to implement such  
9           subparagraph have been promulgated.

10 **SEC. 3. NURSE TRAINING AND RETENTION DEMONSTRATION**  
11 **GRANT ACT OF 2008.**

12           (a) FINDINGS.—Congress makes the following find-  
13 ings:

14           (1) America’s healthcare system depends on an  
15           adequate supply of trained nurses to deliver quality  
16           patient care.

17           (2) Over the next 15 years, this shortage is ex-  
18           pected to grow significantly. The Health Resources  
19           and Services Administration has projected that by  
20           2020, there will be a shortage of nurses in every  
21           State and that overall only 64 percent of the de-  
22           mand for nurses will be satisfied, with a shortage of  
23           1,016,900 nurses nationally.

24           (3) To avert such a shortage, today’s network  
25           of healthcare workers should have access to edu-

1 cation and support from their employers to partici-  
2 pate in educational and training opportunities.

3 (4) With the appropriate education and sup-  
4 port, incumbent healthcare workers and incumbent  
5 bedside nurses are untapped sources which can meet  
6 these needs and address the nursing shortage and  
7 provide quality care as the American population  
8 ages.

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

11 (1) address the projected shortage of nurses by  
12 funding comprehensive programs to create a career  
13 ladder to nursing (including Certified Nurse Assist-  
14 ants, Licensed Practical Nurses, Licensed Vocational  
15 Nurses, and Registered Nurses) for incumbent ancil-  
16 lary healthcare workers;

17 (2) increase the capacity for educating nurses  
18 by increasing both nurse faculty and clinical oppor-  
19 tunities through collaborative programs between  
20 staff nurse organizations, healthcare providers, and  
21 accredited schools of nursing; and

22 (3) provide training programs through edu-  
23 cation and training organizations jointly adminis-  
24 tered by healthcare providers and healthcare labor  
25 organizations or other organizations representing

1       staff nurses and frontline healthcare workers, work-  
2       ing in collaboration with accredited schools of nurs-  
3       ing and academic institutions.

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

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

15           (1) be—

16                (A) a healthcare entity that is jointly ad-  
17                ministered by a healthcare employer and a labor  
18                union representing the healthcare employees of  
19                the employer and that carries out activities  
20                using labor management training funds as pro-  
21                vided for under section 302 of the Labor-Man-  
22                agement Relations Act, 1947 (18 U.S.C.  
23                186(c)(6));

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

1 (i) one or more healthcare providers  
2 or facilities, or a trade association of  
3 healthcare providers; and

4 (ii) one or more organizations which  
5 represent the interests of direct care  
6 healthcare workers or staff nurses and in  
7 which the direct care healthcare workers or  
8 staff nurses have direct input as to the  
9 leadership of the organization; or

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

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

23 (e) ADDITIONAL REQUIREMENTS FOR HEALTHCARE  
24 EMPLOYER DESCRIBED IN SUBSECTION (d).—To be eligi-



1 ble for a grant under this section, a healthcare employer  
2 described in subsection (d) shall demonstrate—

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

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

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

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

17 (B) Contributions to a joint labor-manage-  
18 ment or other jointly administered training  
19 fund which administers the program involved.

20 (C) The provision of paid release time, in-  
21 centive compensation, or continued health cov-  
22 erage to staff nurses who desire to work full- or  
23 part-time in a faculty position.

24 (D) The provision of paid release time for  
25 staff nurses to enable them to obtain a bachelor

1 of science in nursing degree, other advanced  
2 nursing degrees, specialty training, or certifi-  
3 cation program.

4 (E) The payment of tuition assistance to  
5 incumbent healthcare workers.

6 (f) OTHER REQUIREMENTS.—

7 (1) MATCHING REQUIREMENT.—

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

22 (B) DETERMINATION OF AMOUNT OF NON-  
23 FEDERAL CONTRIBUTION.—Non-Federal con-  
24 tributions required in subparagraph (A) may be  
25 in cash or in kind (including paid release time),

1 fairly evaluated, including equipment or services  
2 (and excluding indirect or overhead costs).

3 (C) SUPPLEMENT, NOT SUPPLANT.—

4 Funds made available under this section shall  
5 supplement, and not supplant, resources dedi-  
6 cated by an entity, or other Federal, State, or  
7 local funds available to carry out activities de-  
8 scribed in this section.

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

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

20 (1) To carry out programs that provide edu-  
21 cation and training to establish nursing career lad-  
22 ders to educate incumbent healthcare workers to be-  
23 come nurses (including Certified Nurse Assistants,  
24 Licensed Practical Nurses, Licensed Vocational

1       Nurses, and Registered Nurses). Such programs  
2       shall include one or more of the following:

3               (A) Preparing incumbent workers to return  
4               to the classroom through English as a second  
5               language education, GED education, precollege  
6               counseling, college preparation classes, and sup-  
7               port with entry level college classes that are a  
8               prerequisite to nursing.

9               (B) Providing tuition assistance with pref-  
10              erence for dedicated cohort classes in commu-  
11              nity colleges, universities, accredited schools of  
12              nursing with supportive services including tu-  
13              toring and counseling.

14             (C) Providing assistance in preparing for  
15             and meeting all nursing licensure tests and re-  
16             quirements.

17             (D) Carrying out orientation and  
18             mentorship programs that assist newly grad-  
19             uated nurses in adjusting to working at the  
20             bedside to ensure their retention post gradua-  
21             tion, and ongoing programs to support nurse  
22             retention.

23             (E) Providing stipends for release time and  
24             continued healthcare coverage to enable incum-

1           bent healthcare workers to participate in these  
2           programs.

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

9                   (A) Increasing the pool of nurses with ad-  
10                  vanced degrees who are interested in teaching  
11                  by funding programs that enable incumbent  
12                  nurses to return to school.

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

19                  (C) Collaboration with accredited schools  
20                  of nursing which may include community col-  
21                  leges and other academic institutions providing  
22                  associate, bachelor's, or advanced nursing de-  
23                  gree programs, or specialty training or certifi-  
24                  cation programs, for nurses to carry out innova-

1           tive nursing programs which meet the needs of  
2           bedside nursing and healthcare providers.

3       (h) PREFERENCE.—In awarding grants under this  
4 section the Secretary shall give preference to programs  
5 that—

6           (1) provide for improving nurse retention;

7           (2) provide for improving the diversity of the  
8 new nurse graduates to reflect changes in the demo-  
9 graphics of the patient population;

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

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

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

18       (i) EVALUATION.—

19           (1) PROGRAM EVALUATIONS.—An entity that  
20 receives a grant under this section shall annually  
21 evaluate, and submit to the Secretary a report on,  
22 the activities carried out under the grant and the  
23 outcomes of such activities. Such outcomes may in-  
24 clude—

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

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

7 (C) improved nurse retention;

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

10 (E) an increase in the number of nurses  
11 with advanced degrees in nursing;

12 (F) an increase in the number of nurse  
13 faculty;

14 (G) improved measures of patient quality  
15 as determined by the Secretary; and

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

19 (2) GENERAL REPORT.—Not later than Sep-  
20 tember 30, 2011, the Secretary of Labor shall, using  
21 data and information from the reports received  
22 under paragraph (1), submit to Congress a report  
23 concerning the overall effectiveness of the grant pro-  
24 gram carried out under this section.

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

7 **SEC. 4. COLLECTION OF DATA AND REPORTS TO CONGRESS**  
8 **ON FOREIGN-TRAINED NURSES AND PHYS-**  
9 **ICAL THERAPISTS NEWLY ADMITTED TO THE**  
10 **UNITED STATES EACH FISCAL YEAR.**

11       (a) REQUIREMENT TO COLLECT DATA.—With re-  
12 spect to each fiscal year, beginning with fiscal year 2009,  
13 the Secretary of Homeland Security shall collect the fol-  
14 lowing data for each alien that acquires the status of a  
15 lawful permanent resident or a temporary alien worker  
16 (including as a temporary professional worker under the  
17 North American Free Trade Agreement) during that fiscal  
18 year for employment as a professional nurse or physical  
19 therapist:

20           (1) The country of residence and country of na-  
21 tionality of the alien at the time such status is ac-  
22 quired.

23           (2) The country or countries in which the alien  
24 received the professional education and training to  
25 be licensed as a nurse or a physical therapist.



1           (3) The name and address of the petitioning  
2     employer.

3           (4) The name and address of any recruit-  
4     ing agency used by the petitioning employer with re-  
5     spect to the recruitment, processing or preparation  
6     of the alien for the employment involved.

7           (5) The processing time for review and action  
8     on the petition with respect to each such aliens.

9     (b) RESEARCH OF DATA FROM PRIOR FISCAL  
10  YEARS.—

11           (1) With respect to the fiscal years 2004  
12     through 2008, the Secretary shall determine which  
13     of the data required to be collected pursuant to sub-  
14     section (a) are available for retrieval in electronic  
15     databases maintained by the Secretary.

16           (2) In preparing the report for fiscal year 2009  
17     mandated by this section, the Secretary shall include  
18     a summary of all such available data for fiscal years  
19     2004 through 2008.

20     (c) REPORTS.—The Secretary shall submit annual re-  
21     ports aggregating the data collected under subsection (a),  
22     and, with respect to the report for fiscal year 2009, such  
23     additional data identified pursuant to subsection (b),  
24     along with such related information as the Secretary de-  
25     termines to be appropriate, to the Committees on the Ju-

1 diciary of the House of Representatives and the Senate  
2 not later than 90 days after the end of each fiscal year.

3 Such reports shall include—

4 (1) the aggregate number of aliens who ac-  
5 quired a status described in subsection (a) during  
6 such fiscal year and subtotals of the status cat-  
7 egories acquired;

8 (2) subtotals within each status category for the  
9 data element collected pursuant to subsection (a);  
10 and

11 (3) the average processing times for each dif-  
12 ferent type of petition or application involved in the  
13 acquisition of status.

14 (d) PUBLICATION IN THE FEDERAL REGISTER.—The  
15 Secretary shall cause to have published in the Federal  
16 Register notice of the submittal to the Committees on the  
17 Judiciary of the House of Representatives and the Senate  
18 of each report required under subsection (c) and of the  
19 availability to the public of each such report.

○