

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-

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

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

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

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

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

21 “(B) for more than 4 fiscal years in the
22 case of a student described in paragraph (1)(A)
23 who is enrolled in a graduate program in nurs-
24 ing leading to a doctoral degree or an equiva-
25 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-

1 side in a foreign country pursuant to sub-
2 section (a) of such section 317A if the Sec-
3 retary of State determines a country is a
4 candidate country pursuant to subsection
5 (b)(1)(C) of such section 317A.

6 (3) TECHNICAL AND CONFORMING AMEND-
7 MENTS.—

8 (A) DEFINITION.—Section
9 101(a)(13)(C)(ii) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is
11 amended by adding at the end the following:
12 “except in the case of an eligible alien, or the
13 spouse or child of such alien, who is authorized
14 to be absent from the United States under sec-
15 tion 317A,”.

16 (B) DOCUMENTARY REQUIREMENTS.—Sec-
17 tion 211(b) of such Act (8 U.S.C. 1181(b)) is
18 amended by inserting “, including an eligible
19 alien authorized to reside in a foreign country
20 under section 317A and the spouse or child of
21 such eligible alien, if appropriate,” after
22 “101(a)(27)(A),”.

23 (C) INELIGIBLE ALIENS.—Section
24 212(a)(7)(A)(i)(I) of such Act (8 U.S.C.
25 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 GRANT ACT OF 2008.**
11

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 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.

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