

LOAN REPAYMENT AND SCHOLARSHIP PROGRAMS

individual—

- (1) who has received a baccalaureate or associate degree in nursing (or an equivalent degree), a diploma in nursing, or a graduate degree in nursing;
- (2) who obtained (A) one or more loans from a loan fund established under subpart II², or (B) any other educational loan for nurse training costs; and
- (3) who enters into an agreement with the Secretary to serve as nurse for a period of not less than two years at a health care facility with a critical shortage of nurses;

(b), for and on behalf of that individual, on the principal of and interest on any loan of that individual described in paragraph (3) of this subsection which is outstanding on the date the individual begins the service specified in the agreement described in paragraph (3) of this subsection. After fiscal year 2007, the Secretary may not sign a nurse to any agreement entered into under this subsection, as-pursuant to any private entity unless that entity is nonprofit.

(b) MANNER OF PAYMENTS.—The payments described in subsection (a) shall be made by the Secretary as follows:

(1) Upon completion by the individual for whom the payments are to be made of the first year of the service specified in the agreement entered into with the Secretary under subsection (a), the Secretary shall pay 30 percent of the principal of, and the interest on each loan of such individual described in subsection (a)(2) which is outstanding on the date he began such practice.

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

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

(c) PAYMENT BY DUE DATE.—Notwithstanding the requirement of completion of practice specified in subsection (b), the Secretary shall, on or before the due date thereof, pay any loan or installment which may fall due within the period of service for which the borrower may receive payments under this subsection, upon the declaration of such borrower, at such times and in such manner as the Secretary may prescribe (and supported by such other evidence as the Secretary may reasonably require), that the borrower is then serving as described by subsection (a)(3), and that the absence of this subsection) to so serve for the period required (in the payments provided by this subsection) to entitle the borrower to have made that not more than 85 percent of the principal of any such loan shall be paid pursuant to this subsection.

(d) SCHOLARSHIP PROGRAM.—

¹ Title VIII does not contain a section 843 or 844. A section 845 appears in part G on page 810. See footnote for section 810 on page 807.
² So in law. Probably should read "part".

(1) IN GENERAL.—The Secretary shall (for fiscal years 2003 and 2004) and may (for fiscal years thereafter) carry out a program of entering into contracts with eligible individuals under which such individuals agree to serve as nurses for a period of not less than 2 years at a health care facility with a critical shortage of nurses, in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance at schools of nursing.

(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term "eligible individual" means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in a school of nursing.

(3) SERVICE REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this subsection unless the individual agrees to serve as a nurse at a health care facility with a critical shortage of nurses for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

(i) is entered into by the facility and the individual and is approved by the Secretary; and

(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

(4) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of subpart III of part D of title III shall, except as inconsistent with this section, apply to the program established in paragraph (1) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Scholarship Program established in such subpart.

(e) PREFERENCES REGARDING PARTICIPANTS.—In entering into agreements under subsection (a) or (d), the Secretary shall give preference to qualified applicants with the greatest financial need.

(f) BREACH OF AGREEMENT.—The Secretary may make payments under subsection (a) on behalf of an individual only if the agreement under such subsection provides that section 860(c) is applicable to the individual.

(g) BREACH OF AGREEMENT.—

(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited-

SCHOLARSHIP PROGRAMS

GENERAL.—In the case of any

accalunareate or associate degree in agree), a diploma in nursing, or a e or more loans from a loan fund I₂, or (B) any other educational and

agreement with the Secretary to of not less than two years at a tical shortage of nurses;

nts in accordance with subsection idual, on the principal of and in- lual described in paragraph (2) of ing on the date the individual be- agreement described in paragraph year 2007, the Secretary may not, ed into under this subsection, as- y unless that entity is nonprofit.

The payments described in sub- cretary as follows:

the individual for whom the pay- first year of the service specified o with the Secretary under sub- ll pay 30 percent of the principal loan of such individual described outstanding on the date he began

that individual of the second year shall pay another 30 percent of hat individual of a third year of all pay another 25 percent of the n each such loan.

Notwithstanding the requirement in subsection (b), the Secretary thereof, pay any loan or loan payments under this subsection, over, at such times and in such escribe (and supported by such ay reasonably require, that the ed by subsection (a)(3), and that ervice for the period required (in ttle the borrower to have made bsection for such period; except the principal of any such loan action.

“nursing program”, the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

- (1) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);
- (ii) is dismissed from the nursing program for disciplinary reasons; or

(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.

(h) REPORTS.—Not later than 18 months after the date of enactment of the Nurse Reinvestment Act, and annually thereafter, the Secretary shall prepare and submit to the Congress a report describing the programs carried out under this section, including statements regarding—

- (1) the number of enrollees, scholarships, loan repayments, and grant recipients;
- (2) the number of graduates;
- (3) the amount of scholarship payments and loan repayments made;
- (4) which educational institution the recipients attended;
- (5) the number and placement location of the scholarship and loan repayment recipients at health care facilities with a critical shortage of nurses;
- (6) the default rate and actions required;

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(In this section referred to as a individual is liable to the Federal amount of such award (including expenses related to such attendance) such amount at the maximum individual—
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from the nursing program for dis-

terminates the nursing program.
liable to the Federal Government (including amounts provided for interest tax maximum legal prevailing rate, if provide health services in accordance with this section for the period of program.
OF LIABILITY.—In the case of an making an agreement for purposes shall provide for the waiver or such subsection if compliance by impossible, or would involve individual or facility, and if enforce-

respect to the individual or facility.
COVERY.—Subject to paragraph II be paid to the United States the 3-year period beginning on mes so entitled.
s recovered under paragraph (1) r this section shall be available am, and shall remain available d.
18 months after the date of nt Act, and annually thereafter, t under this section, including

scholarships, loan repayments, ship payments and loan repay- tion the recipients attended; at health care facilities with a ns required;

(7) the amount of outstanding default funds of both the scholarship and loan repayment programs;
(8) to the extent that it can be determined, the reason for the default;
(9) the demographics of the individuals participating in the scholarship and loan repayment programs;
(10) justification for the allocation of funds between the scholarship and loan repayment programs; and
(11) an evaluation of the overall costs and benefits of the programs.

(I) FUNDING.—
(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of payments under agreements entered into under subsection (a) or (d), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003 through 2007.
(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1), the Secretary may, as determined appropriate by the Secretary, allocate amounts between the program under subsection (a) and the program under subsection (d).

NURSE FACULTY LOAN PROGRAM
Sec. 846A. [297n-1] (a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any school of nursing for the establishment and operation of a student loan fund in accordance with this section, to increase the number of qualified nursing faculty.
(b) AGREEMENTS.—Each agreement entered into under subsection (a) shall—
(1) provide for the establishment of a student loan fund by the school involved;

(2) provide for deposit in the fund of—
(A) the Federal capital contributions to the fund;
(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such school;
(C) collections of principal and interest on loans made from the fund; and
(D) any other earnings of the fund;
(3) provide that the fund will be used only for loans to students of the school in accordance with subsection (c) and for costs of collection of such loans and interest thereon;
(4) provide that loans may be made from such fund only to students pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program described in section 811(b); and
(5) contain such other provisions as are necessary to protect the financial interests of the United States.

(c) LOAN PROVISIONS.—Loans from any student loan fund established by a school pursuant to an agreement under subsection (a) shall be made to an individual on such terms and conditions as the school may determine, except that—