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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

To amend the Public Health service Act to establish a Primary and Public Health Scholarship Program.

IN THE HOUSE OF REPRESENTATIVES

Mr. McDERMOTT introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Public Health service Act to establish a Primary and Public Health Scholarship Program.

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 “United States Primary
5 and Preventive Health Care Corps Act of 2009”.

1 **SEC. 2. PRIMARY AND PUBLIC HEALTH SCHOLARSHIP PRO-**
2 **GRAM.**

3 Part E of title VII of the Public Health Service Act
4 (42 U.S.C. 294n et seq.) is amended by adding at the end
5 the following:

6 **“Subpart 3—Primary and Public Health Scholarship**
7 **Program**

8 **“SEC. 775. SCHOLARSHIP PROGRAM.**

9 “(a) IN GENERAL.—The Secretary shall establish
10 and carry out the Primary and Public Health Scholarship
11 Program (in this section referred to as the ‘Scholarship
12 Program’) under which the Secretary shall enter into con-
13 tracts with all eligible individuals in accordance with this
14 section.

15 “(b) ELIGIBILITY.—To be eligible to participate in
16 the Scholarship Program, an individual must—

17 “(1) be accepted for enrollment, or be enrolled,
18 as a full-time student—

19 “(A) in an accredited (as determined by
20 the Secretary) institution of higher education
21 that is a public graduate medical school in a
22 State that is funded by such State; and

23 “(B) in a course of study or program, of-
24 fered by such institution and approved by the
25 Secretary, leading to a degree in medicine, os-
26 teopathic medicine, dentistry, or other health

1 profession, or an appropriate degree from a
2 graduate program of behavioral and mental
3 health;

4 “(2) submit an application to participate in the
5 Scholarship Program in such form and manner and
6 at such time as specified by the Secretary; and

7 “(3) sign and submit to the Secretary, at the
8 time of submittal of such application, a written con-
9 tract (described in subsection (d)) to accept payment
10 of a scholarship and to serve (in accordance with
11 this section) for a period of not less than 4 years at
12 a health care facility that serves a designated pri-
13 mary care or public health shortage area located in
14 the State in which the institution is located.

15 “(c) PARTICIPATION IN PROGRAM.—

16 “(1) IN GENERAL.—An individual becomes a
17 participant in the Scholarship Program only upon
18 the approval of the Secretary of the individual’s ap-
19 plication submitted under subsection (b)(2) and the
20 Secretary’s acceptance of the contract submitted by
21 the individual under subsection (b)(3).

22 “(2) NOTICE.—The Secretary shall provide
23 written notice to an individual promptly upon the
24 Secretary’s approving, under paragraph (1), of the

1 individual's participation in the Scholarship Pro-
2 gram.

3 “(d) CONTRACT.—The contract described in this sub-
4 section is a written contract between the Secretary and
5 an individual that contains—

6 “(1) an agreement that—

7 “(A) subject to paragraph (2), the Sec-
8 retary agrees to provide the individual with a
9 scholarship (described in subsection (e)) for
10 each such school year during the period of years
11 (not to exceed four school years), during which
12 the individual is pursuing a course of study de-
13 scribed in subsection (b)(1)(B); and

14 “(B) subject to paragraph (2), the indi-
15 vidual agrees—

16 “(i) to accept provision of such a
17 scholarship to the individual;

18 “(ii) to maintain enrollment in a
19 course of study described in subsection
20 (b)(1)(B) until the individual completes the
21 course of study;

22 “(iii) while enrolled in such course of
23 study, to maintain an acceptable level of
24 academic standing (as determined under
25 regulations of the Secretary by the edu-

1 cational institution offering such course of
2 study);

3 “(iv) to serve as a health professional
4 for a period of full-time service of not less
5 than 4 years at a health care facility serv-
6 ing an area—

7 “(I) that is located in the State
8 in which the individual attended the
9 institution of higher education de-
10 scribed in subsection (b)(1)(A); and

11 “(II) that is designated by the
12 Secretary, in consultation with the
13 Governor of such State, as being a
14 primary care or public health shortage
15 area.

16 “(2) a provision that any financial obligation of
17 the United States arising out of a contract entered
18 into under this section and any obligation of the in-
19 dividual which is conditioned thereon, is contingent
20 upon funds being appropriated for scholarships
21 under this section;

22 “(3) a statement of the damages to which the
23 United States is entitled, under subsection (f) for
24 the individual’s breach of the contract; and

1 “(4) such other statements of the rights and li-
2 abilities of the Secretary and of the individual, not
3 inconsistent with the provisions of this title.

4 “(e) SCHOLARSHIPS.—

5 “(1) IN GENERAL.—Subject to subparagraph
6 (3), a scholarship provided to a student for a school
7 year under a written contract under the Scholarship
8 Program shall consist of payment to, or (in accord-
9 ance with paragraph (2)) on behalf of, the student
10 of the amount of the tuition of the student in such
11 school year.

12 “(2) PAYMENTS TO SCHOOLS.—The Secretary
13 may contract with an institution of higher education
14 described in subsection (b)(1)(A), in which a partici-
15 pant in the Scholarship Program is enrolled, for the
16 payment to the educational institution of the
17 amounts of tuition and other reasonable educational
18 expenses described in paragraph (1). Payment to
19 such an educational institution may be made without
20 regard to section 3648 of the Revised Statutes (31
21 U.S.C. 529).

22 “(3) LIMITATION ON REVENUE INCREASE.—In
23 no case shall the Secretary provide a scholarship
24 under this section with respect to a student for a
25 school year for an institution of higher education de-

1 scribed in subsection (b)(1)(A) if the percentage of
2 revenues of the institution that such institution re-
3 ceives from tuition for the year (taking into account
4 the provision of this section) would increase by more
5 than 3 percentage points from the year prior to the
6 date of the enactment of this section.

7 “(f) BREACH OF SCHOLARSHIP.—

8 “(1) FAILURE TO COMPLETE COURSE OF
9 STUDY.—An individual who has entered into a writ-
10 ten contract with the Secretary under this section
11 and who—

12 “(A) fails to maintain an acceptable level
13 of academic standing in the institution of high-
14 er education described in subsection (b)(1)(A)
15 in which he is enrolled (such level determined
16 by the institution under regulations of the Sec-
17 retary);

18 “(B) is dismissed from such institution for
19 disciplinary reasons; or

20 “(C) voluntarily terminates the training in
21 such an institution for which he is provided a
22 scholarship under such contract, before the
23 completion of such training,

24 in lieu of any service obligation arising under such
25 contract, shall be liable to the United States for the

1 amount that is equal to the sum of the total amount
2 which has been paid to the individual, or on the be-
3 half of the individual, under the contract plus any
4 amount of interest, as determined by the Secretary.

5 “(2) FAILURE TO COMPLETE SERVICE OBLIGA-
6 TION.—If an individual breaches his written contract
7 by failing to begin such individual’s service obliga-
8 tion under this section, or to complete such service
9 obligation, the United States shall be entitled to re-
10 cover from the individual an amount that is equal to
11 the sum of—

12 “(A) the total amount which has been paid
13 to the individual, or on his behalf of the indi-
14 vidual, under the contract;

15 “(B) any amount of interest, as deter-
16 mined by the Secretary; and

17 “(C) the amount that is equal to 10 per-
18 cent of the amount described in subparagraph
19 (A).

20 “(g) DESIGNATED PRIMARY CARE OR PUBLIC
21 HEALTH SHORTAGE AREA.—For purposes of this section,
22 the term ‘designated primary care or public health short-
23 age area’ means, with respect to a State, an area des-
24 ignated by the Secretary, in consultation with the Gov-
25 ernor of the State, as being without sufficient practicing

1 primary care physicians to ensure access to primary care,
2 public health care services, and preventive care.

3 “(h) APPLICABILITY OF CERTAIN PROVISIONS.—The
4 provisions of subpart III of part D of title III shall, except
5 as inconsistent with this section, apply to the program es-
6 tablished under this section in the same manner and to
7 the same extent as such provisions apply to the National
8 Health Service Corps Scholarship Program established
9 under such subpart.”.