

SENATE COMMISSION ON ART TO  
SELECT SCENE COMMEMORATING  
THE GREAT COMPROMISE

Mr. McCONNELL. I ask unanimous consent that the Rules Committee be discharged from further action on S. Res. 177, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 177) to direct the Senate Commission on Art to select an appropriate scene commemorating the Great Compromise of our forefathers establishing a bicameral Congress with equal State representation in the United States Senate, to be placed in the lunette space in the Senate reception room immediately above the entrance into the Senate chamber lobby, and to authorize the Committee on Rules and Administration to obtain technical advice and assistance in carrying out its duties.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent the amendment at the desk be agreed to; the resolution, as amended, be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the amendment to the title be agreed to, the motion to reconsider be laid upon the table en bloc and statements be printed in the RECORD

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2221) was agreed to, as follows:

(Purpose: To permit the painting to be placed in the Senate wing at a location determined by the Committee on Rules and Administration)

On page 3, strike lines 2 through 4 and insert the following: "forefathers, to be placed in a location in the Senate wing to be determined by the chairman and ranking member of the Committee on Rules and Administration."

The amendment (No. 2222) was agreed to, as follows:

Amend the preamble to read as follows:

Whereas on July 16, 1787, the framers of the United States Constitution, meeting at Independence Hall, reached a supremely important agreement, providing for a dual system of congressional representation, such that in the House of Representatives, each State would be assigned a number of seats in proportion to its population, and in the Senate, all States would have an equal number of seats, an agreement which became known as the "Great Compromise" or the "Connecticut Compromise"; and

Whereas an appropriate scene commemorating the Great Compromise of our forefathers establishing a bicameral Congress with equal State representation in the United States Senate should be placed in the Senate wing of the Capitol: Now, therefore, be it

The amendment (No. 2223) was agreed to, as follows:

Amend the title so as to read: "To direct the Senate Commission on Art to select an

appropriate scene commemorating the Great Compromise of our forefathers establishing a bicameral Congress with equal representation in the United States Senate, to be placed in the Senate wing of the Capitol, and to authorize the Committees on Rules and Administration to obtain technical advice and assistance in carrying out its duties."

The resolution (S. Res. 177), as amended, was agreed to.

The preamble, as amended, was agreed to.

The title amendment, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 177

Whereas on July 16, 1787, the framers of the United States Constitution, meeting at Independence Hall, reached a supremely important agreement, providing for a dual system of congressional representation, such that in the House of Representatives, each State would be assigned a number of seats in proportion to its population, and in the Senate, all States would have an equal number of seats, an agreement which became known as the "Great Compromise" or the "Connecticut Compromise"; and

Whereas an appropriate scene commemorating the Great Compromise of our forefathers establishing a bicameral Congress with equal State representation in the United States Senate should be placed in the Senate wing of the Capitol: Now, therefore, be it

*Resolved,*

**SECTION 1. COMMEMORATION OF THE GREAT COMPROMISE.**

(a) IN GENERAL.—The Senate Commission on Art, established under section 901 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188b) (in this section referred to as the "Commission") shall select an appropriate scene commemorating the Great Compromise of our forefathers, to be placed in a location in the Senate wing to be determined by the chairman and ranking member of the Committee on Rules and Administration.

(b) CONSULTATION AUTHORIZED.—The Commission is authorized to seek the advice of and recommendations from historians and other sources in carrying out this section, and to reimburse such sources for travel expenses, in accordance with Senate Travel Regulations.

(c) TIMING.—The Commission shall make its selection pursuant to this section, and shall commission an artist to begin work, not later than the close of the 2d session of the 108th Congress.

(d) DELEGATION AUTHORITY.—For purposes of making the selection required by this section, a member of the Commission may designate another Senator to act in place of that member.

(e) FUNDING.—The expenses of the Commission in carrying out this section shall be made available from appropriations under the subheading "MISCELLANEOUS ITEMS" under the heading "CONTINGENT EXPENSES OF THE SENATE", on vouchers signed by the Secretary of the Senate and approved by the Committee on Rules and Administration.

**SEC. 2. TECHNICAL ADVICE AND ASSISTANCE.**

(a) IN GENERAL.—The Chairman of the Committee on Rules and Administration may seek technical advice and assistance to the Committee in carrying out its duties from individuals from the public and private sectors, who shall serve without compensation, at the pleasure of the Chairman.

(b) NON-GOVERNMENTAL STATUS.—Individuals providing advice and assistance described in subsection (a) shall not be deemed to be—

(1) Members, officers, or employees of the Senate; or

(2) providing services to the Senate, for purposes of the Senate Code of Official Conduct.

(c) EXPENSES.—Upon submission to the Committee on Rules and Administration of a routine voucher for actual transportation expenses incurred in the performance of providing advice and assistance to the Committee, individuals described in subsection (a) may be reimbursed in accordance with Senate Travel Regulations.

**PRINTING THE PRAYERS OF  
REVEREND LLOYD JOHN OGILVIE**

Mr. McCONNELL. I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Res. 157, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 157) to authorize the printing of the prayers for the Reverend Lloyd John Ogilvie.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 157) was agreed to, as follows:

S. RES. 157

**SECTION 1. AUTHORIZATION OF PRINTING.**

(a) IN GENERAL.—There shall be printed with an appropriate illustration as a Senate document, the prayers by the Reverend Lloyd John Ogilvie, Doctor of Divinity, the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the One Hundred and Fifth Congress, One Hundred and Sixth Congress, One Hundred and Seventh Congress, and One Hundred and Eighth Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate.

(b) ADDITIONAL COPIES.—There shall be printed such additional copies not to exceed \$3,000 in cost of such documents for the use of the Joint Committee on Printing.

**SEC. 2. OVERSIGHT OF PRINTING.**

The copy of the document authorized under section 1 shall be prepared under the direction of the Joint Committee on Printing.

**PHARMACY EDUCATION AID ACT  
OF 2003**

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 370, S. 648.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 648) to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 648

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

**[SECTION 1. SHORT TITLE.**

[This Act may be cited as the "Pharmacy Education Aid Act of 2003".

**[SEC. 2. FINDINGS.**

[Congress makes the following findings:

[(1) Pharmacists are an important link in our Nation's health care system. A critical shortage of pharmacists is threatening the ability of pharmacies to continue to provide important prescription related services.

[(2) In the landmark report entitled "To Err is Human: Building a Safer Health System", the Institute of Medicine reported that medication errors can be partially attributed to factors that are indicative of a shortage of pharmacists (such as too many customers, numerous distractions, and staff shortages).

[(3) Congress acknowledged in the Healthcare Research and Quality Act of 1999 (Public Law 106-129) a growing demand for pharmacists by requiring the Secretary of Health and Human Services to conduct a study to determine whether there is a shortage of pharmacists in the United States and, if so, to what extent.

[(4) As a result of Congress' concern about how a shortage of pharmacists would impact the public health, the Secretary of Health and Human Services published a report entitled "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" in December of 2000.

[(5) "The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists" found that "While the overall supply of pharmacists has increased in the past decade, there has been an unprecedented demand for pharmacists and for pharmaceutical care services, which has not been met by the currently available supply" and that the "evidence clearly indicates the emergence of a shortage of pharmacists over the past two years".

[(6) The same study also found that "The factors causing the current shortage are of a nature not likely to abate in the near future without fundamental changes in pharmacy practice and education." The study projects that the number of prescriptions filled by community pharmacists will increase by 20 percent by 2004. In contrast, the number of community pharmacists is expected to increase by only 6 percent by 2005.

[(7) The demand for pharmacists will increase as prescription drug use continues to grow.]

**[SEC. 3. HEALTH PROFESSIONS PROGRAM RELATED TO THE PRACTICE OF PHARMACY.**

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

**["Subpart 3—Pharmacy Workforce Development**

**["SEC. 781. LOAN REPAYMENT PROGRAM.**

["(a) IN GENERAL.—In the case of any individual—

["(1) who has received a baccalaureate degree in pharmacy or a Doctor of Pharmacy degree from an accredited program; and

["(2) who obtained an educational loan for pharmacy education costs;

the Secretary may enter into an agreement with such individual who agrees to serve as a full-time pharmacist for a period of not less than 2 years at a health care facility with a critical shortage of pharmacists, to make payments in accordance with subsection (b), for and on behalf of that individual, on the principal of and interest on any loan of that individual described in paragraph (2) which is outstanding on the date the individual begins such service.

["(b) MANNER OF PAYMENTS.—

["(1) IN GENERAL.—The payments described in subsection (a) may consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

["(A) tuition expenses;

["(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

["(C) reasonable living expenses as determined by the Secretary.

["(2) PAYMENTS FOR YEARS SERVED.—

["(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (a)(3) the Secretary may pay up to \$35,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

["(i) affects the ability of the Secretary to maximize the number of agreements that may be provided under this section from the amounts appropriated for such agreements;

["(ii) provides an incentive to serve in areas with the greatest shortages of pharmacists; and]

["(iii) provides an incentive with respect to the pharmacist involved remaining in the area and continuing to provide pharmacy services after the completion of the period of obligated service under agreement.

["(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made not later than the end of the fiscal year in which the individual completes such year of service.

["(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual—

["(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved; and

["(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

["(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under this section to establish a schedule for the making of such payments.

["(c) PREFERENCES.—In entering into agreements under subsection (a), the Secretary shall give preference to qualified applicants with the greatest financial need.

["(d) REPORTS.—

["(1) ANNUAL REPORT.—Not later than 18 months after the date of enactment of the Pharmacy Education Aid Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the program carried out under this section, including statements regarding—

["(A) the number of enrollees, loan repayments, and recipients;

["(B) the number of graduates;

["(C) the amount of loan repayments made;]

["(D) which educational institution the recipients attended;

["(E) the number and placement location of the loan repayment recipients at health care facilities with a critical shortage of pharmacists;

["(F) the default rate and actions required;

["(G) the amount of outstanding default funds of the loan repayment program;

["(H) to the extent that it can be determined, the reason for the default;

["(I) the demographics of the individuals participating in the loan repayment program; and

["(J) an evaluation of the overall costs and benefits of the program.

["(2) 5-YEAR REPORT.—Not later than 5 years after the date of enactment of the Pharmacy Education Aid Act, the Secretary shall prepare and submit to Congress a report on how the program carried out under this section interacts with other Federal loan repayment programs for pharmacists and determining the relative effectiveness of such programs in increasing pharmacists practicing in areas with a critical shortage of pharmacists.]

["(e) 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 pharmacist (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 program of pharmacy (in this section referred to as a "pharmacy 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—

["(i) fails to maintain an acceptable level of academic standing in the pharmacy program (as indicated by the program in accordance with requirements established by the Secretary);

["(ii) is dismissed from the pharmacy program for disciplinary reasons; or

["(iii) voluntarily terminates the pharmacy program.

["(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.

[(f) DEFINITION.—In this section, the term ‘health care facility’ means an Indian Health Service health center, a Native Hawaiian health center, a hospital, a pharmacy, a Federal qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, an ambulatory surgical center, or any other facility determined appropriate by the Secretary.

[(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of payments under agreements entered into under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2004 through 2008.

**["SEC. 782. PHARMACIST FACILITY LOAN PROGRAM.**

[(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any school of pharmacy for the establishment and operation of a student loan fund in accordance with this section, to increase the number of qualified pharmacy 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; 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—

[(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

[(2) in the case of any individual, the total of the loans for any academic year made by schools of pharmacy from loan funds established pursuant to agreements under subsection (a) may not exceed \$35,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

[(3) an amount up to 85 percent of any such loan (plus interest thereon) shall be canceled by the school as follows:

[(A) upon completion by the individual of each of the first, second, and third year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of pharmacy, the school shall cancel 20 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment; and

[(B) upon completion by the individual of the fourth year of full-time employment, required by the loan agreement entered into under this subsection, as a faculty member in a school of pharmacy, the school shall cancel 25 percent of the principle of, and the interest on, the amount of such loan unpaid on the first day of such employment;

[(4) such a loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

[(5) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study at a school of pharmacy; and

[(6) such a loan shall—

[(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study at a school of pharmacy, bear interest on the unpaid balance of the loan at the rate of 3 percent per annum; or

[(B) subject to subsection (e), if the school of pharmacy determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

[(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

[(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by a school of pharmacy under subsection (c)(6)(B).

[(f) INFORMATION TECHNOLOGY.—The Secretary may make awards of grants or contracts to qualifying schools of pharmacy for the purpose of assisting such schools in acquiring and installing computer-based systems to provide pharmaceutical education. Education provided through such systems may be graduate education, professional education, or continuing education. The computer-based systems may be designed to provide on-site education, or education at remote sites (commonly referred to as distance learning), or both.

[(g) REQUIREMENT REGARDING EDUCATION IN PRACTICE OF PHARMACY.—With respect to the school of pharmacy involved, the Secretary shall ensure that programs and activities carried out with Federal funds provided under this section have the goal of educating students to become licensed pharmacists, or

the goal of providing for faculty to recruit, retain, and educate students to become licensed pharmacists.

[(h) DEFINITIONS.—For purposes of this section:

[(1) SCHOOL OF PHARMACY.—the term ‘school of pharmacy’ means a college or school of pharmacy (as defined in section 799B) that, in providing clinical experience for students, requires that the students serve in a clinical rotation in which pharmacist services (as defined in section 331(a)(3)(E)) are provided at or for—

[(A) a medical facility that serves a substantial number of individuals who reside in or are members of a medically underserved community (as so defined);

[(B) an entity described in any of subparagraphs (A) through (L) of section 340B(a)(4) (relating to the definition of covered entity);

[(C) a health care facility of the Department of Veterans Affairs or of any of the Armed Forces of the United States; and

[(D) a health care facility of the Bureau of Prisons;

[(E) a health care facility operated by, or with funds received from, the Indian Health Service; or

[(F) a disproportionate share hospital under section 1923 of the Social Security Act.

[(2) PHARMACIST SERVICES.—The term ‘pharmacist services’ includes drug therapy management services furnished by a pharmacist, individually or on behalf of a pharmacy provider, and such services and supplies furnished incident to the pharmacist's drug therapy management services, that the pharmacist is legally authorized to perform (in the State in which the individual performs such services) in accordance with State law (or the State regulatory mechanism provided for by State law).

[(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized [to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.”.]

**["SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Pharmacy Education Aid Act of 2003”.*

**SEC. 2. FINDINGS.**

*Congress makes the following findings:*

(1) *Pharmacists are an important link in our Nation's health care system. A critical shortage of pharmacists is threatening the ability of pharmacies to continue to provide important prescription related services.*

(2) *In the landmark report entitled “To Err is Human: Building a Safer Health System”, the Institute of Medicine reported that medication errors can be partially attributed to factors that are indicative of a shortage of pharmacists (such as too many customers, numerous distractions, and staff shortages).*

(3) *Congress acknowledged in the Healthcare Research and Quality Act of 1999 (Public Law 106-129) a growing demand for pharmacists by requiring the Secretary of Health and Human Services to conduct a study to determine whether there is a shortage of pharmacists in the United States and, if so, to what extent.*

(4) *As a result of Congress' concern about how a shortage of pharmacists would impact the public health, the Secretary of Health and Human Services published a report entitled “The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists” in December of 2000.*

(5) *“The Pharmacist Workforce: A Study in Supply and Demand for Pharmacists” found that “While the overall supply of pharmacists has increased in the past decade, there has been an unprecedented demand for pharmacists and*

for pharmaceutical care services, which has not been met by the currently available supply" and that the "evidence clearly indicates the emergence of a shortage of pharmacists over the past two years".

(6) The same study also found that "The factors causing the current shortage are of a nature not likely to abate in the near future without fundamental changes in pharmacy practice and education." The study projects that the number of prescriptions filled by community pharmacists will increase by 20 percent by 2004. In contrast, the number of community pharmacists is expected to increase by only 6 percent by 2005.

(7) Regarding access to pharmacy services in rural areas, the study found that "Remoteness, isolation from other professionals, lower economic returns, reduced opportunities for advancement, and other rural practice characteristics remain obstacles" to attracting pharmacists.

(8) The demand for pharmacists will increase as prescription drug use continues to grow.

### SEC. 3. HEALTH PROFESSIONS PROGRAMS RELATED TO THE PRACTICE OF PHARMACY.

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

#### "Subpart 3—Pharmacy Workforce Development

### "SEC. 781. LOAN REPAYMENT PROGRAM FOR PHARMACISTS SERVING IN CRITICAL SHORTAGE FACILITIES.

"(a) IN GENERAL.—In the case of any individual—

"(1) who has received a baccalaureate degree in pharmacy or a Doctor of Pharmacy degree from an accredited program;

"(2) who obtained an educational loan for pharmacy education costs; and

"(3) who is licensed without restrictions in the State in which the designated health care facility is located;

the Secretary may enter into an agreement with such individual who agrees to serve as a full-time pharmacist for a period of not less than 2 years at a designated health care facility, to make payments in accordance with subsection (b), for and on behalf of that individual, on the principal of and interest on any loan of that individual described in paragraph (2) which is outstanding on the date the individual begins such service.

"(b) MANNER OF PAYMENTS.—

"(1) IN GENERAL.—The payments described in subsection (a) may consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (a) the Secretary may pay up to \$35,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of agreements that may be provided under this section from the amounts appropriated for such agreements;

"(ii) provides an incentive to serve in areas with the greatest shortages of pharmacists; and

"(iii) provides an incentive with respect to the pharmacist involved remaining in the area and continuing to provide pharmacy services after the completion of the period of obligated service under agreement.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made not later than the end of the fiscal year in which the individual completes such year of service.

"(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual—

"(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under this section to establish a schedule for the making of such payments.

"(c) PREFERENCES.—In entering into agreements under subsection (a), the Secretary shall give preference to qualified applicants with the greatest financial need.

"(d) REPORTS.—

"(1) ANNUAL REPORT.—Not later than 18 months after the date of enactment of the Pharmacy Education Aid Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the program carried out under this section, including statements regarding—

"(A) the number of applicants and contract recipients;

"(B) the amount of loan repayments made;

"(C) which educational institution the recipients attended;

"(D) the number and practice locations of the loan repayment recipients at health care facilities with a critical shortage of pharmacists;

"(E) the default rate and actions required;

"(F) the amount of outstanding default funds of the loan repayment program;

"(G) to the extent that it can be determined, the reason for the default;

"(H) the demographics of the individuals participating in the loan repayment program; and

"(I) an evaluation of the overall costs and benefits of the program.

"(2) 5-YEAR REPORT.—Not later than 5 years after the date of enactment of the Pharmacy Education Aid Act, the Secretary shall prepare and submit to Congress a report on how the program carried out under this section interacts with other Federal loan repayment programs for pharmacists and determining the relative effectiveness of such programs in increasing pharmacists practicing in underserved areas.

"(e) APPLICATION OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—The provisions of section 338C, 338G, and 338I shall apply to the program established under this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program under subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and bankruptcy.

"(2) BREACH OF AGREEMENT.—An individual who enters into an agreement under subsection (a) shall be liable to the Federal Government for the amount of the award under such agreement (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.

"(3) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of subsection (a), the Secretary shall provide for the waiver or suspension of liability under paragraph (2) if compliance by the individual or the health facility, as the case may be, with the agreement 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.

"(4) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (3), any amount that the Federal Government is entitled to recover under paragraph (2) 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.

"(5) AVAILABILITY.—Amounts recovered under paragraph (2) 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.

"(f) DEFINITION.—In this section, the term 'health care facility' means a facility with a critical shortage of pharmacists as determined by the Secretary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of payments under agreements entered into under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2004 through 2008.

### "SEC. 782. PHARMACY FACULTY LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary will enter into contracts with individuals described in subsection (b) and such individuals will agree to serve as faculty members of schools of pharmacy in consideration of the Federal Government agreeing to pay, for each year of such service, not more than \$35,000 of the principal and interest of the educational loans of such individuals.

"(b) ELIGIBLE INDIVIDUALS.—An individual is described in this subsection if such individual—

"(1) has a baccalaureate degree in pharmacy or a Doctor of Pharmacy degree from an accredited program; or

"(2) is enrolled as a full-time student—

"(A) in an accredited pharmacy program; and

"(B) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a baccalaureate degree in pharmacy or a Doctor of Pharmacy degree from such a school.

"(c) REQUIREMENTS REGARDING FACULTY POSITIONS.—The Secretary may not enter into a contract under subsection (a) unless—

"(1) the individual involved has entered into a contract with a school of pharmacy to serve as a member of the faculty of the school for not less than 2 years; and

"(2) the contract referred to in paragraph (1) provides that—

"(A) the school will, for each year for which the individual will serve as a member of the faculty under contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

"(B) the payments made by the school pursuant to subparagraph (A) on behalf of the individual will be in addition to the compensation that the individual would otherwise receive for serving as a member of such faculty; and

"(C) the school, in making a determination of the amount of compensation to be provided by

the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under subsection (a).

“(d) **APPLICABILITY OF CERTAIN PROVISIONS.**—The provisions of sections 338C, 338G, and 338I shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2004 through 2008.

“**SEC. 783. DEFINITIONS.**

“In this subpart:

“(1) **SCHOOL OF PHARMACY.**—The term ‘school of pharmacy’ means a college or school of pharmacy (as defined in section 799B) that, in providing clinical experience for students, requires that the students serve in a clinical rotation in which pharmacist services (as defined in section 331(a)(3)(E)) are provided at or for—

“(A) a medical facility that serves a substantial number of individuals who reside in or are members of a medically underserved community (as so defined);

“(B) an entity described in any of subparagraphs (A) through (L) of section 340B(a)(4) (relating to the definition of covered entity);

“(C) a health care facility of the Department of Veterans Affairs or of any of the Armed Forces of the United States;

“(D) a health care facility of the Bureau of Prisons;

“(E) a health care facility operated by, or with funds received from, the Indian Health Service; or

“(F) a disproportionate share hospital under section 1923 of the Social Security Act.

“(2) **PHARMACIST SERVICES.**—The term ‘pharmacist services’ includes drug therapy management services furnished by a pharmacist, individually or on behalf of a pharmacy provider, and such services and supplies furnished incident to the pharmacist’s drug therapy management services, that the pharmacist is legally authorized to perform (in the State in which the individual performs such services) in accordance with State law (or the State regulatory mechanism provided for by State law).”.

Mr. McCONNELL. I ask unanimous consent the committee substitute amendment be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 648), as amended, was read the third time and passed.

**MEDICAL DEVICES TECHNICAL CORRECTIONS ACT**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 412, S. 1881.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1881) to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1881

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

**SECTION 1. SHORT TITLE.**

[This Act may be cited as the “Medical Devices Technical Corrections Act”.]

**SEC. 2. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 107-250.**

[(a) **TITLE I; FEES RELATING TO MEDICAL DEVICES.**—Part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as added by section 102 of Public Law 107-250 (116 Stat. 1589), is amended—

[(1) in section 737—

[(A) in paragraph (4)(B), by striking “and for which clinical data are generally necessary to provide a reasonable assurance of safety and effectiveness” and inserting “and for which substantial clinical data are necessary to provide a reasonable assurance of safety and effectiveness”;

[(B) in paragraph (4)(D), by striking “manufacturing”;

[(C) in paragraph (5)(J), by striking “a premarket application” and all that follows and inserting “a premarket application or premarket report under section 515 or a premarket application under section 351 of the Public Health Service Act.”; and

[(D) in paragraph (8), by striking “The term ‘affiliate’ means a business entity that has a relationship with a second business entity” and inserting “The term ‘affiliate’ means a business entity that has a relationship with a second business entity (whether domestic or international)”;

[(2) in section 738—

[(A) in subsection (a)(1)—

[(i) in subparagraph (A)—

[(I) in the matter preceding clause (i) by striking “subsection (d),” and inserting “subsections (d) and (e),”;

[(II) in clause (iv), by striking “clause (i),” and all that follows and inserting “clause (i).”;

[(III) in clause (vii), by striking “clause (i),” and all that follows and inserting “clause (i), subject to any adjustment under subsection (e)(2)(C)(ii).”;

[(ii) in subparagraph (D), in each of clauses (i) and (ii), by striking “application” and inserting “application, report.”;

[(B) in subsection (d)(2)(B), beginning in the second sentence, by striking “firms, which show” and inserting “firms, which show”;

[(C) in subsection (e)—

[(i) in paragraph (1), by striking “Where” and inserting “For fiscal year 2004 and each subsequent fiscal year, where”; and

[(ii) in paragraph (2)—

[(I) in subparagraph (B), beginning in the second sentence, by striking “firms, which show” and inserting “firms, which show”;

[(II) in subparagraph (C)(i), by striking “Where” and inserting “For fiscal year 2004 and each subsequent fiscal year, where”;

[(D) in subsection (f), by striking “for filing”;

[(E) in subsection (h)(2)—

[(i) by striking subparagraph (A)(ii) and inserting the following:

[(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of device applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs for fiscal year 2002 when multiplied by the adjustment factor (the determination of the costs of the resources allocated for the process for the review of device applications for fiscal year 2003 through 2007, for purposes of this subparagraph, shall not include costs paid from fees collected under this section).”;

[(ii) in subparagraph (B)—

[(I) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively;

[(II) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

[(III) by striking “The Secretary” and inserting the following:

[(i) **IN GENERAL.**—The Secretary”;

[(IV) by adding at the end the following:

[(ii) **MORE THAN 5 PERCENT.**—To the extent such costs are more than 5 percent below the specified level in subparagraph (A)(ii), fees may not be collected under this section for that fiscal year.”.

[(b) **TITLE II; AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES.**—

[(1) **INSPECTIONS BY ACCREDITED PERSONS.**—Section 704(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)), as added by section 201 of Public Law 107-250 (116 Stat. 1602), is amended—

[(A) in paragraph (1), in the first sentence, by striking “conducting inspections” and all that follows and inserting “conducting inspections of establishments that manufacture, prepare, propagate, compound, or process class II or class III devices, which inspections are required under section 510(h) or are inspections of such establishments required to register under section 510(i).”;

[(B) in paragraph (6)(A)—

[(i) in clause (i), by striking “of the establishment pursuant to subsection (h) or (i) of section 510” and inserting “described in paragraph (1)”;

[(ii) in clause (ii)—

[(I) in the matter preceding subclause (I)—

[(aa) by striking “each inspection” and inserting “inspections”;

[(bb) by inserting “during a 2-year period” after “person”;

[(II) in subclause (I), by striking “such a person” and inserting “an accredited person”;

[(iii) in clause (iii)—

[(I) in the matter preceding subclause (I), by striking “and the following additional conditions are met:” and inserting “and 1 or both of the following additional conditions are met:”;

[(II) in subclause (I), by striking “under subclause (II) of this clause” and inserting “under clause (ii)(II)”;

[(III) in subclause (II), by inserting “or by a person accredited under paragraph (2)” after “by the Secretary”;

[(iv) in clause (iv)(I)—

[(I) in the first sentence—

[(aa) by striking “the two immediately preceding inspections of the establishment”