

109TH CONGRESS  
1ST SESSION

# S. 504

To amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

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## IN THE SENATE OF THE UNITED STATES

MARCH 3, 2005

Mr. HAGEL (for himself, Mr. DURBIN, Ms. CANTWELL, Mr. LAUTENBERG, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

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 “Public Health Pre-  
5       paredness Workforce Development Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The ability of the public health system to  
4 prevent, respond to, and recover from bioterrorism  
5 or acute outbreaks of infectious diseases and other  
6 health threats and emergencies depends upon the ex-  
7 istence of adequate numbers of well-trained public  
8 health professionals in Federal, State, local, and  
9 tribal public health departments. The public health  
10 system has an aging staff nearing retirement with  
11 no clear pipeline of highly-skilled and capable em-  
12 ployees to fill the void. The average age of the State  
13 public health workforce is 47, 7 years older than the  
14 average age of the nation's workforce. More than 50  
15 percent of the States cite the lack of qualified indi-  
16 viduals or individuals willing to relocate as being a  
17 major barrier to preparedness.

18 (2) The National Association of State Personnel  
19 Executives reports that State governments could lose  
20 more than 30 percent of their workforce to retire-  
21 ment, private-sector employers, and alternative ca-  
22 reers by 2006. The rates for State public health de-  
23 partments are as high as 45 percent.

24 (3) The ratio of public health workers to the  
25 population has dropped from 219 per 100,000 in  
26 1980 to 158 per 100,000 in 2000.

1           (4) Approximately 42 percent of the current ep-  
2           idemiology workforce in State and territorial health  
3           departments lacks formal academic training in epi-  
4           demiology.

5           (5) Thirteen State public health laboratories  
6           are without doctoral-level molecular scientists on  
7           staff, 23 have only one, and only 15 States have any  
8           staff redundancy at this level.

9           (6) Public health nurses comprise the largest  
10          segment of the public health workforce. The leaders  
11          of State public health nursing average more than 30  
12          years service and are very close to retirement. In one  
13          State nearly 40 percent of the public health nursing  
14          workforce is eligible for retirement today.

15          (7) Nearly half of the Federal employees in oc-  
16          cupations critical to United States biodefense will be  
17          eligible to retire within the next 5 years. The high  
18          number of employees nearing retirement is accom-  
19          panied by alarmingly small numbers of younger em-  
20          ployees doing biodefense work for the Federal gov-  
21          ernment.

22          (8) The Partnership for Public Service reports  
23          that in the field of microbiology, there are four times  
24          as many employees over age 40 as under age 40 at  
25          the Centers for Disease Control and Prevention.

1 Among employees with medical backgrounds at the  
 2 Centers for Disease Control and Prevention and the  
 3 Food and Drug Administration, there are more than  
 4 twice as many employees over 40 years of age as  
 5 under 40.

6 (9) Bureau of Labor Statistics data project that  
 7 the demand for physicians and related occupations is  
 8 expected to be 26 percent greater in 2012 than  
 9 2002, but the number of medical professionals enter-  
 10 ing the labor market has remained generally con-  
 11 stant over the last 20 years.

12 **SEC. 3. PUBLIC HEALTH WORKFORCE SCHOLARSHIP AND**  
 13 **LOAN REPAYMENT PROGRAM.**

14 Part E of title VII of the Public Health Service Act  
 15 (42 U.S.C. 294n et seq.) is amended by adding at the end  
 16 the following:

17 **“Subpart 3—Public Health Workforce Scholarship**  
 18 **and Loan Repayment Program**

19 **“SEC. 780. PUBLIC HEALTH WORKFORCE SCHOLARSHIP**  
 20 **PROGRAM.**

21 “(a) ESTABLISHMENT.—The Secretary shall estab-  
 22 lish the Public Health Workforce Scholarship Program  
 23 (referred to in this section as the ‘Program’) to assure  
 24 an adequate supply of public health professionals to elimi-  
 25 nate critical public health preparedness workforce short-

1 ages in Federal, State, local, and tribal public health agen-  
2 cies.

3 “(b) ELIGIBILITY.—To be eligible to participate in  
4 the Program, an individual shall—

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

7 “(A) in an accredited (as determined by  
8 the Secretary) educational institution in a State  
9 or territory; and

10 “(B) in a course of study or program, of-  
11 fered by such institution and approved by the  
12 Secretary, leading to a health professions de-  
13 gree (graduate, undergraduate, or associate) or  
14 certificate, which may include laboratory  
15 sciences, epidemiology, environmental health,  
16 health communications, health education and  
17 behavioral sciences, information sciences, or  
18 public administration;

19 “(2) be a United States citizen;

20 “(3) submit an application to the Secretary to  
21 participate in the Program; and

22 “(4) sign and submit to the Secretary, at the  
23 time of the submittal of such application, a written  
24 contract (described in subsection (d)) to serve, upon  
25 the completion of the course of study or program

involved, for the applicable period of obligated service in the full-time employment of a Federal, State, local, or tribal public health agency.

“(c) DISSEMINATION OF INFORMATION.—

“(1) APPLICATION AND CONTRACT FORMS.—

The Secretary shall disseminate application forms and contract forms to individuals desiring to participate in the Program. The Secretary shall include with such forms—

“(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled to recover in the case of the individual’s breach of the contract; and

“(B) information relating to the service obligation and such other information as may be necessary for the individual to understand the individual’s prospective participation in the Program.

“(2) INFORMATION FOR SCHOOLS.—The Secretary shall distribute to health professions schools and other appropriate accredited academic institutions and relevant Federal, State, local, and tribal

1 public health agencies, materials providing informa-  
2 tion on the Program and shall encourage such  
3 schools, institutions, and agencies to disseminate  
4 such materials to potentially eligible students.

5 “(3) UNDERSTANDABILITY AND TIMING.—The  
6 application form, contract form, and all other infor-  
7 mation furnished by the Secretary under this section  
8 shall—

9 “(A) be written in a manner calculated to  
10 be understood by the average individual apply-  
11 ing to participate in the Program; and

12 “(B) be made available by the Secretary on  
13 a date sufficiently early to ensure that such in-  
14 dividuals have adequate time to carefully review  
15 and evaluate such forms and information.

16 “(d) CONTRACT.—The written contract (referred to  
17 in this section) between the Secretary and an individual  
18 shall contain—

19 “(1) an agreement on the part of the Secretary  
20 that the Secretary will provide the individual with a  
21 scholarship for a period of years (not to exceed 4  
22 academic years) during which the individual shall  
23 pursue an approved course of study or program to  
24 prepare the individual to serve in the public health  
25 workforce;

1           “(2) an agreement on the part of the individual  
2       that the individual will—

3           “(A) maintain full-time enrollment in the  
4       approved course of study or program described  
5       in subsection (b)(1) until the individual com-  
6       pletes that course of study or program;

7           “(B) while enrolled in the course of study  
8       or program, maintain an acceptable level of aca-  
9       demic standing (as determined under regula-  
10      tions of the Secretary by the educational insti-  
11      tution offering such course of study or pro-  
12      gram); and

13          “(C) immediately upon graduation, serve  
14      in the full-time employment of a Federal, State,  
15      local, or tribal public health agency in a posi-  
16      tion related to the course of study or program  
17      for which the contract was awarded for a period  
18      of time (referred to in this section as the ‘pe-  
19      riod of obligated service’) equal to the greater  
20      of—

21           “(i) 1 year for each academic year for  
22          which the individual was provided a schol-  
23          arship under the Program; or

24           “(ii) 2 years;



1           “(3) an agreement by both parties as to the na-  
2           ture and extent of the scholarship assistance, which  
3           may include—

4                   “(A) payment of the tuition expenses of  
5           the individual;

6                   “(B) payment of all other reasonable edu-  
7           cational expenses of the individual including  
8           fees, books, equipment and laboratory expenses;  
9           and

10                   “(C) payment of a stipend of not more  
11           than \$1,200 per month for each month of the  
12           academic year involved (indexed to account for  
13           increases in the Consumer Price Index); and

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

20                   “(5) a statement of the damages to which the  
21           United States is entitled for the individual’s breach  
22           of the contract; and

23                   “(6) such other statements of the rights and li-  
24           abilities of the Secretary and of the individual, not  
25           inconsistent with the provisions of this section.

1       “(e) POSTPONING OBLIGATED SERVICE.—With re-  
 2 spect to an individual receiving a degree or certificate from  
 3 a school of medicine, public health, nursing, osteopathic  
 4 medicine, dentistry, veterinary medicine, optometry, po-  
 5 diatry, pharmacy, psychology, or social work under a  
 6 scholarship under the Program, the date of the initiation  
 7 of the period of obligated service may be postponed, upon  
 8 the submission by the individual of a petition for such  
 9 postponement and approval by the Secretary, to the date  
 10 on which the individual completes an approved internship,  
 11 residency, or other relevant public health preparedness ad-  
 12 vanced training program.

13       “(f) ADMINISTRATIVE PROVISIONS.—

14           “(1) CONTRACTS WITH INSTITUTIONS.—The  
 15 Secretary may contract with an educational institu-  
 16 tion in which a participant in the Program is en-  
 17 rolled, for the payment to the educational institution  
 18 of the amounts of tuition and other reasonable edu-  
 19 cational expenses described in subsection (d)(3).

20           “(2) EMPLOYMENT CEILINGS.—Notwith-  
 21 standing any other provision of law, individuals who  
 22 have entered into written contracts with the Sec-  
 23 retary under this section, while undergoing academic  
 24 training, shall not be counted against any employ-

1       ment ceiling affecting the Department or any other  
2       Federal agency.

3       “(g) BREACH OF CONTRACT.—An individual who  
4 fails to comply with the contract entered into under sub-  
5 section (d) shall be subject to the same financial penalties  
6 as provided for under section 338E for breaches of schol-  
7 arship contracts under sections 338A.

8       **“SEC. 781. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT**  
9                               **PROGRAM.**

10       “(a) ESTABLISHMENT.—The Secretary shall estab-  
11 lish the Public Health Workforce Loan Repayment Pro-  
12 gram (referred to in this section as the ‘Program’) to as-  
13 sure an adequate supply of public health professionals to  
14 eliminate critical public health preparedness workforce  
15 shortages in Federal, State, local, and tribal public health  
16 agencies.

17       “(b) ELIGIBILITY.—To be eligible to participate in  
18 the Program, an individual shall—

19               “(1)(A) be accepted for enrollment, or be en-  
20 rolled, as a full-time or part-time student in an ac-  
21 credited academic educational institution in a State  
22 or territory in the final year of a course of study or  
23 program offered by that institution leading to a  
24 health professions degree or certificate, which may  
25 include a degree (graduate, undergraduate, or asso-

1 ciate) or certificate relating to laboratory sciences,  
2 epidemiology, environmental health, health commu-  
3 nications, health education and behavioral sciences,  
4 information sciences, or public administration; or

5 “(B) have graduated, within 10 years, from an  
6 accredited educational institution in a State or terri-  
7 tory and received a health professions degree (grad-  
8 uate, undergraduate, or associate) or certificate,  
9 which may include a degree (graduate, under-  
10 graduate, or associate) or certificate relating to lab-  
11 oratory sciences, epidemiology, environmental health,  
12 health communications, health education and behav-  
13 ioral sciences, information sciences, or public admin-  
14 istration;

15 “(2)(A) in the case of an individual described in  
16 paragraph (1)(A), have accepted employment with a  
17 Federal, State, local, or tribal public health agency,  
18 as recognized by the Secretary, to commence upon  
19 graduation; or

20 “(B) in the case of an individual described in  
21 paragraph (1)(B), be employed by, or have accepted  
22 employment with, a Federal, State, local, or tribal  
23 public health agency, as recognized by the Secretary;

24 “(3) be a United States citizen;

1           “(4) submit an application to the Secretary to  
2 participate in the Program; and

3           “(5) sign and submit to the Secretary, at the  
4 time of the submittal of such application, a written  
5 contract (described in subsection (d)) to serve for  
6 the applicable period of obligated service in the full-  
7 time employment of a Federal, State, local, or tribal  
8 public health agency.

9           “(c) DISSEMINATION OF INFORMATION.—

10           “(1) APPLICATION AND CONTRACT FORMS.—

11           The Secretary shall disseminate application forms  
12 and contract forms to individuals desiring to partici-  
13 pate in the Program. The Secretary shall include  
14 with such forms—

15           “(A) a fair summary of the rights and li-  
16 abilities of an individual whose application is  
17 approved (and whose contract is accepted) by  
18 the Secretary, including in the summary a clear  
19 explanation of the damages to which the United  
20 States is entitled to recover in the case of the  
21 individual’s breach of the contract; and

22           “(B) information relating to the service ob-  
23 ligation and such other information as may be  
24 necessary for the individual to understand the

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

3 “(2) INFORMATION FOR SCHOOLS.—The Sec-  
4 retary shall distribute to health professions schools  
5 and other appropriate accredited academic institu-  
6 tions and relevant Federal, State, local, and tribal  
7 public health agencies, materials providing informa-  
8 tion on the Program and shall encourage such  
9 schools, institutions, and agencies to disseminate  
10 such materials to potentially eligible students.

11 “(3) UNDERSTANDABILITY AND TIMING.—The  
12 application form, contract form, and all other infor-  
13 mation furnished by the Secretary under this section  
14 shall—

15 “(A) be written in a manner calculated to  
16 be understood by the average individual apply-  
17 ing to participate in the Program; and

18 “(B) be made available by the Secretary on  
19 a date sufficiently early to ensure that such in-  
20 dividuals have adequate time to carefully review  
21 and evaluate such forms and information.

22 “(d) CONTRACT.—The written contract (referred to  
23 in this section) between the Secretary and an individual  
24 shall contain—

1           “(1) an agreement on the part of the Secretary  
2           that the Secretary will repay on behalf of the indi-  
3           vidual loans incurred by the individual in the pursuit  
4           of the relevant public health preparedness workforce  
5           educational degree or certificate in accordance with  
6           the terms of the contract;

7           “(2) an agreement on the part of the individual  
8           that the individual will serve, immediately upon  
9           graduation in the case of an individual described in  
10          subsection (b)(1)(A) service, or in the case of an in-  
11          dividual described in subsection (b)(1)(B) continue  
12          to serve, in the full-time employment of a Federal,  
13          State, local, or tribal public health agency in a posi-  
14          tion related to the course of study or program for  
15          which the contract was awarded for a period of time  
16          (referred to in this section as the ‘period of obligated  
17          service’) equal to the greater of—

18                       “(i) 3 years; or

19                       “(ii) such longer period of time as de-  
20                       termined appropriate by the Secretary and  
21                       the individual;

22          “(3) an agreement, as appropriate, on the part  
23          of the individual to relocate for the entire period of  
24          obligated service to a political jurisdiction designated  
25          by the Secretary to be a priority service area in ex-

1 change for an additional loan repayment incentive  
2 amount that does not exceed 20 percent of the indi-  
3 vidual's eligible loan repayment award per academic  
4 year such that the total of the loan repayment and  
5 the incentive amount shall not exceed  $\frac{1}{3}$  of the eligi-  
6 ble loan balance per year;

7 “(4) in the case of an individual described in  
8 subsection (b)(1)(A) who is in the final year of study  
9 and who has accepted employment with a Federal,  
10 State, local, or tribal public health agency upon  
11 graduation, an agreement on the part of the indi-  
12 vidual to complete the education or training, main-  
13 tain an acceptable level of academic standing (as de-  
14 termined by the education institution offering the  
15 course of study or training), and agree to the period  
16 of obligated service;

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

23 “(6) a statement of the damages to which the  
24 United States is entitled, under this section for the  
25 individual's breach of the contract; and



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

4           “(e) PAYMENTS.—

5           “(1) IN GENERAL.—A loan repayment provided  
 6           for an individual under a written contract under the  
 7           Program shall consist of payment, in accordance  
 8           with paragraph (2), on behalf of the individual of  
 9           the principal, interest, and related expenses on gov-  
 10          ernment and commercial loans received by the indi-  
 11          vidual regarding the undergraduate or graduate edu-  
 12          cation of the individual (or both), which loans were  
 13          made for—

14                   “(A) tuition expenses; or

15                   “(B) all other reasonable educational ex-  
 16                   penses, including fees, books, and laboratory ex-  
 17                   penses, incurred by the individual.

18           “(2) PAYMENTS FOR YEARS SERVED.—

19           “(A) IN GENERAL.—For each year of obli-  
 20           gated service that an individual contracts to  
 21           serve under subsection (d) the Secretary may  
 22           pay up to \$35,000 on behalf of the individual  
 23           for loans described in paragraph (1). With re-  
 24           spect to participants under the Program whose  
 25           total eligible loans are less than \$105,000, the

1 Secretary shall pay an amount that does not ex-  
 2 ceed  $\frac{1}{3}$  of the eligible loan balance for each  
 3 year of obligated service of the individual.

4 “(B) REPAYMENT SCHEDULE.—Any ar-  
 5 rangement made by the Secretary for the mak-  
 6 ing of loan repayments in accordance with this  
 7 subsection shall provide that any repayments  
 8 for a year of obligated service shall be made no  
 9 later than the end of the fiscal year in which  
 10 the individual completes such year of service.

11 “(3) TAX LIABILITY.—For the purpose of pro-  
 12 viding reimbursements for tax liability resulting  
 13 from payments under paragraph (2) on behalf of an  
 14 individual—

15 “(A) the Secretary shall, in addition to  
 16 such payments, make payments to the indi-  
 17 vidual in an amount not to exceed 39 percent  
 18 of the total amount of loan repayments made  
 19 for the taxable year involved; and

20 “(B) may make such additional payments  
 21 as the Secretary determines to be appropriate  
 22 with respect to such purpose.

23 “(4) PAYMENT SCHEDULE.—The Secretary  
 24 may enter into an agreement with the holder of any  
 25 loan for which payments are made under the Pro-

1       gram to establish a schedule for the making of such  
2       payments.

3       “(f) POSTPONING OBLIGATED SERVICE.—With re-  
4       spect to an individual receiving a degree or certificate from  
5       a school of medicine, public health, nursing, osteopathic  
6       medicine, dentistry, veterinary medicine, optometry, po-  
7       diatry, pharmacy, psychology, or social work, the date of  
8       the initiation of the period of obligated service may be  
9       postponed, upon the submission by the individual of a peti-  
10      tion for such postponement and approval by the Secretary,  
11      to the date on which the individual completes an approved  
12      internship, residency, or other relevant public health pre-  
13      paredness advanced training program.

14      “(g) ADMINISTRATIVE PROVISIONS.—

15           “(1) HIRING PRIORITY.—Notwithstanding any  
16      other provision of law, Federal, State, local, and  
17      tribal public health agencies may give hiring priority  
18      to any individual who has qualified for and is willing  
19      to execute a contract to participate in the Program.

20           “(2) EMPLOYMENT CEILINGS.—Notwith-  
21      standing any other provision of law, individuals who  
22      have entered into written contracts with the Sec-  
23      retary under this section, who are serving as full-  
24      time employees of a State, local, or tribal public  
25      health agency, or who are in the last year of public

1 health workforce academic preparation, shall not be  
 2 counted against any employment ceiling affecting  
 3 the Department or any other Federal agency.

4 “(h) BREACH OF CONTRACT.—An individual who  
 5 fails to comply with the contract entered into under sub-  
 6 section (d) shall be subject to the same financial penalties  
 7 as provided for under section 338E for breaches of loan  
 8 repayment contracts under section 338B.

9 **“SEC. 782. GRANTS FOR STATE AND LOCAL PROGRAMS.**

10 “(a) IN GENERAL.—For the purpose of operating  
 11 State, local, and tribal public health workforce loan repay-  
 12 ment programs, the Secretary shall award a grant to any  
 13 public health agency that receives public health prepared-  
 14 ness cooperative agreements, or other successor coopera-  
 15 tive agreements, from the Department of Health and  
 16 Human Services.

17 “(b) REQUIREMENTS.—A State or local loan repay-  
 18 ment program operated with a grant under subsection (a)  
 19 shall incorporate all provisions of the Public Health Work-  
 20 force Loan Repayment Program under section 781, in-  
 21 cluding the ability to designate priority service areas with-  
 22 in the relevant political jurisdiction.

23 “(c) ADMINISTRATION.—The head of the State or  
 24 local office that receives a grant under subsection (a) shall

1 be responsible for contracting and operating the loan re-  
 2 payment program under the grant.

3 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
 4 tion shall be construed to obligate or limit any State, local,  
 5 or tribal government entity from implementing inde-  
 6 pendent or supplemental public health workforce develop-  
 7 ment programs within their borders.

8 **“SEC. 783. CATALOGUE OF FEDERAL PUBLIC HEALTH**  
 9 **WORKFORCE EMPLOYMENT OPPORTUNITIES.**

10 “(a) IN GENERAL.—The Director of the Office of  
 11 Personnel Management, in cooperation with the Secretary,  
 12 shall ensure that within the Office of Personnel Manage-  
 13 ment’s website, there is an on-line catalogue of public  
 14 health workforce employment opportunities in the Federal  
 15 Government.

16 “(b) REQUIREMENTS.—To the extent practical, the  
 17 catalogue described in subsection (a) shall include—

18 “(1) existing and projected job openings in the  
 19 Federal public health workforce; and

20 “(2) a general discussion of the occupations  
 21 that comprise the Federal public health workforce.

22 “(c) INFORMATION.—The Secretary shall include a  
 23 copy of the catalogue, or a prominent reference to the  
 24 catalogue, in—

1           “(1) the information for schools provided under  
2           section 780(c)(2) and 781(c)(2); and

3           “(2) the application forms provided under sec-  
4           tions 780(c)(1) and 781(c)(1).

5   **“SEC. 784. AUTHORIZATION OF APPROPRIATIONS.**

6           “(a) SCHOLARSHIP PROGRAM.—For the purpose of  
7           carrying out section 780, there is authorized to be appro-  
8           priated \$35,000,000 for fiscal year 2006, and such sums  
9           as may be necessary for each of fiscal years 2007 through  
10          2011.

11          “(b) LOAN REPAYMENT PROGRAMS.—

12           “(1) IN GENERAL.—For the purpose of car-  
13           rying out sections 781 and 782, there is authorized  
14           to be appropriated \$195,000,000 for fiscal year  
15           2006, and such sums as may be necessary for each  
16           of fiscal years 2007 through 2011.

17           “(2) ALLOCATION.—Not less than 80 percent  
18           of the amount appropriated under paragraph (1) in  
19           each fiscal year shall be made available to carry out  
20           section 782.

21   **“SEC. 785. SEVERABILITY.**

22           “If any provision of this subpart, or the application  
23           of such provision to any person or circumstance, is held  
24           to be unconstitutional, the remainder of this subpart and

- 1 the application of the provisions of this subpart to any
- 2 person or circumstance shall not be affected thereby.”.

