

109TH CONGRESS
1ST SESSION

S. 506

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.

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

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

1 involved, for the applicable period of obligated serv-
 2 ice in the full-time employment of a Federal, State,
 3 local, or tribal public health agency.

4 “(c) DISSEMINATION OF INFORMATION.—

5 “(1) APPLICATION AND CONTRACT FORMS.—

6 The Secretary shall disseminate application forms
 7 and contract forms to individuals desiring to partici-
 8 pate in the Program. The Secretary shall include
 9 with such forms—

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

17 “(B) information relating to the service ob-
 18 ligation and such other information as may be
 19 necessary for the individual to understand the
 20 individual’s prospective participation in the Pro-
 21 gram.

22 “(2) INFORMATION FOR SCHOOLS.—The Sec-
 23 retary shall distribute to health professions schools
 24 and other appropriate accredited academic institu-
 25 tions 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.”.

