

Indian tribe or tribal or Indian organization receive consideration on an equal basis with programs that are administered directly by the Service.’

Subsec. (n). Pub. L. 102-573, §106(i), amended subsec. (n) generally. Prior to amendment, subsec. (n) consisted of pars. (1) and (2) requiring submission of annual reports to Congress by the first of March and the first of July of each year.

Subsec. (o). Pub. L. 102-573, §117(b)(3), struck out subsec. (o) which read as follows: “There are authorized to be appropriated such sums as may be necessary for each fiscal year to carry out the provisions of this section.”

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to Reserve Corps of the Public Health Service deemed to be a reference to the Ready Reserve Corps, see section 204(c)(3) of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-573, title I, §106(g)(2), Oct. 29, 1992, 106 Stat. 4537, provided that: “The amendment made by paragraph (1) [amending this section] shall apply only with respect to contracts under section 108 of the Indian Health Care Improvement Act [this section] entered into on or after the date of enactment of this Act [Oct. 29, 1992].”

§ 1616a-1. Scholarship and Loan Repayment Recovery Fund

(a) Establishment

There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the “Fund”). The Fund shall consist of such amounts as may be appropriated to the Fund under subsection (b). Amounts appropriated for the Fund shall remain available until expended.

(b) Authorization of appropriations

For each fiscal year, there is authorized to be appropriated to the Fund an amount equal to the sum of—

(1) the amount collected during the preceding fiscal year by the Federal Government pursuant to—

(A) the liability of individuals under subparagraph (A) or (B) of section 1613a(b)(5) of this title for the breach of contracts entered into under section 1613a of this title; and

(B) the liability of individuals under section 1616a(l) of this title for the breach of contracts entered into under section 1616a of this title; and

(2) the aggregate amount of interest accruing during the preceding fiscal year on obligations held in the Fund pursuant to subsection (d) and the amount of proceeds from the sale or redemption of such obligations during such fiscal year.

(c) Use of funds

(1) Amounts in the Fund and available pursuant to appropriation Acts may be expended by the Secretary, acting through the Service, to make payments to an Indian tribe or tribal organization administering a health care program pursuant to a contract entered into under the Indian Self-Determination Act [25 U.S.C. 5321 et seq.]—

(A) to which a scholarship recipient under section 1613a of this title or a loan repayment program participant under section 1616a of this title has been assigned to meet the obligated service requirements pursuant to¹ sections; and

(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 1613a of this title or section 1616a of this title.

(2) An Indian tribe or tribal organization receiving payments pursuant to paragraph (1) may expend the payments to recruit and employ, directly or by contract, health professionals to provide health care services.

(d) Investment of excess funds

(1) The Secretary of the Treasury shall invest such amounts of the Fund as such Secretary determines are not required to meet current withdrawals from the Fund. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

(2) Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(Pub. L. 94-437, title I, §108A, as added Pub. L. 102-573, title I, §110, Oct. 29, 1992, 106 Stat. 4538.)

Editorial Notes

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (c)(1), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to subchapter I (§5321 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

§ 1616b. Recruitment activities

(a) The Secretary may reimburse health professionals seeking positions in the Service, including individuals considering entering into a contract under section 1616a of this title, and their spouses, for actual and reasonable expenses incurred in traveling to and from their places of residence to an area in which they may be assigned for the purpose of evaluating such area with respect to such assignment.

(b) The Secretary, acting through the Service, shall assign one individual in each area office to be responsible on a full-time basis for recruitment activities.

(Pub. L. 94-437, title I, §109, as added Pub. L. 100-713, title I, §108, Nov. 23, 1988, 102 Stat. 4794; amended Pub. L. 102-573, title I, §107, Oct. 29, 1992, 106 Stat. 4538.)

Editorial Notes

AMENDMENTS

1992—Pub. L. 102-573, §107(1), substituted “Recruitment activities” for “Travel expenses for recruitment” in section catchline.

Subsec. (b). Pub. L. 102-573, §107(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as

¹ So in original. Probably should be “to such”.

follows: "There are authorized to be appropriated \$100,000 for each of the fiscal years 1990, 1991, and 1992, for the purpose of carrying out the provisions of this section."

§ 1616c. Tribal recruitment and retention program

(a) Projects funded on competitive basis

The Secretary, acting through the Service, shall fund, on a competitive basis, projects to enable Indian tribes and tribal and Indian organizations to recruit, place, and retain health professionals to meet the staffing needs of Indian health programs (as defined in section 1616a(a)(2) of this title).

(b) Eligibility

(1) Any Indian tribe or tribal or Indian organization may submit an application for funding of a project pursuant to this section.

(2) Indian tribes and tribal and Indian organizations under the authority of the Indian Self-Determination Act [25 U.S.C. 5321 et seq.] shall be given an equal opportunity with programs that are administered directly by the Service to compete for, and receive, grants under subsection (a) for such projects.

(Pub. L. 94-437, title I, §110, as added Pub. L. 100-713, title I, §108, Nov. 23, 1988, 102 Stat. 4794; amended Pub. L. 102-573, title I, §117(b)(4), Oct. 29, 1992, 106 Stat. 4544.)

Editorial Notes

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (b)(2), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to subchapter I (§5321 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-573 struck out subsec. (c) which authorized appropriations for fiscal years 1990 to 1992.

§ 1616d. Advanced training and research

(a) Establishment of program

The Secretary, acting through the Service, shall establish a program to enable health professionals to pursue advanced training or research in areas of study for which the Secretary determines a need exists. In selecting participants for a program established under this subsection, the Secretary, acting through the Service, shall give priority to applicants who are employed by the Indian Health Service, Indian tribes, tribal organizations, and urban Indian organizations, at the time of the submission of the applications.

(b) Obligated service

An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian health program (as defined in section 1616a(a)(2) of this title) for a period of obligated service equal to at least the period of time during which the individual participates in such program. In the event that the

individual fails to complete such obligated service, the individual shall be liable to the United States for the period of service remaining. In such event, with respect to individuals entering the program after October 29, 1992, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (f) of section 1616a of this title in the manner provided for in such subsection.

(c) Eligibility

Health professionals from Indian tribes and tribal and Indian organizations under the authority of the Indian Self-Determination Act [25 U.S.C. 5321 et seq.] shall be given an equal opportunity to participate in the program under subsection (a).

(Pub. L. 94-437, title I, §111, as added Pub. L. 100-713, title I, §108, Nov. 23, 1988, 102 Stat. 4795; amended Pub. L. 102-573, title I, §108, Oct. 29, 1992, 106 Stat. 4538; Pub. L. 103-435, §16(a), Nov. 2, 1994, 108 Stat. 4573.)

Editorial Notes

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (c), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to subchapter I (§5321 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-435, §16(a)(1), struck out "who have worked in an Indian health program (as defined in section 1616a(a)(2) of this title) for a substantial period of time" after "health professionals" and inserted at end "In selecting participants for a program established under this subsection, the Secretary, acting through the Service, shall give priority to applicants who are employed by the Indian Health Service, Indian tribes, tribal organizations, and urban Indian organizations, at the time of the submission of the applications."

Subsec. (b). Pub. L. 103-435, §16(a)(2), inserted "(as defined in section 1616a(a)(2) of this title)" after "Indian health program".

1992—Subsec. (b). Pub. L. 102-573, §108(1), amended last sentence generally. Prior to amendment, last sentence read as follows: "The Secretary shall develop standards for appropriate recoupment for such remaining service."

Subsec. (d). Pub. L. 102-573, §108(2), struck out subsec. (d) which directed Secretary to prescribe regulations to carry out this section.

§ 1616e. Nursing program

(a) Grants

The Secretary, acting through the Service, shall provide grants to—

- (1) public or private schools of nursing,
- (2) tribally controlled community colleges and tribally controlled postsecondary vocational institutions (as defined in section 2397h(2)¹ of title 20), and
- (3) nurse midwife programs, and nurse practitioner programs, that are provided by any public or private institution,

for the purpose of increasing the number of nurses, nurse midwives, and nurse practitioners who deliver health care services to Indians.

¹ See References in Text note below.