

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.

(b) Purposes

Grants provided under subsection (a) may be used to—

(1) recruit individuals for programs which train individuals to be nurses, nurse midwives, or nurse practitioners,

(2) provide scholarships to individuals enrolled in such programs that may pay the tuition charged for such program and other expenses incurred in connection with such program, including books, fees, room and board, and stipends for living expenses,

(3) provide a program that encourages nurses, nurse midwives, and nurse practitioners to provide, or continue to provide, health care services to Indians,

(4) provide a program that increases the skills of, and provides continuing education to, nurses, nurse midwives, and nurse practitioners, or

(5) provide any program that is designed to achieve the purpose described in subsection (a).

(c) Application

Each application for a grant under subsection (a) shall include such information as the Secretary may require to establish the connection between the program of the applicant and a health care facility that primarily serves Indians.

(d) Preference

In providing grants under subsection (a), the Secretary shall extend a preference to—

(1) programs that provide a preference to Indians,

(2) programs that train nurse midwives or nurse practitioners,

(3) programs that are interdisciplinary, and

(4) programs that are conducted in cooperation with a center for gifted and talented Indian students established under section 2624(a)¹ of this title.

(e) Quentin N. Burdick American Indians Into Nursing Program

The Secretary shall provide one of the grants authorized under subsection (a) to establish and maintain a program at the University of North Dakota to be known as the “Quentin N. Burdick American Indians Into Nursing Program”. Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick Indian Health Programs established under section 1616g(b) of this title and the Quentin N. Burdick American Indians Into Psychology Program established under section 1621p(b) of this title.

(f) Service obligation

The active duty service obligation prescribed under section 254m of title 42 shall be met by each individual who receives training or assistance described in paragraph (1) or (2) of subsection (b) that is funded by a grant provided under subsection (a). Such obligation shall be met by service—

(A) in the Indian Health Service;

(B) in a program conducted under a contract entered into under the Indian Self-Determination Act [25 U.S.C. 5321 et seq.];

(C) in a program assisted under subchapter IV of this chapter; or

(D) in the private practice of nursing if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

(g) Authorization of appropriations

Beginning with fiscal year 1993, of the amounts appropriated under the authority of this subchapter for each fiscal year to be used to carry out this section, not less than \$1,000,000 shall be used to provide grants under subsection (a) for the training of nurse midwives, nurse anesthetists, and nurse practitioners.

(Pub. L. 94-437, title I, §112, as added Pub. L. 100-713, title I, §108, Nov. 23, 1988, 102 Stat. 4795; amended Pub. L. 102-573, title I, §§104(b), (c), 114(a), Oct. 29, 1992, 106 Stat. 4533, 4543.)

Editorial Notes

REFERENCES IN TEXT

Section 2397h of title 20, referred to in subsec. (a)(2), was omitted in the general amendment of chapter 44 (§2301 et seq.) of Title 20, Education, by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

Section 2624 of this title, referred to in subsec. (d)(4), was repealed by Pub. L. 103-382, title III, §367, Oct. 20, 1994, 108 Stat. 3976.

The Indian Self-Determination Act, referred to in subsec. (f)(B), 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. (a)(2). Pub. L. 102-573, §114(a), inserted “and tribally controlled postsecondary vocational institutions (as defined in section 2397h(2) of title 20)” after “community colleges”.

Subsecs. (e), (f). Pub. L. 102-573, §104(b), added subsec. (e) and redesignated former subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 102-573, §104(c), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows:

“(1) There are authorized to be appropriated for each of the fiscal years 1990, 1991, and 1992, \$5,000,000 for the purpose of carrying out the provisions of this section.

“(2) Of the amounts appropriated under the authority of paragraph (1) for each fiscal year, the Secretary shall use at least \$1,000,000 to provide grants under subsection (a) for the training of nurse midwives.”

Pub. L. 102-573, §104(b)(1), redesignated subsec. (f) as (g).

§ 1616e-1. Nursing school clinics**(a) Grants**

In addition to the authority of the Secretary under section 1616e(a)(1) of this title, the Secretary, acting through the Service, is authorized to provide grants to public or private schools of nursing for the purpose of establishing, developing, operating, and administering clinics to address the health care needs of Indians, and to provide primary health care services to Indians who reside on or within 50 miles of Indian country, as defined in section 1151 of title 18.

(b) Purposes

Grants provided under subsection (a) may be used to—