

ing Program established under section 1616e(e) of this title.

**(c) Regulations; contents of recruitment program**

(1) The Secretary shall develop regulations for the competitive awarding of the grants provided under this section.

(2) Applicants for grants provided under this section shall agree to provide a program which—

(A) provides outreach and recruitment for health professions to Indian communities including elementary, secondary and community colleges located on Indian reservations which will be served by the program,

(B) incorporates a program advisory board comprised of representatives from the tribes and communities which will be served by the program,

(C) provides summer preparatory programs for Indian students who need enrichment in the subjects of math and science in order to pursue training in the health professions,

(D) provides tutoring, counseling and support to students who are enrolled in a health career program of study at the respective college or university, and

(E) to the maximum extent feasible, employs qualified Indians in the program.

**(d) Report to Congress**

By no later than the date that is 3 years after November 23, 1988, the Secretary shall submit a report to the Congress on the program established under this section including recommendations for expansion or changes to the program.

(Pub. L. 94-437, title I, §114, as added Pub. L. 100-713, title I, §109, Nov. 23, 1988, 102 Stat. 4796; amended Pub. L. 102-573, title I, §§109, 117(b)(6), Oct. 29, 1992, 106 Stat. 4538, 4544.)

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-573, §109, inserted “to be known as the ‘Quentin N. Burdick Indian Health Programs,’” after “North Dakota,” and “Such program shall, to the maximum extent feasible, coordinate with the Quentin N. Burdick American Indians Into Psychology Program established under section 1621p(b) of this title and the Quentin N. Burdick American Indians Into Nursing Program established under section 1616e(e) of this title.” at end.

Subsec. (e). Pub. L. 102-573, §117(b)(6), struck out subsec. (e) which authorized appropriations for fiscal years 1990 to 1992.

**§ 1616h. Health training programs of community colleges**

**(a) Grants**

(1) The Secretary, acting through the Service, shall award grants to community colleges for the purpose of assisting the community college in the establishment of programs which provide education in a health profession leading to a degree or diploma in a health profession for individuals who desire to practice such profession on an Indian reservation or in a tribal clinic.

(2) The amount of any grant awarded to a community college under paragraph (1) for the first year in which such a grant is provided to the community college shall not exceed \$100,000.

**(b) Eligibility**

(1) The Secretary, acting through the Service, shall award grants to community colleges that

have established a program described in subsection (a)(1) of this section for the purpose of maintaining the program and recruiting students for the program.

(2) Grants may only be made under this section to a community college which—

(A) is accredited,

(B) has access to a hospital facility, Service facility, or hospital that could provide training of nurses or health professionals,

(C) has entered into an agreement with an accredited college or university medical school, the terms of which—

(i) provide a program that enhances the transition and recruitment of students into advanced baccalaureate or graduate programs which train health professionals, and

(ii) stipulate certifications necessary to approve internship and field placement opportunities at service unit facilities of the Service or at tribal health facilities,

(D) has a qualified staff which has the appropriate certifications, and

(E) is capable of obtaining State or regional accreditation of the program described in subsection (a)(1) of this section.

**(c) Agreements and technical assistance**

The Secretary shall encourage community colleges described in subsection (b)(2) of this section to establish and maintain programs described in subsection (a)(1) of this section by—

(1) entering into agreements with such colleges for the provision of qualified personnel of the Service to teach courses of study in such programs, and

(2) providing technical assistance and support to such colleges.

**(d) Advanced training**

Any program receiving assistance under this section that is conducted with respect to a health profession shall also offer courses of study which provide advanced training for any health professional who—

(1) has already received a degree or diploma in such health profession, and

(2) provides clinical services on an Indian reservation, at a Service facility, or at a tribal clinic.

Such courses of study may be offered in conjunction with the college or university with which the community college has entered into the agreement required under subsection (b)(2)(C) of this section.

**(e) Definitions**

For purposes of this section—

(1) The term “community college” means—

(A) a junior or community college that is a tribally controlled college or university, or

(B) a junior or community college.

(2) The term “tribally controlled college or university” has the meaning given to such term by section 1801(a)(4) of this title.

(3) The term “junior or community college” has the meaning given to such term by section 1058(e)<sup>1</sup> of title 20.

(Pub. L. 94-437, title I, §115, as added Pub. L. 100-713, title I, §109, Nov. 23, 1988, 102 Stat. 4797;

<sup>1</sup> See References in Text note below.

amended Pub. L. 102-573, title I, §117(b)(7), Oct. 29, 1992, 106 Stat. 4544; Pub. L. 105-244, title IX, §901(d), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 110-315, title IX, §941(k)(2)(I)(ii), Aug. 14, 2008, 122 Stat. 3467.)

#### REFERENCES IN TEXT

Section 1058 of title 20, referred to in subsec. (e)(3), was amended by Pub. L. 105-244, title III, §303(b)(1), Oct. 7, 1998, 112 Stat. 1639, which redesignated subsecs. (d) and (e) as (e) and (f), respectively.

#### AMENDMENTS

2008—Subsec. (e)(1)(A). Pub. L. 110-315, §941(k)(2)(I)(ii)(I), substituted “a junior or community college that is a tribally controlled college or university” for “a tribally controlled community college”.

Subsec. (e)(2). Pub. L. 110-315, §941(k)(2)(I)(ii)(II), added par. (2) and struck out former par. (2) which read as follows: “The term ‘tribally controlled community college’ has the meaning given to such term by section 1801(4) of this title.”

1998—Subsec. (e)(2). Pub. L. 105-244 made technical amendment to reference in original act which appears in text as reference to section 1801(4) of this title.

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

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

### § 1616i. Additional incentives for health professionals

#### (a) Incentive special pay

The Secretary may provide the incentive special pay authorized under section 302(b) of title 37 to civilian medical officers of the Indian Health Service who are assigned to, and serving in, positions included in the list established under subsection (b)(1) of this section for which recruitment or retention of personnel is difficult.

#### (b) List of positions; bonus pay

(1) The Secretary shall establish and update on an annual basis a list of positions of health care professionals employed by, or assigned to, the Service for which recruitment or retention is difficult.

(2)(A) The Secretary may pay a bonus to any commissioned officer or civil service employee, other than a commissioned medical officer, dental officer, optometrist, and veterinarian, who is employed in or assigned to, and serving in, a position in the Service included in the list established by the Secretary under paragraph (1).

(B) The total amount of bonus payments made by the Secretary under this paragraph to any employee during any 1-year period shall not exceed \$2,000.

#### (c) Work schedules

The Secretary may establish programs to allow the use of flexible work schedules, and compressed work schedules, in accordance with the provisions of subchapter II of chapter 61 of title 5, for health professionals employed by, or assigned to, the Service.

(Pub. L. 94-437, title I, §116, as added Pub. L. 100-713, title I, §109, Nov. 23, 1988, 102 Stat. 4798;

amended Pub. L. 102-573, title I, §117(b)(8), title IX, §901(1), Oct. 29, 1992, 106 Stat. 4544, 4590.)

#### AMENDMENTS

1992—Subsec. (d). Pub. L. 102-573, §901(1), struck out subsec. (d) which required a report to Congress by the Secretary no later than 6 months after Nov. 23, 1988, relating to overtime pay for individuals employed by the Service.

Subsec. (e). Pub. L. 102-573, §117(b)(8), struck out subsec. (e) which authorized appropriations for fiscal years 1990 to 1992.

### § 1616j. Retention bonus

#### (a) Eligibility

The Secretary may pay a retention bonus to any physician or nurse employed by, or assigned to, and serving in, the Service either as a civilian employee or as a commissioned officer in the Regular or Reserve Corps of the Public Health Service who—

(1) is assigned to, and serving in, a position included in the list established under section 1616i(b)(1) of this title for which recruitment or retention of personnel is difficult,

(2) the Secretary determines is needed by the Service,

(3) has—

(A) completed 3 years of employment with the Service, or

(B) completed any service obligations incurred as a requirement of—

(i) any Federal scholarship program, or

(ii) any Federal education loan repayment program, and

(4) enters into an agreement with the Service for continued employment for a period of not less than 1 year.

#### (b) Minimum award percentage to nurses

Beginning with fiscal year 1993, not less than 25 percent of the retention bonuses awarded each year under subsection (a) of this section shall be awarded to nurses.

#### (c) Rates; maximum rate

The Secretary may establish rates for the retention bonus which shall provide for a higher annual rate for multiyear agreements than for single year agreements referred to in subsection (a)(4) of this section, but in no event shall the annual rate be more than \$25,000 per annum.

#### (d) Time of payment

The retention bonus for the entire period covered by the agreement described in subsection (a)(4) of this section shall be paid at the beginning of the agreed upon term of service.

#### (e) Refund; interest

Any physician or nurse failing to complete the agreed upon term of service, except where such failure is through no fault of the individual, shall be obligated to refund to the Government the full amount of the retention bonus for the period covered by the agreement, plus interest as determined by the Secretary in accordance with section 1616a(l)(2)(B) of this title.

#### (f) Physicians and nurses employed under Indian Self-Determination Act

The Secretary may pay a retention bonus to any physician or nurse employed by an organiza-