

of study referred to in paragraph (1) of this subsection or who are undertaking training necessary to qualify them to enroll in any such course of study; or

(3) establishing other programs which the Secretary determines will enhance and facilitate the enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1) of this subsection.

(b) Application for grant; submittal and approval; preference; payment

(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe. The Secretary shall give a preference to applications submitted by Indian tribes or tribal organizations.

(2) The amount of any grant under this section shall be determined by the Secretary. Payments pursuant to grants under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions as the Secretary finds necessary.

(Pub. L. 94-437, title I, §102, Sept. 30, 1976, 90 Stat. 1402; Pub. L. 96-537, §3(a), Dec. 17, 1980, 94 Stat. 3173; Pub. L. 100-713, title I, §101, Nov. 23, 1988, 102 Stat. 4785; Pub. L. 102-573, title I, §§102(a), 117(b)(1), title IX, §902(2)(A), Oct. 29, 1992, 106 Stat. 4530, 4544, 4591.)

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-573, §102(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “identifying Indians with a potential for education or training in the health professions and encouraging and assisting them (A) to enroll in schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, nursing, or allied health professions; or (B), if they are not qualified to enroll in any such school, to undertake such post-secondary education or training as may be required to qualify them for enrollment;”.

Subsec. (a)(2). Pub. L. 102-573, §102(a)(2), substituted “course of study” for “school” in two places and “paragraph (1)” for “clause (1)(A)”.

Subsec. (a)(3). Pub. L. 102-573, §102(a)(3), substituted “enrollment of Indians in, and the subsequent pursuit and completion by them of, courses of study referred to in paragraph (1) of this subsection” for “enrollment of Indians, and the subsequent pursuit and completion by them of courses of study, in any school referred to in clause (1)(A) of this subsection”.

Subsec. (b)(1). Pub. L. 102-573, §902(2)(A), substituted “prescribe. The Secretary shall” for “: Provided, That the Secretary shall”.

Subsec. (c). Pub. L. 102-573, §117(b)(1), struck out subsec. (c) which authorized appropriations for fiscal years 1989 to 1992.

1988—Subsec. (c). Pub. L. 100-713 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated \$900,000 for fiscal year 1978, \$1,500,000 for fiscal year 1979, and \$1,800,000 for fiscal year 1980. There are authorized to be appropriated to carry out this section \$2,300,000 for the fiscal year ending September 30, 1981, \$2,600,000 for the fiscal year ending September 30, 1982, \$3,000,000 for the fiscal year ending September 30, 1983, and \$3,500,000 for the fiscal year ending September 30, 1984.”

1980—Subsec. (c). Pub. L. 96-537 substituted provisions authorizing appropriation of specific amounts for fiscal years ending Sept. 30, 1981, Sept. 30, 1982, Sept. 30, 1983, and Sept. 30, 1984, for provisions authorizing appropriation of such amounts as may be specifically authorized by an act enacted after Sept. 30, 1976.

§ 1613. Health professions preparatory scholarship program for Indians

(a) Requirements

The Secretary, acting through the Service, shall make scholarship grants to Indians who—

(1) have successfully completed their high school education or high school equivalency; and

(2) have demonstrated the capability to successfully complete courses of study in the health professions.

(b) Purposes and duration of grants; pre-professional and pregraduate education

Scholarship grants made pursuant to this section shall be for the following purposes:

(1) Compensatory preprofessional education of any grantee, such scholarship not to exceed two years on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary).

(2) Pregraduate education of any grantee leading to a baccalaureate degree in an approved course of study preparatory to a field of study in a health profession, such scholarship not to exceed 4 years (or the part-time equivalent thereof, as determined by the Secretary).

(c) Covered expenses

Scholarship grants made under this section may cover costs of tuition, books, transportation, board, and other necessary related expenses of a grantee while attending school.

(d) Basis for denial of assistance

The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution.

(e) Eligibility for assistance under other Federal programs

The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.

(Pub. L. 94-437, title I, §103, Sept. 30, 1976, 90 Stat. 1403; Pub. L. 96-537, §3(b), Dec. 17, 1980, 94 Stat. 3174; Pub. L. 100-713, title I, §102, Nov. 23, 1988, 102 Stat. 4785; Pub. L. 102-573, title I, §102(b), Oct. 29, 1992, 106 Stat. 4530.)

AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102-573, §102(b)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “have demonstrated the capability to successfully complete courses of study in schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, nursing, or allied health professions.”

Subsec. (b)(1). Pub. L. 102-573, §102(b)(2), inserted before period at end “on a full-time basis (or the part-

time equivalent thereof, as determined by the Secretary”).

Subsec. (b)(2). Pub. L. 102-573, §102(b)(3), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Pregraduate education of any grantee leading to a baccalaureate degree in an approved premedicine, predentistry, preosteopathy, preveterinary medicine, preoptometry, or prepodiatry curriculum, such scholarship not to exceed four years.”

Subsec. (c). Pub. L. 102-573, §102(b)(4), struck out “full time” after “while attending school”.

Subsec. (e). Pub. L. 102-573, §102(b)(5), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

- “(1) \$3,000,000 for fiscal year 1989,
- “(2) \$3,700,000 for fiscal year 1990,
- “(3) \$4,400,000 for fiscal year 1991, and
- “(4) \$5,100,000 for fiscal year 1992.”

1988—Subsec. (c). Pub. L. 100-713, §102(b), inserted “of a grantee while attending school full time” after “expenses”.

Subsecs. (d), (e). Pub. L. 100-713, §102(a), added subsecs. (d) and (e) and struck out former subsec. (d) which read as follows: “There are authorized to be appropriated for the purpose of this section: \$800,000 for fiscal year 1978, \$1,000,000 for fiscal year 1979, and \$1,300,000 for fiscal year 1980. There are authorized to be appropriated to carry out this section \$3,510,000 for the fiscal year ending September 30, 1981, \$4,000,000 for the fiscal year ending September 30, 1982, \$4,620,000 for the fiscal year ending September 30, 1983, and \$5,300,000 for the fiscal year ending September 30, 1984.”

1980—Subsec. (b). Pub. L. 96-537, §3(b)(1), substituted provisions specifying in pars. (1) and (2), purposes for which scholarship grants could be made, for provisions that the scholarship grant shall be for a period not to exceed two academic years, which years shall be for compensatory preprofessional education of the grantee.

Subsec. (d). Pub. L. 96-537, §3(b)(2), substituted provisions authorizing appropriation of specific amounts for fiscal years ending Sept. 30, 1981, Sept. 30, 1982, Sept. 30, 1983, and Sept. 30, 1984, for provisions authorizing appropriations of such amounts as may be specifically authorized by an act enacted after Sept. 30, 1976.

§ 1613a. Indian health professions scholarships

(a) General authority

In order to provide health professionals to Indians, Indian tribes, tribal organizations, and urban Indian organizations, the Secretary, acting through the Service and in accordance with this section, shall make scholarship grants to Indians who are enrolled full or part time in appropriately accredited schools and pursuing courses of study in the health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 2541 of title 42, except as provided in subsection (b) of this section.

(b) Recipients; active duty service obligation

(1) The Secretary, acting through the Service, shall determine who shall receive scholarships under subsection (a) of this section and shall determine the distribution of such scholarships among such health professions on the basis of the relative needs of Indians for additional service in such health professions.

(2) An individual shall be eligible for a scholarship under subsection (a) of this section in any year in which such individual is enrolled full or part time in a course of study referred to in subsection (a) of this section.

(3)(A) The active duty service obligation under a written contract with the Secretary under sec-

tion 2541 of title 42 that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice, by service—

- (i) in the Indian Health Service;
- (ii) in a program conducted under a contract entered into under the Indian Self-Determination Act [25 U.S.C. 450f et seq.];
- (iii) in a program assisted under subchapter IV of this chapter;¹

(iv) in the private practice of the applicable profession 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; or²

(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).

(C) A recipient of an Indian Health Scholarship may, at the election of the recipient, meet the active duty service obligation described in subparagraph (A) by service in a program specified in that subparagraph that—

- (i) is located on the reservation of the tribe in which the recipient is enrolled; or
- (ii) serves the tribe in which the recipient is enrolled.

(D) Subject to subparagraph (C), the Secretary, in making assignments of Indian Health Scholarship recipients required to meet the active duty service obligation described in subparagraph (A), shall give priority to assigning individuals to service in those programs specified in subparagraph (A) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.

(4) In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

(A) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

¹ So in original. Probably should be followed by “or”.

² So in original. The “; or” probably should be a period.