

by location and profession, during the three fiscal years beginning after the date the report is filed; and

(8) the measures the Secretary plans to take to fill the health professional positions maintained by the Service or by tribes or tribal or Indian organizations for which recruitment or retention is difficult.

(Pub. L. 94-437, title I, §108, as added Pub. L. 100-713, title I, §108, Nov. 23, 1988, 102 Stat. 4789; amended Pub. L. 102-573, title I, §§106(a)-(g)(1), (h), (i), 117(b)(3), title IX, §902(2)(C), (D), Oct. 29, 1992, 106 Stat. 4535-4537, 4544, 4591.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (a)(2)(A)(ii)(I), 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.

Section 23 of the Act of April 30, 1908, referred to in subsec. (a)(2)(A)(ii)(II), probably should be a reference to section 23 of act June 25, 1910, ch. 431, 36 Stat. 861, which is popularly known as the "Buy Indian Act", and is classified to section 47 of this title. Act Apr. 30, 1908, ch. 153, 35 Stat. 70, does not contain a section 23 but does have provisions (at 35 Stat. 71) similar to those in section 23 of act June 25, 1910, ch. 431, 36 Stat. 861.

Section 254d(i)(4) of title 42, referred to in subsec. (a)(2)(B), was redesignated section 254d(j)(4) of title 42 by Pub. L. 107-251, title III, §310(b)(1), Oct. 26, 2002, 116 Stat. 1643.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-573, §106(a)(1), substituted "health professionals" for "physicians, dentists, nurses, nurse practitioners, physician assistants, clinical and counseling psychologists, graduates of schools of public health, graduates of schools of social work, and other health professionals".

Subsec. (b)(1)(A)(i). Pub. L. 102-573, §106(a)(2)(A)(i), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: "as a full-time student in the final year of a course of study or program in an accredited institution, as determined by the Secretary, within any State; or".

Subsec. (b)(1)(A)(ii). Pub. L. 102-573, §106(a)(2)(A)(ii), substituted "a health profession" for "medicine, osteopathy, dentistry, or other health profession".

Subsec. (b)(1)(B). Pub. L. 102-573, §106(a)(2)(B), in cl. (i), substituted "a degree in a health profession; and" for "a degree in medicine, osteopathy, dentistry, or other health profession;" redesignated cl. (iii) as (ii) and substituted "a health profession" for "medicine, osteopathy, dentistry, or other health profession", and struck out former cl. (ii) which read as follows: "completed an approved graduate training program in medicine, osteopathy, dentistry, or other health profession in a State, except that the Secretary may waive the completion requirement of this clause for good cause; and".

Subsec. (b)(2) to (4). Pub. L. 102-573, §106(a)(2)(C), inserted "and" at end of par. (2)(D), added par. (3), and struck out former pars. (3) and (4) which read as follows:

"(3) submit an application to participate in the Loan Repayment Program; and

"(4) sign and submit to the Secretary, at the time of submission of such application, a written contract (described in subsection (f) of this section) to accept repayment of educational loans and to serve (in accordance with this section) for the applicable period of obligated service in an Indian health program."

Subsec. (d)(1). Pub. L. 102-573, §106(b)(1), substituted "Consistent with paragraph (3), the" for "The".

Subsec. (d)(1)(A). Pub. L. 102-573, §902(2)(C), substituted "Indian health" for "Indian Health".

Subsec. (d)(3). Pub. L. 102-573, §106(b)(2), added par. (3).

Subsec. (e)(1). Pub. L. 102-573, §106(c), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "An individual becomes a participant in the Loan Repayment Program only on the Secretary's approval of the individual's application submitted under subsection (b)(3) of this section and the Secretary's acceptance of the contract submitted by the individual under subsection (b)(4) of this section."

Subsec. (e)(2)(A). Pub. L. 102-573, §106(d), inserted "including extensions resulting in an aggregate period of obligated service in excess of 4 years" before "or".

Subsec. (g)(1). Pub. L. 102-573, §106(e), in introductory provisions, substituted "loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for" for "loans received by the individual for".

Subsec. (g)(2)(A). Pub. L. 102-573, §106(f), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "Except as provided in subparagraph (B) and paragraph (3), for each year of obligated service for which an individual contracts to serve under subsection (f) of this section, the Secretary may pay up to \$25,000 on behalf of the individual for loans described in paragraph (1)."

Subsec. (g)(3). Pub. L. 102-573, §106(g)(1), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "In addition to payments made under paragraph (2), in any case in which payments on behalf of an individual under the Loan Repayment Program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as determined by the Secretary, to reimburse such individual for all or part of the increased tax liability of the individual."

Subsec. (i). Pub. L. 102-573, §902(2)(D), substituted "health professional programs of the Service" for "Service manpower programs".

Subsec. (k). Pub. L. 102-573, §106(h), amended subsec. (k) generally. Prior to amendment, subsec. (k) read as follows: "The Secretary shall ensure that the staffing needs of Indian health programs administered by any 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."

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.)

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

¹ So in original. Probably should be "to such".

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.)

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 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.)

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.