86TH CONGRESS H. R. 10255

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IN THE HOUSE OF REPRESENTATIVES

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7 of doctor of medicine or established and (B) which is

FEBRUARY 8, 1960

Mr. Fogarry introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce -ook to sergeb and guideal printed technique to a degree of door

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To amend the Public Health Service Act to provide Federal assistance to States which award scholarships to students of medicine and dentistry.

- Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 or beliave dergoh well short title being landele het eller

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- SECTION 1. This Act may be cited as the "Medical and
- 5 Dental Student Scholarship Act".
- mission on Medical Strip way Scholarships designated or
- 7 SEC. 2. The Public Health Service Act is amended by

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adding at the end thereof the following new title:

1	"TITLE VIII—SCHOLARSHIPS FOR MEDICAL
2	AND DENTAL STUDENTS
3	"DEFINITIONS
4	"SEC. 801. As used in this title—
5	"(1) The term 'medical school' means a school in a
6	State (A) which provides training leading to a degree
7	of doctor of medicine or osteopathy, and (B) which is
8	approved or accredited by a recognized body or bodies ap-
9	proved by the Surgeon General.
10	"(2) The term 'dental school' means a school in a State
11	(A) which provides training leading to a degree of doc-
12	tor of dental surgery or an equivalent degree, and (B) which
13	is approved by a recognized body or bodies approved by the
14	Surgeon General.
15	"(3) The term 'medical degree' means the degree of
16	doctor of medicine or doctor of osteopathy awarded by a
17	medical school.
18	"(4) The term 'dental degree' means the degree of doc-
19	tor of dental surgery or an equivalent degree awarded by a
20	dental school.
21	"(5) The term 'State Commission' means a State Com-
22	mission on Medical and Dental Scholarships designated or
23	established in any State, as provided in section 805, to par-
24	ticipate in the program provided for in this title.
25	"(6) The term 'population aged twenty to twenty-

- 1 four' means that part of the population which is between
 - 2 the ages of twenty and twenty-four, both inclusive, and
- 3 such population for each State and the several States shall
- 4 be determined by the Surgeon General on the basis of the
 - 5 population between such ages for the most recent year for
 - 6 which satisfactory data are available from the Depart-
 - 7 ment of Commerce.
- 8 "(7) The term 'resident' when used with respect to
 - 9 any State shall have the meaning established by regula-
- 10 tions of the Surgeon General and shall include a citizen
- 11 of the United States who is domiciled in such State but
- 12 is living outside of any State.
- 13 "(8) The term 'State' means a State, the District of
- 14 Columbia, Puerto Rico, the Virgin Islands, Guam, or the

bey were first allotted

- 15 Canal Zone.
- 16 "APPROPRIATIONS AUTHORIZED
- 17 "SEC. 802. There is hereby authorized to be appropri-
- 18 ated the sum of \$5,000,000 for the fiscal year beginning
- 19 July 1, 1960; and \$10,000,000 for the fiscal year beginning
- 20 July 1, 1961, and for each of the eight succeeding fiscal
- 21 years; to carry out the provisions of this title.
- 22 "ALLOTMENT OF TO Showing
- 23 "Sec. 803. (a) From the sums appropriated pursuant
- 24 to section 802 for any fiscal year, the Surgeon General
- 25 shall allot to each State which has a State plan approved

- 1 under section 805 (b) an amount which bears the same
- 2 ratio to the amount so appropriated as the population aged
- 3 twenty to twenty-four of such State bears to the population
- 4 aged twenty to twenty-four of all the States which have
- 5 State plans approved under such section.
- 6 "(b) Any portion of the allotments made under sub-
- 7 section (a) which are not obligated or expended during
- 8 the fiscal year for which they are made shall be reallotted
- 9 by the Surgeon General among the States, which have ex-
- 10 pended or obligated their entire allotment for such fiscal
- 11 year, in proportion to the allotments under subsection (a)
- 12 to such States for such fiscal year. Amounts reallotted under
- 13 this subsection shall be available for expenditure and obliga-
- 14 tion during the fiscal year following the fiscal year for which
- 15 they were first allotted.
- 16 "PAYMENT TO STATES
- 17 "Sec. 804. From a State's allotment for a fiscal year
- 18 under section 803, the Surgeon General shall pay to the
- 19 State commission for such State an amount equal to one-
- 20 half of the amount of payments (not exceeding \$2,500 to
- 21 any individual in any academic year) made, as scholarship
- 22 stipends for the period for which such allotment is made,
- 23 by such State commission to individuals in carrying out its
- 24 State plan approved under section 805 (b); except that no

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- 1 State shall, for any period, receive payments in excess of its
- 2 allotments for such period under section 803.
 - 3 "STATE COMMISSIONS; STATE PLANS
- 4 "Sec. 805. (a) Any State desiring to participate in the
 - 5 scholarship program under this title may do so by establish-
- 6 in a State commission on medical and dental scholarships,
- 7 or by designating an existing agency of the State to serve
- 8 as the State commission on medical and dental scholarships,
- 9 and by submitting to the Surgeon General through such
- 10 commission a State plan which—
- 11 "(1) provides that scholarships will only be awarded
- 12 under the State plan to students pursuing a full-time
- 13 course of study leading to a medical or dental degree
- 14 who are not receiving expenses of tuition or other
- 15 scholarship or fellowship aid or other educational assist-
- 16 ance from other Federal sources (other than a monetary
- 17 allowance under a Reserve officer's training program);
- 18 "(2) provides that of the stipend paid to any
- 19 scholarship recipient not more than one-half of the
- 20 amount of such stipend nor more than \$1,250 for any
- 21 academic year will be paid from funds appropriated
- 22 pursuant to section 802;
- 23 "(3) provides that no scholarship will be awarded
- 24 for a period of time in excess of the time which would

normally be required to permit the recipient to complete the course of study leading to a medical or dental degree which he is pursuing or intends to pursue, and in no case for a period of time in excess of four academic years;

- "(4) provides that each resident of the State who has been accepted for enrollment, or is enrolled, in any medical or dental school will be eligible to compete for a scholarship awarded by the State commission if he makes application in accordance with such reasonable rules as the State commission may establish;
- "(5) provides that scholarships will be awarded solely on the basis of (A) ability to pursue successfully a course of study leading to a medical or dental degree as determined by objective tests and other measures of aptitude and ability which are described in detail, and (B) need for financial assistance to pursue such a course of study, as determined on the basis of criteria which are set forth in detail;
- "(6) provides that, insofar as possible, of the sums paid to the State by the Surgeon General under this title seventy-five per centum will be paid as stipends to recipients of scholarships who are pursuing a course of study leading to a medical degree and twenty-five per

18	centum will be paid as stipends to recipients of sch	olar-
2	ships who are pursuing a course of study leading	to a
3	dental degree;	(Ele

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- "(7) provides for a review, at least once during each academic year, of each outstanding scholarship 6 awarded by the State commission and for the termina-7 tion of such a scholarship if the recipient (A) ceases, 8 for a reason other than his own physical incapacity, during any academic year to be a full-time student in the course of study for which the scholarship was 11 awarded, or (B) fails to maintain satisfactory proficiency in the course of study for which the scholarship was awarded;
- "(8) provides that the State commission will be 15 the sole agency for administering the plan;
- "(9) provides that the State commission will make such reports to the Surgeon General, in such form and containing such information, as may be reasonably necessary to enable the Surgeon General to perform his duties under this title; and
- 21 "(10) provides for such fiscal control and fund 22 accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this title.

1	"(b) The Surgeon General shall approve any State
2	plan which complies with the conditions specified in sub-
3	section (a).
4	"DISAPPROVAL OF, AND FAILURE TO COMPLY WITH, STATE
5	referes molecular PLANS, and decade to 5
6	"Sec. 806. (a) The Surgeon General shall not finally
7	disapprove any State plan submitted under section 805 (a),
8	or any modification thereof, without first affording the State
9	commission administering the plan reasonable notice and
10	opportunity for a hearing.
11	"(b) Whenever the Surgeon General, after reasonable
12	notice and opportunity for hearing to the State commis-
13	sion administering a State plan approved under section
14	805 (b), finds that— 11 11 11 11 11 11 11 11 11 11 11 11 11
15	"(1) the State plan has been so changed that it
16	no longer complies with the provisions of section
17	805 (a) governing its original approval, or
18	"(2) in the administration of the plan there is a
19	failure to comply substantially with any such pro-
20	vision, vision, 05
21	the Surgeon General shall suspend approval of the State
22	plan, and notify the State commission of the suspension.
23	When approval of a State plan has been suspended by the
24	Surgeon General such approval shall remain suspended

- 1 until he is satisfied that there is no longer any such failure
 - 2 to comply.
 - 3 "(c) While approval of a State plan submitted under
 - 4 section 805 (a) is suspended by the Surgeon General he
- 5 shall make no further payments under this title to the State
- 6 which submitted such State plan.
- 7 "JUDICIAL REVIEW
- 8 "Sec. 807. (a) If any State is dissatisfied with the
- 9 Surgeon General's final action with respect to the approval
- 10 of its State plan submitted under section 805 (a), or with
- 11 respect to his final action under section 806 (b), such State
- 12 may, within sixty days after notice of such action, file in
- 13 the United States district court for the district in which the
- 14 capital of the State is located, a petition to review such
- 15 action. The petition for review shall (1) contain a concise
- 16 statement of the facts upon which the appeal is based and
- 17 (2) designate that part of the Surgeon General's decision
- 18 sought to be reviewed.
- 19 "(b) Notification of the filing of the petition for review
- 20 shall be given by the clerk of the court by mailing a copy of
- 21. the petition to the Surgeon General.
- 22 "(c) No costs or docket fees shall be charged or
- 23 imposed with respect to any judicial review proceedings, or

a with respect to the administration of this title, 'Of the mem-

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24 appeal therefrom, taken under this title.

- 1 "(d) Upon receipt of the petition for review the
 - 2 Surgeon General shall, within twenty days thereafter,
- 3 certify and file in the court the record on review, consisting
- 4 of the complete transcript of the proceedings before the
 - 5 Surgeon General. No party to such review shall be required,
 - 6 by rule of court or otherwise, to print the contents of such
 - 7 record filed in the court.
- 8 "(e) The court after review may dismiss the petition
- 9 or deny the relief prayed for, or may suspend, modify, or
- 10 set aside, in whole or in part, the action of the Surgeon
- 11 General, or may compel action unlawfully withheld. The
- 12 judgment of the court shall be subject to review as provided
- 13 in sections 1291 and 1254 of title 28 of the United States
- 14 Code. Obereddyn as Johnson a whose of the frames 11
- 15 "ADVISORY COMMITTEE ON MEDICAL AND DENTAL
- 16 SCHOLARSHIPS
- 17 "SEC. 808. (a) There is hereby established an Advi-
- 18 sory Committee on Medical and Dental Scholarships (here-
- 19 after in this title referred to as the 'Advisory Committee')
- 20 consisting of the Surgeon General and nine members ap-
- 21 pointed by him with the approval of the Secretary of Health,
- 22 Education, and Welfare. The Surgeon General shall be
- 23 chairman of the Advisory Committee. The Advisory Com-
- 24 mittee shall advise and consult with the Surgeon General
- 25 with respect to the administration of this title. Of the mem-

bers of the Advisory Committee appointed by the Surgeon 2 General, three shall be persons recognized as authorities in the field of professional education, three shall be teachers or practitioners of medicine, osteopathy, or dentistry, and three shall be representative of the public generally. The term of office of each member of the Advisory Committee ap-7 pointed by the Surgeon General shall be four years; except that (1) the terms of office of such members first taking 9 office shall expire, as designated by the Surgeon General at 10 the time of appointment, four at the end of two years, and 11 five at the end of four years; (2) any member appointed to 12 fill a vacancy occurring prior to the expiration of the term 13 for which his predecessor was appointed shall be appointed for the remainder of such term; (3) upon the expiration of 14 his term of office a member shall continue to serve until his 15 successor is appointed; and (4) the terms of office of all 16 members of the Advisory Committee holding office on June 17 18 30, 1970, shall expire at the end of such day. 19 "(b) Members of the Advisory Committee appointed 20 by the Surgeon General, while attending conferences or meetings of the committee, shall be entitled to receive com-21 22 pensation at a rate to be fixed by the Surgeon General, but 23 not exceeding \$50 per diem, and while away from their homes or regular places of business they may be allowed 24 travel expenses, including per diem in lieu of subsistence, as 25

1 authorized by law for persons in the Government service
2 employed intermittently."
3 SEC. 3. (a) The Act of July 1, 1944 (58 Stat. 682)
4 as amended, is hereby further amended by renumbering titl
5 VIII (as in effect prior to the enactment of this Act) a
6 title IX and by renumbering sections 801 through 81-
7 (as in effect prior to the enactment of this Act), and refer
8 ences thereto, as sections 901 through 914, respectively.
9 (b) Section 1 of the Public Health Service Act is
10 amended to read as follows:
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12 "SECTION 1. Titles I through VIII, inclusive, of this
13 Act may be cited as the 'Public Health Service Act'."
(4 for the remainder of such ferm; (6) upon the expiration of
15 his term of office a metaber shall continue to serve until his
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By Mr. FOGARTY

FEBRUARY 8, 1960

Referred to the Committee on Interstate and Foreign Commerce