

88TH CONGRESS
1ST SESSION

H. R. 3303

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1963

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

SHORT TITLE

4 SECTION 1. This Act may be cited as the "Medical
5 and Dental Student Scholarship Act".

NEW TITLE

7 SEC. 2. The Public Health Service Act is amended by
8 adding at the end thereof the following new title:

1 "TITLE VIII—SCHOLARSHIPS FOR MEDICAL AND
2 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 the degree
7 of doctor of medicine or osteopathy or the first two years
8 of such training and (B) which is approved or accredited
9 by a recognized body or bodies approved by the Surgeon
10 General after he has obtained the advice and recommenda-
11 tion of the Council, except that a new school which (by rea-
12 son of no, or an insufficient, period of operation) is not, at
13 the time of application for a grant under this title, eligible
14 for accreditation by such a recognized body or bodies, shall
15 be deemed accredited for purposes of this title if the Surgeon
16 General finds, after consultation with the appropriate ac-
17 creditation body or bodies, that the school will meet the
18 accreditation standards of such body or bodies.

19 "(2) The term 'dental school' means a school in a State
20 (A) which provides training leading to the degree of doctor
21 of dental surgery or an equivalent degree and (B) which is
22 approved or accredited by a recognized body or bodies ap-
23 proved by the Surgeon General after he has obtained the
24 advice and recommendation of the Council, except that a

1 new school which (by reason of no, or an insufficient, period
2 of operation) is not, at the time of application for a grant
3 under this title, eligible for accreditation by such a recog-
4 nized body or bodies, shall be deemed accredited for pur-
5 poses of this title if the Surgeon General finds, after con-
6 sultation with the appropriate accreditation body or bodies,
7 that the school will meet the accreditation standards of such
8 body or bodies.

9 “(3) The term ‘medical degree’ means the degree of
10 doctor of medicine or doctor of osteopathy awarded by a
11 medical school.

12 “(4) The term ‘dental degree’ means the degree of
13 doctor of dental surgery or an equivalent degree awarded by
14 a dental school.

15 “(5) The term ‘State commission’ means a State com-
16 mission on medical and dental scholarships designated or
17 established in any State, as provided in section 805, to par-
18 ticipate in the program provided for in this title.

19 “(6) The term ‘population aged twenty to twenty-
20 four’ means that part of the population which is between
21 the ages of twenty and twenty-four, both inclusive, and such
22 population for each State and the several States shall be de-
23 termined by the Surgeon General on the basis of the popula-
24 tion between such ages for the most recent year for which

1 satisfactory data are available from the Department of
2 Commerce.

3 “(7) The term ‘resident’ when used with respect to
4 any State shall have the meaning established by regulations
5 of the Surgeon General and shall include a citizen of the
6 United States who is domiciled in such State but is living
7 outside of any State.

8 “(8) The term ‘State’ means a State, the District of
9 Columbia, Puerto Rico, the Virgin Islands, Guam, or the
10 Canal Zone.

11 “APPROPRIATIONS AUTHORIZED

12 “SEC. 802. There is hereby authorized to be appropri-
13 ated the sum of \$5,000,000 for the fiscal year beginning
14 July 1, 1963; and \$10,000,000 for the fiscal year beginning
15 July 1, 1964, and for each of the eight succeeding fiscal
16 years; to carry out the provisions of this title.

17 “ALLOTMENT

18 “SEC. 803. (a) From the sums appropriated pursuant to
19 section 802 for any fiscal year, the Surgeon General shall
20 allot to each State which has a State plan approved under
21 section 805 (b) an amount which bears the same ratio to the
22 amount so appropriated as the population aged twenty to
23 twenty-four of such State bears to the population aged twenty
24 to twenty-four of all the States which have State plans ap-
25 proved under such section.

1 “(b) Any portion of the allotments made under sub-
2 section (a) which are not obligated or expended during
3 the fiscal year for which they are made shall be reallocated
4 by the Surgeon General among the States, which have ex-
5 pended or obligated their entire allotment for such fiscal
6 year, in proportion to the allotments under subsection (a)
7 to such States for such fiscal year. Amounts reallocated under
8 this subsection shall be available for expenditure and obli-
9 gation during the fiscal year following the fiscal year for
10 which they were first allotted.

11 “PAYMENT TO STATES

12 “SEC. 804. From a State's allotment for a fiscal year
13 under section 803, the Surgeon General shall pay to the
14 State commission for such State an amount equal to one-
15 half of the amount of payments (not exceeding \$2,500 to
16 any individual in any academic year) made, as scholarship
17 stipends for the period for which such allotment is made,
18 by such State commission to individuals in carrying out its
19 State plan approved under section 805 (b) ; except that
20 no State shall, for any period, receive payments in excess
21 of its allotments for such period under section 803.

22 “STATE COMMISSIONS: STATE PLANS

23 “SEC. 805. (a) Any State desiring to participate in
24 the scholarship program under this title may do so by estab-
25 lishing a State commission on medical and dental scholar-

1 ships, or by designating an existing agency of the State to
2 serve as the State commission on medical and dental schol-
3 arships, and by submitting to the Surgeon General through
4 such commission a State plan which—

5 “(1) provides that scholarships will only be
6 awarded under the State plan to students pursuing a
7 full-time course of study leading to a medical or dental
8 degree who are not receiving expenses of tuition or other
9 scholarship or fellowship aid or other educational assist-
10 ance from other Federal sources (other than a monetary
11 allowance under a Reserve officer’s training program) ;

12 “(2) provides that of the stipend paid to any schol-
13 arship recipient not more than one-half of the amount
14 of such stipend nor more than \$1,250 for any academic
15 year will be paid from funds appropriated pursuant to
16 section 802 ;

17 “(3) provides that no scholarship will be awarded
18 for a period of time in excess of the time which would
19 normally be required to permit the recipient to complete
20 the course of study leading to a medical or dental degree
21 which he is pursuing or intends to pursue, and in no
22 case for a period of time in excess of four academic years ;

23 “(4) provides that each resident of the State who
24 has been accepted for enrollment, or is enrolled, in any
25 medical or dental school will be eligible to compete for

1 a scholarship awarded by the State commission if he
2 makes application in accordance with such reasonable
3 rules as the State commission may establish;

4 “(5) provides that scholarships will be awarded
5 solely on the basis of (A) ability to pursue successfully
6 a course of study leading to a medical or dental degree
7 as determined by objective tests and other measures of
8 aptitude and ability which are described in detail, and
9 (B) need for financial assistance to pursue such a course
10 of study, as determined on the basis of criteria which are
11 set forth in detail;

12 “(6) provides that, insofar as possible, of the sums
13 paid to the State by the Surgeon General under this
14 title 75 per centum will be paid as stipends to recipients
15 of scholarships who are pursuing a course of study
16 leading to a medical degree and 25 per centum will be
17 paid as stipends to recipients of scholarships who are
18 pursuing a course of study leading to a dental degree;

19 “(7) provides for a review, at least once during
20 each academic year, of each outstanding scholarship
21 awarded by the State commission and for the termina-
22 tion of such a scholarship if the recipient (A) ceases,
23 for a reason other than his own physical incapacity,
24 during any academic year to be a full-time student in
25 the course of study for which the scholarship was

1 awarded, or (B) fails to maintain satisfactory pro-
2 ficiency in the course of study for which the scholarship
3 was awarded;

4 “(8) provides that the State commission will be
5 the sole agency for administering the plan;

6 “(9) provides that the State commission will make
7 such reports to the Surgeon General, in such form and
8 containing such information, as may be reasonably
9 necessary to enable the Surgeon General to perform
10 his duties under this title; and

11 “(10) provides for such fiscal control and fund
12 accounting procedures as may be necessary to assure
13 proper disbursement of and accounting for Federal funds
14 paid to the State commission under this title.

15 “(b) The Surgeon General shall approve any State
16 plan which complies with the conditions specified in subsec-
17 tion (a).

18 “DISAPPROVAL OF, AND FAILURE TO COMPLY WITH, STATE
19 PLANS

20 “SEC. 806. (a) The Surgeon General shall not finally
21 disapprove any State plan submitted under section 805 (a),
22 or any modification thereof, without first affording the State
23 commission administering the plan reasonable notice and
24 opportunity for a hearing.

25 “(b) Whenever the Surgeon General, after reasonable

1 notice and opportunity for hearing to the State commission
2 administering a State plan approved under section 805 (b),
3 finds that—

4 “(1) the State plan has been so changed that it
5 no longer complies with the provisions of section 805 (a)
6 governing its original approval, or

7 “(2) in the administration of the plan there is a
8 failure to comply substantially with any such provision,
9 the Surgeon General shall suspend approval of the State
10 plan, and notify the State commission of the suspension.

11 When approval of a State plan has been suspended by the
12 Surgeon General such approval shall remain suspended
13 until he is satisfied that there is no longer any such failure
14 to comply.

15 “(c) While approval of a State plan submitted under
16 section 805 (a) is suspended by the Surgeon General he
17 shall make no further payments under this title to the State
18 which submitted such State plan.

19 “JUDICIAL REVIEW

20 “SEC. 807. (a) If any State is dissatisfied with the
21 Surgeon General’s final action with respect to the approval
22 of its State plan submitted under section 805 (a), or with
23 respect to his final action under section 806 (b), such State
24 may, within sixty days after notice of such action, file in

1 the United States district court for the district in which the
2 capital of the State is located, a petition to review such
3 action. The petition for review shall (1) contain a con-
4 cise statement of the facts upon which the appeal is based
5 and (2) designate that part of the Surgeon General's deci-
6 sion sought to be reviewed.

7 “(b) Notification of the filing of the petition for re-
8 view shall be given by the clerk of the court by mailing
9 a copy of the petition to the Surgeon General.

10 “(c) No costs or docket fees shall be charged or im-
11 posed with respect to any judicial review proceedings, or
12 appeal therefrom, taken under this title.

13 “(d) Upon receipt of the petition for review the Sur-
14 geon General shall, within twenty days thereafter, certify
15 and file in the court the record on review, consisting of the
16 complete transcript of the proceedings before the Surgeon
17 General. No party to such review shall be required, by
18 rule of court or otherwise, to print the contents of such
19 record filed in the court.

20 “(e) The court after review may dismiss the petition
21 or deny the relief prayed for, or may suspend, modify, or
22 set aside, in whole or in part, the action of the Surgeon
23 General, or may compel action unlawfully withheld. The
24 judgment of the court shall be subject to review as provided

25 “(b) Whenever the Surgeon General, after reasonable

1 in sections 1291 and 1254 of title 28 of the United States
2 Code.

3 "NATIONAL ADVISORY COMMITTEE ON MEDICAL AND
4 DENTAL SCHOLARSHIPS

5 "SEC. 808. (a) There is hereby established in the
6 Public Health Service a National Advisory Committee on
7 Medical and Dental Scholarships (hereafter in this title re-
8 ferred to as the 'Advisory Committee') consisting of the
9 Surgeon General, the Commissioner of Education, and ten
10 members appointed by the Secretary of Health, Education,
11 and Welfare. The Surgeon General shall be chairman of
12 the Advisory Committee. The Advisory Committee shall
13 advise and consult with the Surgeon General with respect
14 to the administration of this title. Of the members of the
15 Advisory Committee appointed by the Surgeon General,
16 three shall be persons recognized as authorities in the field
17 of professional education, three shall be teachers or practi-
18 tioners of medicine, osteopathy, or dentistry, and four shall
19 be representative of the public generally. The term of office
20 of each member of the Advisory Committee appointed by
21 the Surgeon General shall be four years; except that (1) the
22 terms of office of such members first taking office shall ex-
23 pire, as designated by the Surgeon General at the time of
24 appointment, five at the end of two years, and five at the

1 end of four years; (2) any member appointed to fill a va-
2 cancy occurring prior to the expiration of the term for which
3 his predecessor was appointed shall be appointed for the re-
4 mainder of such term; (3) upon the expiration of his term
5 of office a member shall continue to serve until his successor
6 is appointed; and (4) the terms of office of all members of
7 the Advisory Committee holding office on June 30, 1971,
8 shall expire at the end of such day.

9 “(b) Members of the Advisory Committee appointed
10 by the Surgeon General, while attending conferences or
11 meetings of the committee, shall be entitled to receive com-
12 pensation at a rate to be fixed by the Surgeon General, but
13 not exceeding \$50 per diem, and while away from their
14 homes or regular places of business they may be allowed
15 travel expenses, including per diem in lieu of subsistence, as
16 authorized by law for persons in the Government service
17 employed intermittently.”

18 SEC. 3. (a) The Act of July 1, 1944 (58 Stat. 682),
19 as amended, is hereby further amended by renumbering title
20 VIII (as in effect prior to the enactment of this Act) as
21 title IX and by renumbering sections 801 through 814
22 (as in effect prior to the enactment of this Act), and refer-
23 ences thereto, as sections 901 through 914, respectively.

1 (b) Section 1 of the Public Health Service Act is
2 amended to read as follows:

3 “SHORT TITLE

4 “SECTION 1. Titles I through VIII, inclusive, of this
5 Act may be cited as the ‘Public Health Service Act.’”

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