



AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4110To revise and extend health workforce programs under title
VII of the Public Health Service Act.Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:3 **SECTION 1. SHORT TITLE.**4 This Act may be cited as the “Educating Medical
5 Professionals and Optimizing Workforce Efficiency and
6 Readiness for Health Act” or the “EMPOWER for Health
7 Act”.8 **SEC. 2. REAUTHORIZATION OF HEALTH PROFESSIONS**
9 **WORKFORCE PROGRAMS.**10 Title VII of the Public Health Service Act (42 U.S.C.
11 292 et seq.) is amended—

1 (1) in section 736(i) (42 U.S.C. 293(i)), by
2 striking “\$23,711,000 for each of fiscal years 2021
3 through 2025” and inserting “\$25,422,000 for each
4 of fiscal years 2027 through 2031”;

5 (2) in section 740 (42 U.S.C. 293d)—

6 (A) in subsection (a), by striking
7 “\$51,470,000 for each of fiscal years 2021
8 through 2025” and inserting “\$55,014,000 for
9 each of fiscal years 2027 through 2031”;

10 (B) in subsection (b), by striking “appro-
11 priated, \$1,190,000 for each of fiscal years
12 2021 through 2025” and inserting “appro-
13 priated \$2,310,000 for each of fiscal years
14 2027 through 2031”;

15 (C) in subsection (c), by striking “fiscal
16 years 2021 through 2025” and inserting “fiscal
17 years 2027 through 2031”; and

18 (D) in subsection (d), by striking “Sep-
19 tember 30, 2025” and inserting “September 30,
20 2031”; and

21 (3) in section 747(c)(1) (42 U.S.C. 293k(c)(1)),
22 by striking “\$48,924,000 for each of fiscal years
23 2021 through 2025” and inserting “\$49,924,000 for
24 each of fiscal years 2027 through 2031”;

1 (4) in section 748(f) (42 U.S.C. 293k-2(f)), by
2 striking "\$28,531,000 for each of fiscal years 2021
3 through 2025" and inserting "\$43,673,000 for each
4 of fiscal years 2027 through 2031";

5 (5) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),
6 by striking "\$41,250,000 for each of fiscal years
7 2021 through 2025" and inserting "\$47,000,000 for
8 each of fiscal years 2027 through 2031";

9 (6) in section 753(d) (42 U.S.C. 294c(d)), by
10 striking "\$40,737,000 for each of fiscal years 2021
11 through 2025" and inserting "\$48,245,000 for each
12 of fiscal years 2027 through 2031";

13 (7) in section 761(e)(1)(A) (42 U.S.C.
14 294n(e)(1)(A)), by striking "2021 through 2025"
15 and inserting "2027 through 2031";

16 (8) in section 762(i) (42 U.S.C. 294o(i)), by
17 striking "September 30, 2023" and inserting "Sep-
18 tember 30, 2031";

19 (9) in section 770(a) (42 U.S.C. 295e(a)), by
20 striking "\$17,000,000 for each of fiscal years 2021
21 through 2025" and inserting "\$18,000,000 for each
22 of fiscal years 2027 through 2031";

23 (10) in section 775(e) (42 U.S.C. 295f(e)), by
24 striking "such sums as may be necessary for each of
25 fiscal years 2021 through 2025." and inserting "to

1 carry out this section \$10,000,000 for each of fiscal
2 years 2027 through 2031, to remain available until
3 expended.”; and

4 (11) in section 776(i) (42 U.S.C. 295f–1(i)), by
5 striking “2023 through 2025” and inserting “2027
6 through 2031”.

7 **SEC. 3. INVESTMENT IN TOMORROW'S PEDIATRIC HEALTH**
8 **CARE WORKFORCE.**

9 Section 775 of the Public Health Service Act (42
10 U.S.C. 295f) is amended—

11 (1) in subsection (a), by striking “be employed
12 full-time” and inserting “perform full-time service”;

13 (2) in subsection (b)—

14 (A) in paragraph (1), by inserting “to un-
15 derserved pediatric populations, or to provide
16 such care” before “in an area”; and

17 (B) in paragraph (2)(B)—

18 (i) by striking “employment” and in-
19 serting “service”; and

20 (ii) by striking “serving an area or
21 population described in such paragraph”;

22 (3) in subsection (c)—

23 (A) by striking the subsection designation
24 and heading and all that follows through the

1 paragraph designation and heading in para-
2 graph (1) and inserting the following:

3 “(c) ELIGIBILITY.—

4 “(1) DEFINITION OF QUALIFIED HEALTH PRO-
5 FESSIONAL.—In this section:”;

6 (B) in paragraph (1)—

7 (i) in subparagraph (A)—

8 (I) in the matter preceding clause
9 (i), by inserting “under this section”
10 after “contracts”; and

11 (II) in clause (ii), by striking
12 “subparagraph (B)” and inserting
13 “clause (i)”; and

14 (ii) in subparagraph (B)—

15 (I) in the matter preceding clause
16 (i), by inserting “under this section”
17 after “contracts”;

18 (II) in clause (i), by striking “or
19 professional counseling” and inserting
20 “professional counseling, or such
21 other pediatric mental or behavioral
22 health discipline as the Secretary de-
23 termines appropriate”; and

24 (III) in clause (ii), by striking
25 “or professional counseling” and in-

1 serting “professional counseling, or
2 such other pediatric mental or behav-
3 ioral health discipline as the Secretary
4 determines appropriate”; and
5 (C) in paragraph (2)—
6 (i) in the matter preceding subpara-
7 graph (A), by striking “this subsection
8 with an eligible individual” and inserting
9 “this section with a qualified health profes-
10 sional”;
11 (ii) in subparagraph (A)—
12 (I) by striking “individual” and
13 inserting “qualified health profes-
14 sional”; and
15 (II) by striking “medically under-
16 served population” and inserting
17 “medically underserved pediatric pop-
18 ulation (including children enrolled in
19 the Medicaid program under title XIX
20 of the Social Security Act)”); and
21 (iii) in each of subparagraphs (B) and
22 (C), by striking “individual” and inserting
23 “qualified health professional”;
24 (4) by redesignating subsection (e) (as amended
25 by section 2(10)) as subsection (h); and

1 (5) by inserting after subsection (d) the fol-
2 lowing:

3 “(e) FULL-TIME SERVICE OBLIGATIONS.—

4 “(1) IN GENERAL.—With respect to qualified
5 health professionals described in subsection
6 (c)(1)(A)(i), qualified health professionals described
7 in subsection (c)(1)(A)(ii) (including those who have
8 completed their residency or fellowship and have ad-
9 ditional time remaining on their contract), and
10 qualified health professionals described in subsection
11 (c)(1)(B), the Secretary, in consultation with organi-
12 zations representing qualified pediatric health pro-
13 fessionals and service sites, shall establish require-
14 ments for full-time service that include, at a min-
15 imum, a requirement that half of the required serv-
16 ice hours per contract year must be providing direct
17 clinical care. In establishing such requirements, the
18 Secretary shall ensure that such requirements take
19 into account the research and teaching obligations of
20 fellows in accredited pediatric residency and fellow-
21 ship programs.

22 “(2) FELLOWSHIPS OR RESIDENCIES.—With re-
23 spect to qualified health professionals described in
24 subsection (c)(1)(A)(i), the Secretary shall establish
25 requirements for full-time service that are consistent

1 with the requirements of the accrediting body for the
2 applicable residency or fellowship for full-time serv-
3 ice.

4 “(f) BREACH OF CONTRACT.—

5 “(1) LIQUIDATED DAMAGES FORMULA.—The
6 Secretary may establish a liquidated damages for-
7 mula to be used in the event of a breach of a con-
8 tract entered into under this section.

9 “(2) LIMITATION.—The failure by an individual
10 to complete the full period of service obligated pur-
11 suant to a contract entered into under this section,
12 taken alone, shall not constitute a breach of such
13 contract, so long as the individual completed in good
14 faith the years of service for which payments were
15 made to the individual under this section.

16 “(g) TERMINATION OF CONTRACT.—The Secretary
17 may terminate a contract under this section in the same
18 manner as the Secretary may terminate a contract entered
19 into under section 338B.”.

20 **SEC. 4. AREA HEALTH EDUCATION CENTERS.**

21 Section 751(c)(1)(G) of the Public Health Service
22 Act (42 U.S.C. 294a(c)(1)(G)) is amended by inserting
23 “middle school and” before “high school”.