

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5806

To amend title VII of the Public Health Service Act to provide for a loan repayment program for the HIV clinical and dental workforce, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2020

Mr. LEWIS (for himself, Ms. LEE of California, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title VII of the Public Health Service Act to provide for a loan repayment program for the HIV clinical and dental workforce, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “HIV Epidemic Loan-  
5 Repayment Program Act of 2020” or the “HELP Act of  
6 2020”.

1 **SEC. 2. LOAN REPAYMENT PROGRAM FOR HIV CLINICAL**  
2 **AND DENTAL WORKFORCE.**

3 Part C of title VII of the Public Health Service Act  
4 (42 U.S.C. 293k et seq.) is amended by adding at the end  
5 the following:

6 **“Subpart III—Loan Repayment Program for HIV**  
7 **Clinical and Dental Workforce**

8 **“SEC. 749B. LOAN REPAYMENT PROGRAM FOR HIV CLIN-**  
9 **ICAL AND DENTAL WORKFORCE.**

10 “(a) IN GENERAL.—The Secretary, acting through  
11 the Administrator of the Health Resources and Services  
12 Administration, shall carry out a program under which—

13 “(1) the Secretary enters into agreements with  
14 physicians, advanced practice registered nurses, phy-  
15 sician assistants, and dentists to make payments in  
16 accordance with subsection (b) on the principal of  
17 and interest on any eligible loan; and

18 “(2) the individuals each agree to the require-  
19 ments of service in HIV treatment or HIV dental  
20 care employment, as described in subsection (d).

21 “(b) PAYMENTS.—For each year of obligated service  
22 by an individual pursuant to an agreement under sub-  
23 section (a), the Secretary shall make a payment to such  
24 individual as follows:

25 “(1) SERVICE IN A SHORTAGE AREA.—The Sec-  
26 retary shall pay—

1           “(A) for each year of obligated service by  
2           an individual pursuant to an agreement under  
3           subsection (a),  $\frac{1}{5}$  of the principal of and inter-  
4           est on each eligible loan of the individual which  
5           is outstanding on the date the individual began  
6           service pursuant to the agreement; and

7           “(B) for completion of the fifth and final  
8           year of such service, the remainder of such  
9           principal and interest.

10          “(2) MAXIMUM AMOUNT.—The total amount of  
11          payments under this section to any individual shall  
12          not exceed \$250,000.

13          “(c) ELIGIBLE LOANS.—The loans eligible for repay-  
14          ment under this section are each of the following:

15                 “(1) Any loan for education or training for HIV  
16                 treatment employment.

17                 “(2) Any loan under part E of title VIII (relat-  
18                 ing to nursing student loans).

19                 “(3) Any Federal Direct Stafford Loan, Fed-  
20                 eral Direct PLUS Loan, Federal Direct Unsub-  
21                 sidized Stafford Loan, or Federal Direct Consolida-  
22                 tion Loan (as such terms are used in section 455 of  
23                 the Higher Education Act of 1965).

24                 “(4) Any Federal Perkins Loan under part E  
25                 of title I of the Higher Education Act of 1965.

1           “(5) Any other Federal loan as determined ap-  
2           propriate by the Secretary.

3           “(d) REQUIREMENTS OF SERVICE.—Any individual  
4 receiving payments under the program under this section  
5 as required by an agreement under subsection (a) shall  
6 agree to an annual commitment to full-time employment,  
7 with no more than 1 year passing between any 2 years  
8 of HIV treatment employment in the United States in a  
9 service area that is—

10           “(1) a health professional shortage area, as des-  
11           ignated under section 332;

12           “(2) a clinical site awarded a grant or other as-  
13           sistance under title XXVI for the provision of clin-  
14           ical or dental services; or

15           “(3) an area that meets criteria specified pur-  
16           suant to subsection (f).

17           “(e) WAIVERS FOR HALF-TIME SERVICE.—

18           “(1) IN GENERAL.—The Secretary may issue  
19           waivers to individuals who have entered into a con-  
20           tract for obligated service under this section under  
21           which the individuals are authorized to satisfy the  
22           requirement of obligated service through providing  
23           service that is half time.

24           “(2) APPLICABLE PROVISIONS.—The provisions  
25           of subparts II and III of part D of title III respect-

1       ing waivers under section 331(i) and half-time serv-  
2       ice pursuant to such waivers shall apply to waivers  
3       and half-time service under this section to the same  
4       extent and in the same manner as such provisions  
5       apply with respect to the National Health Service  
6       Corps Loan Repayment Program.

7       “(f) CRITERIA FOR ADDITIONAL SERVICE AREAS.—  
8       Not later than 180 days after the date of the enactment  
9       of this section, the Secretary, acting through the Adminis-  
10      trator of the Health Resources and Services Administra-  
11      tion, shall establish criteria for additional service areas for  
12      purposes of the requirement under subsection (d).

13      “(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No  
14      borrower may, for the same service, receive a reduction  
15      of loan obligations or a loan repayment under both—

16              “(1) this section; and

17              “(2) any Federally supported loan forgiveness  
18      program, including under section 338B, 338I, or  
19      846 of this Act, or section 428J, 428L, 455(m), or  
20      460 of the Higher Education Act of 1965.

21      “(h) BREACH.—

22              “(1) LIQUIDATED DAMAGES FORMULA.—The  
23      Secretary may establish a liquidated damages for-  
24      mula to be used in the event of a breach of an  
25      agreement entered into under subsection (a).

1           “(2) LIMITATION.—The failure by an individual  
2           to complete the full period of service obligated pur-  
3           suant to such an agreement, taken alone, shall not  
4           constitute a breach of the agreement, so long as the  
5           individual completed in good faith the years of serv-  
6           ice for which payments were made to the individual  
7           under this section.

8           “(i) ADDITIONAL CRITERIA.—The Secretary—

9           “(1) may establish such criteria and rules to  
10          carry out this section as the Secretary determines  
11          are needed and in addition to the criteria and rules  
12          specified in this section; and

13          “(2) shall give notice to the committees speci-  
14          fied in subsection (j) of any criteria and rules so es-  
15          tablished.

16          “(j) REPORT TO CONGRESS.—Not later than 5 years  
17          after the date of the enactment of this section, and every  
18          other year thereafter, the Secretary shall prepare and sub-  
19          mit to the Committee on Energy and Commerce of the  
20          House of Representatives and the Committee on Health,  
21          Education, Labor, and Pensions of the Senate a report  
22          on—

23          “(1) the number, provider type, and location of  
24          borrowers who have qualified for loan repayments  
25          under this section; and

1           “(2) the impact of this section on the avail-  
2           ability of HIV clinical care and treatment or HIV  
3           dental care nationally, in shortage areas, and in  
4           States, counties, and other jurisdictions targeted by  
5           the Federal End the HIV Epidemic Initiative.

6           “(k) DEFINITION.—In this section:

7           “(1) The term ‘HIV’ means the human im-  
8           munodeficiency virus.

9           “(2) The term ‘HIV treatment employment’  
10          means employment (including a fellowship)—

11           “(A) as a physician, physician assistant,  
12           advanced practice registered nurse, dentist, or  
13           other relevant practitioner licensed or certified  
14           in accordance with applicable State and Federal  
15           law, where the primary intent and function of  
16           the position is the direct treatment and care of  
17           persons living with HIV; and

18           “(B) which is located at an HIV treatment  
19           program, which could be affiliated with a pri-  
20           vate practice, community health center, tele-  
21           health platform, migrant health center, aca-  
22           demic medical center, hospital, rural health pro-  
23           gram, health program or facility operated by an  
24           Indian tribe or tribal organization, Federal  
25           medical facility, or any other facility as deter-

1           mined appropriate for purposes of this section  
2           by the Secretary.

3           “(3) The terms ‘Indian tribe’ and ‘tribal organi-  
4           zation’ have the meanings given those terms in sec-  
5           tion 4 of the Indian Self-Determination and Edu-  
6           cation Assistance Act.

7           “(4) The term ‘jurisdiction’ means a city, town,  
8           county, or other public body created by or pursuant  
9           to State law, or an Indian tribe.

10          “(1) AUTHORIZATION OF APPROPRIATIONS.—There  
11          are authorized to be appropriated to carry out this section  
12          \$25,000,000 for each of fiscal years 2021 through 2026.”.

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