

111TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

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IN THE SENATE OF THE UNITED STATES

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Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

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 “Public Health Work-  
5 force Development Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) The ability of the public health system to  
2 prevent, respond to, and recover from bioterrorism,  
3 acute outbreaks of infectious diseases, or other  
4 health threats and emergencies, and to prevent and  
5 reduce chronic disease, depends upon the existence  
6 of adequate numbers of well-trained public health  
7 professionals in Federal, State, local, and tribal pub-  
8 lic health departments and health centers.

9           (2) The public health system has an aging staff  
10 nearing retirement with no clear pipeline of highly-  
11 skilled and capable employees to fill the void, with  
12 the average age of the State public health workforce  
13 at 47 years.

14           (3) Retirement rates in some State public  
15 health agencies were as high as 20 percent as of  
16 June 2007, and projected to be as high as 45 per-  
17 cent in 2009.

18           (4) The ratio of public health workers to the  
19 population has dropped from 219 per 100,000 in  
20 1980 to 158 per 100,000 in 2000, while responsibil-  
21 ities of such workers have continued to expand.

22           (5) Public health nurses comprise the largest  
23 segment of the public health workforce. A study by  
24 the Institute of Medicine in 2003 identified nursing  
25 as facing one of the most severe shortages of public

1 health workers. The average age of public health  
2 nurses is nearly 50 years, with the leaders of State  
3 public health nursing averaging more than 30 years  
4 of service. In one State nearly 40 percent of the  
5 public health nursing workforce was eligible for re-  
6 tirement as of June 2007.

7 (6) According to the Association of State and  
8 Territorial Health Officials, most of the approxi-  
9 mately 6,400 graduates from accredited schools of  
10 public health took jobs in the private sector in 2004.  
11 The Bureau of Labor Statistics projects that there  
12 will be an increase in private sector demand for  
13 highly-educated graduates in scientific fields during  
14 the 10-year period ending in 2017. Public health  
15 agencies will have difficulty competing for those  
16 highly-skilled scientists.

17 (7) As of June 2007, approximately 42 percent  
18 of the epidemiology workforce in State and terri-  
19 torial health departments lacked formal academic  
20 training in epidemiology. States have reported that  
21 approximately 47 percent more epidemiologists are  
22 needed to adequately prevent and control avian in-  
23 fluenza and other emerging diseases.

24 (8) The Partnership for Public Service reports  
25 that in the field of microbiology, there are more than

1       4 times as many full-time permanent employees over  
2       age 40 as under age 40 at the Centers for Disease  
3       Control and Prevention. Among full-time permanent  
4       employees with medical backgrounds at the Centers  
5       for Disease Control and Prevention and the Food  
6       and Drug Administration, there are 3 times as many  
7       employees over 40 years of age as under 40.

8           (9) More than 50 percent of States cite the lack  
9       of qualified individuals or individuals willing to relo-  
10      cate as being a major barrier to preparedness. A  
11      study conducted by the Health Resources and Serv-  
12      ices Association reported difficulty with recruiting  
13      more educated, skilled public health providers to  
14      work in traditionally medically underserved areas,  
15      such as rural populations. Public health agencies  
16      continue to face an unmet need for public health  
17      workers who are bilingual and culturally competent.

18           (10) Lack of access to advanced education, in-  
19      cluding baccalaureate nursing and graduate studies,  
20      is a significant barrier to upgrading the existing  
21      public health workforce, particularly in rural areas.

1 **SEC. 3. PUBLIC HEALTH WORKFORCE RECRUITMENT AND**  
2 **RETENTION PROGRAMS.**

3 Part E of title VII of the Public Health Service Act  
4 (42 U.S.C. 294n et seq.) is amended by adding at the end  
5 the following:

6 **“Subpart 3—Public Health Workforce Recruitment**  
7 **and Retention Programs**

8 **“SEC. 780. PUBLIC HEALTH WORKFORCE SCHOLARSHIP**  
9 **PROGRAM.**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-  
11 lish the Public Health Workforce Scholarship Program  
12 (referred to in this section as the ‘Program’) to assure  
13 an adequate supply of public health professionals to elimi-  
14 nate critical public health workforce shortages in Federal,  
15 State, local, and tribal public health agencies and health  
16 centers.

17 “(b) ELIGIBILITY.—To be eligible to participate in  
18 the Program, an individual shall—

19 “(1) be accepted for enrollment, or be enrolled,  
20 as a full-time student—

21 “(A) in an accredited (as determined by  
22 the Secretary) educational institution in a State  
23 or territory; and

24 “(B) in a course of study or program, of-  
25 fered by such institution and approved by the  
26 Secretary, leading to a health professions de-

1           gree (graduate, undergraduate, or associate) or  
2           certificate, which may include public health,  
3           laboratory sciences, epidemiology, environ-  
4           mental health, health communications, health  
5           education and behavioral sciences, information  
6           sciences, or public administration;

7           “(2) be a United States citizen;

8           “(3) submit an application to the Secretary to  
9           participate in the Program; and

10           “(4) sign and submit to the Secretary, at the  
11           time of the submission of such application, a written  
12           contract (described in subsection (d)) to serve, upon  
13           the completion of the course of study or program in-  
14           volved, for the applicable period of obligated service  
15           in the full-time employment of a Federal, State,  
16           local, or tribal public health agency or a health cen-  
17           ter.

18           “(c) DISSEMINATION OF INFORMATION.—

19           “(1) APPLICATION AND CONTRACT FORMS.—  
20           The Secretary shall disseminate application forms  
21           and contract forms to individuals desiring to partici-  
22           pate in the Program. The Secretary shall include  
23           with such forms—

24                   “(A) a fair summary of the rights and li-  
25                   abilities of an individual whose application is

1 approved (and whose contract is accepted) by  
2 the Secretary, including in the summary a clear  
3 explanation of the damages to which the United  
4 States is entitled in the case of the individual's  
5 breach of the contract; and

6 “(B) information relating to the service ob-  
7 ligation and such other information as may be  
8 necessary for the individual to understand the  
9 individual's prospective participation in the Pro-  
10 gram.

11 “(2) INFORMATION FOR SCHOOLS.—The Sec-  
12 retary shall distribute to health professions schools  
13 and other appropriate accredited academic institu-  
14 tions and relevant Federal, State, local, and tribal  
15 public health agencies, materials providing informa-  
16 tion on the Program and shall encourage such  
17 schools, institutions, and agencies to disseminate  
18 such materials to potentially eligible students.

19 “(3) UNDERSTANDABILITY AND TIMING.—The  
20 application form, contract form, and all other infor-  
21 mation furnished by the Secretary under this section  
22 shall—

23 “(A) be written in a manner calculated to  
24 be understood by the average individual apply-  
25 ing to participate in the Program; and

1                   “(B) be made available by the Secretary on  
2                   a date sufficiently early to ensure that such in-  
3                   dividuals have adequate time to carefully review  
4                   and evaluate such forms and information.

5           “(d) CONTRACT.—The written contract between the  
6 Secretary and an individual shall contain—

7                   “(1) an agreement on the part of the Secretary  
8                   that the Secretary will provide the individual with a  
9                   scholarship for a period of years (not to exceed 4  
10                  academic years) during which the individual shall  
11                  pursue an approved course of study or program to  
12                  prepare the individual to serve in the public health  
13                  workforce;

14                  “(2) an agreement on the part of the individual  
15                  that the individual will—

16                         “(A) maintain full-time enrollment in the  
17                         approved course of study or program described  
18                         in subsection (b)(1) until the individual com-  
19                         pletes that course of study or program;

20                         “(B) while enrolled in the course of study  
21                         or program, maintain an acceptable level of aca-  
22                         demic standing (as determined under regula-  
23                         tions of the Secretary by the educational insti-  
24                         tution offering such course of study or pro-  
25                         gram); and



1           “(4) a provision that any financial obligation of  
2           the United States arising out of a contract entered  
3           into under this subsection and any obligation of the  
4           individual which is conditioned thereon, is contingent  
5           upon funds being appropriated for scholarships  
6           under this section;

7           “(5) a statement of the damages to which the  
8           United States is entitled for the individual’s breach  
9           of the contract; and

10           “(6) such other statements of the rights and li-  
11           abilities of the Secretary and of the individual, not  
12           inconsistent with the provisions of this section.

13           “(e) POSTPONING OBLIGATED SERVICE.—With re-  
14           spect to an individual receiving a degree or certificate from  
15           a school of medicine, public health, nursing, osteopathic  
16           medicine, dentistry, veterinary medicine, optometry, po-  
17           diatry, pharmacy, psychology, or social work under a  
18           scholarship under the Program, the date of the initiation  
19           of the period of obligated service may be postponed, upon  
20           the submission by the individual of a petition for such  
21           postponement and approval by the Secretary, to the date  
22           on which the individual completes an approved internship,  
23           residency, or other relevant public health advanced train-  
24           ing program.

25           “(f) ADMINISTRATIVE PROVISIONS.—

1           “(1) CONTRACTS WITH INSTITUTIONS.—The  
2           Secretary may contract with an educational institu-  
3           tion in which a participant in the Program is en-  
4           rolled, for the payment to the educational institution  
5           of the amounts of tuition and other reasonable edu-  
6           cational expenses described in subsection (d)(3).

7           “(2) EMPLOYMENT CEILINGS.—Notwith-  
8           standing any other provision of law, individuals who  
9           have entered into written contracts with the Sec-  
10          retary under this section, while undergoing academic  
11          training, shall not be counted against any employ-  
12          ment ceiling affecting the Department or any other  
13          Federal agency.

14          “(g) BREACH OF CONTRACT.—An individual who  
15          fails to comply with the contract entered into under sub-  
16          section (d) shall be subject to the same financial penalties  
17          as provided for under section 338E for breaches of schol-  
18          arship contracts under sections 338A.

19          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated to carry out this section  
21          \$35,000,000 for each of the fiscal years 2010 through  
22          2015.

23          “(i) DEFINITION.—For purposes of this subpart, the  
24          term ‘health center’ has the meaning given such term in  
25          section 330(a).

1 **“SEC. 781. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT**  
2 **PROGRAM.**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-  
4 lish the Public Health Workforce Loan Repayment Pro-  
5 gram (referred to in this section as the ‘Program’) to as-  
6 sure an adequate supply of public health professionals to  
7 eliminate critical public health workforce shortages in  
8 Federal, State, local, and tribal public health agencies and  
9 in health centers.

10 “(b) ELIGIBILITY.—To be eligible to participate in  
11 the Program, an individual shall—

12 “(1)(A) be accepted for enrollment, or be en-  
13 rolled, as a full-time or part-time student in an ac-  
14 credited academic educational institution in a State  
15 or territory in the final year of a course of study or  
16 program offered by that institution leading to a  
17 health professions degree or certificate, which may  
18 include a degree (graduate, undergraduate, or asso-  
19 ciate) or certificate relating to public health, labora-  
20 tory sciences, epidemiology, environmental health,  
21 health communications, health education and behav-  
22 ioral sciences, information sciences, or public admin-  
23 istration; or

24 “(B) have graduated, within 10 years, from an  
25 accredited educational institution in a State or terri-  
26 tory and received a health professions degree (grad-

1 uate, undergraduate, or associate) or certificate,  
2 which may include a degree (graduate, under-  
3 graduate, or associate) or certificate relating to pub-  
4 lic health, laboratory sciences, epidemiology, environ-  
5 mental health, health communications, health edu-  
6 cation and behavioral sciences, information sciences,  
7 or public administration;

8 “(2)(A) in the case of an individual described in  
9 paragraph (1)(A), have accepted employment with a  
10 Federal, State, local, or tribal public health agency  
11 or a health center, as recognized by the Secretary,  
12 to commence upon graduation; or

13 “(B) in the case of an individual described in  
14 paragraph (1)(B), be employed by, or have accepted  
15 employment with, a Federal, State, local, or tribal  
16 public health agency or a health center, as recog-  
17 nized by the Secretary;

18 “(3) be a United States citizen;

19 “(4) submit an application to the Secretary to  
20 participate in the Program; and

21 “(5) sign and submit to the Secretary, at the  
22 time of the submission of such application, a written  
23 contract (described in subsection (d)) to serve for  
24 the applicable period of obligated service in the full-

1 time employment of a Federal, State, local, or tribal  
2 public health agency or a health center.

3 “(c) DISSEMINATION OF INFORMATION.—

4 “(1) APPLICATION AND CONTRACT FORMS.—

5 The Secretary shall disseminate application forms  
6 and contract forms to individuals desiring to partici-  
7 pate in the Program. The Secretary shall include  
8 with such forms—

9 “(A) a fair summary of the rights and li-  
10 abilities of an individual whose application is  
11 approved (and whose contract is accepted) by  
12 the Secretary, including in the summary a clear  
13 explanation of the damages to which the United  
14 States is entitled to recover in the case of the  
15 individual’s breach of the contract; and

16 “(B) information relating to the service ob-  
17 ligation and such other information as may be  
18 necessary for the individual to understand the  
19 individual’s prospective participation in the Pro-  
20 gram.

21 “(2) INFORMATION FOR SCHOOLS.—The Sec-  
22 retary shall distribute to health professions schools  
23 and other appropriate accredited academic institu-  
24 tions and relevant Federal, State, local, and tribal  
25 public health agencies and health centers, materials

1 providing information on the Program and shall en-  
2 courage such schools, institutions, and agencies to  
3 disseminate such materials to potentially eligible stu-  
4 dents.

5 “(3) UNDERSTANDABILITY AND TIMING.—The  
6 application form, contract form, and all other infor-  
7 mation furnished by the Secretary under this section  
8 shall—

9 “(A) be written in a manner calculated to  
10 be understood by the average individual apply-  
11 ing to participate in the Program; and

12 “(B) be made available by the Secretary on  
13 a date sufficiently early to ensure that such in-  
14 dividuals have adequate time to carefully review  
15 and evaluate such forms and information.

16 “(d) CONTRACT.—The written contract (referred to  
17 in this section) between the Secretary and an individual  
18 shall contain—

19 “(1) an agreement on the part of the Secretary  
20 that the Secretary will repay on behalf of the indi-  
21 vidual loans incurred by the individual in the pursuit  
22 of the relevant public health workforce educational  
23 degree or certificate in accordance with the terms of  
24 the contract;

1           “(2) an agreement on the part of the individual  
2           that the individual will serve, immediately upon  
3           graduation in the case of an individual described in  
4           subsection (b)(1)(A) service, or in the case of an in-  
5           dividual described in subsection (b)(1)(B) continue  
6           to serve, in the full-time employment of a Federal,  
7           State, local, or tribal public health agency or health  
8           center in a position related to the course of study or  
9           program for which the contract was awarded for a  
10          period of time (referred to in this section as the ‘pe-  
11          riod of obligated service’) equal to the greater of—

12                       “(A) 3 years; or

13                       “(B) such longer period of time as deter-  
14                       mined appropriate by the Secretary and the in-  
15                       dividual;

16          “(3) an agreement, as appropriate, on the part  
17          of the individual to relocate for the entire period of  
18          obligated service to a political jurisdiction designated  
19          by the Secretary to be a priority service area in ex-  
20          change for an additional loan repayment incentive  
21          amount that does not exceed 20 percent of the indi-  
22          vidual’s eligible loan repayment award per academic  
23          year such that the total of the loan repayment and  
24          the incentive amount shall not exceed  $\frac{1}{3}$  of the eligi-  
25          ble loan balance per year;

1           “(4) in the case of an individual described in  
2           subsection (b)(1)(A) who is in the final year of study  
3           and who has accepted employment with a Federal,  
4           State, local, or tribal public health agency or a  
5           health center upon graduation, an agreement on the  
6           part of the individual to complete the education or  
7           training, maintain an acceptable level of academic  
8           standing (as determined by the education institution  
9           offering the course of study or training), and agree  
10          to the period of obligated service;

11          “(5) a provision that any financial obligation of  
12          the United States arising out of a contract entered  
13          into under this section and any obligation of the in-  
14          dividual that is conditioned thereon, is contingent on  
15          funds being appropriated for loan repayments under  
16          this section;

17          “(6) a statement of the damages to which the  
18          United States is entitled, under this section for the  
19          individual’s breach of the contract; and

20          “(7) such other statements of the rights and li-  
21          abilities of the Secretary and of the individual, not  
22          inconsistent with this section.

23          “(e) PAYMENTS.—

24          “(1) IN GENERAL.—A loan repayment provided  
25          for an individual under a written contract under the

1 Program shall consist of payment, in accordance  
2 with paragraph (2), on behalf of the individual of  
3 the principal, interest, and related expenses on gov-  
4 ernment and commercial loans received by the indi-  
5 vidual regarding the undergraduate or graduate edu-  
6 cation of the individual (or both), which loans were  
7 made for—

8 “(A) tuition expenses; or

9 “(B) all other reasonable educational ex-  
10 penses, including fees, books, and laboratory ex-  
11 penses, incurred by the individual.

12 “(2) PAYMENTS FOR YEARS SERVED.—

13 “(A) IN GENERAL.—For each year of obli-  
14 gated service that an individual contracts to  
15 serve under subsection (d) the Secretary may  
16 pay up to \$35,000 on behalf of the individual  
17 for loans described in paragraph (1). With re-  
18 spect to participants under the Program whose  
19 total eligible loans are less than \$105,000, the  
20 Secretary shall pay an amount that does not ex-  
21 ceed  $\frac{1}{3}$  of the eligible loan balance for each  
22 year of obligated service of the individual.

23 “(B) REPAYMENT SCHEDULE.—Any ar-  
24 rangement made by the Secretary for the mak-  
25 ing of loan repayments in accordance with this

1 subsection shall provide that any repayments  
2 for a year of obligated service shall be made no  
3 later than the end of the fiscal year in which  
4 the individual completes such year of service.

5 “(3) TAX LIABILITY.—For the purpose of pro-  
6 viding reimbursements for tax liability resulting  
7 from payments under paragraph (2) on behalf of an  
8 individual—

9 “(A) the Secretary shall, in addition to  
10 such payments, make payments to the indi-  
11 vidual in an amount not to exceed 39 percent  
12 of the total amount of loan repayments made  
13 for the taxable year involved; and

14 “(B) may make such additional payments  
15 as the Secretary determines to be appropriate  
16 with respect to such purpose.

17 “(4) PAYMENT SCHEDULE.—The Secretary  
18 may enter into an agreement with the holder of any  
19 loan for which payments are made under the Pro-  
20 gram to establish a schedule for the making of such  
21 payments.

22 “(f) POSTPONING OBLIGATED SERVICE.—With re-  
23 spect to an individual receiving a degree or certificate from  
24 a school of medicine, public health, nursing, osteopathic  
25 medicine, dentistry, veterinary medicine, optometry, po-

1 diatry, pharmacy, psychology, or social work, the date of  
2 the initiation of the period of obligated service may be  
3 postponed, upon the submission by the individual of a peti-  
4 tion for such postponement and approval by the Secretary,  
5 to the date on which the individual completes an approved  
6 internship, residency, or other relevant public health ad-  
7 vanced training program.

8 “(g) ADMINISTRATIVE PROVISIONS.—

9 “(1) HIRING PRIORITY.—Notwithstanding any  
10 other provision of law, Federal, State, local, and  
11 tribal public health agencies and health centers may  
12 give hiring priority to any individual who has quali-  
13 fied for and is willing to execute a contract to par-  
14 ticipate in the Program.

15 “(2) EMPLOYMENT CEILINGS.—Notwith-  
16 standing any other provision of law, individuals who  
17 have entered into written contracts with the Sec-  
18 retary under this section, who are serving as full-  
19 time employees of a State, local, or tribal public  
20 health agency or a health center, or who are in the  
21 last year of public health workforce academic prepa-  
22 ration, shall not be counted against any employment  
23 ceiling affecting the Department or any other Fed-  
24 eral agency.

1       “(h) BREACH OF CONTRACT.—An individual who  
2 fails to comply with the contract entered into under sub-  
3 section (d) shall be subject to the same financial penalties  
4 as provided for under section 338E for breaches of loan  
5 repayment contracts under section 338B.

6       “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section  
8 \$195,000,000 for each of the fiscal years 2010 through  
9 2015.

10 **“SEC. 782. GRANTS FOR STATE AND LOCAL PROGRAMS.**

11       “(a) IN GENERAL.—For the purpose of operating  
12 State, local, tribal, and health center public health work-  
13 force loan repayment programs under this subpart, the  
14 Secretary shall award a grant to any public health agency  
15 that receives public health preparedness cooperative agree-  
16 ments, or other successor cooperative agreements, from  
17 the Department of Health and Human Services.

18       “(b) REQUIREMENTS.—A State or local loan repay-  
19 ment program operated with a grant under subsection (a)  
20 shall incorporate all provisions of the Public Health Work-  
21 force Loan Repayment Program under section 781, in-  
22 cluding the ability to designate priority service areas with-  
23 in the relevant political jurisdiction.

24       “(c) ADMINISTRATION.—The head of the State or  
25 local office that receives a grant under subsection (a) shall

1 be responsible for contracting and operating the loan re-  
2 payment program under the grant.

3 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
4 tion shall be construed to obligate or limit any State, local,  
5 or tribal government entity from implementing inde-  
6 pendent or supplemental public health workforce develop-  
7 ment programs within their borders.

8 **“SEC. 783. TRAINING FOR MID-CAREER PUBLIC HEALTH**  
9 **PROFESSIONALS.**

10 “(a) **IN GENERAL.**—The Secretary may make grants  
11 to, or enter into contracts with, any eligible entity to  
12 award scholarships to eligible individuals to enroll in de-  
13 gree or professional training programs for the purpose of  
14 enabling mid-career professionals in the public health  
15 workforce to receive additional training in the field of pub-  
16 lic health.

17 “(b) **ELIGIBILITY.**—

18 “(1) **ELIGIBLE ENTITY.**—The term ‘eligible en-  
19 tity’ indicates an accredited educational institution  
20 that offers a course of study, certificate program, or  
21 professional training program in infectious disease  
22 science, medicine, public health, veterinary medicine,  
23 or other discipline impacting or influenced by bioter-  
24 rorism or emerging infectious diseases.

1           “(2) ELIGIBLE INDIVIDUALS.—The term ‘eligi-  
2           ble individuals’ includes those individuals employed  
3           in public health positions at the Federal, State, trib-  
4           al, or local level or a health center who are inter-  
5           ested in retaining or upgrading their education.

6           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
7           are authorized to be appropriated to carry out this section,  
8           \$30,000,000 for each of the fiscal years 2010 through  
9           2015.

10       **“SEC. 784. CATALOGUE OF FEDERAL PUBLIC HEALTH**  
11                               **WORKFORCE EMPLOYMENT OPPORTUNITIES.**

12           “(a) IN GENERAL.—The Director of the Office of  
13           Personnel Management, in cooperation with the Secretary,  
14           shall ensure that, included in the Internet website of the  
15           Office of Personnel Management, there is an online cata-  
16           logue, or link to an online catalogue, of public health work-  
17           force employment opportunities in the Federal Govern-  
18           ment.

19           “(b) REQUIREMENTS.—To the extent practicable, the  
20           catalogue described in subsection (a) shall include—

21                       “(1) existing and projected job openings in the  
22                       Federal public health workforce; and

23                       “(2) a general discussion of the occupations  
24                       that comprise the Federal public health workforce.

1           “(c) INFORMATION.—The Secretary shall include a  
2 copy of the catalogue described in subsection (a), or a  
3 prominent reference to the catalogue, in—

4                   “(1) the application forms provided under sec-  
5 tion 780(c)(1); and

6                   “(2) the information for schools provided under  
7 section 780(c)(2).”.