

In the House of Representatives, U. S.,

September 18, 1995.

Resolved, That the bill from the Senate (S. 641) entitled
“An Act to reauthorize the Ryan White CARE Act of 1990,
and for other purposes”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause, and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Ryan White CARE Act*
3 *Amendments of 1995”.*

4 ***SEC. 2. REFERENCES.***

5 *Whenever in this Act an amendment is expressed in*
6 *terms of an amendment to a section or other provision, the*
7 *reference shall be considered to be made to that section or*
8 *other provision of the Public Health Service Act (42 U.S.C.*
9 *201 et seq.).*

1 ***TITLE I—EMERGENCY RELIEF***
2 ***FOR AREAS WITH SUBSTAN-***
3 ***TIAL NEED FOR SERVICES***

4 ***SEC. 101. ESTABLISHMENT OF PROGRAM OF GRANTS.***

5 *(a) NUMBER OF CASES; DELAYED APPLICABILITY.—*
6 *Effective October 1, 1996, section 2601(a) (42 U.S.C. 300ff–*
7 *11) is amended—*

8 *(1) by striking “subject to subsection (b)” and*
9 *inserting “subject to subsections (b) through (d)”; and*

10 *(2) by striking “metropolitan area” and all that*
11 *follows and inserting the following: “metropolitan*
12 *area for which there has been reported to the Director*
13 *of the Centers for Disease Control and Prevention a*
14 *cumulative total of more than 2,000 cases of acquired*
15 *immune deficiency syndrome for the most recent pe-*
16 *riod of five calendar years for which such data are*
17 *available.”.*

18 *(b) OTHER PROVISIONS REGARDING ELIGIBILITY.—*
19 *Section 2601 (42 U.S.C. 300ff–11) is amended by adding*
20 *at the end thereof the following subsections:*

21 *“(c) REQUIREMENTS REGARDING POPULATION.—*

22 *“(1) NUMBER OF INDIVIDUALS.—*

23 *“(A) IN GENERAL.—Except as provided in*
24 *subparagraph (B), the Secretary may not make*
25 *a grant under this section for a metropolitan*

1 area unless the area has a population of 500,000
2 or more individuals.

3 “(B) *LIMITATION.*—Subparagraph (A) does
4 not apply to any metropolitan area that was an
5 eligible area under this part for fiscal year 1995
6 or any prior fiscal year.

7 “(2) *GEOGRAPHIC BOUNDARIES.*—For purposes
8 of eligibility under this part, the boundaries of each
9 metropolitan area are the boundaries that were in ef-
10 fect for the area for fiscal year 1994.

11 “(d) *CONTINUED STATUS AS ELIGIBLE AREA.*—Not-
12 withstanding any other provision of this section, a metro-
13 politan area that was an eligible area under this part for
14 fiscal year 1996 is an eligible area for fiscal year 1997 and
15 each subsequent fiscal year.”.

16 (c) *CONFORMING AMENDMENT REGARDING DEFINI-*
17 *TION OF ELIGIBLE AREA.*—Section 2607(1) (42 U.S.C.
18 300ff-17(1)) is amended by striking “The term” and all
19 that follows and inserting the following: “The term ‘eligible
20 area’ means a metropolitan area meeting the requirements
21 of section 2601 that are applicable to the area.”.

22 **SEC. 102. HIV HEALTH SERVICES PLANNING COUNCIL.**

23 (a) *ESTABLISHMENT.*—Section 2602(b)(1) (42 U.S.C.
24 300ff-12(b)(1)) is amended—

1 (1) in subparagraph (A), by inserting before the
2 semicolon the following: “, including federally quali-
3 fied health centers”;

4 (2) in subparagraph (D), by inserting before the
5 semicolon the following: “and providers of services re-
6 garding substance abuse”;

7 (3) in subparagraph (G), by inserting before the
8 semicolon the following: “and historically underserved
9 groups and subpopulations”;

10 (4) in subparagraph (I), by inserting before the
11 semicolon the following: “, including the State medic-
12 aid agency and the agency administering the pro-
13 gram under part B”;

14 (5) in subparagraph (J), by striking “and” after
15 the semicolon;

16 (6) by striking subparagraph (K); and

17 (7) by adding at the end the following subpara-
18 graphs:

19 “(K) grantees under section 2671, or, if
20 none are operating in the area, representatives of
21 organizations in the area with a history of serv-
22 ing children, youth, women, and families living
23 with HIV; and

24 “(L) grantees under other HIV-related Fed-
25 eral programs.”.

1 (b) *DUTIES.*—Section 2602(b)(3) (42 U.S.C. 300ff–
2 12(b)(3)) is amended—

3 (1) by striking “The planning” in the matter
4 preceding subparagraph (A) and all that follows
5 through the semicolon at the end of subparagraph (A)
6 and inserting the following: “The planning council
7 under paragraph (1) shall carry out the following:

8 “(A) Establish priorities for the allocation
9 of funds within the eligible area based on the fol-
10 lowing factors:

11 “(i) Documented needs of the HIV-in-
12 fected population.

13 “(ii) Cost and outcome effectiveness of
14 proposed strategies and interventions, to the
15 extent that such data are reasonably avail-
16 able.

17 “(iii) Priorities of the HIV-infected
18 communities for which the services are in-
19 tended.

20 “(iv) Availability of other govern-
21 mental and nongovernmental resources.”;

22 (2) in subparagraph (B)—

23 (A) by striking “develop” and inserting
24 “Develop”; and

1 (B) by striking “; and” and inserting a pe-
2 riod;

3 (3) in subparagraph (C)—

4 (A) by striking “assess” and inserting “As-
5 sess”;

6 (B) by striking “rapidly”; and

7 (C) by inserting before the period the follow-
8 ing: “, and assess the effectiveness, either directly
9 or through contractual arrangements, of the serv-
10 ices offered in meeting the identified needs”; and

11 (4) by adding at the end the following subpara-
12 graphs:

13 “(D) Participate in the development of the
14 statewide coordinated statement of need initiated
15 by the State health department (where it has
16 been so initiated).

17 “(E) Obtain input on community needs
18 through conducting public meetings.”.

19 (c) *GENERAL PROVISIONS.*—Section 2602(b) (42
20 U.S.C. 300ff-12(b)) is amended by adding at the end the
21 following paragraph:

22 “(4) *GENERAL PROVISIONS.*—

23 “(A) *COMPOSITION OF COUNCIL.*—The plan-
24 ning council under paragraph (1) shall (in addi-
25 tion to requirements under such paragraph) re-

1 *flect in its composition the demographics of the*
2 *epidemic in the eligible area involved, with par-*
3 *ticular consideration given to disproportionately*
4 *affected and historically underserved groups and*
5 *subpopulations. Nominations for membership on*
6 *the council shall be identified through an open*
7 *process, and candidates shall be selected based on*
8 *locally delineated and publicized criteria. Such*
9 *criteria shall include a conflict-of-interest stand-*
10 *ard for each nominee.*

11 “(B) *CONFLICTS OF INTEREST.*—

12 “(i) *The planning council under para-*
13 *graph (1) may not be directly involved in*
14 *the administration of a grant under section*
15 *2601(a). With respect to compliance with*
16 *the preceding sentence, the planning council*
17 *may not designate (or otherwise be involved*
18 *in the selection of) particular entities as re-*
19 *cipients of any of the amounts provided in*
20 *the grant.*

21 “(ii) *An individual may serve on the*
22 *planning council under paragraph (1) only*
23 *if the individual agrees to comply with the*
24 *following:*

1 “(I) If the individual has a finan-
2 cial interest in an entity, and such en-
3 tity is seeking amounts from a grant
4 under section 2601(a), the individual
5 will not, with respect to the purpose for
6 which the entity seeks such amounts,
7 participate (directly or in an advisory
8 capacity) in the process of selecting en-
9 tities to receive such amounts for such
10 purpose.

11 “(II) In the case of a public or
12 private entity of which the individual
13 is an employee, or a public or private
14 organization of which the individual is
15 a member, the individual will not par-
16 ticipate (directly or in an advisory ca-
17 pacity) in the process of making any
18 decision that relates to the expenditure
19 of a grant under section 2601(a) for
20 such entity or organization or that oth-
21 erwise directly affects the entity or or-
22 ganization.”.

1 **SEC. 103. TYPE AND DISTRIBUTION OF GRANTS.**

2 (a) *FORMULA GRANTS BASED ON RELATIVE NEED OF*
3 *AREAS.—Section 2603(a) (42 U.S.C. 300ff-13(a)) is*
4 *amended—*

5 (1) *in paragraph (1)—*

6 (A) *in the second sentence, by inserting “,*
7 *subject to paragraph (4)” before the period; and*

8 (B) *by adding at the end the following sen-*
9 *tence: “Grants under this paragraph for a fiscal*
10 *year shall be disbursed not later than 60 days*
11 *after the date on which amounts appropriated*
12 *under section 2677 become available for the fiscal*
13 *year, subject to any waivers under section*
14 *2605(d).”;*

15 (2) *in paragraph (2), by amending the para-*
16 *graph to read as follows:*

17 “(2) *ALLOCATIONS.—Of the amount available*
18 *under section 2677 for a fiscal year for making*
19 *grants under section 2601(a)—*

20 “(A) *the Secretary shall reserve 50 percent*
21 *for making grants under paragraph (1) in*
22 *amounts determined in accordance with para-*
23 *graph (3); and*

24 “(B) *the Secretary shall, after compliance*
25 *with subparagraph (A), reserve such funds as*

1 *may be necessary to carry out paragraph (4).”;*
2 *and*

3 *(3) by adding at the end the following para-*
4 *graph:*

5 “(4) *MAXIMUM REDUCTION IN GRANT.—In the*
6 *case of any eligible area for which a grant under*
7 *paragraph (1) was made for fiscal year 1995, the Sec-*
8 *retary, in making grants under such paragraph for*
9 *the area for the fiscal years 1996 through 2000, shall*
10 *(subject to the extent of the amount available under*
11 *section 2677 for the fiscal year involved for making*
12 *grants under section 2601(a)) ensure that the*
13 *amounts of the grants do not, relative to such grant*
14 *for the area for fiscal year 1995, constitute a reduc-*
15 *tion of more than the following, as applicable to the*
16 *fiscal year involved:*

17 “(A) *1 percent, in the case of fiscal year*
18 *1996.*

19 “(B) *2 percent, in the case of fiscal year*
20 *1997.*

21 “(C) *3 percent, in the case of fiscal year*
22 *1998.*

23 “(D) *4 percent, in the case of fiscal year*
24 *1999.*

1 “(E) 5 percent, in the case of fiscal year
2 2000.”.

3 (b) *SUPPLEMENTAL GRANTS*.—Section 2603(b) (42
4 *U.S.C. 300ff-13(b)*) is amended—

5 (1) in paragraph (1)—

6 (A) in the matter preceding subparagraph
7 (A), by striking “Not later than” and all that
8 follows through “section 2605(b)—” and insert-
9 ing the following: “After allocating in accordance
10 with subsection (a) the amounts available under
11 section 2677 for grants under section 2601(a) for
12 a fiscal year, the Secretary, in carrying out sec-
13 tion 2601(a), shall from the remaining amounts
14 make grants to eligible areas described in this
15 paragraph. Such grants shall be disbursed not
16 later than 150 days after the date on which
17 amounts appropriated under section 2677 be-
18 come available for the fiscal year. An eligible
19 area described in this paragraph is an eligible
20 area whose application under section 2605(b)—
21 ”;

22 (B) in subparagraph (D), by striking “and”
23 after the semicolon;

24 (C) in subparagraph (E), by striking the
25 period at the end and inserting “; and”; and

1 (D) by adding at the end thereof the follow-
2 ing subparagraph:

3 “(F) demonstrates the manner in which the
4 proposed services are consistent with the local
5 needs assessment and the statewide coordinated
6 statement of need.”; and

7 (2)(A) by redesignating paragraphs (2) through
8 (4) as paragraphs (3) through (5), respectively; and

9 (B) by inserting after paragraph (1) the follow-
10 ing paragraph:

11 “(2) *PRIORITY.*—

12 “(A) *SEVERE NEED.*—In determining severe
13 need in accordance with paragraph (1)(B), the
14 Secretary shall give priority consideration in
15 awarding grants under this subsection to eligible
16 areas that (in addition to complying with para-
17 graph (1)) demonstrate a more severe need based
18 on the prevalence in the eligible area of—

19 “(i) sexually transmitted diseases, sub-
20 stance abuse, tuberculosis, severe mental ill-
21 ness, or other conditions determined rel-
22 evant by the Secretary, which significantly
23 affect the impact of HIV disease;

1 “(ii) subpopulations with HIV disease
2 that were previously unknown in such area;
3 or

4 “(iii) homelessness.

5 “(B) PREVALENCE.—In determining preva-
6 lence of conditions under subparagraph (A), the
7 Secretary shall use data on the prevalence of the
8 conditions described in such subparagraph
9 among individuals with HIV disease (except
10 that, in the case of an eligible area for which
11 such data are not available, the Secretary shall
12 use data on the prevalences of the conditions in
13 the general population of such area).”.

14 (c) ADDITIONAL REQUIREMENTS FOR GRANTS.—Sec-
15 tion 2603 (42 U.S.C. 300ff-13) is amended by adding at
16 the end the following subsection:

17 “(c) COMPLIANCE WITH PRIORITIES OF HIV PLAN-
18 NING COUNCIL.—Notwithstanding any other provision of
19 this part, the Secretary, in carrying out section 2601(a),
20 may not make any grant under subsection (a) or (b) to
21 an eligible area unless the application submitted by such
22 area under section 2605 for the grant involved demonstrates
23 that the grants made under subsections (a) and (b) to the
24 area for the preceding fiscal year (if any) were expended
25 in accordance with the priorities applicable to such year

1 *that were established, pursuant to section 2602(b)(3)(A), by*
2 *the planning council serving the area.”.*

3 **SEC. 104. USE OF AMOUNTS.**

4 *Section 2604 (42 U.S.C. 300ff-14) is amended—*

5 *(1) in subsection (b)—*

6 *(A) in paragraph (1)(A), by striking “in-*
7 *cluding case management and comprehensive*
8 *treatment services, for individuals” and insert-*
9 *ing the following: “including HIV-related com-*
10 *prehensive treatment services (including treat-*
11 *ment education and measures for the prevention*
12 *and treatment of opportunistic infections), case*
13 *management, and substance abuse treatment and*
14 *mental health treatment, for individuals”;*

15 *(B) in paragraph (2)(A)—*

16 *(i) by inserting after “nonprofit pri-*
17 *vate entities,” the following: “or private for-*
18 *profit entities if such entities are the only*
19 *available provider of quality HIV care in*
20 *the area,” ; and*

21 *(ii) by striking “and homeless health*
22 *centers” and inserting “homeless health cen-*
23 *ters, substance abuse treatment programs,*
24 *and mental health programs”;* and

1 (C) by adding at the end the following
2 paragraph:

3 “(3) *PRIORITY FOR WOMEN, INFANTS AND CHILD-*
4 *DREN.—For the purpose of providing health and sup-*
5 *port services to infants, children, and women with*
6 *HIV disease, the chief elected official of an eligible*
7 *area shall use, of the grants made for the area under*
8 *section 2601(a) for a fiscal year, not less than the*
9 *percentage constituted by the ratio of the population*
10 *in such area of infants, children, and women with ac-*
11 *quired immune deficiency syndrome to the general*
12 *population in such area of individuals with such syn-*
13 *drome, or 15 percent, whichever is less. In expending*
14 *the funds reserved under the preceding sentence for a*
15 *fiscal year, the chief elected official shall give priority*
16 *to providing, for pregnant women, measures to pre-*
17 *vent the perinatal transmission of HIV.”; and*

18 (2) in subsection (e), by adding at the end there-
19 of the following sentence: “In the case of entities to
20 which such officer allocates amounts received by the
21 officer under the grant, the officer shall ensure that,
22 of the aggregate amount so allocated, the total of the
23 expenditures by such entities for administrative ex-
24 penses does not exceed 10 percent (without regard to

1 *whether particular entities expend more than 10 per-*
2 *cent for such expenses).”.*

3 **SEC. 105. APPLICATION.**

4 *Section 2605 (42 U.S.C. 300ff-15) is amended—*

5 *(1) in subsection (a)—*

6 *(A) in paragraph (1)(B), by striking “1-*
7 *year period” and all that follows through “eligi-*
8 *ble area” and inserting “preceding fiscal year”;*

9 *(B) in paragraph (4), by striking “and” at*
10 *the end thereof;*

11 *(C) in paragraph (5), by striking the period*
12 *at the end thereof and inserting “; and”; and*

13 *(D) by adding at the end thereof the follow-*
14 *ing paragraph:*

15 *“(6) that the applicant will participate in the*
16 *process for the statewide coordinated statement of*
17 *need (where it has been initiated by the State), and*
18 *will ensure that the services provided under the com-*
19 *prehensive plan are consistent with such statement.”;*

20 *(2) in subsection (b)—*

21 *(A) in the subsection heading, by striking*
22 *“ADDITIONAL”; and*

23 *(B) in the matter preceding paragraph (1),*
24 *by striking “additional”;*

1 (3) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively; and

3 (4) by inserting after subsection (b), the follow-
4 ing subsection:

5 “(c) *SINGLE APPLICATION*.—Upon the request of the
6 chief elected official of an eligible area, the Secretary may
7 authorize the official to submit a single application through
8 which the official simultaneously requests a grant pursuant
9 to subsection (a) of section 2603 and a grant pursuant to
10 subsection (b) of such section. The Secretary may establish
11 such criteria for carrying out this subsection as the Sec-
12 retary determines to be appropriate.”.

13 **SEC. 106. TECHNICAL ASSISTANCE; PLANNING GRANTS.**

14 Section 2606 (42 U.S.C. 300ff-16) is amended—

15 (1) by inserting before “The Administrator” the
16 following: “(a) *IN GENERAL*.—”;

17 (2) by striking “may, beginning” and all that
18 follows through “title,” and inserting “(referred to in
19 this section as the ‘Administrator’) shall”; and

20 (3) by adding at the end the following subsection:

21 “(b) *PLANNING GRANTS REGARDING INITIAL ELIGI-*
22 *BILITY FOR GRANTS*.—

23 “(1) *ADVANCE PAYMENTS ON FIRST-YEAR FOR-*
24 *MULA GRANTS*.—With respect to a fiscal year (re-
25 ferred to in this subsection as the ‘planning year’), if

1 *a metropolitan area has not previously received a*
2 *grant under section 2601 and the Administrator rea-*
3 *sonably projects that the area will be eligible for such*
4 *a grant for the subsequent fiscal year, the Adminis-*
5 *trator may make a grant for the planning year for*
6 *the purpose of assisting the area in preparing for the*
7 *responsibilities of the area in carrying out activities*
8 *under this part.*

9 “(2) *REQUIREMENTS.*—

10 “(A) *IN GENERAL.*—A grant under para-
11 *graph (1) for a planning year shall be made di-*
12 *rectly to the chief elected official of the city or*
13 *urban county that administers the public health*
14 *agency to which section 2602(a)(1) is projected*
15 *to apply for purposes of such paragraph. The*
16 *grant may not be made in an amount exceeding*
17 *\$75,000.*

18 “(B) *OFFSETTING REDUCTION IN FIRST*
19 *FORMULA GRANT.*—In the case of a metropolitan
20 *area that has received a grant under paragraph*
21 *(1) for a planning year, the first grant made*
22 *pursuant to section 2603(a) for such area shall*
23 *be reduced by an amount equal to the amount of*
24 *the grant under such paragraph for the planning*
25 *year. With respect to amounts resulting from re-*

ductions under the preceding sentence for a fiscal year, the Secretary shall use such amounts to make grants under section 2603(a) for the fiscal year, subject to ensuring that none of such amounts are provided to any metropolitan area for which such a reduction was made for the fiscal year.

“(3) *FUNDING.*—Of the amounts available under section 2677 for a fiscal year for carrying out this part, the Administrator may reserve not more than 1 percent for making grants under paragraph (1).”.

TITLE II—CARE GRANT PROGRAM

SEC. 201. GENERAL USE OF GRANTS.

Section 2612 (42 U.S.C. 300ff-22) is amended to read as follows:

“SEC. 2612. GENERAL USE OF GRANTS.

“(a) *IN GENERAL.*—A State may use amounts provided under grants made under this part for the following:

“(1) To provide the services described in section 2604(b)(1) for individuals with HIV disease.

“(2) To provide to such individuals treatments that in accordance with section 2616 have been determined to prolong life or prevent serious deterioration of health.

1 “(3) To provide home- and community-based
2 care services for such individuals in accordance with
3 section 2614.

4 “(4) To provide assistance to assure the continu-
5 ity of health insurance coverage for such individuals
6 in accordance with section 2615.

7 “(5) To establish and operate consortia under
8 section 2613 within areas most affected by HIV dis-
9 ease, which consortia shall be designed to provide a
10 comprehensive continuum of care to individuals and
11 families with such disease in accordance with such
12 section.

13 “(b) *PRIORITY FOR WOMEN, INFANTS AND CHIL-*
14 *DREN.—For the purpose of providing health and support*
15 *services to infants, children, and women with HIV disease,*
16 *a State shall use, of the funds allocated under this part to*
17 *the State for a fiscal year, not less than the percentage con-*
18 *stituted by the ratio of the population in the State of in-*
19 *fants, children, and women with acquired immune defi-*
20 *ciency syndrome to the general population in the State of*
21 *individuals with such syndrome, or 15 percent, whichever*
22 *is less. In expending the funds reserved under the preceding*
23 *sentence for a fiscal year, the State shall give priority to*
24 *providing, for pregnant women, measures to prevent the*
25 *perinatal transmission of HIV.”.*

1 **SEC. 202. GRANTS TO ESTABLISH HIV CARE CONSORTIA.**

2 *Section 2613 (42 U.S.C. 300ff-23) is amended—*

3 *(1) in subsection (a)—*

4 *(A) in paragraph (1), by inserting “(or pri-*
5 *vate for-profit providers or organizations if such*
6 *entities are the only available providers of qual-*
7 *ity HIV care in the area)” after “nonprofit pri-*
8 *vate,”; and*

9 *(B) in paragraph (2)(A)—*

10 *(i) by inserting “substance abuse treat-*
11 *ment, mental health treatment,” after*
12 *“nursing,”; and*

13 *(ii) by inserting after “monitoring,”*
14 *the following: “measures for the prevention*
15 *and treatment of opportunistic infections,*
16 *treatment education for patients (provided*
17 *in the context of health care delivery),”; and*

18 *(2) in subsection (c)(2)—*

19 *(A) in clause (ii) of subparagraph (A), by*
20 *striking “and” after the semicolon;*

21 *(B) in subparagraph (B), by striking the*
22 *period at the end and inserting “; and”; and*

23 *(C) by adding after subparagraph (B) the*
24 *following subparagraph:*

25 *“(C) grantees under section 2671, or, if*
26 *none are operating in the area, representatives*

1 *in the area of organizations with a history of*
2 *serving children, youth, women, and families liv-*
3 *ing with HIV.”.*

4 **SEC. 203. PROVISION OF TREATMENTS.**

5 *Section 2616(a) (42 U.S.C. 300ff-26(a)) is amended—*

6 *(1) by striking “may use amounts” and insert-*
7 *ing “shall use a portion of the amounts”;*

8 *(2) by striking “section 2612(a)(4)” and insert-*
9 *ing “section 2612(a)(2)”;* and

10 *(3) by inserting before the period the following:*
11 *“, including measures for the prevention and treat-*
12 *ment of opportunistic infections”.*

13 **SEC. 204. ADDITIONAL REQUIREMENTS FOR GRANTS.**

14 *(a) FINDINGS.—The Congress finds as follows:*

15 *(1) Research studies have demonstrated that ad-*
16 *ministration of antiviral medication during preg-*
17 *nancy can significantly reduce the transmission of the*
18 *human immunodeficiency virus (commonly known as*
19 *HIV) from an infected mother to her baby.*

20 *(2) The Centers for Disease Control and Preven-*
21 *tion have recommended that all pregnant women re-*
22 *ceive HIV counseling; voluntary, confidential HIV*
23 *testing; and appropriate medical treatment (includ-*
24 *ing antiviral therapy) and support services.*

1 (3) *The provision of such testing without access*
2 *to such counseling, treatment, and services will not*
3 *improve the health of the woman or the child.*

4 (4) *The provision of such counseling, testing,*
5 *treatment, and services can reduce the number of pe-*
6 *diatric cases of acquired immune deficiency syn-*
7 *drome, can improve access to and provision of medi-*
8 *cal care for the woman, and can provide opportuni-*
9 *ties for counseling to reduce transmission among*
10 *adults.*

11 (5) *The provision of such counseling, testing,*
12 *treatment, and services can reduce the overall cost of*
13 *pediatric cases of acquired immune deficiency syn-*
14 *drome.*

15 (6) *The cancellation or limitation of health in-*
16 *surance or other health coverage on the basis of HIV*
17 *status should be impermissible under applicable law.*
18 *Such cancellation or limitation could result in dis-*
19 *incentives for appropriate counseling, testing, treat-*
20 *ment, and services.*

21 (7) *For the reasons specified in paragraphs (1)*
22 *through (6)—*

23 (A) *mandatory counseling and voluntary*
24 *testing of pregnant women should be the stand-*
25 *ard of care; and*

1 (B) the relevant medical organizations as
2 well as public health officials should issue guide-
3 lines making such counseling and testing the
4 standard of care.

5 (b) *ADDITIONAL REQUIREMENTS FOR GRANTS.*—Part
6 *B* (42 U.S.C. 300ff–21 et seq.) is amended—

7 (1) in section 2611, by adding at the end the fol-
8 lowing sentence: “The authority of the Secretary to
9 provide grants under this part is subject to section
10 2673D (relating to the testing of pregnant women and
11 newborn infants).”; and

12 (2) by inserting after section 2616 the following
13 section:

14 **“SEC. 2616A. REQUIREMENT REGARDING HEALTH INSUR-**
15 **ANCE.**

16 “(a) *IN GENERAL.*—Subject to subsection (c), the Sec-
17 retary shall not make a grant under this part to a State
18 unless the State has in effect a statute or regulations regu-
19 lating insurance that imposes the following requirements:

20 “(1) That, if health insurance is in effect for an
21 individual, the insurer involved may not (without the
22 consent of the individual) discontinue the insurance,
23 or alter the terms of the insurance (except as provided
24 in paragraph (3)), solely on the basis that the indi-
25 vidual is infected with HIV disease or solely on the

1 *basis that the individual has been tested for the dis-*
2 *ease.*

3 “(2) That paragraph (1) does not apply to an
4 *individual who, in applying for the health insurance*
5 *involved, knowingly misrepresented any of the follow-*
6 *ing:*

7 “(A) *The HIV status of the individual.*

8 “(B) *Facts regarding whether the individ-*
9 *ual has been tested for HIV disease.*

10 “(C) *Facts regarding whether the individual*
11 *has engaged in any behavior that places the in-*
12 *dividual at risk for the disease.*

13 “(3) That paragraph (1) does not apply to any
14 *reasonable alteration in the terms of health insurance*
15 *for an individual with HIV disease that would have*
16 *been made if the individual had a serious disease*
17 *other than HIV disease.*

18 “(b) *REGULATION OF HEALTH INSURANCE.—A statute*
19 *or regulation shall be deemed to regulate insurance for pur-*
20 *poses of this section only to the extent that it is treated*
21 *as regulating insurance for purposes of section 514(b)(2)*
22 *of the Employee Retirement Income Security Act of 1974.*

23 “(c) *APPLICABILITY OF REQUIREMENT.—*

24 “(1) *IN GENERAL.—Except as provided in para-*
25 *graph (2), this section applies upon the expiration of*

1 the 120-day period beginning on the date of the enact-
 2 ment of the Ryan White CARE Act Amendments of
 3 1995.

4 “(2) *DELAYED APPLICABILITY FOR CERTAIN*
 5 *STATES.*—In the case of the State involved, if the Sec-
 6 retary determines that a requirement of this section
 7 cannot be implemented in the State without the en-
 8 actment of State legislation, then such requirement
 9 applies to the State on and after the first day of the
 10 first calendar quarter that begins after the close of the
 11 first regular session of the State legislature that be-
 12 gins after the date of the enactment of the Ryan
 13 White CARE Act Amendments of 1995. For purposes
 14 of the preceding sentence, in the case of a State that
 15 has a 2-year legislative session, each year of such ses-
 16 sion is deemed to be a separate regular session of the
 17 State legislature.”.

18 (c) *TESTING OF NEWBORNS; PRENATAL TESTING.*—
 19 Part D (42 U.S.C. 300ff–71 et seq.) is amended by inserting
 20 before section 2674 the following sections:

21 **“SEC. 2673C. TESTING OF PREGNANT WOMEN AND NEW-**
 22 **BORN INFANTS; PROGRAM OF GRANTS.**

23 “(a) *PROGRAM OF GRANTS.*—The Secretary may make
 24 grants to States described in subsection (b) for the following
 25 purposes:

1 “(1) Making available to pregnant women ap-
2 propriate counseling on HIV disease.

3 “(2) Making available to such women testing for
4 such disease.

5 “(3) Testing newborn infants for such disease.

6 “(4) In the case of newborn infants who test
7 positive for such disease, making available counseling
8 on such disease to the parents or other legal guard-
9 ians of the infant.

10 “(5) Collecting data on the number of pregnant
11 women and newborn infants in the State who have
12 undergone testing for such disease.

13 “(b) *ELIGIBLE STATES*.—Subject to subsection (c), a
14 State referred to in subsection (a) is a State that has in
15 effect, in statute or through regulations, the following re-
16 quirements:

17 “(1) In the case of newborn infants who are born
18 in the State and whose biological mothers have not
19 undergone prenatal testing for HIV disease, that each
20 such infant undergo testing for such disease.

21 “(2) That the results of such testing of a newborn
22 infant be promptly disclosed in accordance with the
23 following, as applicable to the infant involved:

1 “(A) To the biological mother of the infant
2 (without regard to whether she is the legal
3 guardian of the infant).

4 “(B) If the State is the legal guardian of the
5 infant:

6 “(i) To the appropriate official of the
7 State agency with responsibility for the care
8 of the infant.

9 “(ii) To the appropriate official of each
10 authorized agency providing assistance in
11 the placement of the infant.

12 “(iii) If the authorized agency is giv-
13 ing significant consideration to approving
14 an individual as a foster parent of the in-
15 fant, to the prospective foster parent.

16 “(iv) If the authorized agency is giving
17 significant consideration to approving an
18 individual as an adoptive parent of the in-
19 fant, to the prospective adoptive parent.

20 “(C) If neither the biological mother nor the
21 State is the legal guardian of the infant, to an-
22 other legal guardian of the infant.

23 “(3) That, in the case of prenatal testing for
24 HIV disease that is conducted in the State, the results

1 of such testing be promptly disclosed to the pregnant
2 woman involved.

3 “(4) That, in disclosing the test results to an in-
4 dividual under paragraph (2) or (3), appropriate
5 counseling on the human immunodeficiency virus be
6 made available to the individual (except in the case
7 of a disclosure to an official of a State or an author-
8 ized agency).

9 “(c) *LIMITATION REGARDING AVAILABILITY OF GRANT*
10 *FUNDS.*—With respect to an activity described in any of
11 paragraphs (1) through (4) of subsection (b), the require-
12 ment established by a State under such subsection that the
13 activity be carried out applies for purposes of this section
14 only to the extent that the following sources of funds are
15 available for carrying out the activity:

16 “(1) Federal funds provided to the State in
17 grants under subsection (a).

18 “(2) Funds that the State or private entities
19 have elected to provide, including through entering
20 into contracts under which health benefits are pro-
21 vided. This section does not require any entity to ex-
22 pend non-Federal funds.

23 “(d) *DEFINITIONS.*—For purposes of this section, the
24 term ‘authorized agency’, with respect to the placement of
25 a child (including an infant) for whom a State is a legal

1 *guardian, means an entity licensed or otherwise approved*
 2 *by the State to assist in such placement.*

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.—For the*
 4 *purpose of carrying out this section, there is authorized to*
 5 *be appropriated \$10,000,000 for each of the fiscal years*
 6 *1996 through 2000.*

7 ***“SEC. 2673D. TESTING OF PREGNANT WOMEN AND NEW-***
 8 ***BORN INFANTS; CONTINGENT REQUIREMENT***
 9 ***REGARDING STATE GRANTS UNDER PART B.***

10 “(a) *DETERMINATION BY SECRETARY.—During the*
 11 *first 30 days following the expiration of the 2-year period*
 12 *beginning on the date of the enactment of the Ryan White*
 13 *CARE Act Amendments of 1995, the Secretary shall publish*
 14 *in the Federal Register a determination of whether it has*
 15 *become a routine practice in the provision of health care*
 16 *in the United States to carry out each of the activities de-*
 17 *scribed in paragraphs (1) through (4) of section 2673C(b).*
 18 *In making the determination, the Secretary shall consult*
 19 *with the States and with other public or private entities*
 20 *that have knowledge or expertise relevant to the determina-*
 21 *tion.*

22 “(b) *CONTINGENT APPLICABILITY.—*

23 “(1) *IN GENERAL.—If the determination pub-*
 24 *lished in the Federal Register under subsection (a) is*
 25 *that (for purposes of such subsection) the activities in-*

1 *volved have become routine practices, paragraph (2)*
2 *applies on and after the expiration of the 18-month*
3 *period beginning on the date on which the determina-*
4 *tion is so published.*

5 *“(2) REQUIREMENT.—Subject to subsection (c),*
6 *the Secretary shall not make a grant under part B*
7 *to a State unless the State meets not less than one of*
8 *the following requirements:*

9 *“(A) The State has in effect, in statute or*
10 *through regulations, the requirements specified*
11 *in paragraphs (1) through (4) of section*
12 *2673C(b).*

13 *“(B) The State demonstrates that, of the*
14 *newborn infants born in the State during the*
15 *most recent 1-year period for which the data are*
16 *available, the HIV antibody status of 95 percent*
17 *of the infants is known.*

18 *“(c) LIMITATION REGARDING AVAILABILITY OF*
19 *FUNDS.—With respect to an activity described in any of*
20 *paragraphs (1) through (4) of section 2673C(b), the require-*
21 *ments established by a State under subsection (b)(2)(A) that*
22 *the activity be carried out applies for purposes of this sec-*
23 *tion only to the extent that the following sources of funds*
24 *are available for carrying out the activity:*

1 “(1) Federal funds provided to the State in
2 grants under part B.

3 “(2) Federal funds provided to the State in
4 grants under section 2673C.

5 “(3) Funds that the State or private entities
6 have elected to provide, including through entering
7 into contracts under which health benefits are pro-
8 vided. This section does not require any entity to ex-
9 pend non-Federal funds.”.

10 **SEC. 205. STATE APPLICATION.**

11 Section 2617(b)(2) (42 U.S.C. 300ff-27(b)(2)) is
12 amended—

13 (1) in subparagraph (A), by striking “and” after
14 the semicolon;

15 (2) in subparagraph (B), by striking “and” after
16 the semicolon; and

17 (3) by adding at the end thereof the following
18 subparagraphs:

19 “(C) a description of the activities carried
20 out by the State under section 2616; and

21 “(D) a description of how the allocation
22 and utilization of resources are consistent with a
23 statewide coordinated statement of need, devel-
24 oped in partnership with other grantees in the
25 State that receive funding under this title and

1 *after consultation with individuals receiving*
 2 *services under this part.”.*

3 **SEC. 206. ALLOCATION OF ASSISTANCE BY STATES; PLAN-**
 4 **NING, EVALUATION, AND ADMINISTRATION.**

5 *Section 2618(c) (42 U.S.C. 300ff-28(c)) is amended—*

6 *(1) by striking paragraph (1);*

7 *(2) by redesignating paragraphs (2) through (5)*
 8 *as paragraphs (1) through (4), respectively; and*

9 *(3) in paragraph (3) (as so redesignated), by*
 10 *adding at the end the following sentences: “In the case*
 11 *of entities to which the State allocates amounts re-*
 12 *ceived by the State under the grant (including consor-*
 13 *tia under section 2613), the State shall ensure that,*
 14 *of the aggregate amount so allocated, the total of the*
 15 *expenditures by such entities for administrative ex-*
 16 *penses does not exceed 10 percent (without regard to*
 17 *whether particular entities expend more than 10 per-*
 18 *cent for such expenses).”.*

19 **SEC. 207. TECHNICAL ASSISTANCE.**

20 *Section 2619 (42 U.S.C. 300ff-29) is amended by in-*
 21 *serting before the period the following: “, including tech-*
 22 *nical assistance for the development and implementation of*
 23 *statewide coordinated statements of need”.*

**TITLE III—EARLY
INTERVENTION SERVICES**

SEC. 301. ESTABLISHMENT OF PROGRAM.

Section 2651(b) (42 U.S.C. 300ff-51(b)) is amended—

(1) in paragraph (1), by inserting before the period the following: “, and unless the applicant agrees to expend not less than 50 percent of the grant for such services that are specified in subparagraphs (B) through (E) of such paragraph”; and

(2) in paragraph (4), by inserting after “non-profit private entities” the following: “(or private for-profit entities, if such entities are the only available providers of quality HIV care in the area)”.

SEC. 302. MINIMUM QUALIFICATIONS OF GRANTEES.

Section 2652(b)(1)(B) (42 U.S.C. 300ff-52(b)(1)(B)) is amended by inserting after “nonprofit private entity” the following: “(or a private for-profit entity, if such an entity is the only available provider of quality HIV care in the area)”.

**SEC. 303. MISCELLANEOUS PROVISIONS; PLANNING AND
DEVELOPMENT GRANTS.**

Section 2654 (42 U.S.C. 300ff-54) is amended by adding at the end thereof the following subsection:

“(c) PLANNING AND DEVELOPMENT GRANTS.—

1 “(1) *IN GENERAL.*—The Secretary may provide
 2 *planning grants, in an amount not to exceed \$50,000*
 3 *for each such grant, to public and nonprofit private*
 4 *entities for the purpose of enabling such entities to*
 5 *provide early intervention services.*

6 “(2) *REQUIREMENT.*—The Secretary may award
 7 *a grant to an entity under paragraph (1) only if the*
 8 *Secretary determines that the entity will use such*
 9 *grant to assist the entity in qualifying for a grant*
 10 *under section 2651.*

11 “(3) *PREFERENCE.*—In awarding grants under
 12 *paragraph (1), the Secretary shall give preference to*
 13 *entities that provide HIV primary care services in*
 14 *rural or underserved communities.*

15 “(4) *LIMITATION.*—Not to exceed 1 percent of the
 16 *amount appropriated for a fiscal year under section*
 17 *2655 may be used to carry out this section.”.*

18 **SEC. 304. ADDITIONAL REQUIRED AGREEMENTS.**

19 *Section 2664(a)(1) (42 U.S.C. 300ff-64(a)(1)) is*
 20 *amended—*

21 *(1) in subparagraph (A), by striking “and” after*
 22 *the semicolon; and*

23 *(2) by adding at the end the following subpara-*
 24 *graph:*

1 “(C) evidence that the proposed program is
 2 consistent with the statewide coordinated state-
 3 ment of need and that the applicant will partici-
 4 pate in the ongoing revision of such statement of
 5 need.”.

6 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 2655 (42 U.S.C. 300ff-55) is amended by
 8 striking “\$75,000,000” and all that follows and inserting
 9 “such sums as may be necessary for each of the fiscal years
 10 1996 through 2000.”.

11 **TITLE IV—GENERAL PROVISIONS**

12 **SEC. 401. COORDINATED SERVICES AND ACCESS TO RE-**
 13 **SEARCH FOR WOMEN, INFANTS, AND CHIL-**
 14 **DREN.**

15 (a) *IN GENERAL.*—Section 2671 (42 U.S.C. 300ff-71)
 16 is amended—

17 (1) in subsection (a), by amending the subsection
 18 to read as follows:

19 “(a) *IN GENERAL.*—

20 “(1) *PROGRAM OF GRANTS.*—The Secretary, act-
 21 ing through the Administrator of the Health Re-
 22 sources and Services Administration and in consulta-
 23 tion with the Director of the National Institutes of
 24 Health, shall make grants to public and nonprofit

1 *private entities that provide primary care (directly or*
2 *through contracts) for the purpose of—*

3 *“(A) providing through such entities, in ac-*
4 *cordance with this section, opportunities for*
5 *women, infants, and children to be participants*
6 *in research of potential clinical benefit to indi-*
7 *viduals with HIV disease; and*

8 *“(B) providing to women, infants, and chil-*
9 *dren health care on an outpatient basis.*

10 *“(2) PROVISIONS REGARDING PARTICIPATION IN*
11 *RESEARCH.—With respect to the projects of research*
12 *with which an applicant under paragraph (1) is con-*
13 *cerned, the Secretary may not make a grant under*
14 *such paragraph to the applicant unless the following*
15 *conditions are met:*

16 *“(A) The applicant agrees to make reason-*
17 *able efforts—*

18 *“(i) to identify which of the patients of*
19 *the applicant are women, infants, and chil-*
20 *dren who would be appropriate participants*
21 *in the projects; and*

22 *“(ii) to offer women, infants, and chil-*
23 *dren the opportunity to so participate (as*
24 *appropriate), including the provision of*
25 *services under subsection (f).*

1 “(B) The applicant agrees that the appli-
2 cant, and the projects of research, will comply
3 with accepted standards of protection for human
4 subjects (including the provision of written in-
5 formed consent) who participate as subjects in
6 clinical research.

7 “(C) For the third or subsequent fiscal year
8 for which a grant under such paragraph is
9 sought by the applicant, the Secretary has deter-
10 mined that—

11 “(i) a significant number of women,
12 infants, and children who are patients of
13 the applicant are participating in the
14 projects (except to the extent this clause is
15 waived under subsection (k)); and

16 “(ii) the applicant, and the projects of
17 research, have complied with the standards
18 referred to in subparagraph (B).

19 “(3) PROHIBITION.—Receipt of services by a pa-
20 tient shall not be conditioned upon the consent of the
21 patient to participate in research.

22 “(4) CONSIDERATION BY SECRETARY OF CERTAIN
23 CIRCUMSTANCES.—In administering the requirement
24 of paragraph (2)(C)(i), the Secretary shall take into
25 account circumstances in which a grantee under

1 *paragraph (1) is temporarily unable to comply with*
2 *the requirement for reasons beyond the control of the*
3 *grantee, and shall in such circumstances provide to*
4 *the grantee a reasonable period of opportunity in*
5 *which to reestablish compliance with the require-*
6 *ment.”;*

7 *(2) in subsection (c), by amending the subsection*
8 *to read as follows:*

9 *“(c) PROVISIONS REGARDING CONDUCT OF RE-*
10 *SEARCH.—With respect to eligibility for a grant under sub-*
11 *section (a):*

12 *“(1) A project of research for which subjects are*
13 *sought pursuant to such subsection may be conducted*
14 *by the applicant for the grant, or by an entity with*
15 *which the applicant has made arrangements for pur-*
16 *poses of the grant. The grant may not be expended for*
17 *the conduct of any project of research.*

18 *“(2) The grant may not be made unless the Sec-*
19 *retary makes the following determinations:*

20 *“(A) The applicant or other entity (as the*
21 *case may be under paragraph (1)) is appro-*
22 *priately qualified to conduct the project of re-*
23 *search. An entity shall be considered to be so*
24 *qualified if any research protocol of the entity*
25 *has been recommended for funding under this*

1 *Act pursuant to technical and scientific peer re-*
2 *view through the National Institutes of Health.*

3 “(B) *The project of research is being con-*
4 *ducted in accordance with a research protocol to*
5 *which the Secretary gives priority regarding the*
6 *prevention and treatment of HIV disease in*
7 *women, infants, and children. After consultation*
8 *with public and private entities that conduct*
9 *such research, and with providers of services*
10 *under this section and recipients of such services,*
11 *the Secretary shall establish a list of such proto-*
12 *cols that are appropriate for purposes of this sec-*
13 *tion. The Secretary may give priority under this*
14 *subparagraph to a research protocol that is not*
15 *on such list.”;*

16 *(3) by striking subsection (i);*

17 *(4) by redesignating subsections (g) and (h) as*
18 *subsections (h) and (i), respectively;*

19 *(5) by inserting after subsection (f) the following*
20 *subsection:*

21 “(g) *ADDITIONAL PROVISIONS.—The Secretary may*
22 *not make a grant under subsection (a) unless the applicant*
23 *for the grant agrees as follows:*

24 “(1) *The applicant will coordinate activities*
25 *under the grant with other providers of health care*

1 *services under this Act, and under title V of the So-*
2 *cial Security Act.*

3 *“(2) The applicant will participate in the state-*
4 *wide coordinated statement of need under part B*
5 *(where it has been initiated by the State) and in revi-*
6 *sions of such statement.”;*

7 *(6) by redesignating subsection (j) as subsection*
8 *(m); and*

9 *(7) by inserting before subsection (m) (as so re-*
10 *designated) the following subsections:*

11 *“(j) COORDINATION WITH NATIONAL INSTITUTES OF*
12 *HEALTH.—The Secretary shall develop and implement a*
13 *plan that provides for the coordination of the activities of*
14 *the National Institutes of Health with the activities carried*
15 *out under this section. In carrying out the preceding sen-*
16 *tence, the Secretary shall ensure that projects of research*
17 *conducted or supported by such Institutes are made aware*
18 *of applicants and grantees under this section, shall require*
19 *that the projects, as appropriate, enter into arrangements*
20 *for purposes of this section, and shall require that each*
21 *project entering into such an arrangement inform the ap-*
22 *plicant or grantee under this section of the needs of the*
23 *project for the participation of women, infants, and chil-*
24 *dren.*

1 “(k) *TEMPORARY WAIVER REGARDING SIGNIFICANT*
2 *PARTICIPATION.*—

3 “(1) *IN GENERAL.*—In the case of an applicant
4 under subsection (a) who received a grant under this
5 section for fiscal year 1995, the Secretary may, sub-
6 ject to paragraph (2), provide to the applicant a
7 waiver of the requirement of subsection (a)(2)(C)(i) if
8 the Secretary determines that the applicant is making
9 reasonable progress toward meeting the requirement.

10 “(2) *TERMINATION OF AUTHORITY FOR WAIV-*
11 *ERS.*—The Secretary may not provide any waiver
12 under paragraph (1) on or after October 1, 1998. Any
13 such waiver provided prior to such date terminates on
14 such date, or on such earlier date as the Secretary
15 may specify.

16 “(l) *TRAINING AND TECHNICAL ASSISTANCE.*—Of the
17 amounts appropriated under subsection (m) for a fiscal
18 year, the Secretary may use not more than five percent to
19 provide training and technical assistance to assist appli-
20 cants and grantees under subsection (a) in complying with
21 the requirements of this section.”.

22 (b) *CONFORMING AMENDMENTS.*—Section 2671 (42
23 U.S.C. 300ff–71) is amended—

24 (1) in the heading for the section, by striking
25 “**DEMONSTRATION**” and all that follows and insert-

1 *ing “**COORDINATED SERVICES AND ACCESS TO***
 2 ***RESEARCH FOR WOMEN, INFANTS, AND CHIL-***
 3 ***DREN.”;***

4 *(2) in subsection (b), by striking “pediatric pa-*
 5 *tients and pregnant women” and inserting “women,*
 6 *infants, and children”; and*

7 *(3) in each of subsections (d) through (f), by*
 8 *striking “pediatric”, each place such term appears.*

9 *(c) AUTHORIZATION OF APPROPRIATIONS.—Section*
 10 *2671 (42 U.S.C. 300ff–71) is amended in subsection (m)*
 11 *(as redesignated by subsection (a)(6)) by striking “there*
 12 *are” and all that follows and inserting the following: “there*
 13 *are authorized to be appropriated such sums as may be nec-*
 14 *essary for each of the fiscal years 1996 through 2000.”.*

15 **SEC. 402. PROJECTS OF NATIONAL SIGNIFICANCE.**

16 *(a) IN GENERAL.—Part D of title XXVI (42 U.S.C.*
 17 *300ff–71 et seq.) is amended by inserting after section 2673*
 18 *the following section:*

19 **“SEC. 2673A. DEMONSTRATION PROJECTS OF NATIONAL**
 20 **SIGNIFICANCE.**

21 *“(a) IN GENERAL.—The Secretary shall make grants*
 22 *to public and nonprofit private entities (including commu-*
 23 *nity-based organizations and Indian tribes and tribal orga-*
 24 *nizations) for the purpose of carrying out demonstration*

1 *projects that provide for the care and treatment of individ-*
2 *uals with HIV disease, and that—*

3 “(1) *assess the effectiveness of particular models*
4 *for the care and treatment of individuals with such*
5 *disease;*

6 “(2) *are of an innovative nature; and*

7 “(3) *have the potential to be replicated in simi-*
8 *lar localities, or nationally.*

9 “(b) *CERTAIN PROJECTS.—Demonstration projects*
10 *under subsection (a) shall include the development and as-*
11 *essment of innovative models for the delivery of HIV serv-*
12 *ices that are designed—*

13 “(1) *to address the needs of special populations*
14 *(including individuals and families with HIV disease*
15 *living in rural communities, adolescents with HIV*
16 *disease, Native American individuals and families*
17 *with HIV disease, homeless individuals and families*
18 *with HIV disease, hemophiliacs with HIV disease,*
19 *and incarcerated individuals with HIV disease); and*

20 “(2) *to ensure the ongoing availability of services*
21 *for Native American communities to enable such com-*
22 *munities to care for Native Americans with HIV dis-*
23 *ease.*

24 “(c) *COORDINATION.—The Secretary may not make a*
25 *grant under this section unless the applicant submits evi-*

1 dence that the proposed program is consistent with the ap-
 2 plicable statewide coordinated statement of need under part
 3 B, and the applicant agrees to participate in the ongoing
 4 revision process of such statement of need (where it has been
 5 initiated by the State).

6 “(d) *REPLICATION*.—The Secretary shall make infor-
 7 mation concerning successful models developed under this
 8 section available to grantees under this title for the purpose
 9 of coordination, replication, and integration.

10 “(e) *FUNDING; ALLOCATION OF AMOUNTS*.—

11 “(1) *IN GENERAL*.—Of the amounts available
 12 under this title for a fiscal year for each program
 13 specified in paragraph (2), the Secretary shall reserve
 14 3 percent for making grants under subsection (a).

15 “(2) *RELEVANT PROGRAMS*.—The programs re-
 16 ferred to in subsection (a) are the program under
 17 part A, the program under part B, the program
 18 under part C, the program under section 2671, the
 19 program under section 2672, and the program under
 20 section 2673.”.

21 (b) *STRIKING OF RELATED PROVISION*.—Section 2618
 22 (42 U.S.C. 300ff–28) is amended by striking subsection (a).

23 **SEC. 403. SPECIAL TRAINING PROJECTS.**

24 (a) *TRANSFER OF PROGRAM*.—The Public Health
 25 Service Act (42 U.S.C. 201 et seq.) is amended—

1 (1) by transferring section 776 from the current
2 placement of the section;

3 (2) by redesignating the section as section
4 2673B; and

5 (3) by inserting the section after section 2673A
6 (as added by section 402(a)).

7 (b) *MODIFICATIONS.*—Section 2673B (as transferred
8 and redesignated by subsection (a)) is amended—

9 (1) in subsection (a)(1)—

10 (A) by striking subparagraphs (B) and (C);

11 (B) by redesignating subparagraphs (A)
12 and (D) as subparagraphs (B) and (C), respec-
13 tively;

14 (C) by inserting before subparagraph (B)
15 (as so redesignated) the following subparagraph:

16 “(A) to train health personnel, including
17 practitioners in programs under this title and
18 other community providers, in the diagnosis,
19 treatment, and prevention of HIV disease, in-
20 cluding the prevention of the perinatal trans-
21 mission of the disease and including measures
22 for the prevention and treatment of opportunistic
23 infections;”;

24 (D) in subparagraph (B) (as so redesign-
25 ated), by adding “and” after the semicolon; and

1 (E) in subparagraph (C) (as so redesign-
2 nated), by striking “curricula and”;

3 (2) by striking subsection (c) and redesignating
4 subsection (d) as subsection (c); and

5 (3) in subsection (c) (as so redesignated)—

6 (A) in paragraph (1)—

7 (i) by striking “is authorized” and in-
8 serting “are authorized”; and

9 (ii) by inserting before the period the
10 following: “, and such sums as may be nec-
11 essary for each of the fiscal years 1996
12 through 2000”; and

13 (B) in paragraph (2)—

14 (i) by striking “is authorized” and in-
15 serting “are authorized”; and

16 (ii) by inserting before the period the
17 following: “, and such sums as may be nec-
18 essary for each of the fiscal years 1996
19 through 2000”.

20 **SEC. 404. EVALUATIONS AND REPORTS.**

21 Section 2674 (42 U.S.C. 300ff-74) is amended—

22 (1) in subsection (b)—

23 (A) in the matter preceding paragraph (1),
24 by striking “not later than 1 year” and all that

1 follows through “title,” and inserting the follow-
2 ing: “not later than October 1, 1996,”;

3 (B) by striking paragraphs (1) through (3)
4 and inserting the following paragraph:

5 “(1) evaluating the programs carried out under
6 this title; and”; and

7 (C) by redesignating paragraph (4) as
8 paragraph (2); and

9 (2) by adding at the end the following subsection:

10 “(d) *ALLOCATION OF FUNDS.*—The Secretary shall
11 carry out this section with amounts available under section
12 241. Such amounts are in addition to any other amounts
13 that are available to the Secretary for such purpose.”.

14 **SEC. 405. COORDINATION OF PROGRAM.**

15 Section 2675 of the Public Health Service Act (42
16 U.S.C. 300ff–75) is amended by adding at the end the fol-
17 lowing subsection:

18 “(d) *ANNUAL REPORT.*—Not later than October 1,
19 1996, and annually thereafter, the Secretary shall submit
20 to the appropriate committees of the Congress a report con-
21 cerning coordination efforts under this title at the Federal,
22 State, and local levels, including a statement of whether and
23 to what extent there exist Federal barriers to integrating
24 HIV-related programs.”.

***TITLE V—ADDITIONAL
PROVISIONS***

SEC. 501. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff-13(a)(3)) is amended to read as follows:

“(3) AMOUNT OF GRANT.—

“(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

“(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

“(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

“(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term ‘distribution factor’ means the product of—

“(i) an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area in-

1 involved, as determined under subparagraph
2 (C); and

3 “(ii) the cost index for the eligible area
4 involved, as determined under subpara-
5 graph (D).

6 “(C) *ESTIMATE OF LIVING CASES.*—The
7 amount determined in this subparagraph is an
8 amount equal to the product of—

9 “(i) the number of cases of acquired
10 immune deficiency syndrome in the eligible
11 area during each year in the most recent
12 120-month period for which data are avail-
13 able with respect to all eligible areas, as in-
14 dicated by the number of such cases reported
15 to and confirmed by the Director of the Cen-
16 ters for Disease Control and Prevention for
17 each year during such period; and

18 “(ii) with respect to—

19 “(I) the first year during such pe-
20 riod, .06;

21 “(II) the second year during such
22 period, .06;

23 “(III) the third year during such
24 period, .08;

1 “(IV) the fourth year during such
2 period, .10;

3 “(V) the fifth year during such pe-
4 riod, .16;

5 “(VI) the sixth year during such
6 period, .16;

7 “(VII) the seventh year during
8 such period, .24;

9 “(VIII) the eighth year during
10 such period, .40;

11 “(IX) the ninth year during such
12 period, .57; and

13 “(X) the tenth year during such
14 period, .88.

15 “(D) COST INDEX.—The amount deter-
16 mined in this subparagraph is an amount equal
17 to the sum of—

18 “(i) the product of—

19 “(I) the average hospital wage
20 index reported by hospitals in the eligi-
21 ble area involved under section
22 1886(d)(3)(E) of the Social Security
23 Act for the 3-year period immediately
24 preceding the year for which the grant
25 is being awarded; and

1 “(II) .70; and

2 “(ii) .30.

3 “(E) *UNEXPENDED FUNDS.*—The Secretary
4 may, in determining the amount of a grant for
5 a fiscal year under this paragraph, adjust the
6 grant amount to reflect the amount of unex-
7 pended and uncanceled grant funds remaining
8 at the end of the most recent fiscal year for
9 which the amount of such funds can be deter-
10 mined using the required financial status report.
11 The amount of any such unexpended funds shall
12 be determined using the financial status report
13 of the grantee.

14 “(F) *PUERTO RICO, VIRGIN ISLANDS,*
15 *GUAM.*—For purposes of subparagraph (D), the
16 cost index for an eligible area within Puerto
17 Rico, the Virgin Islands, or Guam shall be 1.0.”.

18 **SEC. 502. AMOUNT OF CARE GRANTS.**

19 Section 2618 (42 U.S.C. 300ff–28), as amended by sec-
20 tion 402(b), is amended by striking subsection (b) and in-
21 serting the following subsections:

22 “(a) *AMOUNT OF GRANT.*—

23 “(1) *IN GENERAL.*—Subject to subsection (b) (re-
24 lating to minimum grants), the amount of a grant

1 *under this part for a State for a fiscal year shall be*
2 *the sum of—*

3 “(A) *the amount determined for the State*
4 *under paragraph (2); and*

5 “(B) *the amount determined for the State*
6 *under paragraph (4) (if applicable).*

7 “(2) *PRINCIPAL FORMULA GRANTS.—For pur-*
8 *poses of paragraph (1)(A), the amount determined*
9 *under this paragraph for a State for a fiscal year*
10 *shall be the product of—*

11 “(A) *the amount available under section*
12 *2677 for carrying out this part, less the reserva-*
13 *tion of funds made in paragraph (4)(A) and less*
14 *any other applicable reservation of funds author-*
15 *ized or required in this Act (which amount is*
16 *subject to subsection (b)); and*

17 “(B) *the percentage constituted by the ratio*
18 *of—*

19 “(i) *the distribution factor for the*
20 *State; to*

21 “(ii) *the sum of the distribution factors*
22 *for all States.*

23 “(3) *DISTRIBUTION FACTOR FOR PRINCIPAL FOR-*
24 *MULA GRANTS.—For purposes of paragraph (2)(B),*

1 the term ‘distribution factor’ means the following, as
2 applicable:

3 “(A) In the case of each of the 50 States, the
4 District of Columbia, and the Commonwealth of
5 Puerto Rico, the product of—

6 “(i) the number of cases of acquired
7 immune deficiency syndrome in the State,
8 as indicated by the number of cases reported
9 to and confirmed by the Secretary for the 2
10 most recent fiscal years for which such data
11 are available; and

12 “(ii) the cube root of the ratio (based
13 on the most recent available data) of—

14 “(I) the average per capita in-
15 come of individuals in the United
16 States (including the territories); to

17 “(II) the average per capita in-
18 come of individuals in the State.

19 “(B) In the case of a territory of the United
20 States (other than the Commonwealth of Puerto
21 Rico), the number of additional cases of such
22 syndrome in the specific territory, as indicated
23 by the number of cases reported to and confirmed
24 by the Secretary for the 2 most recent fiscal
25 years for which such data is available.

1 “(4) *SUPPLEMENTAL AMOUNTS FOR CERTAIN*
2 *STATES.*—For purposes of paragraph (1)(B), an
3 amount shall be determined under this paragraph for
4 each State that does not contain any metropolitan
5 area whose chief elected official received a grant
6 under part A for fiscal year 1996. The amount deter-
7 mined under this paragraph for such a State for a
8 fiscal year shall be the product of—

9 “(A) an amount equal to 7 percent of the
10 amount available under section 2677 for carry-
11 ing out this part for the fiscal year (subject to
12 subsection (b)); and

13 “(B) the percentage constituted by the ratio
14 of—

15 “(i) the number of cases of acquired
16 immune deficiency syndrome in the State
17 (as determined under paragraph (3)(A)(i));
18 to

19 “(ii) the sum of the respective numbers
20 determined under clause (i) for each State
21 to which this paragraph applies.

22 “(5) *DEFINITIONS.*—For purposes of this sub-
23 section and subsection (b):

1 “(A) The term ‘State’ means each of the 50
2 States, the District of Columbia, and the terri-
3 tories of the United States.

4 “(B) The term ‘territory of the United
5 States’ means each of the Virgin Islands, Guam,
6 American Samoa, the Commonwealth of the
7 Northern Mariana Islands, the Commonwealth of
8 Puerto Rico, and the Republic of the Marshall
9 Islands.

10 “(b) MINIMUM AMOUNT OF GRANT.—

11 “(1) IN GENERAL.—Subject to the extent of the
12 amounts specified in paragraphs (2)(A) and (4)(A) of
13 subsection (a), a grant under this part for a State for
14 a fiscal year shall be the greater of—

15 “(A) the amount determined for the State
16 under subsection (a); and

17 “(B) the amount applicable under para-
18 graph (2) to the State.

19 “(2) APPLICABLE AMOUNT.—For purposes of
20 paragraph (1)(B), the amount applicable under this
21 paragraph for a fiscal year is the following:

22 “(A) In the case of the 50 States, the Dis-
23 trict of Columbia, and the Commonwealth of
24 Puerto Rico—

1 “(i) \$100,000, if it has less than 90
2 cases of acquired immune deficiency syn-
3 drome (as determined under subsection
4 (a)(3)(A)(i)); and

5 “(ii) \$250,000, if it has 90 or more
6 such cases (as so determined).

7 “(B) In the case of each of the territories of
8 the United States (other than the Commonwealth
9 of Puerto Rico), \$0.0.”.

10 **SEC. 503. CONSOLIDATION OF AUTHORIZATIONS OF APPRO-**
11 **PRIATIONS.**

12 (a) *IN GENERAL.*—Part D of title XXVI (42 U.S.C.
13 300ff–71) is amended by adding at the end thereof the fol-
14 lowing section:

15 **“SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) *IN GENERAL.*—For the purpose of carrying out
17 parts A and B, there are authorized to be appropriated such
18 sums as may be necessary for each of the fiscal years 1996
19 through 2000. Subject to section 2673A and to subsection
20 (b), of the amount appropriated under this section for a
21 fiscal year, the Secretary shall make available 64 percent
22 of such amount to carry out part A and 36 percent of such
23 amount to carry out part B.

24 “(b) *DEVELOPMENT OF METHODOLOGY.*—With respect
25 to each of the fiscal years 1997 through 2000, the Secretary

1 *may develop and implement a methodology for adjusting*
 2 *the percentages referred to in subsection (a).”.*

3 (b) *REPEALS.—Sections 2608 and 2620 (42 U.S.C.*
 4 *300ff–18 and 300ff–30) are repealed.*

5 (c) *CONFORMING AMENDMENTS.—Section 2605(d)(1)*
 6 *(as redesignated by section 105(3)), is amended by striking*
 7 *“2608” and inserting “2677”.*

8 ***SEC. 504. ADDITIONAL PROVISIONS.***

9 (a) *DEFINITIONS.—Section 2676(4) (42 U.S.C. 300ff–*
 10 *76(4)) is amended by inserting “funeral-service practition-*
 11 *ers,” after “emergency medical technicians,”.*

12 (b) *MISCELLANEOUS AMENDMENT.—Section 1201(a)*
 13 *(42 U.S.C. 300d(a)) is amended in the matter preceding*
 14 *paragraph (1) by striking “The Secretary,” and all that*
 15 *follows through “shall,” and inserting “The Secretary*
 16 *shall,”.*

17 (c) *TECHNICAL CORRECTIONS.—Title XXVI (42*
 18 *U.S.C. 300ff–11 et seq.) is amended—*

19 (1) *in section 2601(a), by inserting “section” be-*
 20 *fore “2604”;*

21 (2) *in section 2603(b)(4)(B), by striking “an ex-*
 22 *pedited grants” and inserting “an expedited grant”;*

23 (3) *in section 2617(b)(3)(B)(iv), by inserting*
 24 *“section” before “2615”;*

1 (4) in section 2618(b)(1)(B), by striking “para-
2 graph 3” and inserting “paragraph (3)”;

3 (5) in section 2647—

4 (A) in subsection (a)(1), by inserting “to”
5 before “HIV”;

6 (B) in subsection (c), by striking “section
7 2601” and inserting “section 2641”; and

8 (C) in subsection (d)—

9 (i) in the matter preceding paragraph
10 (1), by striking “section 2601” and insert-
11 ing “section 2641”; and

12 (ii) in paragraph (1), by striking “has
13 in place” and inserting “will have in
14 place”;

15 (6) in section 2648—

16 (A) by converting the heading for the sec-
17 tion to boldface type; and

18 (B) by redesignating the second subsection
19 (g) as subsection (h);

20 (7) in section 2649—

21 (A) in subsection (b)(1), by striking “sub-
22 section (a) of”; and

23 (B) in subsection (c)(1), by striking “this
24 subsection” and inserting “subsection”;

25 (8) in section 2651—

1 (A) in subsection (b)(3)(B), by striking “fa-
 2 cility” and inserting “facilities”; and

3 (B) in subsection (c), by striking “exist”
 4 and inserting “exists”;
 5 (9) in section 2676—

6 (A) in paragraph (2), by striking “section”
 7 and all that follows through “by the” and insert-
 8 ing “section 2686 by the”; and

9 (B) in paragraph (10), by striking
 10 “673(a)” and inserting “673(2)”;

11 (10) in part E, by converting the headings for
 12 subparts I and II to Roman typeface; and

13 (11) in section 2684(b), in the matter preceding
 14 paragraph (1), by striking “section 2682(d)(2)” and
 15 inserting “section 2683(d)(2)”.

16 ***TITLE VI—EFFECTIVE DATE***

17 ***SEC. 601. EFFECTIVE DATE.***

18 *Except as provided in section 101(a), this Act takes effect*
 19 *October 1, 1995.*

20 Amend the title so as to read: “An Act to amend the
 21 Public Health Service Act to revise and extend programs
 22 established pursuant to the Ryan White Comprehensive
 23 AIDS Resources Emergency Act of 1990.”.

Attest:

Clerk.

104TH CONGRESS
1ST SESSION

S. 641

AMENDMENTS