

**Union Calendar No. 132**

104TH CONGRESS  
1ST SESSION

**H. R. 1872**

[Report No. 104-245]

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**A BILL**

To amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

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SEPTEMBER 14, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1995

Mr. BILIRAKIS (for himself, Mr. WAXMAN, Mr. BLILEY, Mr. DINGELL, Mr. HASTERT, Mr. WYDEN, Mr. UPTON, Mr. MANTON, Mr. KLUG, Mr. TOWNS, Mr. GREENWOOD, Mr. STUDDS, Mr. BILBRAY, Mr. BROWN of Ohio, Mr. GANSKE, Ms. FURSE, Mr. MOORHEAD, Mr. DEUTSCH, Mr. RUSH, Ms. ESHOO, Mr. STUPAK, Mr. GUNDERSON, and Ms. PELOSI) introduced the following bill; which was referred to the Committee on Commerce

SEPTEMBER 14, 1995

Additional sponsors: Mr. BALDACCI, Mrs. SCHROEDER, Mr. SKAGGS, Ms. NORTON, Mr. BRYANT of Texas, Mr. FRANK of Massachusetts, Ms. PRYCE, Mr. BARRETT of Wisconsin, Mr. RICHARDSON, Mr. FLAKE, Mr. KLECZKA, Mrs. KELLY, Mr. ENGEL, Mrs. MINK of Hawaii, Mr. VENTO, Mr. HINCHEY, Mr. ACKERMAN, Mr. MATSUI, Mr. ABERCROMBIE, Mr. SERRANO, Mr. YATES, Mr. WILLIAMS, Mr. FOLEY, Mr. OLVER, Mr. SANDERS, Mr. NADLER, Mr. GUTIERREZ, Mr. STARK, Mr. HOYER, Mr. FILNER, Mr. OWENS, Ms. WATERS, Mr. BENTSEN, Ms. MCKINNEY, Mr. BORSKI, Mrs. LOWEY, Mr. LAZIO of New York, Mr. DELLUMS, Mr. BROWN of California, Mr. DURBIN, Ms. WOOLSEY, Mr. JOHNSTON of Florida, Mr. RANGEL, Mr. WYNN, Mr. DEFazio, Mr. TUCKER, Mr. WARD, Mr. DIXON, Mrs. MALONEY, Mr. FLANAGAN, Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Mr. COLEMAN, Mrs. MEEK of Florida, Mr. EVANS, Ms. VELÁZQUEZ, Mr. GENE GREEN of Texas, Mr. BEILENSON, Mr. SHAYS, Ms. LOFGREN, Mr. LANTOS, Mr. FROST, Mr. FOX of Pennsylvania, Mr. FAZIO of California, Mr. SABO, Mr. FATTAH, and Mr. PAYNE of New Jersey

SEPTEMBER 14, 1995

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 16, 1995]

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## A BILL

To amend the Public Health Service Act to revise and extend  
programs established pursuant to the Ryan White Com-  
prehensive AIDS Resources Emergency Act of 1990.

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 “Ryan White CARE Act*  
5 *Amendments of 1995”.*

6 **SEC. 2. REFERENCES.**

7 *Whenever in this Act an amendment is expressed in*  
8 *terms of an amendment to a section or other provision, the*  
9 *reference shall be considered to be made to that section or*  
10 *other provision of the Public Health Service Act (42 U.S.C.*  
11 *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) *IN GENERAL.*—Section 2601 (42 U.S.C. 300ff–11)  
6 *is amended—*

7 (1) *in subsection (a),*

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

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

19 (2) *by adding at the end thereof the following*  
20 *subsections:*

21 “(c) *REQUIREMENT REGARDING POPULATION.*—*In the*  
22 *case of a metropolitan area that was not an eligible area*  
23 *under this part for fiscal year 1996, the Secretary may not*  
24 *make a grant under this section for the area unless the area*  
25 *has a population of 500,000 or more individuals. For pur-*

1 *poses of eligibility under this part, the boundaries of each*  
2 *metropolitan area are the boundaries in effect for fiscal year*  
3 *1994.*

4 *“(d) CONTINUED STATUS AS ELIGIBLE AREA.—A met-*  
5 *ropolitan area that was an eligible area under this part*  
6 *for fiscal year 1996 is an eligible area for fiscal year 1997*  
7 *and each subsequent fiscal year.”.*

8 *(b) CONFORMING AMENDMENT REGARDING DEFINI-*  
9 *TION OF ELIGIBLE AREA.—Section 2607(1) (42 U.S.C.*  
10 *300ff–17(1)) is amended by striking “The term” and all*  
11 *that follows and inserting the following: “The term ‘eligible*  
12 *area’ means a metropolitan area meeting the requirements*  
13 *of section 2601 that are applicable to the area.”.*

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

15 *(a) ESTABLISHMENT.—Section 2602(b)(1) (42 U.S.C.*  
16 *300ff–12(b)(1)) is amended—*

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

20 *(2) in subparagraph (D), by inserting before the*  
21 *semicolon the following: “and providers of services re-*  
22 *garding substance abuse”;*

23 *(3) in subparagraph (G), by inserting before the*  
24 *semicolon the following: “and historically underserved*  
25 *groups and subpopulations”;*

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

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

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

8           (7) by adding at the end the following subpara-  
9           graphs:

10                   “(K) grantees under section 2671, or, if  
11                   none are operating in the area, representatives of  
12                   organizations in the area with a history of serv-  
13                   ing children, youth, women, and families living  
14                   with HIV; and

15                   “(L) grantees under other HIV-related Fed-  
16                   eral programs.”.

17           (b) DUTIES.—Section 2602(b)(3) (42 U.S.C. 300ff-  
18           12(b)(3)) is amended—

19           (1) by striking “The planning” in the matter  
20           preceding subparagraph (A) and all that follows  
21           through the semicolon at the end of subparagraph (A)  
22           and inserting the following: “The planning council  
23           under paragraph (1) shall carry out the following:

1           “(A) Establish priorities for the allocation  
2 of funds within the eligible area based on the fol-  
3 lowing factors:

4                   “(i) Documented needs of the HIV-in-  
5 fected population.

6                   “(ii) Cost and outcome effectiveness of  
7 proposed strategies and interventions, to the  
8 extent that such data are reasonably avail-  
9 able.

10                   “(iii) Priorities of the HIV-infected  
11 communities for which the services are in-  
12 tended.

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

15 (2) in subparagraph (B)—

16           (A) by striking “develop” and inserting  
17 “Develop”; and

18           (B) by striking “; and” and inserting a pe-  
19 riod;

20 (3) in subparagraph (C)—

21           (A) by striking “assess” and inserting “As-  
22 sess”;

23           (B) by striking “rapidly”; and

24           (C) by inserting before the period the follow-  
25 ing: “, and assess the effectiveness, either directly

1           or through contractual arrangements, of the serv-  
2           ices offered in meeting the identified needs”; and  
3           (4) by adding at the end the following subpara-  
4           graphs:

5                   “(D) Participate in the development of the  
6                   statewide coordinated statement of need initiated  
7                   by the State health department (where it has  
8                   been so initiated).

9                   “(E) Obtain input on community needs  
10                  through conducting public meetings.”.

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

14                  “(4) *GENERAL PROVISIONS.*—

15                   “(A) *COMPOSITION OF COUNCIL.*—The plan-  
16                   ning council under paragraph (1) shall (in addi-  
17                   tion to requirements under such paragraph) re-  
18                   flect in its composition the demographics of the  
19                   epidemic in the eligible area involved, with par-  
20                   ticular consideration given to disproportionately  
21                   affected and historically underserved groups and  
22                   subpopulations. Nominations for membership on  
23                   the council shall be identified through an open  
24                   process, and candidates shall be selected based on  
25                   locally delineated and publicized criteria. Such

1           *criteria shall include a conflict-of-interest stand-*  
2           *ard for each nominee.*

3           “(B) *CONFLICTS OF INTEREST.*—

4           “(i) *The planning council under para-*  
5           *graph (1) may not be directly involved in*  
6           *the administration of a grant under section*  
7           *2601(a). With respect to compliance with*  
8           *the preceding sentence, the planning council*  
9           *may not designate (or otherwise be involved*  
10           *in the selection of) particular entities as re-*  
11           *ipients of any of the amounts provided in*  
12           *the grant.*

13           “(ii) *An individual may serve on the*  
14           *planning council under paragraph (1) only*  
15           *if the individual agrees to comply with the*  
16           *following:*

17           “(I) *If the individual has a finan-*  
18           *cial interest in an entity, and such en-*  
19           *tity is seeking amounts from a grant*  
20           *under section 2601(a), the individual*  
21           *will not, with respect to the purpose for*  
22           *which the entity seeks such amounts,*  
23           *participate (directly or in an advisory*  
24           *capacity) in the process of selecting en-*

1            *tities to receive such amounts for such*  
2            *purpose.*

3            *“(II) In the case of a public or*  
4            *private entity of which the individual*  
5            *is an employee, or a public or private*  
6            *organization of which the individual is*  
7            *a member, the individual will not par-*  
8            *ticipate (directly or in an advisory ca-*  
9            *capacity) in the process of making any*  
10           *decision that relates to the expenditure*  
11           *of a grant under section 2601(a) for*  
12           *such entity or organization or that oth-*  
13           *erwise directly affects the entity or or-*  
14           *ganization.”.*

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

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

19           *(1) in paragraph (1)—*

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

22           *(B) by adding at the end the following sen-*  
23           *tence: “Grants under this paragraph for a fiscal*  
24           *year shall be disbursed not later than 60 days*  
25           *after the date on which amounts appropriated*

1           *under section 2677 become available for the fiscal*  
2           *year, subject to any waivers under section*  
3           *2605(d).”;*

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

6           “(2) *ALLOCATIONS.—Of the amount available*  
7           *under section 2677 for a fiscal year for making*  
8           *grants under section 2601(a)—*

9                   *“(A) the Secretary shall reserve 50 percent*  
10           *for making grants under paragraph (1) in*  
11           *amounts determined in accordance with para-*  
12           *graph (3); and*

13                   *“(B) the Secretary shall, after compliance*  
14           *with subparagraph (A), reserve such funds as*  
15           *may be necessary to carry out paragraph (4).”;*  
16           *and*

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

19                   “(4) *MAXIMUM REDUCTION IN GRANT.—In the*  
20           *case of any eligible area for which a grant under*  
21           *paragraph (1) was made for fiscal year 1995, the Sec-*  
22           *retary, in making grants under such paragraph for*  
23           *the area for the fiscal years 1996 through 2000, shall*  
24           *(subject to the extent of the amount available under*  
25           *section 2677 for the fiscal year involved for making*

1     *grants under section 2601(a)) ensure that the*  
2     *amounts of the grants do not, relative to such grant*  
3     *for the area for fiscal year 1995, constitute a reduc-*  
4     *tion of more than the following, as applicable to the*  
5     *fiscal year involved:*

6             *“(A) 1 percent, in the case of fiscal year*  
7             *1996.*

8             *“(B) 2 percent, in the case of fiscal year*  
9             *1997.*

10            *“(C) 3 percent, in the case of fiscal year*  
11            *1998.*

12            *“(D) 4 percent, in the case of fiscal year*  
13            *1999.*

14            *“(E) 5 percent, in the case of fiscal year*  
15            *2000.”.*

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

18            *(1) in paragraph (1)—*

19            *(A) in the matter preceding subparagraph*  
20            *(A), by striking “Not later than” and all that*  
21            *follows through “section 2605(b)—” and insert-*  
22            *ing the following: “After allocating in accordance*  
23            *with subsection (a) the amounts available under*  
24            *section 2677 for grants under section 2601(a) for*  
25            *a fiscal year, the Secretary, in carrying out sec-*

1            *tion 2601(a), shall from the remaining amounts*  
2            *make grants to eligible areas described in this*  
3            *paragraph. Such grants shall be disbursed not*  
4            *later than 150 days after the date on which*  
5            *amounts appropriated under section 2677 be-*  
6            *come available for the fiscal year. An eligible*  
7            *area described in this paragraph is an eligible*  
8            *area whose application under section*  
9            *2605(b)—”;*

10            *(B) in subparagraph (D), by striking “and”*  
11            *after the semicolon;*

12            *(C) in subparagraph (E), by striking the*  
13            *period at the end and inserting “; and”;* and

14            *(D) by adding at the end thereof the follow-*  
15            *ing subparagraph:*

16            *“(F) demonstrates the manner in which the*  
17            *proposed services are consistent with the local*  
18            *needs assessment and the statewide coordinated*  
19            *statement of need.”;* and

20            *(2)(A) by redesignating paragraphs (2) through*  
21            *(4) as paragraphs (3) through (5), respectively; and*

22            *(B) by inserting after paragraph (1) the follow-*  
23            *ing paragraph:*

24            *“(2) PRIORITY.—*

1           “(A) *SEVERE NEED.*—In determining severe  
2           *need in accordance with paragraph (1)(B), the*  
3           *Secretary shall give priority consideration in*  
4           *awarding grants under this subsection to eligible*  
5           *areas that (in addition to complying with para-*  
6           *graph (1)) demonstrate a more severe need based*  
7           *on the prevalence in the eligible area of—*

8                     “(i) *sexually transmitted diseases, sub-*  
9                     *stance abuse, tuberculosis, severe mental ill-*  
10                    *ness, or other conditions determined rel-*  
11                    *evant by the Secretary, which significantly*  
12                    *affect the impact of HIV disease;*

13                   “(ii) *subpopulations with HIV disease*  
14                    *that were previously unknown in such area;*  
15                    *or*

16                   “(iii) *homelessness.*

17           “(B) *PREVALENCE.*—In determining preva-  
18           *lence of conditions under subparagraph (A), the*  
19           *Secretary shall use data on the prevalence of the*  
20           *conditions described in such subparagraph*  
21           *among individuals with HIV disease (except*  
22           *that, in the case of an eligible area for which*  
23           *such data are not available, the Secretary shall*  
24           *use data on the prevalences of the conditions in*  
25           *the general population of such area).”.*

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

4       “(c) *COMPLIANCE WITH PRIORITIES OF HIV PLAN-*  
5 *NING COUNCIL.*—*Notwithstanding any other provision of*  
6 *this part, the Secretary, in carrying out section 2601(a),*  
7 *may not make any grant under subsection (a) or (b) to*  
8 *an eligible area unless the application submitted by such*  
9 *area under section 2605 for the grant involved demonstrates*  
10 *that the grants made under subsections (a) and (b) to the*  
11 *area for the preceding fiscal year (if any) were expended*  
12 *in accordance with the priorities applicable to such year*  
13 *that were established, pursuant to section 2602(b)(3)(A), by*  
14 *the planning council serving the area.”*

15 **SEC. 104. USE OF AMOUNTS.**

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

17               *(1) in subsection (b)—*

18                       *(A) in paragraph (1)(A), by striking “in-*  
19 *cluding case management and comprehensive*  
20 *treatment services, for individuals” and insert-*  
21 *ing the following: “including HIV-related com-*  
22 *prehensive treatment services (including treat-*  
23 *ment education and measures for the prevention*  
24 *and treatment of opportunistic infections), case*

1           *management, and substance abuse treatment and*  
2           *mental health treatment, for individuals”;*

3           *(B) in paragraph (2)(A)—*

4                   *(i) by inserting after “nonprofit pri-*  
5                   *vate entities,” the following: “or private for-*  
6                   *profit entities if such entities are the only*  
7                   *available provider of quality HIV care in*  
8                   *the area,”; and*

9                   *(ii) by striking “and homeless health*  
10                   *centers” and inserting “homeless health cen-*  
11                   *ters, substance abuse treatment programs,*  
12                   *and mental health programs”;* and

13           *(C) by adding at the end the following*  
14           *paragraph:*

15           *“(3) PRIORITY FOR WOMEN, INFANTS AND CHIL-*  
16           *DREN.—For the purpose of providing health and sup-*  
17           *port services to infants, children, and women with*  
18           *HIV disease, the chief elected official of an eligible*  
19           *area shall use, of the grants made for the area under*  
20           *section 2601(a) for a fiscal year, not less than the*  
21           *percentage constituted by the ratio of the population*  
22           *in such area of infants, children, and women with ac-*  
23           *quired immune deficiency syndrome to the general*  
24           *population in such area of individuals with such syn-*  
25           *drome, or 15 percent, whichever is less. In expending*

1 *the funds reserved under the preceding sentence for a*  
2 *fiscal year, the chief elected official shall give priority*  
3 *to providing, for pregnant women, measures to pre-*  
4 *vent the perinatal transmission of HIV.”; and*

5 *(2) in subsection (e), by adding at the end there-*  
6 *of the following sentence: “In the case of entities to*  
7 *which such officer allocates amounts received by the*  
8 *officer under the grant, the officer shall ensure that,*  
9 *of the aggregate amount so allocated, the total of the*  
10 *expenditures by such entities for administrative ex-*  
11 *penses does not exceed 10 percent (without regard to*  
12 *whether particular entities expend more than 10 per-*  
13 *cent for such expenses).”.*

14 **SEC. 105. APPLICATION.**

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

16 *(1) in subsection (a)—*

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

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

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

24 *(D) by adding at the end thereof the follow-*  
25 *ing paragraph:*

1           “(6) that the applicant will participate in the  
2           process for the statewide coordinated statement of  
3           need (where it has been initiated by the State), and  
4           will ensure that the services provided under the com-  
5           prehensive plan are consistent with such statement.”;

6           (2) in subsection (b)—

7           (A) in the subsection heading, by striking  
8           “ADDITIONAL”; and

9           (B) in the matter preceding paragraph (1),  
10          by striking “additional”;

11          (3) by redesignating subsections (c) and (d) as  
12          subsections (d) and (e), respectively; and

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

15          “(c) *SINGLE APPLICATION*.—Upon the request of the  
16          chief elected official of an eligible area, the Secretary may  
17          authorize the official to submit a single application through  
18          which the official simultaneously requests a grant pursuant  
19          to subsection (a) of section 2603 and a grant pursuant to  
20          subsection (b) of such section. The Secretary may establish  
21          such criteria for carrying out this subsection as the Sec-  
22          retary determines to be appropriate.”.

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

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

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

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

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

7           “(b) PLANNING GRANTS REGARDING INITIAL ELIGI-  
8 BILITY FOR GRANTS.—

9           “(1) ADVANCE PAYMENTS ON FIRST-YEAR FOR-  
10 MULA GRANTS.—With respect to a fiscal year (re-  
11 ferred to in this subsection as the ‘planning year’), if  
12 a metropolitan area has not previously received a  
13 grant under section 2601 and the Administrator rea-  
14 sonably projects that the area will be eligible for such  
15 a grant for the subsequent fiscal year, the Adminis-  
16 trator may make a grant for the planning year for  
17 the purpose of assisting the area in preparing for the  
18 responsibilities of the area in carrying out activities  
19 under this part.

20           “(2) REQUIREMENTS.—

21           “(A) IN GENERAL.—A grant under para-  
22 graph (1) for a planning year shall be made di-  
23 rectly to the chief elected official of the city or  
24 urban county that administers the public health  
25 agency to which section 2602(a)(1) is projected

1           to apply for purposes of such paragraph. The  
2           grant may not be made in an amount exceeding  
3           \$75,000.

4                   “(B) *OFFSETTING REDUCTION IN FIRST*  
5           *FORMULA GRANT.*—In the case of a metropolitan  
6           area that has received a grant under paragraph  
7           (1) for a planning year, the first grant made  
8           pursuant to section 2603(a) for such area shall  
9           be reduced by an amount equal to the amount of  
10          the grant under such paragraph for the planning  
11          year. With respect to amounts resulting from re-  
12          ductions under the preceding sentence for a fiscal  
13          year, the Secretary shall use such amounts to  
14          make grants under section 2603(a) for the fiscal  
15          year, subject to ensuring that none of such  
16          amounts are provided to any metropolitan area  
17          for which such a reduction was made for the fis-  
18          cal year.

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

1                   **TITLE II—CARE GRANT**  
2                   **PROGRAM**

3   **SEC. 201. GENERAL USE OF GRANTS.**

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

6   **“SEC. 2612. GENERAL USE OF GRANTS.**

7            “(a) *IN GENERAL.*—A State may use amounts pro-  
8   *vided under grants made under this part for the following:*

9                    “(1) *To provide the services described in section*  
10                    *2604(b)(1) for individuals with HIV disease.*

11                   “(2) *To provide to such individuals treatments*  
12                    *that in accordance with section 2616 have been deter-*  
13                    *mined to prolong life or prevent serious deterioration*  
14                    *of health.*

15                   “(3) *To provide home- and community-based*  
16                    *care services for such individuals in accordance with*  
17                    *section 2614.*

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

21                   “(5) *To establish and operate consortia under*  
22                    *section 2613 within areas most affected by HIV dis-*  
23                    *ease, which consortia shall be designed to provide a*  
24                    *comprehensive continuum of care to individuals and*

1       *families with such disease in accordance with such*  
2       *section.*

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

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

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

18               *(1) in subsection (a)—*

19                       *(A) in paragraph (1), by inserting “(or pri-*  
20                       *vate for-profit providers or organizations if such*  
21                       *entities are the only available providers of qual-*  
22                       *ity HIV care in the area)” after “nonprofit pri-*  
23                       *vate,”; and*

24                       *(B) in paragraph (2)(A)—*

1           (i) by inserting “substance abuse treat-  
2           ment, mental health treatment,” after  
3           “nursing;”; and

4           (ii) by inserting after “monitoring,”  
5           the following: “measures for the prevention  
6           and treatment of opportunistic infections,  
7           treatment education for patients (provided  
8           in the context of health care delivery),”; and  
9           (2) in subsection (c)(2)—

10           (A) in clause (ii) of subparagraph (A), by  
11           striking “and” after the semicolon;

12           (B) in subparagraph (B), by striking the  
13           period at the end and inserting “; and”; and

14           (C) by adding after subparagraph (B) the  
15           following subparagraph:

16           “(C) grantees under section 2671, or, if  
17           none are operating in the area, representatives  
18           in the area of organizations with a history of  
19           serving children, youth, women, and families liv-  
20           ing with HIV.”.

21   **SEC. 203. PROVISION OF TREATMENTS.**

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

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

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

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

6   **SEC. 204. STATE APPLICATION.**

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

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

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

13          (3) by adding at the end thereof the following  
14          subparagraphs:

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

17                 “(D) a description of how the allocation  
18                 and utilization of resources are consistent with a  
19                 statewide coordinated statement of need, devel-  
20                 oped in partnership with other grantees in the  
21                 State that receive funding under this title and  
22                 after consultation with individuals receiving  
23                 services under this part.”.

1 **SEC. 205. ALLOCATION OF ASSISTANCE BY STATES; PLAN-**  
2 **NING, EVALUATION, AND ADMINISTRATION.**

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

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

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

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

20 **SEC. 206. TECHNICAL ASSISTANCE.**

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

1                                   **TITLE III—EARLY**  
2                                   **INTERVENTION SERVICES**

3   **SEC. 301. ESTABLISHMENT OF PROGRAM.**

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

5                   (1) *in paragraph (1), by inserting before the pe-*  
6                   *riod the following: “, and unless the applicant agrees*  
7                   *to expend not less than 50 percent of the grant for*  
8                   *such services that are specified in subparagraphs (B)*  
9                   *through (E) of such paragraph”;* and

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

14   **SEC. 302. MINIMUM QUALIFICATIONS OF GRANTEES.**

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

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

22           *Section 2654 (42 U.S.C. 300ff-54) is amended by add-*  
23           *ing at the end thereof the following subsection:*

24                   “(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 *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”;

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.”.

1                   **TITLE V—ADDITIONAL**  
2                   **PROVISIONS**

3   **SEC. 501. AMOUNT OF EMERGENCY RELIEF GRANTS.**

4           *Paragraph (3) of section 2603(a) (42 U.S.C. 300ff-*  
5 *13(a)(3)) is amended to read as follows:*

6                   “(3) *AMOUNT OF GRANT.—*

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

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

15                                   “(ii) *the percentage constituted by the*  
16 *ratio of the distribution factor for the eligi-*  
17 *ble area to the sum of the respective dis-*  
18 *tribution factors for all eligible areas.*

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

22                                   “(i) *an amount equal to the estimated*  
23 *number of living cases of acquired immune*  
24 *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 fiscal year preceding the year*  
9                                   *for which the grant determination is to be made.*  
10                                   *The amount of any such unexpended funds shall*  
11                                   *be determined using the financial status report*  
12                                   *of the grantee.*

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

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

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

21                                   “(a) *AMOUNT OF GRANT.*—

22                                   “(1) *IN GENERAL.*—*Subject to subsection (b) (re-*  
23                                   *lating to minimum grants), the amount of a grant*  
24                                   *under this part for a State for a fiscal year shall be*  
25                                   *the sum of—*

1           “(A) the amount determined for the State  
2           under paragraph (2); and

3           “(B) the amount determined for the State  
4           under paragraph (4) (if applicable).

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

9           “(A) the amount available under section  
10           2677 for carrying out this part, less the reserva-  
11           tion of funds made in paragraph (4)(A) and less  
12           any other applicable reservation of funds author-  
13           ized or required in this Act (which amount is  
14           subject to subsection (b)); and

15           “(B) the percentage constituted by the ratio  
16           of—

17           “(i) the distribution factor for the  
18           State; to

19           “(ii) the sum of the distribution factors  
20           for all States.

21           “(3) *DISTRIBUTION FACTOR FOR PRINCIPAL FOR-*  
22           *MULA GRANTS.*—For purposes of paragraph (2)(B),  
23           the term ‘distribution factor’ means the following, as  
24           applicable:

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

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

10                   “(ii) *the cube root of the ratio (based*  
11                   *on the most recent available data) of—*

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

15                           “(II) *the average per capita in-*  
16                           *come of individuals in the State.*

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

24           “(4) *SUPPLEMENTAL AMOUNTS FOR CERTAIN*  
25           *STATES.—For purposes of paragraph (1)(B), an*

1     *amount shall be determined under this paragraph for*  
2     *each State that does not contain any metropolitan*  
3     *area whose chief elected official received a grant*  
4     *under part A for fiscal year 1996. The amount deter-*  
5     *mined under this paragraph for such a State for a*  
6     *fiscal year shall be the product of—*

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

11            *“(B) the percentage constituted by the ratio*  
12            *of—*

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

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

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

22                 *“(A) The term ‘State’ means each of the 50*  
23                 *States, the District of Columbia, and the terri-*  
24                 *tories of the United States.*

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

7           “(b) MINIMUM AMOUNT OF GRANT.—

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

12           “(A) the amount determined for the State  
13 under subsection (a); and

14           “(B) the amount applicable under para-  
15 graph (2) to the State.

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

19           “(A) In the case of the 50 States, the Dis-  
20 trict of Columbia, and the Commonwealth of  
21 Puerto Rico—

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

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

3                   “(B) In the case of each of the territories of  
4                   the United States (other than the Commonwealth  
5                   of Puerto Rico), \$0.0.”.

6   **SEC. 503. CONSOLIDATION OF AUTHORIZATIONS OF APPRO-**  
7                   **PRIATIONS.**

8                   (a) *IN GENERAL.*—Part D of title XXVI (42 U.S.C.  
9   300ff-71) is amended by adding at the end thereof the fol-  
10   lowing section:

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

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

20                   “(b) *DEVELOPMENT OF METHODOLOGY.*—With respect  
21   to each of the fiscal years 1997 through 2000, the Secretary  
22   may develop and implement a methodology for adjusting  
23   the percentages referred to in subsection (a).”.

24                   (b) *REPEALS.*—Sections 2608 and 2620 (42 U.S.C.  
25   300ff-18 and 300ff-30) are repealed.

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

4       ***TITLE VI—EFFECTIVE DATE***

5   ***SEC. 601. EFFECTIVE DATE.***

6    *This Act takes effect October 1, 1995.*

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