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LEG REVIEW - 3/97 - HR1219 -
Pelosi Prevention bill

105TH CONGRESS
1ST SESSION

H. R. 1219

To amend the Public Health Service Act to promote activities for the prevention of additional cases of infection with the virus commonly known as HIV.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1997

Ms. PELOSI (for herself, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BENTSEN, Mr. BERMAN, Mr. BOEHLERT, Mr. BONIOR, Mr. BORSKI, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. CAPPS, Mr. CARDIN, Mrs. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DEFazio, Mr. DELAHUNT, Ms. DELAURO, Mr. DELLUMS, Mr. DIXON, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FAWELL, Mr. FAZIO of California, Mr. FILNER, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GILCHREST, Mr. GILMAN, Mr. GONZALEZ, Mr. GUTIERREZ, Ms. HARMAN, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOBSON, Mr. HORN, Mr. HOYER, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JOHNSON of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mrs. KENNELLY of Connecticut, Mr. KIND of Wisconsin, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PAYNE, Mr. RANGEL, Mr. REGULA, Ms. RIVERS, Mr. ROMERO-BARCELÓ, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SHAYS, Mr. SERRANO, Mr. SKAGGS, Ms. SLAUGHTER, Mr. STARK, Mr. STOKES, Mrs. TAUSCHER, Mr. TORRES, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, Mr. WYNN, Mr. YATES, Mr. TIERNEY, Mr. DEUTSCH, and Mr. FALCOMA) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Public Health Service Act to promote activities for the prevention of additional cases of infection with the virus commonly known as HIV.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “William A. Bailey Comprehensive HIV Prevention Act of 1997”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Table of contents regarding revised title XXV of Public Health Service Act.

TITLE I—GENERAL PROGRAMS REGARDING PREVENTION OF HIV INFECTION

Sec. 101. Coordination among agencies of Public Health Service.

Sec. 102. Individual offices on HIV prevention.

Sec. 103. Programs of Centers for Disease Control and Prevention.

TITLE II—PREVENTIVE HEALTH PROGRAMS REGARDING WOMEN AND HIV INFECTION

Sec. 201. Short title.

Sec. 202. Amendment regarding Centers for Disease Control and Prevention.

Sec. 203. Amendments regarding other agencies.

TITLE III—GENERAL PROVISIONS

Sec. 301. General provisions of title XXV of Public Health Service Act.

Sec. 302. Effective date.

1 SEC. 3. TABLE OF CONTENTS REGARDING REVISED TITLE
2 XXV OF PUBLIC HEALTH SERVICE ACT.

3 A table describing the contents of title XXV of the
4 Public Health Service Act, as amended by titles I through
5 III of this Act, is as follows:

TITLE XXV—PREVENTION OF HIV INFECTION

PART A—COORDINATION AMONG AGENCIES OF PUBLIC HEALTH SERVICE

SUBPART I—PUBLIC HEALTH SERVICE GENERALLY

- Sec. 2501. Duties of Secretary.
- Sec. 2502. Advisory council.
- Sec. 2503. Comprehensive plan for expenditure of appropriations.
- Sec. 2504. Budget requests.

SUBPART II—INTRA-AGENCY COORDINATION

- Sec. 2511. Individual offices on HIV prevention.

PART B—PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION

SUBPART I—CERTAIN AUTHORITIES

- Sec. 2521. Administrator of programs.

SUBPART II—CERTAIN PROGRAMS

- Sec. 2531. Epidemiology and surveillance.
- Sec. 2532. Community-based projects regarding at-risk individuals.

SUBPART III—ADDITIONAL PROGRAMS

- Sec. 2541. Public education.
- Sec. 2542. Specific populations.
- Sec. 2543. Programs for adolescents.
- Sec. 2544. Research; demonstration projects.
- Sec. 2545. General authority.

SUBPART IV—PROGRAMS REGARDING WOMEN

- Sec. 2551. Preventive health services regarding women.
- Sec. 2552. Public education regarding women.

**SUBPART V—GENERAL PROVISIONS REGARDING CENTERS FOR DISEASE
CONTROL AND PREVENTION**

- Sec. 2561. Technical assistance; supplies and services in lieu of funds.

PART C—GENERAL PROVISIONS

- Sec. 2591. Definitions.

1 **TITLE I—GENERAL PROGRAMS**
2 **REGARDING PREVENTION OF**
3 **HIV INFECTION**

4 **SEC. 101. COORDINATION AMONG AGENCIES OF PUBLIC**
5 **HEALTH SERVICE.**

6 Title XXV of the Public Health Service Act (42
7 U.S.C. 300ee et seq.) is amended to read as follows:

8 **“TITLE XXV—PREVENTION OF**
9 **HIV INFECTION**

10 **“PART A—COORDINATION AMONG AGENCIES OF**
11 **PUBLIC HEALTH SERVICE**

12 **“Subpart I—Public Health Service Generally**

13 **“SEC. 2501. DUTIES OF SECRETARY.**

14 “(a) INTERAGENCY COORDINATION.—With respect to
15 activities for the prevention of infection with the human
16 immunodeficiency virus, the Secretary shall plan, coordi-
17 nate, and evaluate such activities that are conducted or
18 supported by the agencies specified in subsection (b).

19 “(b) DESIGNATED AGENCIES.—The agencies re-
20 ferred to in subsection (a) are as follows:

21 “(1) The Centers for Disease Control and Pre-
22 vention.

23 “(2) The Health Resources and Services Ad-
24 ministration.

25 “(3) The Indian Health Service.

1 “(4) The National Institutes of Health.

2 “(5) The Substance Abuse and Mental Health
3 Services Administration.

4 “(c) CONSULTATIONS.—The Secretary shall carry
5 out this part (including developing and revising the plans
6 required in section 2503) in consultation with the heads
7 of the designated agencies and with the advisory council
8 established under section 2502.

9 **“SEC. 2502. ADVISORY COUNCIL.**

10 “(a) IN GENERAL.—The Secretary shall establish an
11 advisory council to be known as the Secretary’s Advisory
12 Council on HIV Prevention (in this section referred to as
13 the ‘Advisory Council’). The Advisory Council shall make
14 recommendations to the Secretary on carrying out this
15 part, including recommendations on developing plans
16 under section 2503, and including reviewing and making
17 recommendations on such plans that have been developed.

18 “(b) COMPOSITION.—

19 “(1) IN GENERAL.—The Advisory Council shall
20 be composed of such individuals as the Secretary
21 may select, subject to paragraphs (2) and (3).

22 “(2) AGENCY REPRESENTATIVES.—The heads
23 of each of the designated agencies (or the designees
24 of such heads) shall serve as ex officio, nonvoting
25 members of the Advisory Council.

1 “(3) APPOINTED MEMBERS.—The Secretary
2 shall appoint to the Advisory Council individuals
3 who are not officers or employees of the Federal
4 Government, which individuals shall serve as voting
5 members of the Council. Of such individuals—

6 “(A) no fewer than one shall be an individ-
7 ual who conducts research on HIV prevention
8 activities;

9 “(B) no fewer than one shall be an expert
10 in specific health communications and social
11 marketing;

12 “(C) no fewer than one shall be a public
13 health official of a State;

14 “(D) no fewer than one shall be the chief
15 public health officer of a political subdivision;

16 “(E) no fewer than two shall be represent-
17 atives of community-based organizations that
18 carry out HIV prevention activities;

19 “(F) no fewer than two shall be individuals
20 with HIV infection; and

21 “(G) no fewer than two shall be represent-
22 atives of individuals who are at significant risk
23 of contracting HIV infection.

1 **“SEC. 2503. COMPREHENSIVE PLAN FOR EXPENDITURE OF**
2 **APPROPRIATIONS.**

3 “Subject to the provisions of this section and other
4 applicable law, the Secretary, in carrying out section 2501,
5 shall—

6 “(1) establish, for each designated agency, a
7 comprehensive plan for the conduct and support of
8 all HIV prevention activities of the agency (which
9 plan shall be first established under this paragraph
10 not later than 12 months after the date of the enact-
11 ment of the William A. Bailey Comprehensive HIV
12 Prevention Act of 1997);

13 “(2) ensure that each such plan establishes pri-
14 orities among the HIV prevention activities that the
15 agency involved is authorized to carry out;

16 “(3) ensure that each such plan establishes ob-
17 jectives regarding the HIV prevention activities of
18 the agency, describes the means for achieving the
19 objectives, and designates the date by which the ob-
20 jectives are expected to be achieved;

21 “(4) ensure that all amounts appropriated for
22 the HIV prevention activities of the agency are ex-
23 pended in accordance with the plan;

24 “(5) review the plan not less than annually, and
25 revise the plan as appropriate;

1 “(6) ensure that the plan serves as a broad,
2 binding statement of policies regarding HIV preven-
3 tion activities of the agency, but does not remove the
4 responsibility of the head of the agency for the ap-
5 proval of specific programs or projects, or for other
6 details of the daily administration of such activities,
7 in accordance with the plan; and

8 “(7) ensure that the plan is coordinated with
9 each other plan established under paragraph (1) in
10 order to form a single plan that integrates the HIV
11 prevention activities of the Public Health Service.

12 **“SEC. 2504. BUDGET REQUESTS.**

13 “(a) REQUESTS OF SECRETARY.—With respect to a
14 fiscal year, the Secretary shall prepare and submit directly
15 to the President, for review and transmittal to the Con-
16 gress, a budget request for carrying out each plan under
17 section 2503 for the fiscal year, after reasonable oppor-
18 tunity for comment by the head of the designated agency
19 for which the plan has been developed and by the advisory
20 council established under section 2502. The budget esti-
21 mate shall include an estimate of the number and type
22 of personnel needs for the designated agencies.

23 “(b) REQUESTS OF DESIGNATED AGENCIES.—With
24 respect to a fiscal year, the head of each designated agency
25 shall, not later than the date specified by the Secretary,

1 prepare and submit to the Secretary a proposed budget
2 request for carrying out the plan under section 2503 that
3 has been developed for the agency. The Secretary shall
4 consider such request in carrying out subsection (a) with
5 respect to the agency.”.

6 **SEC. 102. INDIVIDUAL OFFICES ON HIV PREVENTION.**

7 Title XXV of the Public Health Service Act, as
8 amended by section 101 of this Act, is amended by adding
9 at the end of part A the following subpart:

10 **“Subpart II—Intra-Agency Coordination**

11 **“SEC. 2511. INDIVIDUAL OFFICES ON HIV PREVENTION.**

12 “(a) IN GENERAL.—

13 “(1) ADMINISTRATION OF AUTHORITIES.—The
14 Secretary shall carry out this section acting through
15 the heads of the designated agencies.

16 “(2) INDIVIDUAL OFFICES.—With respect to
17 each designated agency other than the National In-
18 stitutes of Health, the head of the agency shall es-
19 tablish within the agency an office to carry out the
20 functions described in subsection (b). Such office
21 shall be headed by a director, who shall be appointed
22 by the head of the agency.

23 “(b) FUNCTIONS.—With respect to preparing and
24 submitting plans under section 2503, and with respect to
25 any other function established under subpart I for the

1 heads of designated agencies, the head of each such agen-
 2 cy shall carry out the functions acting through the Direc-
 3 tor of the office established under subsection (a) for the
 4 agency (except that such functions of the Director of the
 5 National Institutes of Health shall be carried out by such
 6 Director acting through the Director of the Office of AIDS
 7 Research established under section 2351).’’.

8 **SEC. 103. PROGRAMS OF CENTERS FOR DISEASE CONTROL**
 9 **AND PREVENTION.**

10 Title XXV of the Public Health Service Act, as
 11 amended by section 102 of this Act, is amended by adding
 12 at the end the following part:

13 **“PART B—PROGRAMS OF CENTERS FOR DISEASE**
 14 **CONTROL AND PREVENTION**

15 **“Subpart I—Certain Authorities**

16 **“SEC. 2521. ADMINISTRATOR OF PROGRAMS.**

17 “This part shall be carried out by the Secretary act-
 18 ing through the Director of the Centers for Disease Con-
 19 trol and Prevention.

20 **“Subpart II—Certain Programs**

21 **“SEC. 2531. EPIDEMIOLOGY AND SURVEILLANCE.**

22 “(a) IN GENERAL.—The Secretary may conduct
 23 studies and carry out other activities to assist public and
 24 nonprofit private entities in obtaining epidemiological data
 25 on the human immunodeficiency virus and related mat-

1 ters. Such activities may include surveillance activities and
2 other relevant data-collection activities. Studies and other
3 activities under this subsection may be conducted by the
4 Secretary directly or through the provision of financial as-
5 sistance to health departments of States or of political
6 subdivisions.

7 “(b) MEETINGS.—For the purpose of improving pro-
8 grams that carry out HIV prevention activities, the Sec-
9 retary may hold meetings in order that States, political
10 subdivisions, the Centers for Disease Control and Preven-
11 tion, and other entities can exchange information and
12 ideas.

13 “(c) FUNDING.—For the purpose of carrying out this
14 section, there are authorized to be appropriated such sums
15 as may be necessary for each of the fiscal years 1998
16 through 2000.

17 **“SEC. 2532. COMMUNITY-BASED PROJECTS REGARDING AT-**
18 **RISK INDIVIDUALS.**

19 “(a) IN GENERAL.—The Secretary may provide fi-
20 nancial assistance to health departments of States and po-
21 litical subdivisions to operate projects for the purpose of
22 carrying out, in the communities of at-risk individuals,
23 HIV prevention activities to educate the individuals on the
24 transmission of the human immunodeficiency virus, in-
25 cluding activities to encourage the individuals—

1 “(1) to avoid the particular behaviors placing
2 the individuals at significant risk of contracting HIV
3 infection; and

4 “(2) to avoid the particular behaviors placing
5 the individuals at significant risk of transmitting
6 such infection to other individuals.

7 “(b) OFFSITE RESPONSIBILITIES REGARDING AT-
8 RISK INDIVIDUALS.—The Secretary may provide financial
9 assistance under subsection (a) only if the health depart-
10 ment involved agrees that the project under such sub-
11 section will seek out and offer HIV community-based pre-
12 vention activities to at-risk individuals .

13 “(c) CONSULTATIONS AND COORDINATION REGARD-
14 ING RELEVANT COMMUNITIES.—The Secretary may pro-
15 vide financial assistance under subsection (a) only if the
16 health department involved is in compliance with the fol-
17 lowing:

18 “(1) In developing the proposal of the health
19 department for a project under such subsection (in-
20 cluding with respect to subsections (d) and (e)), the
21 health department has consulted with the following
22 entities:

23 “(A) The Local HIV Community Planning
24 Group established under subsection (h) with re-
25 spect to the project, and the Statewide HIV

1 Community Planning Group established under
2 subsection (i), as applicable under such sub-
3 sections.

4 “(B) An appropriate number and variety
5 of public and nonprofit private entities (includ-
6 ing community-based organizations) that, in the
7 communities in which the project is to be car-
8 ried out—

9 “(i) provide health services, services
10 for disease prevention or health promotion,
11 or social services to individuals with HIV
12 infection or at risk of such infection; or

13 “(ii) represent individuals with such
14 infection or at risk of such infection.

15 “(2) In developing such proposal, the health de-
16 partment has consulted with entities in the geo-
17 graphic area involved that have expertise regarding
18 HIV community-based prevention activities.

19 “(3) The health department has made arrange-
20 ments with entities described in paragraphs (1)(B)
21 and (2) for the purpose of coordinating the activities
22 of the project with the activities of the entities.

23 “(4) The health department agrees that, in car-
24 rying out the project, the department will continue

1 to consult with such entities, and will provide for the
2 coordination of the activities of the entities.

3 “(d) IDENTIFICATION OF COMMUNITIES AND PRIOR-
4 ITIES; POPULATION-SPECIFIC STRATEGIES.—The Sec-
5 retary may provide financial assistance under subsection
6 (a) only if the health department involved is in compliance
7 with the following:

8 “(1) The health department, in collaboration
9 with the Local HIV Community Planning Group es-
10 tablished under subsection (h) with respect to the
11 project, and with the Statewide HIV Community
12 Planning Group established under subsection (i), as
13 applicable under such subsections—

14 “(A) has identified the geographic area in
15 which the project under such subsection is to be
16 carried out;

17 “(B) has identified the at-risk populations
18 that are to be given priority in the project, and
19 has identified the populations according to de-
20 mographic factors and according to such other
21 factors as the Secretary may authorize; and

22 “(C) in the case of an at-risk population
23 identified under subparagraph (B), has devel-
24 oped a particular strategy for carrying out HIV
25 community-based prevention activities for the

1 population (including a specification of the par-
2 ticular activities to be carried out).

3 “(2) In the case of a population so identified,
4 the strategy developed under paragraph (1)(C) for
5 the population consists of three component strate-
6 gies, and each component strategy is particular to
7 one of the following subpopulations:

8 “(A) Individuals who do not have HIV in-
9 fection.

10 “(B) Individuals who do have such infec-
11 tion.

12 “(C) Individuals whose status regarding
13 such infection is unknown.

14 “(e) PROJECT OBJECTIVES.—The Secretary may
15 provide financial assistance under subsection (a) only if
16 the health department involved—

17 “(1) has specified the objectives to be achieved
18 through the strategies identified under paragraphs
19 (1)(C) and (2) of subsection (d);

20 “(2) has specified the date by which the objec-
21 tives are to be achieved; and

22 “(3) has specified the manner in which the ex-
23 tent of progress toward the objectives is to be meas-
24 ured.

1 “(f) CERTAIN ASSESSMENTS AS PRECONDITION RE-
2 GARDING IDENTIFIED COMMUNITIES, PRIORITIES, STRAT-
3 EGIES, AND OBJECTIVES.—

4 “(1) IN GENERAL.—With respect to the activi-
5 ties carried out under subsections (d) and (e) re-
6 garding a project, the Secretary may provide finan-
7 cial assistance under subsection (a) for the project
8 only if the activities were carried out on the basis of
9 the assessments described in paragraphs (2) and
10 (3).

11 “(2) EPIDEMIOLOGIC ASSESSMENTS.—Assess-
12 ments under paragraph (1) include the following:

13 “(A) An assessment of the current and fu-
14 ture incidence and prevalence of cases of HIV
15 infection in the general population, and in var-
16 ious subpopulations (identified according to the
17 factors specified in subsection (d)(1)(B)).

18 “(B) An assessment of the current and fu-
19 ture incidence and prevalence of cases of ac-
20 quired immune deficiency syndrome in the gen-
21 eral population, and in the subpopulations iden-
22 tified under subparagraph (A).

23 “(C) Such other epidemiologic assessments
24 regarding cases of HIV infection as the Sec-

1 retary may require with respect to projects
2 under subsection (a).

3 “(3) ASSESSMENTS REGARDING COMMUNITY
4 RESOURCES AND NEEDS.—Assessments under para-
5 graph (1) include the following:

6 “(A) An assessment of the resources avail-
7 able for carrying out HIV community-based
8 prevention activities in the communities in-
9 volved.

10 “(B) An assessment of the extent to which
11 such activities are being carried out in such
12 communities, and the extent of unmet needs for
13 the activities.

14 “(g) CULTURAL CONTEXT OF SERVICES.—The Sec-
15 retary may provide financial assistance under subsection
16 (a) only if the health department involved agrees that HIV
17 community-based prevention activities carried out through
18 the project under such subsection will be provided in the
19 language and cultural context most appropriate for the in-
20 dividuals served by the project.

21 “(h) LOCAL HIV COMMUNITY PLANNING GROUP.—

22 “(1) IN GENERAL.—The Secretary may provide
23 financial assistance under subsection (a) only if,
24 with respect to a project under such subsection, the
25 health department involved—

1 “(A) agrees to operate a panel of individ-
2 uals to be known as the Local HIV Community
3 Planning Group (in this subsection referred to
4 as the ‘Local Planning Group’) and to operate
5 such Group in accordance with paragraphs (2)
6 through (5); and

7 “(B) submits to the Secretary the criteria
8 developed under paragraph (4).

9 “(2) PURPOSE.—For purposes of paragraph
10 (1), the Local Planning Group is operated in accord-
11 ance with this paragraph if the Group carries out
12 functions in the project involved in accordance with
13 applicable guidelines, established by the Director of
14 the Centers for Disease Control and Prevention, for
15 the operation of projects for community planning
16 with respect to the prevention of HIV infection.

17 “(3) COMPOSITION.—For purposes of para-
18 graph (1), the Local Planning Group is operated in
19 accordance with this paragraph if—

20 “(A) the Group is composed of individuals
21 representing public and nonprofit private enti-
22 ties described in paragraphs (1)(B) and (2) of
23 subsection (c), individuals with HIV infection,
24 and individuals who are at significant risk of
25 contracting such infection;

1 “(B) the composition of the Group reflects
2 the composition of the population of individuals
3 who are significantly affected by the extent of
4 cases of HIV infection in the communities in
5 which the project under subsection (a) is to be
6 carried out;

7 “(C) the Group includes—

8 “(i) experts in epidemiology;

9 “(ii) experts in behavioral and social
10 sciences, including experts on conducting
11 research on the evaluation of behavioral
12 and social sciences projects; and

13 “(iii) individuals who represent wom-
14 en’s interests and have expertise on wom-
15 en’s health, including the treatment of
16 women who have HIV infection; and

17 “(D) additional individuals are selected for
18 membership in the Group as necessary to main-
19 tain compliance with subparagraph (B).

20 “(4) CRITERIA FOR MEMBERSHIP.—For pur-
21 poses of paragraph (1), the Local Planning Group is
22 operated in accordance with this paragraph if the
23 members of the Group are selected in accordance
24 with written criteria for complying with paragraph
25 (3).

1 “(5) CERTAIN REQUIREMENTS.—For purposes
2 of paragraph (1), the Local Planning Group is oper-
3 ated in accordance with this paragraph if—

4 “(A) the Group allocates financial re-
5 sources to ensure that women are included in
6 the membership of the Group in accordance
7 with paragraph (3)(C); and

8 “(B) in carrying out the functions of the
9 Group, qualitative data based on women’s expe-
10 riences are used.

11 “(6) WAIVER.—The Secretary may waive the
12 requirement of paragraph (1) if the Secretary deter-
13 mines that the waiver is necessary to provide for the
14 effective operation of the project or projects in-
15 volved.

16 “(i) STATEWIDE HIV COMMUNITY PLANNING
17 GROUP.—

18 “(1) IN GENERAL.—In the case of a health de-
19 partment of a State that submits an application for
20 financial assistance under subsection (a), the Sec-
21 retary may provide the assistance only if the depart-
22 ment agrees to operate, in addition to the panel
23 under subsection (h), a panel of individuals to be
24 known as the Statewide HIV Community Planning
25 Group (in this subsection referred to as the ‘State-

1 wide Planning Group') and to operate such Group in
2 accordance with paragraphs (2) through (4).

3 “(2) PURPOSE.—For purposes of paragraph
4 (1), the Statewide Planning Group is operated in ac-
5 cordance with this paragraph if the Group carries
6 out functions in the project involved in accordance
7 with applicable guidelines, established by the Direc-
8 tor of the Centers for Disease Control and Preven-
9 tion, for the operation of projects for community
10 planning with respect to the prevention of HIV in-
11 fection.

12 “(3) COMPOSITION.—For purposes of para-
13 graph (1), the Statewide Planning Group is operated
14 in accordance with this paragraph if the membership
15 of the Group includes representatives of the follow-
16 ing entities:

17 “(A) State or local public health and edu-
18 cation agencies.

19 “(B) State or local agencies providing
20 treatment for substance abuse.

21 “(C) Private providers of such treatment.

22 “(D) State or local agencies that admin-
23 ister correctional facilities with respect to
24 crimes.

25 “(E) Experts in epidemiology.

1 “(F) Experts in behavioral and social
2 sciences, including experts on conducting re-
3 search on the evaluation of behavioral and so-
4 cial sciences projects.

5 “(G) Experts on the planning of commu-
6 nity projects.

7 “(H) Providers of mental health services.

8 “(I) Community-based organizations that
9 carry out activities or services relating to the
10 human immunodeficiency virus for a diverse
11 cross-section of individuals affected by HIV in-
12 fections in the communities in which projects
13 under subsection (a) are carried out, and that
14 have demonstrated ties to the geographic area
15 served by the project.

16 “(J) Individuals with HIV infection.

17 “(K) Communities with a significant num-
18 ber of at-risk individuals.

19 “(L) Individuals who represent women’s
20 interests and have expertise on women’s health,
21 including the treatment of women who have
22 HIV infection.

23 “(4) CERTAIN REQUIREMENTS.—For purposes
24 of paragraph (1), the Statewide Planning Group is
25 operated in accordance with this paragraph if—

1 “(A) the Group allocates financial re-
2 sources to ensure that women are included in
3 the membership of the Group in accordance
4 with paragraph (3)(L); and

5 “(B) in carrying out the functions of the
6 Group, qualitative data based on women’s expe-
7 riences are used.

8 “(5) WAIVER.—The Secretary may waive the
9 requirement of paragraph (1) if the Secretary deter-
10 mines that the waiver is necessary to provide for the
11 effective operation of the project or projects in-
12 volved.

13 “(j) CERTAIN EXPENDITURES.—

14 “(1) IN GENERAL.—In addition to expenditures
15 authorized in subsection (a), the Secretary may au-
16 thorize the expenditure of financial assistance under
17 such subsection for the following purposes:

18 “(A) Counseling individuals on HIV infec-
19 tion.

20 “(B) Testing individuals for such infection,
21 including tests to confirm the presence of the
22 infection, to diagnose the extent of the defi-
23 ciency in the immune system, and to provide in-
24 formation on appropriate therapeutic measures
25 for preventing and treating the deterioration of

1 the immune system and for preventing and
2 treating conditions arising from such infection.

3 “(C) Providing appropriate referrals and
4 follow-up services for individuals who have un-
5 dergone such counseling or testing.

6 “(D) Providing partner notification with
7 respect to HIV infection.

8 “(E) Such other activities as the Secretary
9 determines to be appropriate with respect to
10 HIV infection.

11 “(2) PROGRAM FOR COUNSELING AND TREAT-
12 MENT FOR VICTIMS OF CERTAIN CRIMES.—

13 “(A) IN GENERAL.—In addition to expend-
14 itures authorized in subsection (a), the Sec-
15 retary may authorize the expenditure of finan-
16 cial assistance under such subsection for carry-
17 ing out a program to provide services in accord-
18 ance with subparagraph (B) to any victim of a
19 crime in which by force or threat of force the
20 perpetrator compelled the victim to engage in
21 sexual activity and in which the circumstances
22 placed the victim at risk of contracting HIV in-
23 fection or any other sexually transmitted dis-
24 ease.

1 “(B) PROGRAM REQUIREMENTS.—A pro-
2 gram under subparagraph (A) for a victim of a
3 crime is in accordance with this subparagraph
4 if the following conditions are met:

5 “(i) The purpose of the program is to
6 make available to the victim counseling on
7 HIV infection and other sexually transmit-
8 ted diseases, appropriate referrals and fol-
9 low-up services, and services pursuant to
10 clause (iii).

11 “(ii) The purpose described in clause
12 (i) for the program is carried out without
13 regard to whether an alleged perpetrator of
14 the crime has been taken into the custody
15 of law enforcement officials, without regard
16 to whether the alleged perpetrator has
17 been tested for HIV infection, and without
18 regard to whether the victim has reported
19 the crime to law enforcement officials.

20 “(iii) The program is carried out in
21 accordance with any guidelines that may
22 be established by the Director of the Cen-
23 ters for Disease Control and Prevention
24 with respect to victims of crimes described
25 in subparagraph (A), including the provi-

1 sion by the program of such diagnostic and
2 treatment services as may be recommended
3 in the guidelines.

4 “(3) REQUIREMENTS REGARDING CONFIDEN-
5 TIALITY, INFORMED CONSENT, AND OTHER MAT-
6 TERS.—

7 “(A) IN GENERAL.—The Secretary may
8 provide financial assistance under subsection
9 (a) only if the health department involved
10 agrees that the provisions specified in subpara-
11 graph (B) apply to the award of such assistance
12 to the same extent and in the same manner as
13 such provisions apply to grants under section
14 2651.

15 “(B) SPECIFICATION OF PROVISIONS.—
16 The provisions referred to in paragraph (1) are
17 section 2661; subsections (a), (b), (c), (d), and
18 (f) of section 2662; and subsections (b) and (c)
19 of section 2664.

20 “(k) TECHNICAL SERVICES ORGANIZATIONS.—

21 “(1) IN GENERAL.—The Secretary may provide
22 financial assistance under subsection (a) only if the
23 health department involved agrees that, in expending
24 the assistance, the department will enter into a con-
25 tract with an organization described in paragraph

1 (2) under which contract the organization provides,
2 for the project operated with such assistance, the
3 following services:

4 “(A) Upon the request of the health de-
5 partment, the organization provides technical
6 services to entities that carry out HIV commu-
7 nity-based prevention activities through the
8 project.

9 “(B) Upon request of the health depart-
10 ment, the organization assists such entities in
11 developing provider plans for carrying out the
12 activities.

13 “(C) The organization, in collaboration
14 with the health department and with such enti-
15 ties, develops a methodology for evaluations of
16 whether and to what extent the project has in-
17 fluenced individuals to avoid at-risk behaviors.

18 “(2) APPROVAL OF SECRETARY.—The organiza-
19 tion referred to in paragraph (1) is an organization
20 that has been approved by the Secretary as having
21 the necessary expertise for performing, for the
22 project involved, the functions specified in such
23 paragraph.

24 “(1) MAINTENANCE OF EFFORT.—With respect to
25 HIV prevention activities, the Secretary may provide fi-

1 nancial assistance under subsection (a) only if the health
2 department involved agrees to maintain expenditures of
3 non-Federal amounts for such activities at a level that is
4 not less than the level of such expenditures maintained
5 by the department for the fiscal year preceding the fiscal
6 year for which the department receives an award of such
7 assistance.

8 “(m) ASSISTANCE FOR PLANNING OF PROJECTS.—
9 The Secretary may provide financial assistance to the
10 health departments of States and political subdivisions for
11 the purpose of developing comprehensive plans to carry
12 out projects under subsection (a).

13 “(n) APPLICATION FOR ASSISTANCE; COMPREHEN-
14 SIVE PLAN.—The Secretary may provide financial assist-
15 ance under subsection (a) or (m) only if an application
16 for the assistance is submitted to the Secretary and the
17 application meets the following requirements, as applica-
18 ble:

19 “(1) In the case of an application for assistance
20 under subsection (a), the application—

21 “(A) contains a comprehensive plan for
22 carrying out a project under such subsection;

23 “(B) demonstrates that the plan has been
24 developed in accordance with subsection (c) (re-

1 lating to consulting and coordinating with the
2 communities involved);

3 “(C) contains a description regarding com-
4 pliance with subsections (d) and (e) (relating to
5 priorities, strategies, and objectives), including
6 a description of activities and decisions under
7 such subsections;

8 “(D) contains the assessments required in
9 subsection (f);

10 “(E) contains the criteria required in sub-
11 section (h)(4) (relating to membership in Local
12 HIV Community Planning Groups); and

13 “(F) contains the agreements required in
14 this section.

15 “(2) In the case of an application under sub-
16 section (a) or (m), the application is in such form,
17 is made in such manner, and contains such agree-
18 ments, assurances, and information as the Secretary
19 determines to be necessary to carry out the purpose
20 of the assistance involved.

21 “(o) MEETINGS.—For the purpose of improving the
22 program carried out under this section, the Secretary may
23 hold meetings in order that technical services organiza-
24 tions, States, political subdivisions, the Centers for Dis-

1 ease Control and Prevention, and other entities can ex-
2 change information and ideas.

3 “(p) DEFINITIONS.—For purposes of this section:

4 “(1) The term ‘at-risk behavior’ means any be-
5 havior that places an individual at significant risk of
6 contracting HIV infection or of transmitting such
7 infection to other individuals.

8 “(2) The term ‘at-risk individual’ means an in-
9 dividual who engages in at-risk behavior.

10 “(3) The term ‘HIV community-based preven-
11 tion activities’ means the HIV prevention activities
12 described in subsection (a).

13 “(4) The term ‘technical services organization’,
14 with respect to a project under subsection (a),
15 means the organization that receives the contract re-
16 quired in subsection (k)(1) with respect to the
17 project.

18 “(q) AUTHORIZATION OF APPROPRIATIONS.—For the
19 purposes of carrying out this section, there are authorized
20 to be appropriated such sums as may be necessary for
21 each of the fiscal years 1998 through 2000.

22 **“Subpart III—Additional Programs**

23 **“SEC. 2541. PUBLIC EDUCATION.**

24 “(a) IN GENERAL.—The Secretary may, directly or
25 through the provision of financial assistance, carry out ac-

1 tivities to provide information and education to the public
 2 on the human immunodeficiency virus.

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—For the
 4 purpose of carrying out this section, there are authorized
 5 to be appropriated such sums as may be necessary for
 6 each of the fiscal years 1998 through 2000.

7 **“SEC. 2542. SPECIFIC POPULATIONS.**

8 “(a) IN GENERAL.—The Secretary may, directly or
 9 through the provision of financial assistance, carry out
 10 HIV prevention activities with respect to specific popu-
 11 lations identified by the Secretary.

12 “(b) AUTHORIZATION OF APPROPRIATIONS.—For the
 13 purpose of carrying out this section, there are authorized
 14 to be appropriated such sums as may be necessary for
 15 each of the fiscal years 1998 through 2000.

16 **“SEC. 2543. PROGRAMS FOR ADOLESCENTS.**

17 “(a) IN GENERAL.—The Secretary may, directly or
 18 through the provision of financial assistance, carry out
 19 HIV prevention activities with respect to adolescents.

20 “(b) SCHOOL-BASED PROGRAMS.—

21 “(1) In carrying out subsection (a), the Sec-
 22 retary may assist elementary and secondary schools
 23 and institutions of higher education in operating
 24 programs to carry out HIV prevention activities.

1 “(2)(A) In carrying out paragraph (1), the Sec-
2 retary may provide financial assistance to education
3 and health departments of States and political sub-
4 divisions, and may provide such assistance to other
5 public or nonprofit private entities.

6 “(B) The Secretary may provide financial as-
7 sistance under subparagraph (A) to an educational
8 or health department of a political subdivision only
9 after consultation with the educational or health de-
10 partment of the State involved.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the
12 purpose of carrying out this section, there are authorized
13 to be appropriated such sums as may be necessary for
14 each of the fiscal years 1998 through 2000.

15 **“SEC. 2544. RESEARCH; DEMONSTRATION PROJECTS.**

16 “(a) IN GENERAL.—With respect to HIV prevention
17 activities, the Secretary may, directly or through the provi-
18 sion of financial assistance, conduct research and carry
19 out demonstration projects.

20 “(b) AUTHORIZATION OF APPROPRIATIONS.—For the
21 purpose of carrying out this section, there are authorized
22 to be appropriated such sums as may be necessary for
23 each of the fiscal years 1998 through 2000.

1 **“SEC. 2545. GENERAL AUTHORITY.**

2 “(a) IN GENERAL.—With respect to HIV prevention
3 activities, the Secretary may, directly or through the provi-
4 sion of financial assistance, carry out programs in addition
5 to the programs otherwise authorized in this part.

6 “(b) AUTHORIZATION OF APPROPRIATIONS.—For the
7 purpose of carrying out this section, there are authorized
8 to be appropriated such sums as may be necessary for
9 each of the fiscal years 1998 through 2000.”.

10 **TITLE II—PREVENTIVE HEALTH**
11 **PROGRAMS REGARDING**
12 **WOMEN AND HIV INFECTION**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “Women and HIV Out-
15 reach and Prevention Act”.

16 **SEC. 202. AMENDMENT REGARDING CENTERS FOR DISEASE**
17 **CONTROL AND PREVENTION.**

18 Part B of title XXV of the Public Health Service Act,
19 as added by section 103 of this Act, is amended by adding
20 at the end the following subpart:

21 **“Subpart IV—Programs Regarding Women**

22 **“SEC. 2551. PREVENTIVE HEALTH SERVICES REGARDING**
23 **WOMEN.**

24 “(a) IN GENERAL.—The Secretary may make grants
25 for the following purposes:

1 “(1) Providing to women preventive health serv-
2 ices that are related to HIV infection, including—

3 “(A) providing prevention education on
4 HIV, including counseling on all modes of
5 transmission between individuals, including sex-
6 ual contact, the use of IV drugs, and maternal-
7 fetal transmission;

8 “(B) making available voluntary HIV test-
9 ing services to women;

10 “(C) providing effective and close linkages
11 between testing and care services for women;
12 and

13 “(D) providing services in accordance with
14 the program described in section 2532(j)(2) (re-
15 lating to victims of crimes in which by force or
16 threat of force the perpetrators compelled the
17 victims to engage in sexual activities).

18 “(2) Providing appropriate referrals regarding
19 the provision of other services to women who are re-
20 ceiving services pursuant to paragraph (1), includ-
21 ing, as appropriate, referrals regarding the follow-
22 ing: treatment for HIV infection; treatment for sub-
23 stance abuse; mental health services; pregnancy and
24 childbirth; pediatric care; housing services; public as-

1 sistance; job training; child care; respite care; repro-
2 ductive health care; and domestic violence.

3 “(3) Providing follow-up services regarding
4 such referrals, to the extent practicable.

5 “(4) Improving referral arrangements for pur-
6 poses of paragraph (2).

7 “(5) In the case of a woman receiving services
8 pursuant to any of paragraphs (1) through (3), pro-
9 viding to the partner of the woman the services de-
10 scribed in such paragraphs, as appropriate.

11 “(6) With respect to the services specified in
12 paragraphs (1) through (5)—

13 “(A) providing outreach services to inform
14 women of the availability of such services; and

15 “(B) providing training regarding the ef-
16 fective provision of such services.

17 “(b) MINIMUM QUALIFICATIONS OF GRANTEEES.—

18 The Secretary may make a grant under subsection (a)
19 only if the applicant for the grant is a grantee under sec-
20 tion 330 or section 1001, or is another public or nonprofit
21 private entity that provides health or voluntary family
22 planning services to a significant number of low-income
23 women in a culturally sensitive and language-appropriate
24 manner.

1 “(c) CONFIDENTIALITY.—The Secretary may make a
2 grant under subsection (a) only if the applicant for the
3 grant agrees to maintain the confidentiality of information
4 on individuals regarding screenings pursuant to subsection
5 (a), subject to complying with applicable law.

6 “(d) APPLICATION FOR GRANT.—The Secretary may
7 make a grant under subsection (a) only if an application
8 for the grant is submitted to the Secretary and the appli-
9 cation is in such form, is made in such manner, and con-
10 tains such agreements, assurances, and information as the
11 Secretary determines to be necessary to carry out such
12 subsection.

13 “(e) EVALUATIONS AND REPORTS.—

14 “(1) EVALUATIONS.—The Secretary shall, di-
15 rectly or through contracts with public or private en-
16 tities, provide for evaluations of projects carried out
17 pursuant to subsection (a).

18 “(2) REPORTS.—Not later than 1 year after the
19 date on which amounts are first appropriated under
20 subsection (f), and annually thereafter, the Sec-
21 retary shall submit to the Congress a report summa-
22 rizing evaluations carried out under paragraph (1)
23 during the preceding fiscal year.

24 “(f) AUTHORIZATIONS OF APPROPRIATIONS.—

1 “(1) TITLE X CLINICS.—For the purpose of
2 making grants under subsection (a) to entities that
3 are grantees under section 1001, and for the pur-
4 pose of otherwise carrying out this section with re-
5 spect to such grants, there are authorized to be ap-
6 propriated such sums as may be necessary for each
7 of the fiscal years 1998 through 2000.

8 “(2) COMMUNITY AND MIGRANT HEALTH CEN-
9 TERS; OTHER PROVIDERS.—For the purpose of mak-
10 ing grants under subsection (a) to entities that are
11 grantees under section 330, and to other entities de-
12 scribed in subsection (b) that are not grantees under
13 section 1001, and for the purpose of otherwise car-
14 rying out this section with respect to such grants,
15 there are authorized to be appropriated such sums
16 as may be necessary for each of the fiscal years
17 1998 through 2000.

18 **“SEC. 2552. PUBLIC EDUCATION REGARDING WOMEN.**

19 “(a) IN GENERAL.—The Secretary may make grants
20 for the purpose of developing and carrying out programs
21 to provide HIV prevention education to women, including
22 education on all modes of transmission between individ-
23 uals, including sexual contact, the use of IV drugs, and
24 maternal-fetal transmission.

1 “(b) MINIMUM QUALIFICATIONS OF GRANTEEES.—

2 The Secretary may make a grant under subsection (a)
3 only if the applicant involved is a public or nonprofit pri-
4 vate entity that is experienced in carrying out health-relat-
5 ed activities for women, with a priority given to such enti-
6 ties that have successfully targeted women of color.

7 “(c) APPLICATION FOR GRANT.—The Secretary may
8 make a grant under subsection (a) only if an application
9 for the grant is submitted to the Secretary and the appli-
10 cation is in such form, is made in such manner, and con-
11 tains such agreements, assurances, and information as the
12 Secretary determines to be necessary to carry out such
13 subsection.

14 “(d) EVALUATIONS AND REPORTS.—

15 “(1) EVALUATIONS.—The Secretary shall, di-
16 rectly or through contracts with public or private en-
17 tities, provide for evaluations of projects carried out
18 pursuant to subsection (a).

19 “(2) REPORTS.—Not later than 1 year after the
20 date on which amounts are first appropriated under
21 subsection (e), and annually thereafter, the Sec-
22 retary shall submit to the Congress a report summa-
23 rizing evaluations carried out under paragraph (1)
24 during the preceding fiscal year.

1 “(e) AUTHORIZATIONS OF APPROPRIATIONS.—For
2 the purpose of carrying out this section, there are author-
3 ized to be appropriated such sums as may be necessary
4 for each of the fiscal years 1998 through 2000.”.

5 **SEC. 203. AMENDMENTS REGARDING OTHER AGENCIES.**

6 (a) TREATMENT FOR SUBSTANCE ABUSE.—Subpart
7 1 of part B of title V of the Public Health Service Act
8 (42 U.S.C. 290bb et seq.) is amended by inserting after
9 section 509 the following section:

10 “TREATMENT OF WOMEN FOR SUBSTANCE ABUSE

11 “SEC. 509A. (a) IN GENERAL.—The Director of the
12 Center for Substance Abuse Treatment may make awards
13 of grants, cooperative agreements, and contracts for the
14 purpose of carrying out programs—

15 “(1) to provide treatment for substance abuse
16 to women, including but not limited to, women with
17 dependent children;

18 “(2) to provide to women who engage in such
19 abuse counseling on the prevention of infection with,
20 and the transmission of, the etiologic agent for ac-
21 quired immune deficiency syndrome; and

22 “(3) to provide such counseling to women who
23 are the partners of individuals who engage in such
24 abuse.

25 “(b) AUTHORIZATION OF APPROPRIATIONS.—For the
26 purpose of carrying out subsection (a), there are author-

1 ized to be appropriated such sums as may be necessary
 2 for each of the fiscal years 1998 through 2000.”.

3 (b) EARLY INTERVENTION SERVICES.—Section 2655
 4 of the Public Health Service Act (42 U.S.C. 300ff-55) is
 5 amended—

6 (1) by striking “For the purpose of” and insert-
 7 ing “(a) IN GENERAL.—For the purpose of”; and

8 (2) by adding at the end the following sub-
 9 section:

10 “(b) PROGRAMS FOR WOMEN.—For the purpose of
 11 making grants under section 2651 to provide to women
 12 early intervention services described in such section, and
 13 for the purpose of providing technical assistance under
 14 section 2654(b) with respect to such grants, there are au-
 15 thorized to be appropriated such sums as may be nec-
 16 essary for each of the fiscal years 1998 through 2000.”.

17 **TITLE III—GENERAL** 18 **PROVISIONS**

19 **SEC. 301. GENERAL PROVISIONS OF TITLE XXV OF PUBLIC** 20 **HEALTH SERVICE ACT.**

21 Title XXV of the Public Health Service Act, as
 22 amended by titles I and II of this Act, is amended—

23 (1) in part B, by adding at the end the follow-
 24 ing subpart:

1 **“Subpart V—General Provisions Regarding Centers**
2 **for Disease Control and Prevention**

3 **“SEC. 2561. TECHNICAL ASSISTANCE; SUPPLIES AND SERV-**
4 **ICES IN LIEU OF FUNDS.**

5 “(a) TECHNICAL ASSISTANCE.—The Secretary may
6 provide training and technical assistance to applicants for,
7 and recipients of, financial assistance under this part with
8 respect to the planning, development, and operation of ac-
9 tivities under this part. The Secretary may provide such
10 technical assistance directly or through awards of financial
11 assistance.

12 “(b) SUPPLIES AND SERVICES.—

13 “(1) IN GENERAL.—Upon the request of a re-
14 cipient of an award under this part, the Secretary
15 may, subject to paragraph (2), provide supplies,
16 equipment, and services for the purpose of aiding
17 the recipient in carrying out the purpose of the
18 award, and for such purpose, may detail to the re-
19 cipient any officer or employee of the Department of
20 Health and Human Services.

21 “(2) CORRESPONDING REDUCTION IN PAY-
22 MENTS.—With respect to a request under paragraph
23 (1), the Secretary shall reduce the amount of pay-
24 ments under the award involved by an amount equal
25 to the costs of detailing personnel and the fair mar-
26 ket value of any supplies, equipment, or services pro-

1 vided by the Secretary. The Secretary shall, for the
2 payment of expenses incurred in complying with
3 such request, expend the amounts withheld.”; and

4 (2) by adding at the end the following part:

5 **“PART C—GENERAL PROVISIONS**

6 **“SEC. 2591. DEFINITIONS.**

7 “For purposes of this title:

8 “(1) The term ‘designated agency’ means an
9 agency specified in section 2501(b).

10 “(2) The term ‘financial assistance’ means
11 grants, cooperative agreements, and contracts.

12 “(3) The term ‘human immunodeficiency virus’
13 means the etiologic agent for acquired immune defi-
14 ciency syndrome.

15 “(4) The term ‘HIV infection’ means infection
16 with the human immunodeficiency virus.

17 “(5) The term ‘HIV prevention activities’
18 means activities for the prevention of HIV infection,
19 including counseling individuals, educating the pub-
20 lic, and other appropriate activities. Such term in-
21 cludes research on the prevention of HIV infection.

22 “(6) The term ‘political subdivision’ means a
23 political subdivision of a State.”.

1 **SEC. 302. EFFECTIVE DATE.**

2 This Act takes effect October 1, 1997, or upon the
3 date of the enactment of this Act, whichever occurs later.

○