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106TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Ms. PELOSI (for herself **[see attached list of cosponsors]**) introduced the following bill; which was referred to the Committee on _____

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 "Comprehensive HIV Prevention Act of 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

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

TITLE I—GENERAL PROGRAMS REGARDING PREVENTION OF HIV INFECTION

SEC. 101. COORDINATION AMONG AGENCIES OF PUBLIC HEALTH SERVICE.

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

"(a) INTERAGENCY COORDINATION.—With respect to activities for the prevention of infection with the human immunodeficiency virus, the Secretary shall plan, coordinate, and evaluate such activities that are conducted or supported by the agencies and offices specified in subsection (b).

"(b) DESIGNATED AGENCIES.—The agencies and offices referred to in subsection (a) are as follows:

"(1) The Centers for Disease Control and Prevention.

"(2) The Agency for Health Care Policy and Research.

"(3) The Health Resources and Services Administration.

"(4) The Indian Health Service.

"(5) The National Institutes of Health.

"(6) The Office of Public Health and Science (including the Office of the Surgeon General of the

Public Health Service and the Office of Minority Health).

"(7) The Substance Abuse and Mental Health Services Administration.

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

"SEC. 2502. ADVISORY COUNCIL.

"(a) IN GENERAL.—The Secretary shall establish an advisory council to be known as the Secretary's Advisory Council on HIV Prevention (in this section referred to as the 'Advisory Council'). The Advisory Council shall make recommendations to the Secretary on carrying out this part, including recommendations on developing plans under section 2503, and including reviewing and making recommendations on such plans that have been developed.

"(b) COMPOSITION.—

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

"(2) AGENCY REPRESENTATIVES.—The heads of each of the designated agencies (or the designees

of such heads) shall serve as ex officio, nonvoting members of the Advisory Council.

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

"(A) no fewer than one shall be an individual who conducts research on HIV prevention activities;

"(B) no fewer than one shall be an expert in specific health communications and social marketing;

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

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

"(E) no fewer than two shall be representatives of community-based organizations that carry out HIV prevention activities;

"(F) no fewer than two shall be individuals with HIV infection;

"(G) no fewer than two shall be representatives of individuals who are at significant risk of contracting HIV infection;

"(H) no fewer than two shall be women;

"(I) no fewer than two shall be individuals who are members of racial or ethnic minority groups; and

"(J) no fewer than two shall be youths.

"(c) COORDINATION WITH ACTIVITIES OF PRESIDENTIAL ADVISORY COUNCIL.—The Advisory Council shall coordinate its activities under subsection (a) with the activities of the advisory council that advises the President with respect to HIV prevention activities.

"SEC. 2503. COMPREHENSIVE PLAN FOR EXPENDITURE OF APPROPRIATIONS.

"Subject to the provisions of this section and other applicable law, the Secretary, in carrying out section 2501, shall—

"(1) establish, for each designated agency, a comprehensive plan for the conduct and support of all HIV prevention activities of the agency (which plan shall be first established under this paragraph not later than 12 months after the date of the enactment of the Comprehensive HIV Prevention Act of 1999);

"(2) ensure that each such plan establishes priorities among the HIV prevention activities that the agency involved is authorized to carry out;

"(3) ensure that each such plan establishes objectives regarding the HIV prevention activities of the agency, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(4) ensure that all amounts appropriated for the HIV prevention activities of the agency are expended in accordance with the plan;

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

"(6) ensure that the plan serves as a broad, binding statement of policies regarding HIV prevention activities of the agency, but does not remove the responsibility of the head of the agency for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the plan; and

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

"SEC. 2504. BUDGET REQUESTS.

"(a) REQUESTS OF SECRETARY.—With respect to a fiscal year, the Secretary shall prepare and submit directly to the President, for review and transmittal to the Con-

gress, a budget request for carrying out each plan under section 2503 for the fiscal year, after reasonable opportunity for comment by the head of the designated agency for which the plan has been developed and by the advisory council established under section 2502. The budget estimate shall include an estimate of the number and type of personnel needs for the designated agencies.

"(b) REQUESTS OF DESIGNATED AGENCIES.—With respect to a fiscal year, the head of each designated agency shall, not later than the date specified by the Secretary, prepare and submit to the Secretary a proposed budget request for carrying out the plan under section 2503 that has been developed for the agency. The Secretary shall consider such request in carrying out subsection (a) with respect to the agency.".

SEC. 102. INDIVIDUAL OFFICES ON HIV PREVENTION.

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

"Subpart II—Intra-Agency Coordination

"SEC. 2511. INDIVIDUAL OFFICES ON HIV PREVENTION.

"(a) IN GENERAL.—

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

"(2) INDIVIDUAL OFFICES.—With respect to each designated agency other than the National Institutes of Health, the head of the agency shall establish within the agency an office to carry out the functions described in subsection (b). Such office shall be headed by a director, who shall be appointed by the head of the agency.

"(b) FUNCTIONS.—With respect to preparing and submitting plans under section 2503, and with respect to any other function established under subpart I for the heads of designated agencies, the head of each such agency shall carry out the functions acting through the Director of the office established under subsection (a) for the agency (except that such functions of the Director of the National Institutes of Health shall be carried out by such Director acting through the Director of the Office of AIDS Research established under section 2351).".

SEC. 103. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

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

"PART B—PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION

"Subpart I—Certain Authorities

"SEC. 2521. ADMINISTRATOR OF PROGRAMS.

"This part shall be carried out by the Secretary acting through the Director of the Centers for Disease Control and Prevention.

"Subpart II—Certain Programs

"SEC. 2531. EPIDEMIOLOGY AND SURVEILLANCE.

"(a) IN GENERAL.—The Secretary may conduct studies and carry out other activities to assist public and nonprofit private entities in obtaining epidemiological data on the human immunodeficiency virus (including data on acquired immune deficiency syndrome) and related matters. Such activities may include surveillance activities and other relevant data-collection activities. Studies and other activities under this subsection may be conducted by the Secretary directly or through the provision of financial assistance to health departments of States or of political subdivisions.

"(b) MEETINGS.—For the purpose of improving programs that carry out HIV prevention activities, the Secretary may hold meetings in order that States, political subdivisions, the Centers for Disease Control and Prevention, and other entities can exchange information and ideas.

"(c) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.

"SEC. 2532. COMMUNITY-BASED PROJECTS REGARDING AT-RISK INDIVIDUALS.

"(a) IN GENERAL.—The Secretary may provide financial assistance to health departments of States and political subdivisions to operate projects for the purpose of carrying out, in the communities of at-risk individuals, HIV prevention activities to educate the individuals on the transmission of the human immunodeficiency virus, including activities to encourage the individuals—

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

"(2) to avoid the particular behaviors placing the individuals at significant risk of transmitting such infection to other individuals.

"(b) COMPREHENSIVE PLAN; CONSULTATIONS AND COORDINATION REGARDING RELEVANT COMMUNITIES.—A condition for the receipt of financial assistance under subsection (a) is that the health department involved is in compliance with the following:

"(1) The health department has developed a comprehensive plan for carrying out a project under such subsection.

"(2) In developing the plan (including with respect to subsections (c) and (d)), the health department collaborated with the HIV Community Planning Group operated under subsection (g) for the project.

"(3) In developing the plan (including with respect to subsections (c) and (d)), the health department consulted with an appropriate number and variety of public and nonprofit private entities (including community-based organizations) that, in the communities in which the project is to be carried out—

"(A) provide health services, services for disease prevention or health promotion, or social services to individuals with HIV infection or at risk of such infection; or

"(B) represent individuals with such infection or at risk of such infection.

"(4) In developing the plan, the health department consulted with entities in the geographic area involved that have expertise regarding HIV community-based prevention activities.

"(5) The health department has made arrangements with entities described in paragraphs (3) and (4) for the purpose of coordinating the activities of the project with the activities of the entities.

"(6) The health department agrees that, in carrying out the project, the department will continue to consult with such entities, and will provide for the coordination of the activities of the entities.

"(c) IDENTIFICATION OF COMMUNITIES AND PRIORITIES; POPULATION-SPECIFIC STRATEGIES; ALLOCATION OF ASSISTANCE.—A condition for the receipt of financial assistance under subsection (a) is that the health department involved is in compliance with the following:

"(1) The health department, on the basis of the epidemiological and other assessments conducted under subsection (e)—

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

"(B) has identified the at-risk populations that are to be given priority in the project, and has identified the populations according to demographic factors and according to such other factors as the Secretary may authorize; and

"(C) has, for each such at-risk population, developed a particular strategy for carrying out HIV community-based prevention activities for the population (including a specification of the particular activities to be carried out).

"(2) In the case of each such at-risk population, the strategy developed under paragraph (1)(C) for the population consists of three component strategies, and each component strategy is particular to one of the following subpopulations:

"(A) Individuals who do not have HIV infection.

"(B) Individuals who do have such infection.

"(C) Individuals whose status regarding such infection is unknown.

"(3) The plan under subsection (b)(1) provides for the allocation of the financial assistance in a manner that equitably reflects the need for HIV community-based prevention activities in such at-risk populations, as indicated by the assessments conducted under subsection (e).

"(d) PROJECT OBJECTIVES.—A condition for the receipt of financial assistance under subsection (a) is that the health department involved has, on the basis of the

epidemiological and other assessments conducted under subsection (e)—

"(1) specified the objectives to be achieved through the strategies identified under paragraphs (1)(C) and (2) of subsection (c);

"(2) specified the date by which the objectives are to be achieved; and

"(3) specified the manner in which the extent of progress toward the objectives is to be measured.

"(e) EPIDEMIOLOGICAL ASSESSMENTS; OTHER ASSESSMENTS.—

"(1) EPIDEMIOLOGICAL ASSESSMENTS.—A condition for the receipt of financial assistance under subsection (a) is that, for purposes of subsections (c) and (d), the following assessments have been conducted:

"(A) An assessment of the current and future incidence and prevalence of cases of HIV infection in the general population, and in various subpopulations (identified according to the factors specified in subsection (c)(1)(B)).

"(B) An assessment of the current and future incidence and prevalence of cases of acquired immune deficiency syndrome in the gen-

eral population, and in the subpopulations identified under subparagraph (A).

"(C) Such other epidemiologic assessments regarding cases of HIV infection as the Secretary may require with respect to projects under subsection (a).

"(2) ASSESSMENTS REGARDING COMMUNITY RESOURCES AND NEEDS.—A condition for the receipt of financial assistance under subsection (a) is that, for purposes of subsections (c) and (d), the following assessments have been conducted:

"(A) An assessment of the resources available for carrying out HIV community-based prevention activities in the communities involved.

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

"(f) ADDITIONAL CONDITIONS.—Conditions for the receipt of financial assistance under subsection (a) are that the health department involved agree as follows:

"(1) That the project under such subsection will seek out and offer HIV community-based prevention activities to at-risk individuals.

"(2) That HIV community-based prevention activities carried out through the project will be provided in the language and cultural context most appropriate for the individuals served by the project.

"(3) That the health department will maintain expenditures of non-Federal amounts for HIV prevention activities of the health department at a level that is not less than the level of such expenditures maintained by the department for the fiscal year preceding the fiscal year for which the department receives an award of such assistance.

"(g) HIV COMMUNITY PLANNING GROUP.—

"(1) IN GENERAL.—A condition for the receipt of financial assistance under subsection (a) is that, with respect to a project under such subsection, the health department involved agree to operate in accordance with paragraphs (2) through (4) a panel of individuals to be known as the HIV Community Planning Group (in this subsection referred to as the 'Planning Group'). At the option of the State in which the project will be carried out—

"(A) the Planning Group may be a local group composed in accordance with paragraph (3); or

"(B) the Planning Group may be a Statewide group composed in accordance with paragraph (4).

"(2) CERTAIN REQUIREMENTS.—For purposes of paragraph (1), the Planning Group for a project is operated in accordance with this paragraph (whether a local group or a Statewide group) if the following conditions are met:

"(A) The Group carries out functions in the project in accordance with applicable guidelines, established by the Director of the Centers for Disease Control and Prevention, for the operation of projects for community planning with respect to the prevention of HIV infection.

"(B) The Group includes—

"(i) individuals who represent women's interests and have expertise on women's health, including the treatment of women who have HIV infection;

"(ii) no fewer than two individuals who are members of racial or ethnic minority groups; and

"(iii) no fewer than two youths.

"(C) The Group allocates financial resources to ensure that women, individuals who

are members of racial or ethic minority groups, and youths are included in the membership of the Group.

"(D) In carrying out the functions of the Group, qualitative data based on women's experiences are used.

"(E) The members of the Group are selected in accordance with written criteria for complying with the provisions of this subsection that relate to the composition of the Group.

"(3) COMPOSITION FOR LOCAL PLANNING GROUP.—For purposes of paragraph (1), in the case of a State that elects to operate a Planning Group that is a local group, the Planning Group is operated in accordance with this paragraph if the following conditions are met:

"(A) The Group is composed of individuals representing public and nonprofit private entities described in paragraphs (3) and (4) of subsection (b), individuals with HIV infection, and individuals who are at significant risk of contracting such infection.

"(B) The composition of the Group reflects the composition of the population of individuals who are significantly affected by the extent of

cases of HIV infection in the communities in which the project under subsection (a) is to be carried out.

"(C) Additional individuals are selected for membership in the Group as necessary to maintain compliance with subparagraph (B).

"(D) The Group includes—

"(i) experts in epidemiology; and

"(ii) experts in behavioral and social sciences, including experts on conducting research on the evaluation of behavioral and social sciences projects.

"(4) COMPOSITION FOR STATEWIDE PLANNING GROUP.—For purposes of paragraph (1), in the case of a State that elects to operate a Planning Group that is a Statewide group, the Planning Group is operated in accordance with this paragraph if the Group includes representatives of the following entities:

"(A) State or local public health and education agencies.

"(B) State or local agencies providing treatment for substance abuse.

"(C) Private providers of such treatment.

"(D) State or local agencies that administer correctional facilities with respect to crimes.

"(E) Experts in epidemiology.

"(F) Experts in behavioral and social sciences, including experts on conducting research on the evaluation of behavioral and social sciences projects.

"(G) Experts on the planning of community projects.

"(H) Providers of mental health services.

"(I) Community-based organizations that carry out activities or services relating to the human immunodeficiency virus for a diverse cross-section of individuals affected by HIV infections in the communities in which projects under subsection (a) are carried out, and that have demonstrated ties to the geographic area served by the project.

"(J) Individuals with HIV infection.

"(K) Communities with a significant number of at-risk individuals.

"(5) WAIVERS.—

"(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) if the

Secretary determines that the waiver is necessary to provide for the effective operation of the project involved.

"(B) COMPOSITION OF PLANNING GROUP.—If a health department informs the Secretary in writing that the health department is unable to meet a requirement under this subsection regarding the composition of a Planning Group, and the health department provides a written explanation for such inability, the Secretary may waive the requirement if the Secretary determines that there is a reasonable basis for such inability. In granting such a waiver, the Secretary may establish an alternative requirement regarding the composition of the Planning Group.

"(h) CERTAIN EXPENDITURES.—

"(1) COUNSELING, TESTING, AND OTHER ACTIVITIES.—In addition to expenditures authorized in subsection (a), the Secretary may authorize the expenditure of financial assistance under such subsection for the following purposes:

"(A) Counseling individuals on HIV infection.

"(B) Providing to individuals voluntary testing for such infection, including tests to confirm the presence of the infection, to diagnose the extent of the deficiency in the immune system, and to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from such infection.

"(C) Providing appropriate referrals and follow-up services for individuals who have undergone such counseling or testing, including, in the case of pregnant women, referrals for prenatal care.

"(D) Providing partner counseling and referral services with respect to HIV infection.

"(E) Such other activities as the Secretary determines to be appropriate with respect to HIV infection.

"(2) PREVENTION OF PERINATAL TRANSMISSION.—In the case of a pregnant woman, the Secretary may, in addition to services under paragraph (1), authorize the expenditure of financial assistance under subsection (a) to provide such pre-

natal and neonatal services as are appropriate to prevent the perinatal transmission of HIV.

"(3) VICTIMS OF SEX-RELATED CRIMES.—

"(A) IN GENERAL.—In addition to expenditures authorized in subsection (a), the Secretary may authorize the expenditure of financial assistance under such subsection for carrying out a program to provide services in accordance with subparagraph (B) to any victim of a crime in which by force or threat of force the perpetrator compelled the victim to engage in sexual activity and in which the circumstances placed the victim at risk of contracting HIV infection or any other sexually transmitted disease.

"(B) PROGRAM REQUIREMENTS.—A program under subparagraph (A) for a victim of a crime is in accordance with this subparagraph if the following conditions are met:

"(i) The purpose of the program is to make available to the victim counseling on HIV infection and other sexually transmitted diseases, appropriate referrals and follow-up services, and services pursuant to clause (iii).

"(ii) The purpose described in clause (i) for the program is carried out without regard to whether an alleged perpetrator of the crime has been taken into the custody of law enforcement officials, without regard to whether the alleged perpetrator has been tested for HIV infection, and without regard to whether the victim has reported the crime to law enforcement officials.

"(iii) The program is carried out in accordance with any guidelines that may be established by the Director of the Centers for Disease Control and Prevention with respect to victims of crimes described in subparagraph (A), including the provision by the program of such diagnostic and treatment services as may be recommended in the guidelines.

"(i) REQUIREMENTS REGARDING CONFIDENTIALITY, INFORMED CONSENT, AND OTHER MATTERS.—

"(1) IN GENERAL.—A condition for the receipt of financial assistance under subsection (a) is that the health department involved agree that the provisions specified in paragraph (2) apply to the award of such assistance to the same extent and in the

same manner as such provisions apply to grants under section 2651.

"(2) SPECIFICATION OF PROVISIONS.—The provisions referred to in paragraph (1) are section 2661; subsections (a), (b), (c), (d), and (f) of section 2662; and subsections (b) and (c) of section 2664.

"(j) ASSISTANCE FOR PLANNING OF PROJECTS.—The Secretary may provide financial assistance to the health departments of States and political subdivisions for the purpose of developing the comprehensive plans required in subsection (b)(1).

"(k) APPLICATION FOR ASSISTANCE; COMPREHENSIVE PLAN.—A condition for the receipt of financial assistance under subsection (a) or (j) is that an application for the assistance meeting the following requirements (as applicable) be submitted to the Secretary:

"(1) In the case of an application for assistance under subsection (a):

"(A) The application contains the comprehensive plan required in subsection (b)(1).

"(B) The application—

"(i) demonstrates that the plan was developed in accordance with subsection (b) (relating to collaborating, consulting

and coordinating with the communities involved);

"(ii) demonstrates that, in developing the plan, the health department involved made reasonable responses to the suggestions of the HIV Community Planning Group operated under subsection (g) for the project; and

"(iii) specifies, for each provision of the plan, whether such Group concurs with the provision or does not concur with the provision.

"(C) The application—

"(i) specifies (through inclusion in the plan) the decisions made in compliance with subsections (c) and (d) (relating to priorities, strategies, and objectives);

"(ii) explains the basis of such decisions;

"(iii) contains the assessments required in subsection (e);

"(iv) contains the criteria required in subsection (g)(2)(E) (relating to the composition of HIV Community Planning Groups); and

"(v) contains the agreements required in this section.

"(2) In the case of an application for assistance under subsection (a) or (j), the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purpose of the assistance involved.

"(l) MEETINGS.—For the purpose of improving the program carried out under this section, the Secretary may hold meetings in order that technical services organizations, States, political subdivisions, the Centers for Disease Control and Prevention, and other entities can exchange information and ideas.

"(m) DEFINITIONS.—For purposes of this section:

"(1) The term "at-risk behavior' means any behavior that places an individual at significant risk of contracting HIV infection or of transmitting such infection to other individuals.

"(2) The term 'at-risk individual' means an individual who engages in at-risk behavior.

"(3) The term 'HIV community-based prevention activities' means the HIV prevention activities described in subsection (a).

"(n) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.

"Subpart III—Additional Programs

"SEC. 2541. PUBLIC EDUCATION.

"(a) IN GENERAL.—The Secretary may, directly or through the provision of financial assistance, carry out activities to provide information and education to the public on the human immunodeficiency virus.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.

"SEC. 2542. MINORITY GROUPS, ADOLESCENTS, AND OTHER SPECIFIC POPULATIONS.

"(a) IN GENERAL.—The Secretary may, directly or through the provision of financial assistance, carry out HIV prevention activities with respect to specific populations identified by the Secretary.

"(b) MINORITY GROUPS.—In carrying out subsection (a), the Secretary shall as appropriate carry out HIV prevention activities with respect to racial and ethnic minority groups.

"(c) ADOLESCENTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary shall carry out HIV prevention activities with respect to adolescents.

"(2) SCHOOL-BASED PROGRAMS.—

"(A) In carrying out HIV prevention activities with respect to adolescents, the Secretary may assist elementary and secondary schools and institutions of higher education in operating programs to carry out such activities.

"(B)(i) The Secretary may under subparagraph (A) provide financial assistance to education and health departments of States and political subdivisions, and may provide such assistance to other public or nonprofit private entities.

"(ii) The Secretary may provide financial assistance under clause (i) to an educational or health department of a political subdivision only after consultation with the educational or health department of the State involved.

"(d) CONSULTATION WITH COMMUNITY GROUPS.—In planning and carrying out activities under this section for a geographic area, the Secretary shall consult with public and nonprofit private entities in the area that have functions relating to the activities, including any HIV

Community Planning Group that is operated under section 2532(g) for the area.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.

"SEC. 2543. RESEARCH; DEMONSTRATION PROJECTS.

"(a) IN GENERAL.—With respect to HIV prevention activities, the Secretary may, directly or through the provision of financial assistance, conduct research and carry out demonstration projects.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.

"SEC. 2544. GENERAL AUTHORITY.

"(a) IN GENERAL.—With respect to HIV prevention activities, the Secretary may, directly or through the provision of financial assistance, carry out programs in addition to the programs otherwise authorized in this part.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.".

TITLE II—PREVENTIVE HEALTH PROGRAMS REGARDING WOMEN AND HIV INFECTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Women and HIV Outreach and Prevention Act".

SEC. 202. AMENDMENT REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION.

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

"Subpart IV—Programs Regarding Women

"SEC. 2551. PREVENTIVE HEALTH SERVICES REGARDING WOMEN.

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

"(1) Providing to women preventive health services that are related to HIV infection, including—

"(A) providing prevention education on HIV, including counseling on all modes of transmission between individuals, including sexual contact, the use of IV drugs, and maternal-fetal transmission;

"(B) making available voluntary HIV testing services to women;

"(C) providing effective and close linkages between testing and care services for women; and

"(D) providing services in accordance with the program described in section 2532(j)(2) (relating to victims of crimes in which by force or threat of force the perpetrators compelled the victims to engage in sexual activities).

"(2) Providing appropriate referrals regarding the provision of other services to women who are receiving services pursuant to paragraph (1), including, as appropriate, referrals regarding the following: treatment for HIV infection; treatment for substance abuse; mental health services; pregnancy and childbirth; pediatric care; housing services; public assistance; job training; child care; respite care; reproductive health care; and domestic violence.

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

"(4) Improving referral arrangements for purposes of paragraph (2).

"(5) In the case of a woman receiving services pursuant to any of paragraphs (1) through (3), providing to the partner of the woman the services described in such paragraphs, as appropriate.

"(6) With respect to the services specified in paragraphs (1) through (5)—

"(A) providing outreach services to inform women of the availability of such services; and

"(B) providing training regarding the effective provision of such services.

"(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may make a grant under subsection (a) only if the applicant for the grant is a grantee under section 318, 330, or section 1001, or is another public or nonprofit private entity that provides health or voluntary family planning services to a significant number of low-income women in a culturally sensitive and language-appropriate manner.

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

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the

Secretary determines to be necessary to carry out such subsection.

"(e) EVALUATIONS AND REPORTS.—

"(1) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for evaluations of projects carried out pursuant to subsection (a).

"(2) REPORTS.—Not later than 1 year after the date on which amounts are first appropriated under subsection (f), and annually thereafter, the Secretary shall submit to the Congress a report summarizing evaluations carried out under paragraph (1) during the preceding fiscal year.

"(f) AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) TITLE X CLINICS.—For the purpose of carrying out this section with respect to entities that are grantees under section 1001, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.

"(2) COMMUNITY AND MIGRANT HEALTH CENTERS.—For the purpose of carrying out this section with respect to entities that are grantees under section 330, there are authorized to be appropriated

such sums as may be necessary for each of the fiscal years 2000 through 2002.

"(3) CLINICS REGARDING SEXUALLY TRANSMITTED DISEASES.—For the purpose of carrying out this section with respect to entities that are grantees under section 318, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.

"(4) OTHER PROVIDERS.—For the purpose of carrying out this section with respect to entities described in subsection (b) that are not grantees under section 318, 330, or 1001, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.

"SEC. 2552. PUBLIC EDUCATION REGARDING WOMEN.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of developing and carrying out programs to provide HIV prevention education to women, including education on all modes of transmission between individuals, including sexual contact, the use of IV drugs, and maternal-fetal transmission.

"(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may make a grant under subsection (a) only if the applicant involved is a public or nonprofit private entity that is experienced in carrying out health-relat-

ed activities for women, with a priority given to such entities that have successfully targeted women of color.

"(c) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(d) EVALUATIONS AND REPORTS.—

"(1) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for evaluations of projects carried out pursuant to subsection (a).

"(2) REPORTS.—Not later than 1 year after the date on which amounts are first appropriated under subsection (e), and annually thereafter, the Secretary shall submit to the Congress a report summarizing evaluations carried out under paragraph (1) during the preceding fiscal year.

"(e) AUTHORIZATIONS OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.".

SEC. 203. AMENDMENTS REGARDING OTHER AGENCIES.

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

"TREATMENT OF WOMEN FOR SUBSTANCE ABUSE

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

"(1) to provide treatment for substance abuse to women, including but not limited to, women with dependent children;

"(2) to provide to women who engage in such abuse counseling on the prevention of infection with, and the transmission of, the etiologic agent for acquired immune deficiency syndrome; and

"(3) to provide such counseling to women who are the partners of individuals who engage in such abuse.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.".

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

(1) by striking "For the purpose of" and inserting "(a) IN GENERAL.—For the purpose of"; and

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

"(b) PROGRAMS FOR WOMEN.—For the purpose of making grants under section 2651 to provide to women early intervention services described in such section, and for the purpose of providing technical assistance under section 2654(b) with respect to such grants, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2002.".

TITLE III—GENERAL PROVISIONS

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

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

(1) in part B, by adding at the end the following subpart:

"Subpart V—General Provisions Regarding Centers for Disease Control and Prevention

"SEC. 2561. TECHNICAL ASSISTANCE; SUPPLIES AND SERVICES IN LIEU OF FUNDS.

"(a) TECHNICAL ASSISTANCE.—Subject to section 2562, the Secretary may provide training and technical assistance to applicants for, and recipients of, financial assistance under this part with respect to the planning, development, and operation of activities under this part. The Secretary may provide such training and technical assistance directly or through awards of financial assistance. Subject to section 2562, the Secretary shall provide such training and technical assistance for projects under section 2532.

"(b) SUPPLIES AND SERVICES.—

"(1) IN GENERAL.—Upon the request of a recipient of an award under this part, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purpose of the award, and for such purpose, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request under paragraph (1), the Secretary shall reduce the amount of pay-

ments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"SEC. 2562. REQUIREMENTS FOR STATES REGARDING PARTNER COUNSELING AND REFERRALS; EPIDEMIOLOGICAL ACTIVITIES.

"(a) IN GENERAL.—The Secretary may provide technical assistance under section 2561(a) to an entity with respect to activities under this part only if the following conditions are met:

"(1)(A) The State in which the activities will be carried out certifies to the Secretary that the State has completed the development of, or will by not later than six months after the date of the enactment of the Comprehensive HIV Prevention Act of 1999 complete the development of, a plan for carrying out a program for partner counseling and referral with respect to HIV infection that is consistent with the guidelines for such programs that were issued by the Secretary of Health and Human Services on December 30, 1998.

"(B) The plan for the program under subparagraph (A) provides that, with respect to the requirement that the State make a good faith effort to notify a current or former spouse of an individual that the individual has an HIV infection, the program is permitted to take into account the risk to the individual of violence on the part of the current or former spouse, and the program is permitted to suspend the requirement of notification until the safety and well-being of the individual can be assured.

"(2) The State in which the activities will be carried out certifies to the Secretary that the State has completed the development of, or will by not later than two years after the date of the enactment of the Comprehensive HIV Prevention Act of 1999 complete the development of, a plan for carrying out a program that, in accordance with such criteria as the Secretary may establish, monitors the incidence and prevalence of cases of HIV infection (in addition to any program of the State that monitors the incidence and prevalence of cases of acquired immune deficiency syndrome).

"(b) CERTAIN CONSIDERATIONS REGARDING STATE EPIDEMIOLOGICAL PROGRAM.—In establishing criteria under subsection (a)(2)—

"(1) the Secretary shall take into account that there are several different but viable types of programs for monitoring the incidence and prevalence of cases of HIV infection, and shall accordingly respect the decision of each State regarding the best design and implementation of such a program in the State;

"(2) the Secretary shall ensure that such programs of the States do not decrease the availability of anonymous counseling, testing, and other services regarding HIV; and

"(3) the Secretary shall take into account the resources available to the States to carry out such programs, including any financial assistance under this part that is available to the States for such purpose.

"(c) GRANTS TO STATES REGARDING PROGRAMS FOR PARTNER COUNSELING AND REFERRAL.—

"(1) IN GENERAL.—The Secretary may make grants to the States for the purpose of assisting the States in developing and implementing the State plans described in subsection (a)(1).

"(2) AUTHORIZATIONS OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated such sums as may

be necessary for each of the fiscal years 2000 through 2002."; and

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

"PART C—GENERAL PROVISIONS

"SEC. 2591. DEFINITIONS.

"For purposes of this title:

"(1) The term 'designated agency' means an agency or office specified in section 2501(b).

"(2) The term 'financial assistance' means grants, cooperative agreements, and contracts.

"(3) The term 'human immunodeficiency virus' means the etiologic agent for acquired immune deficiency syndrome.

"(4) The term 'HIV infection' means infection with the human immunodeficiency virus.

"(5) The term 'HIV prevention activities' means activities for the prevention of HIV infection, including counseling individuals, educating the public, and other appropriate activities. Such term includes research on the prevention of HIV infection.

"(6) The term 'political subdivision' means a political subdivision of a State.".

SEC. 302. EFFECTIVE DATE.

This Act takes effect October 1, 1999, or upon the date of the enactment of this Act, whichever occurs later.