

109TH CONGRESS
2D SESSION

S. _____

To revise and extend title XXVI of the Public Health Service Act.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To revise and extend title XXVI of the Public Health Service
Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “_____ Act of
5 2006”.

6 **TITLE I—EMERGENCY RELIEF**
7 **FOR ELIGIBLE AREAS**

8 **SEC. 101. ESTABLISHMENT AND GENERAL ELIGIBILITY.**

9 (a) IN GENERAL.—Section 2601 of the Public Health
10 Service Act (42 U.S.C. 300ff-11) is amended by striking
11 subsections (b) through (d) and inserting the following:

1 “(b) CONTINUED STATUS AS ELIGIBLE AREA.—Not-
2 withstanding any other provision of this section, a metro-
3 politan area shall continue to be eligible to receive a grant
4 under this part until such area, for three consecutive grant
5 years, fails to meet the requirements of subsection (a).”.

6 (b) DEFINITION.—Section 2607(2) of the Public
7 Health Service Act (42 U.S.C. 300ff-17(2)) is amended
8 by adding at the end the following: “For purposes of de-
9 termining eligibility under this part, the boundaries of
10 each metropolitan area shall be the boundaries that were
11 in effect for each such area for fiscal year 1994.”.

12 **SEC. 102. LIVING CASES OF HIV/AIDS.**

13 (a) IN GENERAL.—Section 2601(a) of the Public
14 Health Service Act (42 U.S.C. 300ff-11(a)) is amended
15 by striking “for which there” and all that follows through
16 “syndrome” and inserting “for which there is a total of
17 more than 2,000 living AIDS cases (reported to and con-
18 firmed as accurate by the Director of the Centers for Dis-
19 ease Control and Prevention).”.

20 (b) DISTRIBUTION BASED ON LIVING CASES OF HIV/
21 AIDS.—Section 2603(a)(3) of the Public Health Service
22 Act (42 U.S.C. 300ff-13(a)(3)) is amended—

23 (1) in subparagraph (B), by striking “cases of
24 acquired immune deficiency syndrome” and inserting
25 “cases of HIV/AIDS (reported to and confirmed by

1 the Director of the Centers for Disease Control and
2 Prevention)”;

3 (2) by striking subparagraphs (C) and (D) and
4 inserting the following:

5 “(C) LIVING CASES OF AIDS.—

6 “(i) IN GENERAL.—Except as pro-
7 vided for in clauses (ii) and (iii), the
8 amount determined in this subparagraph is
9 the actual number of living cases of HIV/
10 AIDS (reported to and confirmed by the
11 Director of the Centers for Disease Control
12 and Prevention) during the most recent
13 12-month period.

14 “(ii) FISCAL YEARS 2007 THROUGH
15 2010.—For each of fiscal years 2007
16 through 2010, the Secretary may use the
17 proxy number for the number of HIV cases
18 described in clause (iii) if—

19 “(I) the State involved is report-
20 ing, or will by October 1, 2006 have
21 agreed to begin reporting, accurate
22 and reliable HIV cases (as determined
23 by the Director of the Centers for
24 Disease Control and Prevention) to

1 the Centers for Disease Control and
2 Prevention; and

3 “(II) the Director of the Centers
4 for Disease Control and Prevention
5 has determined that such State does
6 not have an established HIV surveil-
7 lance system.

8 “(iii) AMOUNT DETERMINED.—With
9 respect to each of fiscal years 2007
10 through 2010, the amount determined
11 under this subparagraph shall be the lesser
12 of—

13 “(I) the product of 0.9 and the
14 number of living AIDS cases in the
15 area involved; or

16 “(II) an amount equal to 110
17 percent of the funding level for the
18 previous fiscal year.”; and

19 (3) by redesignating subparagraph (E) as sub-
20 paragraph (D).

21 (c) APPLICATION.—Section 2604(b)(4)(A) of the
22 Public Health Service Act (42 U.S.C. 300ff-14(b)(4)(A))
23 is amended—

24 (1) by striking “acquired immune deficiency
25 syndrome” and inserting “HIV/AIDS”; and

1 (2) by striking “such syndrome” and inserting
2 “HIV/AIDS”.

3 (d) COORDINATION.—Section 2605(b) of the Public
4 Health Service Act (42 U.S.C. 300ff-15(b)) is amended—

5 (1) in paragraph (3), by striking “and” at the
6 end;

7 (2) in paragraph (4), by striking the period and
8 inserting a semicolon; and

9 (3) by adding at the end the following:

10 “(5) the manner in which the expected expendi-
11 tures under the grant are related to the planning
12 process for States that receive funding under part B
13 (including the planning process described in section
14 2617(b)); and

15 “(6) the expected expenditures under the grant
16 and how those expenditures will improve overall cli-
17 ent outcomes, as described under the State plan
18 under section 2617(b), or through additional out-
19 comes measures.”.

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

21 (a) DISTRIBUTION OF FUNDS.—Section 2603(a)(2)
22 of the Public Health Service Act (42 U.S.C. 300ff-
23 13(a)(2)) is amended by striking “50 percent” and insert-
24 ing “66²/₃ percent”.

1 (b) EMERGENCY GRANTS.—Section 2603(a)(3)(E) of
2 the Public Health Service Act (42 U.S.C. 300ff-
3 13(a)(3)(E)) is amended to read as follows:

4 “(E) UNEXPENDED FUNDS.—

5 “(i) IN GENERAL.—An eligible area
6 that has unobligated funds for a fiscal year
7 under a grant under this part shall—

8 “(I) return such funds to the
9 Secretary to be applied as provided
10 for in subsection (b); or

11 “(II) submit an application to
12 the Secretary for the use of such
13 funds in the succeeding fiscal year
14 that includes a description of the
15 manner in which the area intends to
16 use such funds.

17 “(ii) CARRYOVER.—With respect to
18 an application received under clause (i)(II),
19 the Secretary shall determine whether the
20 area involved may carryover any unobli-
21 gated funds for use under this part in the
22 succeeding fiscal year or whether such
23 amounts shall be returned to the Secretary
24 for use under subsection (b). Notice shall

1 be provided to the area of such determina-
2 tion.

3 “(iii) FAILURE TO EXPEND FUNDS.—
4 Amounts carried over by an eligible area
5 under this subparagraph that are not ex-
6 pended in the succeeding fiscal year shall
7 be returned to the Secretary for use under
8 subsection (b).

9 “(iv) CONSIDERATION IN MAKING
10 GRANTS.—The Secretary may, in deter-
11 mining the amount of a grant for a fiscal
12 year under this paragraph, adjust the
13 grant amount to reflect the amount of un-
14 expended and uncanceled grant funds re-
15 maining at the end of the fiscal year pre-
16 ceding the year for which the grant deter-
17 mination is to be made. The amount of
18 any such unexpended funds shall be deter-
19 mined using the financial status report of
20 the grantee.”.

21 (c) HOLD HARMLESS.—Section 2603(a)(4) of the
22 Public Health Service Act (42 U.S.C. 300ff-13(a)(4)) is
23 amended to read as follows:

24 “(4) INCREASES IN GRANT.—

1 “(A) IN GENERAL.—For eligible areas re-
2 ceiving grants under this section in fiscal year
3 2007, the Secretary shall increase the amount
4 of the grant made pursuant to paragraph (2)
5 for the area to ensure that—

6 “(i) for fiscal year 2007, the grant is
7 not less than 90 percent of the amount of
8 the grant made for the eligible area pursu-
9 ant to such paragraph for the base year;

10 “(ii) for fiscal year 2008, the grant is
11 not less than 85 percent of the amount of
12 such base year grant; and

13 “(iii) for fiscal year 2009, the grant is
14 not less than 80 percent of the amount of
15 the base year grant.

16 “(B) BASE YEAR.—With respect to grants
17 made pursuant to paragraph (2) for an eligible
18 area, the base year shall be fiscal year 2006.”.

19 **SEC. 104. CORE MEDICAL SERVICES.**

20 Section 2604 of the Public Health Service Act (42
21 U.S.C. 300ff-14) is amended by adding at the end the
22 following: **【to be supplied】**

23 **SEC. 105. SUPPLEMENTAL GRANTS.**

24 Section 2603(b) of the Public Health Service Act (42
25 U.S.C. 300ff-13(b)) is amended—

1 (1) by striking “severe need” each place that
2 such appears and inserting “demonstrated need”;

3 (2) in paragraph (1), by striking “Not later
4 than” and all that follows through “the Secretary
5 shall” and insert “The Secretary shall”; and

6 (3) in paragraph (2)—

7 (A) in subparagraph (B)—

8 (i) by striking clause (i) and inserting
9 the following:

10 “(i) co-occurring factors determined
11 relevant by the Secretary;”;

12 (ii) in clause (v), by striking “and” at
13 the end;

14 (iii) in clause (vi), by striking the pe-
15 riod and inserting a semicolon; and

16 (iv) by adding at the end the fol-
17 lowing:

18 “(vii) a precipitous decline in funding
19 under this part resulting in an increase in
20 unmet need for such services; and

21 “(viii) whether a grantee has had un-
22 expended funds, subject to reallocation
23 under subsection (a)(3)(E).”;

24 (B) by striking subparagraphs (C) and
25 (D).

1 **SEC. 106. ADMINISTRATIVE COSTS.**

2 Section 2604(f) of the Public Health Service Act (42
3 U.S.C. 300ff-14(f)) is amended—

4 (1) in paragraph (1), by striking “5 percent”
5 and inserting “10 percent”; and

6 (2) in paragraph (2)(B), by inserting “the ac-
7 tivities carried out by HIV health services planning
8 council as established under section 2602(b),” after
9 “including”.

10 **SEC. 107. AUDITS.**

11 Section 2605(a) of the Public Health Service Act (42
12 U.S.C. 300ff-15(a)) is amended—

13 (1) in paragraph (8), by striking “and” at the
14 end;

15 (2) in paragraph (9), by striking the period and
16 inserting “; and”; and

17 (3) by adding at the end the following:

18 “(10) that the chief elected official will submit
19 to the lead State agency under section 2617(b)(4),
20 audits regarding funds expended in accordance with
21 this part every 2 years.”.

22 **SEC. 108. NATIVE AMERICAN REPRESENTATION.**

23 Section 2602(b)(2)(G) of the Public Health Service
24 Act (42 U.S.C. 300ff-12(b)(2)(G)) is amended by insert-
25 ing “, Native Americans,” after “disease”.

1 **SEC. 109. PAYER OF LAST RESORT.**

2 Section 2605(a)(6)(A) of the Public Health Service
3 Act (42 U.S.C. 300ff-15(a)(6)(A)) is amended by insert-
4 ing “(except for a program administered by or providing
5 the services of the Indian Health Service)” before the
6 semicolon.

7 **SEC. 110. TRANSITIONAL GRANTS FOR OTHER AREAS.**

8 (a) IN GENERAL.—Part A of title XXVI of the Public
9 Health Service Act (42 U.S.C. 300ff-11) is amended—

10 (1) by inserting after the part heading the fol-
11 lowing:

12 **“Subpart I—General Grant Provisions”;**

13 (2) by redesignating sections 2606 and 2607 as
14 sections 2610 and 2610A, respectively; and

15 (3) by adding at the end the following:

16 **“Subpart II—Transitional Grants**

17 **“SEC. 2609. ESTABLISHMENT.**

18 “(a) ELIGIBLE AREAS.—

19 “(1) IN GENERAL.—The Secretary, acting
20 through the Administrator of the Health Resources
21 and Services Administration, shall, subject to sub-
22 section (b), make grants in accordance with this sub-
23 part for the purpose of assisting in the provision of
24 the services specified in section 2604 in any metro-
25 politan area—

1 “(A) for which there has been reported to
2 and confirmed by the Director of the Centers
3 for Disease Control and Prevention a total of at
4 least 1,000, but less than 2,000, living cases of
5 acquired immune deficiency syndrome for the
6 most recent period of 5 calendar years for
7 which such data are available; and

8 “(B) for which there has been reported to
9 and confirmed by the Director of the Centers
10 for Disease Control and Prevention a total of at
11 least 500, but less than 1,000, living cases of
12 acquired immune deficiency syndrome for the
13 most recent period of 5 calendar years for
14 which such data are available.

15 “(2) ADDITIONAL ELIGIBLE AREAS.—With re-
16 spect to fiscal year 2007, a metropolitan area that
17 received funding under this part for fiscal year 2006
18 but which does not meet the eligibility threshold de-
19 scribed in paragraph (1)(A) for fiscal year 2007
20 shall be deemed to be eligible under such paragraph
21 (1)(A).

22 “(b) CONTINUED STATUS AS ELIGIBLE AREA.—Not-
23 withstanding any other provision of this section, a metro-
24 politan area shall continue to be eligible to receive a grant
25 under this section until such area, for three consecutive

1 grant years, fails to meet the applicable requirement of
2 subparagraph (A) or (B) of subsection (a)(1) concerning
3 the number of living cases of AIDS over the most recent
4 5-year period.

5 **“SEC. 2609A. APPLICATION OF OTHER PROVISIONS.**

6 “(a) ADMINISTRATION.—The provisions of section
7 2602 shall apply to areas that receive a grant under this
8 subpart, except that the chief elected official may elect not
9 to comply with the provisions of subsection (b), so long
10 as the official provides documentation to the Secretary
11 that details the process used to obtain community input
12 (particularly from those inflected with HIV) for the design
13 and implementation of activities related to such grant.

14 “(b) DISTRIBUTION.—The provisions of section 2603
15 shall apply for purposes of awarding grants under this
16 subpart, except that—

17 “(1) with respect to areas described in section
18 2609(a)(1)(A)—

19 “(A) $66\frac{2}{3}$ percent of the amounts appro-
20 priated under section 2609B(1) for each fiscal
21 year shall be allocated to such areas as provided
22 for in section 2603(a); and

23 “(B) $33\frac{1}{3}$ percent of the amounts appro-
24 priated under section 2609B(1) for each fiscal

1 year shall be allocated to such areas as provided
2 for in section 2603(b); and

3 “(2) with respect to areas described in section
4 2609(a)(1)(B), 100 percent of the amounts appro-
5 priated under section 2609B(2) for each fiscal year
6 shall be allocated to such areas as provided for in
7 section 2603(a).

8 “(c) HOLD HARMLESS.—Paragraph (4) of section
9 2603(a) shall not apply to an area for purposes of this
10 subpart.

11 “(d) USE OF AMOUNTS.—Amounts provided to an
12 area under a grant under this part shall be used by such
13 entity as provided for in section 2604.

14 “(e) APPLICATION.—To be eligible to receive a grant
15 under this subpart, an area shall submit to the Secretary
16 an application that meets the requirements of section
17 2605.

18 “(f) TECHNICAL ASSISTANCE AND DEFINITIONS.—
19 The provisions of sections 2606 and 2707 shall apply for
20 purposes of this subpart.

21 **“SEC. 2609B. AUTHORIZATION OF APPROPRIATIONS.**

22 ““There are authorized to be appropriated to carry out
23 this subpart—

24 “(1) with respect to areas described in section
25 2609(a)(1)(A), \$[] for fiscal year

1 2007, and such sums as may be necessary in each
2 of fiscal years 2008 through 2011; and

3 “(2) with respect to areas described in section
4 2609(a)(1)(B), \$[] for fiscal year
5 2007, and such sums as may be necessary in each
6 of fiscal years 2008 through 2011.

7 **“Subpart III—General Provisions”.**

8 (b) REPEAL.—Section 2620 of the Public Health
9 Service Act (42 U.S.C. 300ff-30) is repealed.

10 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

11 Subpart I of part A of title XXVI of the Public
12 Health Service Act (42 U.S.C. 300ff-11) is amended by
13 adding at the end the following:

14 **“SEC. 2606. AUTHORIZATION OF APPROPRIATIONS.**

15 “For the purpose of carrying put this subpart, there
16 are authorized to be appropriated [\$] for
17 fiscal year 2007, and such sums as may be necessary for
18 each of fiscal years 2008 through 2011.”.

19 **TITLE II—CARE GRANTS**

20 **SEC. 201. LIVING CASES OF HIV/AIDS.**

21 (a) PRIORITY.—Section 2611(b)(2) of the Public
22 Health Service Act (42 U.S.C. 300ff-21(b)(2)) is amend-
23 ed—

24 (1) by striking “acquired immune deficiency
25 syndrome” and inserting “HIV/AIDS”; and

1 (2) by striking “such syndrome” and inserting
2 “HIV/AIDS”.

3 (b) APPLICATION.—Section 2617(d)(3) of the Public
4 Health Service Act (42 U.S.C. 300ff-27(d)(3)) is amend-
5 ed—

6 (1) in subparagraph (A), by striking “acquired
7 immune deficiency syndrome” and inserting “HIV/
8 AIDS”; and

9 (2) in subparagraph (C), by striking “acquired
10 immune deficiency syndrome” and inserting “HIV/
11 AIDS”.

12 (c) DISTRIBUTION OF FUNDS.—Section 2618(a) of
13 the Public Health Service Act (42 U.S.C. 300ff-28(a)) is
14 amended—

15 (1) in paragraph (1)(A)(i)—

16 (A) in subclause (I), by striking “cases of
17 acquired immune deficiency syndrome, as deter-
18 mined under paragraph (2)(D)” and inserting
19 “living cases of AIDS (reported to and con-
20 firmed by the Director of the Centers for Dis-
21 ease Control and Prevention)”; and

22 (B) in subclause (II)—

23 (i) by striking “cases of acquired im-
24 mune deficiency syndrome, as determined
25 under paragraph (2)(D)” and inserting

1 “living cases of AIDS (reported to and
2 confirmed by the Director of the Centers
3 for Disease Control and Prevention)”; and

4 (ii) by inserting “and” after the semi-
5 colon; and

6 (2) in paragraph (2)—

7 (A) in subparagraph (B), by striking “esti-
8 mated number of living cases of acquired im-
9 mune deficiency syndrome” and inserting
10 “number of living cases of HIV/AIDS”;

11 (B) in subparagraph (C)—

12 (i) by striking “estimated” each place
13 that such term appears; and

14 (ii) by striking “acquired immune de-
15 ficiency syndrome” each place that such
16 appears and inserting “HIV/AIDS”; and

17 (C) by striking subparagraph (D) and in-
18 serting the following:

19 “(F) LIVING CASES OF AIDS.—

20 “(i) IN GENERAL.—Except as pro-
21 vided for in clause (ii) and (iii), the
22 amount determined in this subparagraph is
23 the actual number of living cases of HIV/
24 AIDS (reported to and confirmed by the
25 Director of the Centers for Disease Control

1 and Prevention) during the most recent
2 12-month period.

3 “(ii) FISCAL YEARS 2007 THROUGH
4 2010.—For each of fiscal years 2007
5 through 2010, the Secretary may use the
6 proxy number for the number of HIV cases
7 described in clause (iii) if—

8 “(I) the State involved is report-
9 ing, or will by October 1, 2006 have
10 agreed to begin reporting, accurate
11 and reliable HIV cases (as determined
12 by the Director of the Centers for
13 Disease Control and Prevention) to
14 the Centers for Disease Control and
15 Prevention; and

16 “(II) the Director of the Centers
17 for Disease Control and Prevention
18 has determined that such State does
19 not have an established HIV surveil-
20 lance system.

21 “(iii) AMOUNT DETERMINED.—With
22 respect to each of fiscal years 2007
23 through 2010, the amount determined
24 under this subparagraph shall be the lesser
25 of—

1 “(I) the product of 0.9 and the
2 number of living AIDS cases in the
3 area involved; or

4 “(II) an amount equal to 110
5 percent of the funding level for the
6 previous fiscal year.”.

7 **SEC. 202. AIDS DRUG ASSISTANCE PROGRAM.**

8 (a) REQUIREMENT OF MINIMUM DRUG LIST.—Sec-
9 tion 2616 of the Public Health Service Act (42 U.S.C.
10 300ff-26) is amended—

11 (1) in subsection (c), by striking paragraph (1)
12 and inserting the following:

13 “(1) ensure that those treatments contained on
14 the list of core AIDS Drug Assistance Program
15 antiretroviral medications developed by the Secretary
16 based on Public Health Service guidelines, are the
17 minimum required treatments to be included under
18 the program established under this section;” and

19 (2) in subsection (d), by adding at the end the
20 following: “The Secretary, in consultation with the
21 Public Health Service, shall develop and maintain a
22 list of classes of core AIDS Drug Assistance Pro-
23 gram antiretroviral medications that shall be based
24 upon those medications included in the Department
25 of Health and Human Service’s Public Health Serv-

1 ice HIV/AIDS Clinical Practice Guidelines for use of
2 HIV/AIDS Drugs, drugs needed to manage symp-
3 toms associated with HIV infection.”.

4 (b) STATE REQUIREMENTS.—Section
5 2618(a)(2)(I)(ii)(III) of the Public Health Service Act (42
6 U.S.C. 300ff-28(a)(2)(I)(ii)(III)) is amended to read as
7 follows:

8 “(III) STATE REQUIREMENTS.—
9 The Secretary may not make a grant
10 to a State under this clause unless the
11 State agrees that the State will make
12 available (directly or through dona-
13 tions of public or private entities)
14 non-Federal contributions toward the
15 activities to be carried out under the
16 grant in an amount equal to \$1 for
17 each \$4 of Federal funds provided in
18 the grant, except that the Secretary
19 may waive this subclause if the State
20 has otherwise fully complied with sec-
21 tion 2617(d) with respect to the grant
22 year involved.”.

23 **SEC. 203. COORDINATION.**

24 Section 2617(b) of the Public Health Service Act (42
25 U.S.C. 300ff-27(b)) is amended—

1 (1) by redesignating paragraphs (4) through
2 (6) as paragraphs (5) through (7), respectively;

3 (2) by inserting after paragraph (3), the fol-
4 lowing:

5 “(4) the designation of a lead State agency that
6 shall—

7 “(A) administer all assistance received
8 under this part;

9 “(B) conduct the needs assessment and
10 prepare the State plan under paragraph (3);

11 “(C) prepare all applications for assistance
12 under this part;

13 “(D) receive notices with respect to pro-
14 grams under this title;

15 “(E) every 2 years, collect and submit to
16 the Secretary all audits from grantees within
17 the State, including audits regarding funds ex-
18 pended in accordance with this part; and

19 “(F) carry out any other duties determined
20 appropriate by the Secretary to facilitate the
21 coordination of programs under this title.”;

22 (3) in paragraph (5) (as so redesignated)—

23 (A) in the matter preceding subparagraph
24 (A), by striking “under this part” and inserting
25 “under any provision of this title”;

1 (B) in subparagraph (E), by striking
2 “and” at the end; and

3 (C) by inserting after subparagraph (F),
4 the following:

5 “(G) includes key outcomes to be measured
6 by all entities in the State receiving assistance
7 under this title; and”.

8 **SEC. 204. DISTRIBUTION OF FUNDS.**

9 (a) IN GENERAL.—Section 2618(a)(2) of the Public
10 Health Service Act (42 U.S.C. 300ff-28(a)(2)) is amend-
11 ed—

12 (1) in subparagraph (A)—

13 (A) in clause (i), by striking “and (I)” and
14 inserting “, (I), and (J)”; and

15 (B) in clause (ii)—

16 (i) in subclause (I)—

17 (I) by striking “0.8” and insert-
18 ing “0.75”; and

19 (II) by striking “and” at the end;

20 (ii) in subclause (II), by striking the
21 period and inserting “; and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(III) the product of 0.05 and
25 the ratio of the locality distribution

1 factor (as determined under subpara-
2 graph (D)) to the sum of the respec-
3 tive State distribution factors for all
4 States and territories.”;

5 (2) in subparagraph (C)(ii), by striking “(as de-
6 termined under part A)” and inserting “under sub-
7 part I of part A of an eligible area under section
8 2609(a)(1)(A)”;

9 (3) by inserting after subparagraph (C), the fol-
10 lowing:

11 “(D) LOCALITY DISTRIBUTION FACTOR.—
12 For purposes of subparagraph (A)(ii)(III), the
13 term ‘locality distribution factor’ means an
14 amount equal to the sum of—

15 “(i) the number of living cases of
16 HIV/AIDS in the State or territory in-
17 volved, as determined under subparagraph
18 (F); less

19 “(ii) the number of living cases of
20 HIV/AIDS in such State or territory that
21 are within an eligible area (as determined
22 under subpart I of part A).”;

23 (4) by striking subparagraph (E) and inserting
24 the following:

25 “(E) SEVERITY OF NEED.—

1 “(i) FISCAL YEARS BEGINNING WITH
2 2011.—If by fiscal year 2010, the Secretary
3 notifies Congress that the Secretary has
4 developed a severity of need index, then
5 the provisions of subparagraphs (A)
6 through (D) shall not apply for fiscal year
7 2011 or any fiscal year thereafter, and the
8 Secretary shall use the severity of need
9 index (as defined in clause (iii)) for the de-
10 termination of the formula allocations.

11 “(ii) SUBSEQUENT FISCAL YEARS.—
12 Beginning in the fiscal year in which the
13 Secretary notifies Congress that the Sec-
14 retary has developed a severity of need
15 index, then for each subsequent fiscal year,
16 the provisions of subparagraphs (A)
17 through (D) shall not apply, and the Sec-
18 retary shall use the severity of need index
19 (as defined in clause (iii)) for the deter-
20 mination of the formula allocations.

21 “(iii) DEFINITION OF SEVERITY OF
22 NEED INDEX.—In this subparagraph, the
23 term ‘severity of need index’ means the
24 index of the relative needs of individuals
25 within the State, as identified by a variety

1 of different factors, and is a factor that is
2 multiplied by the number of living HIV/
3 AIDS cases in the State, providing dif-
4 ferent weights to those cases based on
5 their needs.

6 “(iv) ANNUAL REPORTS.—Not later
7 than 1 year of the date of enactment of the
8 _____ Act of 2006, and annually
9 thereafter, the Secretary shall prepare and
10 submit to the appropriate committees of
11 Congress a report—

12 “(I) updating progress toward
13 having client level data for all grant-
14 ees under this title;

15 “(II) updating the progress to-
16 ward having a severity of need index;
17 and

18 “(III) determining whether the
19 Secretary could develop a severity of
20 need index before fiscal year 2010.”;

21 (5) by striking subparagraph (G), and inserting
22 the following:

23 “(G) UNEXPENDED FUNDS.—

26

1 “(i) IN GENERAL.—A State that has
2 unobligated funds for a fiscal year under a
3 grant under this part shall—

4 “(I) return such funds to the
5 Secretary to be applied as provided
6 for in section 2620; or

7 “(II) submit an application to
8 the Secretary for the use of such
9 funds in the succeeding fiscal year
10 that includes a description of the
11 manner in which the State intends to
12 use such funds.

13 “(ii) CARRYOVER.—With respect to
14 an application received under clause (i)(II),
15 the Secretary shall determine whether the
16 State involved may carryover any unobli-
17 gated funds for use under this part in the
18 succeeding fiscal year or whether such
19 amounts shall be returned to the Secretary
20 for use under section 2620. Notice shall be
21 provided to the area of such determination.

22 “(iii) FAILURE TO EXPEND FUNDS.—
23 Amounts carried over by a State under
24 this subparagraph that are not expended in
25 the succeeding fiscal year shall be returned

1 to the Secretary for use under section
2 2610.

3 “(iv) CONSIDERATION IN MAKING
4 GRANTS.—The Secretary may, in deter-
5 mining the amount of a grant for a fiscal
6 year under this paragraph, adjust the
7 grant amount to reflect the amount of un-
8 expended and uncanceled grant funds re-
9 maining at the end of the fiscal year pre-
10 ceding the year for which the grant deter-
11 mination is to be made. The amount of
12 any such unexpended funds shall be deter-
13 mined using the financial status report of
14 the grantee.”;

15 (6) by striking subparagraph (H); and

16 (7) in subparagraph (I)(ii), by striking sub-
17 clause (VI) and inserting the following:

18 “(VI) INCREASES IN GRANT.—

19 “(aa) IN GENERAL.—For el-
20 igible areas receiving grants
21 under this section in fiscal year
22 2007, the Secretary shall in-
23 crease the amount of the grant
24 made pursuant to paragraph (2)
25 for the State to ensure that—

1 “(AA) for fiscal year
2 2007, the grant is not less
3 than 90 percent of the
4 amount of the grant made
5 for the State pursuant to
6 such paragraph for the base
7 year;

8 “(BB) for fiscal year
9 2008, the grant is not less
10 than 85 percent of the
11 amount of such base year
12 grant; and

13 “(CC) for fiscal year
14 2009, the grant is not less
15 than 80 percent of the
16 amount of the base year
17 grant.

18 “(bb) BASE YEAR.—With re-
19 spect to grants made pursuant to
20 paragraph (2) for an State, the
21 base year shall be fiscal year
22 2006.”.

23 (b) REALLOCATION.—Section 2618(d) of the Public
24 Health Service Act (42 U.S.C. 300ff-28(d)) is amended
25 by striking “in proportion to the original grants made to

1 such States” and insert “reallocated pursuant to section
2 2620”.

3 **SEC. 205. CORE MEDICAL SERVICES.**

4 Section 2612 of the Public Health Service Act (42
5 U.S.C. 300ff-22) is amended by adding at the end the
6 following: **[to be supplied]**

7 **SEC. 206. SUPPLEMENTAL GRANTS.**

8 (a) **IN GENERAL.**—Section 2620 of the Public Health
9 Service Act (42 U.S.C. 300ff-30) is amended to read as
10 follows:

11 **“SEC. 2620. SUPPLEMENTAL GRANTS.**

12 “(a) **IN GENERAL.**—The Secretary shall utilize
13 amounts appropriated under section 2621 for a fiscal year
14 and made available in accordance with subsection (c) to
15 award grants to States whose applications under section
16 2617 demonstrated a need in the State for supplemental
17 financial assistance to combat the HIV epidemic.

18 “(b) **DEMONSTRATED NEED.**—In determining the
19 demonstrated need of a State for purposes of subsection
20 (a), the Secretary shall consider the ability of the appli-
21 cant State to expend funds efficiently and the impact of
22 relevant factors on the cost and complexity of delivering
23 health care and support services to individuals with HIV/
24 AIDS in the State, including factors such as—

1 “(1) co-occurring factors determined relevant
2 by the Secretary;

3 “(2) new or growing subpopulations of individ-
4 uals with HIV/AIDS;

5 “(3) homelessness;

6 “(4) the current prevalence of HIV/AIDS;

7 “(5) an increasing need for HIV-related serv-
8 ices, including relative rates of increase in the num-
9 ber of cases of HIV/AIDS;

10 “(6) unmet need for such services; and

11 “(7) whether the State has had unexpended
12 funds subject to the reallocation under section
13 2618(a)(2)(G).

14 “(c) AMOUNT AND TRIGGER OF FUNDING.—

15 “(1) AMOUNT.—For each fiscal year beginning
16 with the trigger year described in paragraph (2), the
17 Secretary shall make available for purposes of
18 awarding grants under this section, $\frac{1}{3}$ of the sum
19 of—

20 “(A) the amount appropriated under sec-
21 tion 2621 for such fiscal year; less

22 “(B) the amount made available to carry
23 out section 2618(a)(2)(I) for such fiscal year.

24 “(2) TRIGGER YEAR.—This section shall be ef-
25 fective only for fiscal years beginning in the first fis-

1 cal year in which the amount appropriated under
2 section 2621, excluding any amounts made available
3 to carry out section 2618(a)(2)(I) for such fiscal
4 year, exceeds the amount appropriated under section
5 2677(b) (as such section existed on the day before
6 the date of enactment of the _____ Act of
7 2006) for fiscal year 2006, excluding any amount
8 made available to carry out section 2618(a)(2)(I) for
9 fiscal year 2006.”.

10 (b) CONFORMING AMENDMENTS.—Section 2618 of
11 the Public Health Service Act (42 U.S.C. 300ff-28) is
12 amended—

13 (1) in subsection (a)(1), by striking “section
14 2677” and inserting “section 2621 and to the provi-
15 sions of section 2620”; and

16 (2) in subsection (c)(1), by inserting “, except
17 for grants awarded under section 2620,” after
18 “under this part”.

19 **SEC. 207. NATIVE AMERICAN REPRESENTATION.**

20 Section 2617(b)(6) of the Public Health Service Act
21 (42 U.S.C. 300ff-27(b)(5)), as so redesignated, is amend-
22 ed by inserting “Native Americans within the State,” be-
23 fore “representatives of grantees”.

1 **SEC. 208. PAYER OF LAST RESORT.**

2 Section 2617(b)(7)(F)(ii) of the Public Health Serv-
3 ice Act (42 U.S.C. 300ff-27(b)(6)) is amended by inserting
4 “(except for a program administered by or providing the
5 services of the Indian Health Services)” before the semi-
6 colon.

7 **SEC. 209. HEPATITIS.**

8 Section 2614(a)(3) of the Public Health Service Act
9 (42 U.S.C. 300ff-24(a)(3)) is amended by inserting “, in-
10 cluding speciality care for hepatitis coinfection,” after
11 “health services”.

12 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

13 Subpart I of part B of title XXVI of the Public
14 Health Service Act (42 U.S.C. 300ff-21 et seq.) is amend-
15 ed by adding at the end the following:

16 **“SEC. 2621. AUTHORIZATION OF APPROPRIATIONS.**

17 “For the purpose of carrying put this subpart, there
18 are authorized to be appropriated [\$ _____] for
19 fiscal year 2007, and such sums as may be necessary for
20 each of fiscal years 2008 through 2011.”.

21 **TITLE III—EARLY**
22 **INTERVENTION SERVICES**

23 **SEC. 301. CATEGORICAL GRANTS.**

24 (a) ESTABLISHMENT OF PROGRAM.—Section
25 2651(b) of the Public Health Service Act (42 U.S.C.
26 300ff-51(b)) is amended—

1 (1) in paragraph (2)(D), by striking “the dis-
2 ease” and inserting “HIV/AIDS”;

3 (2) in paragraph (4)(B)—

4 (A) in clause (i), by striking “(1), (2)” and
5 inserting “(1), (4)”;

6 (B) in clause (ii), by striking “(3) and (4)”
7 and inserting “(2) and (3)”;

8 (3) in paragraph (5)(A), by striking “the dis-
9 ease” each place that such appears and inserting
10 “HIV/AIDS”.

11 (b) MINIMUM QUALIFICATION OF GRANTEES.—Sec-
12 tion 2652(a) of the Public Health Service Act (42 U.S.C.
13 300ff-52(a)) is amended to read as follows:

14 “(a) ELIGIBLE ENTITIES.—

15 “(1) IN GENERAL.—The entities referred to in
16 section 2651(a) are public entities and nonprofit pri-
17 vate entities that are—

18 “(A) federally-qualified health centers
19 under section 1905(l)(2)(B) of the Social Secu-
20 rity Act;

21 “(B) grantees under section 1001 (regard-
22 ing family planning) other than States;

23 “(C) comprehensive hemophilia diagnostic
24 and treatment centers;

25 “(D) rural health clinics;

1 “(E) health facilities operated by or pursu-
2 ant to a contract with the Indian health cen-
3 ters;

4 “(F) nonprofit private entities that provide
5 comprehensive primary care services to popu-
6 lations at risk of HIV/AIDS.

7 “(2) UNDERSERVED POPULATIONS.—Entities
8 described in paragraph (1) shall serve underserved
9 populations which may include minority populations
10 (including Native American populations), ex-offend-
11 ers, individuals co-infected with HIV and hepatitis B
12 or C, low-income populations, inner city populations,
13 and rural populations.”.

14 (c) PREFERENCES IN MAKING GRANTS.—Section
15 2653 of the Public Health Service Act (42 U.S.C. 300ff-
16 53) is amended—

17 (1) in subsection (b)(1)—

18 (A) in subparagraph (A), by striking “ac-
19 quired immune deficiency syndrome” and in-
20 serting “HIV/AIDS”; and

21 (B) in subparagraph (D), by inserting be-
22 fore the semicolon the following: “and the num-
23 ber of cases of individuals coinfectd with HIV/
24 AIDS and hepatitis B or C”; and

1 (2) in subsection (d)(2), by striking “special
2 consideration” and inserting “preference”.

3 (d) PLANNING AND DEVELOPMENT GRANTS.—Sec-
4 tion 2654(c) of the Public Health Service Act (42 U.S.C.
5 300ff-54(c)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (A), by striking
8 “HIV”; and

9 (B) in subparagraph (B), by striking
10 “HIV” and inserting “HIV/AIDS”; and

11 (2) in paragraph (3), by striking “or under-
12 served communities” and inserting “areas or to un-
13 derserved populations”.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
15 2655 of the Public Health Service Act (42 U.S.C. 300ff-
16 55) is amended by striking “such sums” and all that fol-
17 lows through “2005” and inserting “, \$**[_____]**
18 for fiscal year 2007, and such sums as may be necessary
19 for each of fiscal years 2008 through 2011”.

20 **SEC. 302. GENERAL PROVISIONS.**

21 (a) COUNSELING SERVICES.—Section 2662(a) of the
22 Public Health Service Act (42 U.S.C. 300ff-62(a)) is
23 amended by striking “the disease” and inserting “HIV/
24 AIDS”.

1 (b) APPLICABILITY OF CERTAIN REQUIREMENTS.—
2 Section 2663 of the Public Health Service Act (42 U.S.C.
3 300ff-63) is amended by striking “will, without” and all
4 that follows through “be carried” and inserting “with
5 funds appropriated through this Act will be carried”.

6 (c) ADDITIONAL REQUIRED AGREEMENTS.—Section
7 2664(a) of the Public Health Service Act (42 U.S.C.
8 300ff-64(a)) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (A), by striking
11 “and” at the end;

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

14 (C) by adding at the end the following:

15 “(C) information regarding how the ex-
16 pected expenditures of the grant are related to
17 the planning process for localities funded under
18 part A (including the planning process de-
19 scribed in section 2602) and for States funded
20 under part B (including the planning process
21 described in section 2617(b)); and

22 “(D) a specification of the expected ex-
23 penditures and how those expenditures will im-
24 prove overall client outcomes, as described in

1 the State plan under section 2617(b) or
2 through additional outcome measures;”;

3 (2) in paragraph (2), by striking the period and
4 inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(3) the applicant agrees to provide additional
7 documentation to the Secretary regarding the proc-
8 ess used to obtain community input into the design
9 and implementation of activities related to such
10 grant; and

11 “(4) the applicant agrees to submit to the lead
12 State agency under section 2617(b)(4) audits re-
13 garding funds expended in accordance with this
14 title.”.

15 **SEC. 303. CORE MEDICAL SERVICES.**

16 Subpart II of part C of title XXVI of the Public
17 Health Service Act (42 U.S.C. 300ff–61 et seq.) is amend-
18 ed by adding at the end the following: **【to be supplied】**

19 **SEC. 304. PAYER OF LAST RESORT.**

20 Section 2664(f)(1)(A) of the Public Health Service
21 Act (42 U.S.C. 300ff-64(f)(1)(A)) is amended by inserting
22 “(except for a program administered by or providing the
23 services of the Indian Health Service)” before the semi-
24 colon.

1 “(2) Referrals for additional services includ-
2 ing—

3 “(A) referrals for inpatient hospital serv-
4 ices, treatment for substance abuse, and mental
5 health services; and

6 “(B) referrals for other social and support
7 services, as appropriate.

8 “(3) Additional services necessary to enable the
9 patient and the family to participate in the program
10 established by the applicant pursuant to such sub-
11 section including services designed to recruit and re-
12 tain youth with HIV.

13 “(4) The provision of information and edu-
14 cation on opportunities to participate in HIV/AIDS-
15 related clinical research.

16 “(c) COORDINATION WITH OTHER ENTITIES.—A
17 grant awarded under subsection (a) may be made only if
18 the applicant provides an agreement that includes the fol-
19 lowing:

20 “(1) The applicant will coordinate activities
21 under the grant with other providers of health care
22 services under this Act, and under title V of the So-
23 cial Security Act.

24 “(2) The applicant will participate in the state-
25 wide coordinated statement of need under part B

1 (where it has been initiated by the public health
2 agency responsible for administering grants under
3 part B) and in revisions of such statement.

4 “(3) The applicant will every 2 years submit to
5 the lead State agency under section 2617(b)(4) au-
6 dits regarding funds expended in accordance with
7 this title.

8 “(d) ADMINISTRATION.—

9 “(1) APPLICATION.—A grant may only be
10 awarded to an entity under subsection (a) if an ap-
11 plication for the grant is submitted to the Secretary
12 and the application is in such form, is made in such
13 manner, and contains such agreements, assurances,
14 and information as the Secretary determines to be
15 necessary to carry out this section. Such application
16 shall include the following:

17 “(A) Information regarding how the ex-
18 pected expenditures of the grant are related to
19 the planning process for localities funded under
20 part A (including the planning process outlined
21 in section 2602) and for States funded under
22 part B (including the planning process outlined
23 in section 2617(b).

24 “(B) A specification of the expected ex-
25 penditures and how those expenditures will im-

1 prove overall patient outcomes, as outlined as
2 part of the State plan (under section 2617(b))
3 or through additional outcome measures.

4 “(2) QUALITY MANAGEMENT PROGRAM.—A
5 grantee under this section shall implement a quality
6 management program to assess the extent to which
7 HIV health services provided to patients under the
8 grant are consistent with the most recent Public
9 Health Service guidelines for the treatment of HIV/
10 AIDS and related opportunistic infection, and as ap-
11 plicable, to develop strategies for ensuring that such
12 services are consistent with the guidelines for im-
13 provement in the access to and quality of HIV
14 health services.

15 “(e) ANNUAL REVIEW OF PROGRAMS; EVALUA-
16 TIONS.—

17 “(1) REVIEW REGARDING ACCESS TO AND PAR-
18 TICIPATION IN PROGRAMS.—With respect to a grant
19 under subsection (a) for an entity for a fiscal year,
20 the Secretary shall, not later than 180 days after
21 the end of the fiscal year, provide for the conduct
22 and completion of a review of the operation during
23 the year of the program carried out under such sub-
24 section by the entity. The purpose of such review

1 shall be the development of recommendations, as ap-
2 propriate, for improvements in the following:

3 “(A) Procedures used by the entity to allo-
4 cate opportunities and services under subsection
5 (a) among patients of the entity who are
6 women, infants, children, or youth.

7 “(B) Other procedures or policies of the
8 entity regarding the participation of such indi-
9 viduals in such program.

10 “(2) EVALUATIONS.—The Secretary shall, di-
11 rectly or through contracts with public and private
12 entities, provide for evaluations of programs carried
13 out pursuant to subsection (a).

14 “(f) CAP ON ADMINISTRATIVE EXPENSES.—A grant-
15 ee may not use more than 10 percent of amounts received
16 under a grant awarded under this section for administra-
17 tive expenses. For purposes of this subsection, the term
18 ‘administrative expenses’ means **[to be supplied]**.

19 “(g) TRAINING AND TECHNICAL ASSISTANCE.—
20 From the amounts appropriated under subsection (i) for
21 a fiscal year, the Secretary may use not more than 5 per-
22 cent to provide, directly or through contracts with public
23 and private entities (which may include grantees under
24 subsection (a)), training and technical assistance to assist

1 applicants and grantees under subsection (a) in complying
2 with the requirements of this section.

3 “(h) CORE MEDICAL SERVICES.—【To be supplied】

4 “(i) AUTHORIZATION OF APPROPRIATIONS.—For the
5 purpose of carrying out this section, there are authorized
6 to be appropriated, \$【_____】 for fiscal year
7 2007, and such sums as may be necessary for each of the
8 fiscal years 2008 through 2011.

9 “SEC. 2672. 【TO BE SUPPLIED】.”

10 **TITLE V—GENERAL PROVISIONS**

11 **SEC. 501. GENERAL PROVISIONS.**

12 Part E of title XXVI of the Public Health Service
13 Act (42 U.S.C. 300ff-80 et seq.) is amended to read as
14 follows:

15 **“PART E—GENERAL PROVISIONS**

16 **“SEC. 2680. EVALUATIONS AND REPORTS.**

17 “(a) EVALUATIONS.—The Secretary shall, directly or
18 through grants and contracts, evaluate programs carried
19 out under this title.

20 “(b) REPORT TO CONGRESS.—The Secretary shall,
21 not later than October 1, 1996, and annually thereafter,
22 prepare and submit to the appropriate committees of Con-
23 gress a report—

24 “(1) evaluating the programs carried out under
25 this title; and

1 “(2) making such recommendations for admin-
2 istrative and legislative initiatives with respect to
3 this title as the Secretary determines to be appro-
4 priate.

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section,
7 such sums as may be necessary for each of the fiscal years
8 2007 through 2011.

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

13 **“SEC. 2681. COORDINATION.**

14 “(a) REQUIREMENT.—The Secretary shall ensure
15 that the Health Resources and Services Administration,
16 the Centers for Disease Control and Prevention, the Sub-
17 stance Abuse and Mental Health Services Administration,
18 and the Health Care Financing Administration coordinate
19 the planning, funding, and implementation of Federal
20 HIV programs to enhance the continuity of care and pre-
21 vention services for individuals with HIV/AIDS or those
22 at risk of such disease. The Secretary shall consult with
23 other Federal agencies, including the Department of Vet-
24 erans Affairs, as needed and utilize planning information

1 submitted to such agencies by the States and entities eligi-
2 ble for assistance under this title.

3 “(b) REPORT.—The Secretary shall biennially pre-
4 pare and submit to the appropriate committees of the Con-
5 gress a report concerning the coordination efforts at the
6 Federal, State, and local levels described in this section,
7 including a description of Federal barriers to HIV pro-
8 gram integration and a strategy for eliminating such bar-
9 riers and enhancing the continuity of care and prevention
10 services for individuals with HIV/AIDS or those at risk
11 of such disease.

12 “(c) INTEGRATION BY STATE.—As a condition of re-
13 ceipt of funds under this title, a State shall provide assur-
14 ances to the Secretary that health support services funded
15 under this title will be integrated with other such services,
16 that programs will be coordinated with other available pro-
17 grams (including Medicaid), and that the continuity of
18 care and prevention services of individuals with HIV/AIDS
19 is enhanced.

20 “(d) INTEGRATION BY LOCAL OR PRIVATE ENTI-
21 TIES.—As a condition of receipt of funds under this title,
22 a local government or private nonprofit entity shall provide
23 assurances to the Secretary that services funded under
24 this title will be integrated with other such services, that
25 programs will be coordinated with other available pro-

1 grams (including Medicaid), and that the continuity of
2 care and prevention services of individuals with HIV is
3 enhanced.

4 **“SEC. 2682. AUDITS.**

5 “(a) IN GENERAL.—For fiscal year 2007, and each
6 subsequent fiscal year, the Secretary may reduce the
7 amounts of grants under this title to a State or political
8 subdivision of a State for a fiscal year if, with respect to
9 such grants for the second preceding fiscal year, the State
10 or subdivision fails to prepare audits in accordance with
11 the procedures of section 7502 of title 31, United States
12 Code. The Secretary shall annually select representative
13 samples of such audits, prepare summaries of the selected
14 audits, and submit the summaries to the Congress.

15 “(b) POSTING ON THE INTERNET.—All audits that
16 the Secretary receives from the State lead agency under
17 section 2617(b)(4) shall be posted on the Internet website
18 of the Health Resources and Services Administration.

19 **“SEC. 2683. PUBLIC HEALTH EMERGENCY.**

20 “If the Secretary declares a public health emergency
21 under section 319, subject to the provisions of that sec-
22 tion, the Secretary shall have the authority to waive such
23 requirements of this title to improve the health and safety
24 of those receiving care under this title and the general
25 public, except that the Secretary may not expend more

1 than 5 percent of the funds allocated under this title for
2 sections 2620 and section 2603(b).

3 **“SEC. 2684. PROHIBITION ON PROMOTION OF CERTAIN AC-**
4 **TIVITIES.**

5 “None of the funds appropriated under this title shall
6 be used to fund AIDS programs, or to develop materials,
7 designed to promote or encourage, directly, intravenous
8 drug use or sexual activity, whether homosexual or hetero-
9 sexual. Funds authorized under this title may be used to
10 provide medical treatment and support services for indi-
11 viduals with HIV.

12 **“SEC. 2685. DEFINITIONS.**

13 “For purposes of this title:

14 “(1) COUNSELING.—The term ‘counseling’
15 means such counseling provided by an individual
16 trained to provide such counseling.

17 “(2) FAMILY-CENTERED CARE.—The term
18 ‘family-centered care’ means the system of services
19 described in this section that is targeted specifically
20 to the special needs of infants, children, women and
21 families. Family-centered care shall be based on a
22 partnership between parents, professionals, and the
23 community designed to ensure an integrated, coordi-
24 nated, culturally sensitive, and community-based

1 continuum of care for children, women, and families
2 with HIV/AIDS.

3 “(3) FAMILIES WITH HIV/AIDS.—The term
4 ‘families with HIV/AIDS’ means families in which
5 one or more members have HIV/AIDS.

6 “(4) HIV.—The term ‘HIV’ means infection
7 with the etiologic agent for acquired immune defi-
8 ciency syndrome.

9 “(5) HIV/AIDS.—The term ‘HIV/AIDS’ means
10 infection with the etiologic agent for acquired im-
11 mune deficiency syndrome, and includes any condi-
12 tion arising from such syndrome.

13 “(6) OFFICIAL POVERTY LINE.—The term ‘offi-
14 cial poverty line’ means the poverty line established
15 by the Director of the Office of Management and
16 Budget and revised by the Secretary in accordance
17 with section 673(2) of the Omnibus Budget Rec-
18 onciliation Act of 1981.

19 “(7) PERSON.—The term ‘person’ includes one
20 or more individuals, governments (including the
21 Federal Government and the governments of the
22 States), governmental agencies, political subdivi-
23 sions, labor unions, partnerships, associations, cor-
24 porations, legal representatives, mutual companies,
25 joint-stock companies, trusts, unincorporated organi-

1 zations, receivers, trustees, and trustees in cases
2 under title 11, United States Code.

3 “(8) STATE.—The term ‘State’, except as oth-
4 erwise specifically provided, means each of the 50
5 States, the District of Columbia, the Virgin Islands,
6 Guam, American Samoa, the Commonwealth of the
7 Northern Mariana Islands, Puerto Rico, and the Re-
8 public of the Marshall Islands.

9 “(9) YOUTH WITH HIV.—The term ‘youth with
10 HIV’ means individuals who are 13 through 24
11 years old and who have HIV/AIDS.”.

12 **TITLE VI—DEMONSTRATION** 13 **AND TRAINING**

14 **SEC. 601. DEMONSTRATION AND TRAINING.**

15 Part F of title XXVI of the Public Health Service
16 Act (42 U.S.C. 300ff-101 et seq.) is amended to read as
17 follows:

18 **“PART F—DEMONSTRATION AND TRAINING**

19 **“Subpart I—Special Projects of National Significance**

20 **“SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFI-** 21 **CANCE.**

22 “(a) IN GENERAL.—Of the amount appropriated
23 under each of parts A, B, C, and D for each fiscal year,
24 the Secretary shall use the greater of \$20,000,000 or an
25 amount equal to 3 percent of such amount appropriated

1 under each such part, but not to exceed \$25,000,000, to
2 administer special projects of national significance to—

3 “(1) quickly respond to emerging needs of indi-
4 viduals receiving assistance under this title; and

5 “(2) to fund special programs to develop a
6 standard electronic client information data system to
7 improve the ability of grantees under this title to re-
8 port client-level data to the Secretary.

9 “(b) GRANTS.—The Secretary shall award grants
10 under subsection (a) to entities eligible for funding under
11 parts A, B, C, and D based on—

12 “(1)(A) whether the funding will promote ob-
13 taining client level data as it relates to the creation
14 of a severity of need index under section
15 2618(a)(2)(E)(iii), including funds to facilitate the
16 purchase and enhance the utilization of qualified
17 health information technology systems;

18 “(B) demonstrated ability to create and main-
19 tain a health information technology system;

20 “(C) the potential replicability of the proposed
21 activity in other similar localities or nationally;

22 “(D) the demonstrated reliability of the pro-
23 posed health information technology system across a
24 variety of providers, geographic regions, and clients;
25 and

1 health science centers, to assist such entities in
2 meeting the costs of projects—

3 “(A) to train health personnel, including
4 practitioners in programs under this title and
5 other community providers, in the diagnosis,
6 treatment, and prevention of HIV/AIDS, in-
7 cluding the prevention of the perinatal trans-
8 mission of the disease, including measures for
9 the prevention and treatment of opportunistic
10 infections, and including (as applicable to the
11 type of health professional involved), prenatal
12 and other gynecological care for women with
13 HIV/AIDS;

14 “(B) to train the faculty of schools of, and
15 graduate departments or programs of, medicine,
16 nursing, osteopathic medicine, dentistry, public
17 health, allied health, and mental health practice
18 to teach health professions students to provide
19 for the health care needs of individuals with
20 HIV/AIDS;

21 “(C) to develop and disseminate curricula
22 and resource materials relating to the care and
23 treatment of individuals with such disease and
24 the prevention of the disease among individuals
25 who are at risk of contracting the disease; and

1 “(D) to develop protocols for the medical
2 care of women with HIV/AIDS, including pre-
3 natal and other gynecological care for such
4 women.

5 “(2) PREFERENCE.—In awarding grants and
6 contracts under paragraph (1), the Secretary shall
7 give preference to qualified projects which will—

8 “(A) train, or result in the training of,
9 health professionals who will provide treatment
10 for minority individuals with HIV/AIDS and
11 other individuals who are at high risk of con-
12 tracting such disease;

13 “(B) train, or result in the training of, mi-
14 nority health professionals and minority allied
15 health professionals to provide treatment for in-
16 dividuals with such disease; and

17 “(C) train, or result in the training of
18 health professionals and allied health profes-
19 sionals to provide treatment for hepatitis B or
20 hepatitis C co-infected individuals.

21 “(3) APPLICATION.—No grant or contract may
22 be made under paragraph (1) unless an application
23 is submitted to the Secretary in such form, at such
24 time, and containing such information, as the Sec-
25 retary may prescribe.

1 “(b) DENTAL CARE.—

2 “(1) IN GENERAL.—The Secretary may make
3 grants to eligible entities to assist such entities in
4 providing oral health care services to patients with
5 HIV/AIDS.

6 “(2) UNREIMBURSED DENTAL CARE.—

7 “(A) APPLICATION.—Each eligible appli-
8 cant may annually submit an application docu-
9 menting the unreimbursed costs of oral health
10 care provided to patients with HIV/AIDS by
11 that applicant during the prior year.

12 “(B) DISTRIBUTION.—The Secretary shall
13 amounts available under this subsection among
14 all eligible applicants, taking into account the
15 number of patients with HIV/AIDS served and
16 the unreimbursed oral health care costs in-
17 curred by each applicant as compared with the
18 total number of patients served and costs in-
19 curred by all eligible applicants.

20 “(C) MAINTENANCE OF EFFORT.—The
21 Secretary shall not make a grant to an entity
22 under this subsection if awarding such grant
23 would result in any reduction in State funding
24 allotted for the purposes for which the grant is
25 awarded.

1 “(D) ELIGIBLE APPLICANTS.—For pur-
2 poses of this subparagraph, the term ‘eligible
3 applicants’ means—

4 “(i) dentists who provide oral health
5 care services to individuals with HIV/
6 AIDS; and

7 “(ii) dental schools and programs de-
8 scribed in section 777(b)(4)(B) as such
9 section was in effect on the day before the
10 date of the enactment of the Health Pro-
11 fessions Education Partnerships Act of
12 1998 (Public Law 105-392), including
13 dental hygiene programs that are accred-
14 ited by the Commission on Dental Accredi-
15 tation.

16 “(3) COMMUNITY-BASED CARE.—The Secretary
17 may award grants to dental schools and programs
18 described in paragraph (2)(D)(ii) that partner with
19 community-based dentists to provide oral health care
20 to patients with HIV/AIDS in unserved areas. Such
21 partnerships shall permit the training of dental stu-
22 dents and residents an the participation of commu-
23 nity dentists as adjunct faculty.

24 “(c) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) SCHOOLS; CENTERS.—For the purpose of
2 awarding grants under subsection (a), there and au-
3 thorized to be appropriated \$[_____] for fis-
4 cal year 2007, and such sums as may be necessary
5 for each of fiscal years 2008 through 2011.

6 “(2) DENTAL SCHOOLS.—

7 “(A) IN GENERAL.—For the purpose of
8 awarding grants under paragraph (2) of sub-
9 section (b), there are authorized to be appro-
10 priated \$[_____] for fiscal year 2007,
11 and such sums as may be necessary for each of
12 fiscal years 2008 through 2011.

13 “(B) COMMUNITY-BASED CARE.—For the
14 purpose of awarding grants under paragraph
15 (3) of subsection (b), there are authorized to be
16 appropriated \$[_____] for fiscal year
17 2007, and such sums as may be necessary for
18 each of fiscal years 2008 through 2011.”.

19 **TITLE VII—MISCELLANEOUS**
20 **PROVISIONS**

21 **SEC. 701. HEPATITIS.**

22 (a) PROVISION OF CERTAIN COUNSELING SERV-
23 ICES.—Section 2662 of the Public Health Service Act (42
24 U.S.C. 300ff-62) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by inserting “, hepa-
2 titis B, and hepatitis C” before the semicolon;

3 (B) in paragraph (2), by inserting “and
4 testing for hepatitis B and hepatitis C” before
5 the semicolon;

6 (C) in paragraph (6), by striking “and” at
7 the end;

8 (D) in paragraph (7), by striking the pe-
9 riod and inserting “; and”; and

10 (E) by adding at the end the following:

11 “(8) if diagnosed with chronic hepatitis B or
12 hepatitis C co-infection, the potential of developing
13 hepatitis-related liver disease and its impact on HIV/
14 AIDS.”; and

15 (2) in subsection (c)(3)(C)(i), by inserting “,
16 hepatitis B, or hepatitis B” after “exposed to HIV”
17 each place that such appears.

18 (b) USE OF AMOUNTS.—Section 2667 of the Public
19 Health Service Act (42 U.S.C. 300ff-67) is amended—

20 (1) in paragraph (2), by striking “and” at the
21 end;

22 (2) in paragraph (3), by striking the period and
23 inserting “; and”; and

24 (3) by adding at the end the following:

1 “(4) shall provide information on the trans-
2 mission and prevention of hepatitis A, B, and C and
3 the location of entities that provide hepatitis A and
4 B vaccinations to individuals with HIV.”.

5 **SEC. 702. TECHNICAL PROVISIONS.**

6 Title XXVI of the Public Health Service Act (42
7 U.S.C. 300ff et seq.) is amended by striking “HIV dis-
8 ease” each place that such appears and inserting “HIV/
9 AIDS”.

10 **SEC. 703. REPEALS.**

11 Section 2677 of the Public Health Service Act (42
12 U.S.C. 300ff-77) is repealed.