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U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Philip Joseph P. S. S. S.  
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100TH CONGRESS  
2D SESSION

# S. 1220

II

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## IN THE SENATE OF THE UNITED STATES

MAY 11 (legislative day, MAY 9), 1988

Ordered to be printed as passed

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## AN ACT

To amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Acquired Immunodefi-  
4 ciency Syndrome Research and Information Act of 1988".

5

### REFERENCE

6       SEC. 2. Except as otherwise specifically provided,  
7 whenever in this Act an amendment or repeal is expressed in  
8 terms of an amendment to, or a repeal of, a section or other  
9 provision, the reference shall be considered to be made to a  
10 section or other provision of the Public Health Service Act.

1 TITLE I—AIDS AS A NATIONAL PUBLIC HEALTH  
2 EMERGENCY

3 DECLARATION OF EMERGENCY

4 SEC. 101. (a) The Secretary of Health and Human  
5 Services is directed to determine that acquired immunodefi-  
6 ciency syndrome presents a public health emergency for pur-  
7 poses of section 319 of the Public Health Service Act.

8 (b) Section 319(a) is amended by inserting “the Admin-  
9 istrator of Health Resources and Services,” before “or the  
10 Director”.

11 (c) Section 319(b) is amended by striking out  
12 “\$30,000,000” the second place it appears in subsection  
13 (b)(1) and inserting in lieu thereof “\$60,000,000”.

14 REPORT BY THE SECRETARY OF HEALTH AND HUMAN  
15 SERVICES

16 SEC. 102. Within 60 days after the end of each fiscal  
17 year, the Secretary of Health and Human Services shall pre-  
18 pare and transmit to the Congress a report on the expendi-  
19 ture by the Department of Health and Human Services of  
20 amounts appropriated for such fiscal year for programs,  
21 projects, and activities relating to acquired immunodeficiency  
22 syndrome. Each such report shall include—

23 (1) a specification, for each office and agency of  
24 such Department, of the amount obligated for each  
25 such program, project, or activity for such fiscal year;

1           (2) a description of each such program, project,  
2           and activity;

3           (3) a description of the efforts authorized under  
4           this Act, and the amendments made by this Act, relat-  
5           ing to acquired immunodeficiency syndrome specifically  
6           directed toward racial and ethnic minorities, including  
7           a description of the coordination between the Office of  
8           Minority Health and the Centers for Disease Control  
9           with regard to such activities;

10          (4) a summary of the progress made by each such  
11          program, project, or activity in combatting acquired  
12          immunodeficiency syndrome;

13          (5) a summary of the evaluations conducted under  
14          sections 2421 and 2440 of the Public Health Service  
15          Act; and

16          (6) the plan prepared by the Director of the Cen-  
17          ters for Disease Control under section 2401 of such  
18          Act.

19       AIDS CLINICAL EVALUATION UNIT AT THE NATIONAL  
20                               INSTITUTES OF HEALTH

21       SEC. 103. (a) The Director of the National Cancer In-  
22       stitute, in consultation with the Director of the National In-  
23       stitutes of Health, shall establish, in the Clinical Center at  
24       the National Institutes of Health, a clinical evaluation unit  
25       which—

1 (1) shall conduct clinical evaluations of experimen-  
2 tal treatments for acquired immunodeficiency syndrome  
3 and related illnesses developed within the preclinical  
4 drug development program of the National Cancer In-  
5 stitute; and

6 (2) may conduct clinical evaluations of experimen-  
7 tal treatments for such syndrome and related illnesses  
8 which are developed at any other national research in-  
9 stitute of the National Institutes of Health or by any  
10 other individual or entity.

11 (b) The Director of the National Institutes of Health  
12 shall provide the clinical evaluation unit required under sub-  
13 section (a) with such personnel and such administrative and  
14 support services as may be necessary to enable the unit to  
15 carry out its functions.

16 (c) The establishment of the clinical evaluation unit re-  
17 quired under subsection (a) shall not result in the reduction of  
18 the number of beds or any support services under the auspice-  
19 es of the national research institutes of the National Insti-  
20 tutes of Health which are available for the provision of clini-  
21 cal care for individuals with any disease or disorder.

22 ADDITIONAL PERSONNEL FOR THE FOOD AND DRUG AD-  
23 MINISTRATION, THE NATIONAL INSTITUTES OF  
24 HEALTH, AND THE CENTERS FOR DISEASE CONTROL  
25 SEC. 104. (a) Notwithstanding any other provision of  
26 law, the Secretary of Health and Human Services, through

1 the Commissioner of Food and Drugs, may, in accordance  
2 with the civil service and classification laws, appoint and fix  
3 the compensation of not more than 50 employees for the  
4 Food and Drug Administration in addition to the number of  
5 employees assigned to such Administration as of July 1,  
6 1987.

7 (b) Notwithstanding any other provision of law, the Sec-  
8 retary of Health and Human Services, through the Director  
9 of the National Institutes of Health may, in accordance with  
10 the civil service and classification laws, appoint and fix the  
11 compensation of not more than 300 employees for the Na-  
12 tional Institutes of Health in addition to the number of em-  
13 ployees assigned to such Institutes as of July 1, 1987.

14 (c)(1) Notwithstanding any other provision of law, the  
15 Secretary of Health and Human Services, through the Direc-  
16 tor of the Centers for Disease Control, may, in accordance  
17 with the civil service and classification laws, appoint and fix  
18 the compensation of not more than 350 employees for the  
19 Centers for Disease Control in addition to the number of em-  
20 ployees assigned to such Centers as of July 1, 1987. Em-  
21 ployees may be used to provide technical assistance as pro-  
22 vided for under this Act.

23 (2) The Director of the Centers for Disease Control  
24 shall establish an office to ensure the development and imple-  
25 mentation of prevention programs targeted at minority popu-

1 lations and the provision of appropriate technical assistance  
2 to the States in the implementation of such efforts.

3 (3) The Office of Minority Health shall review the level  
4 of knowledge within minority communities concerning AIDS,  
5 the risks of transmission, and means by which to reduce such  
6 risk as well as the effectiveness of Federal, State, and local  
7 prevention programs, authorized under this Act, and amend-  
8 ments made by this Act, designed to meet this identified  
9 need. This review shall be submitted to the Director of the  
10 Centers for Disease Control and become part of the report of  
11 the Secretary to Congress under section 102.

12 (d) Notwithstanding any other provision of law, the Sec-  
13 retary of Health and Human Services, through the Adminis-  
14 trator of the Health Resources and Services Administration,  
15 may, in accordance with the civil service and classification  
16 laws, appoint and fix the compensation of not more than 50  
17 employees for the Health Resources and Services Adminis-  
18 tration in addition to the number of employees assigned to  
19 such Administration as of July 1, 1987. Employees may be  
20 used to provide technical assistance as provided for under this  
21 Act.

22 (e) To carry out this section and section 103, there are  
23 authorized to be appropriated \$65,000,000 for fiscal year  
24 1988 and such sums as may be necessary for each of the  
25 fiscal years 1989 and 1990.

1 GRANTS TO FACILITATE COMMUNITY-BASED EVALUATION  
2 OF EXPERIMENTAL AIDS THERAPIES

3 SEC. 105. (a) The Director of the National Institutes of  
4 Health, acting through the National Institutes of Allergy and  
5 Infectious Diseases, in consultation with the Commissioner of  
6 the Food And Drug Administration, shall establish a national  
7 demonstration program to utilize community-based organiza-  
8 tions of health care providers, migrant health centers, and  
9 community health centers in the design and execution of clin-  
10 ical trials of experimental treatments for acquired immunode-  
11 ficiency syndrome and related illnesses that are approved for  
12 investigation by the Food and Drug Administration and con-  
13 ducted under regulations promulgated pursuant to section  
14 505 of the Federal Food, Drug, and Cosmetic Act (21  
15 U.S.C. 355).

16 (b) The program established under subsection (a) shall  
17 include a program that shall—

18 (1) provide direct grants to community-based or-  
19 ganizations and community health centers determined  
20 eligible by the Secretary of Health and Human Serv-  
21 ices for the purpose of—

22 (A) retaining appropriate medical supervision;

23 (B) assisting with administration data collec-  
24 tion, and record management; and



1 (C) conducting training of community physi-  
2 cians, nurse practitioners, physicians' assistants  
3 and other health professionals for the purpose of  
4 conducting clinical trials; and

5 (2) provide direct grants to recipients determined  
6 eligible by the Secretary of Health and Human Serv-  
7 ices for demonstration projects designed to implement  
8 and conduct community-based clinical trials in order to  
9 provide access to the entire scope of communities af-  
10 fected by the acquired immunodeficiency syndrome and  
11 related illnesses, including minorities, hemophiliacs and  
12 transfusion-exposed individuals, women, children, users  
13 of intravenous drugs and asymptomatic individuals who  
14 are infected with the etiologic agent for acquired im-  
15 munodeficiency syndrome.

16 (c) Clinical trials funded by grants made under subsec-  
17 tion (b)(2) shall be approved by—

18 (1) the Food and Drug Administration;

19 (2) a duly constituted Institutional Review Board  
20 that meets the requirements of part 56 of title 21,  
21 Code of Federal Regulations; and

22 (3) the National Institutes of Allergy and Infec-  
23 tious Diseases.

24 (d) Grants made under this section shall be designed to  
25 encourage participation in, and support of, community-based

1 clinical trials by private industry and university-based  
2 Schools of Medicine.

3 (e)(1) There is authorized to be appropriated to make  
4 grants under subsection (b)(1) \$2,500,000 for fiscal year  
5 1988.

6 (2) There is authorized to be appropriated to make  
7 grants under subsection (b)(2) \$2,500,000 for fiscal year  
8 1988.

9 AIDS RESEARCH AND CLINICAL TRIAL DATA BANK

10 SEC. 106. (a) The Secretary of Health and Human  
11 Services shall establish, maintain, and operate an AIDS Re-  
12 search and Clinical Trial Data Base and Information Service  
13 (hereafter in this section referred to as the "Data Bank").

14 (b) The Data Bank shall collect, catalog, store, and dis-  
15 seminate, through informational systems accessible to the  
16 public, individuals with acquired immunodeficiency syndrome  
17 or infected with the etiologic agent for acquired immunodefi-  
18 ciency syndrome, general practitioners, and investigators, the  
19 results of research relating to, and the results of treatment of,  
20 such syndrome.

21 (c) The Data Bank shall include the following:

22 (1) A registry of clinical trials of experimental  
23 treatments for acquired immunodeficiency syndrome  
24 and related illnesses conducted under regulations pro-  
25 mulgated pursuant to section 505 of the Federal Food,  
26 Drug and Cosmetic Act (21 U.S.C. 355) that provides

1 a description of the purpose of each experimental drug  
2 protocol either with the consent of the protocol spon-  
3 sor, or when a trial to test efficacy begins. Information  
4 provided shall include eligibility criteria and the  
5 location of trial sites, and must be forwarded to the  
6 Data Bank by the sponsor of the trial not later than 21  
7 days after the approval by the Food and Drug Admin-  
8 istration.

9 (2) Information pertaining to experimental treat-  
10 ments for acquired immunodeficiency syndrome that  
11 may be available under a treatment investigational new  
12 drug application that has been submitted to the Food  
13 and Drug Administration pursuant to part 312 of title  
14 21, Code of Federal Regulations. The Data Bank shall  
15 also include information pertaining to the results of  
16 clinical trials, with the consent of the sponsor, of such  
17 experimental treatments, including information con-  
18 cerning potential toxicities or adverse effects associated  
19 with the use or administration of such experimental  
20 treatment.

21 (d) The Secretary shall—

22 (1) establish a mechanism to coordinate the oper-  
23 ation of the Data Bank with the international efforts  
24 described in title II of this Act, including coordination  
25 with information gathering and dissemination efforts of

1 the World Health Organization Special Programme on  
2 AIDS; and

3 (2) to the degree feasible insure that the Data  
4 Bank is accessible to individuals, investigators, and  
5 physicians in other countries.

6 (e) The Secretary shall develop and implement a plan  
7 for the dissemination of information contained within the  
8 Data Bank through the information clearinghouse and tele-  
9 phone hotlines established under part A of title XXIV of the  
10 Public Health Service Act (as added by section 301 of this  
11 Act).

12 (f) There are authorized to be appropriated to carry out  
13 this section \$5,000,000 for fiscal year 1988, and such sums  
14 as are necessary in subsequent fiscal years.

15 EXPEDITIOUS REVIEW PLAN

16 SEC. 107. (a) Not later than 90 days after the date of  
17 enactment of this Act, the Secretary of Health and Human  
18 Services shall develop and implement a plan to expedite the  
19 awarding of grants, contracts, or cooperative agreements by  
20 any agency of the Department of Health and Human Serv-  
21 ices for projects relating to AIDS (including projects initiated  
22 by investigators not in response to any request for proposals).  
23 Except as provided in subsection (b), the plan shall provide  
24 that—

25 (1) an application for a grant, contract, or cooper-  
26 ative agreement which is made in response to a solici-

1       tation for proposals shall be submitted not later than 3  
2       months after the date on which such solicitation is  
3       issued; and

4               (2) not later than 4 months after the date on  
5       which an application is submitted, such grant, contract,  
6       or cooperative agreement shall be awarded, or such ap-  
7       plication shall otherwise be acted upon.

8       (b) The plan required under subsection (a) shall provide  
9       that, in any case in which the Secretary of Health and  
10      Human Services determines that applications for a specific  
11      grant, contract, or cooperative agreement, or the action on  
12      such applications, cannot be completed in the period required  
13      by such subsection, the Secretary shall—

14              (1) cause to be included in the solicitation for such  
15      grant, contract, or cooperative agreement a statement  
16      specifying the time period in which such applications  
17      must be submitted, or in which approval will be made  
18      or action will be taken; and

19              (2) transmit a copy of such solicitation and state-  
20      ment to the Committee on Energy and Commerce of  
21      the House of Representatives and the Committee on  
22      Labor and Human Resources of the Senate.

1 RESPONSES TO REQUESTS FOR ALLOCATIONS OF SPACE,  
2 SERVICES, OR PERSONNEL TO BE USED IN COMBAT-  
3 TING ACQUIRED IMMUNODEFICIENCY SYNDROME

4 SEC. 108. (a) The Director of the Office of Personnel  
5 Management or the Administrator of General Services, as the  
6 case may be, shall respond to any priority request made by  
7 the Director of the National Institute of Allergy and Infec-  
8 tious Diseases or the Director of the Centers for Disease  
9 Control within 21 calendar days after the date on which such  
10 request is made. If the Director of the Office of Personnel  
11 Management or such Administrator does not disapprove any  
12 such request within such 21-day period, such request shall be  
13 deemed to have been approved.

14 (b)(1) The Director of the National Institute on Allergy  
15 and Infectious Diseases shall transmit a copy of each priority  
16 request made by such Director under this section to the Sec-  
17 retary of Health and Human Services, the Assistant Secre-  
18 tary of Health and Human Services for Health, and the Di-  
19 rector of the National Institutes of Health on the day such  
20 priority request is made under subsection (a).

21 (2) The Director of the Centers for Disease Control  
22 shall transmit a copy of each priority request made by such  
23 Director under this section to the Secretary of Health and  
24 Human Services and the Assistant Secretary of Health and

1 Human Services for Health on the day such priority request  
2 is made under subsection (a).

3 (3) Any official described in paragraph (1) or (2) may,  
4 after receiving a copy of a priority request under such para-  
5 graph, may transmit the comments and recommendations of  
6 such official with respect to such request to the Director of  
7 the Office of Personnel Management or the Administrator of  
8 General Services, as the case may be, within 7 days after the  
9 date on which such request is made.

10 (c) The Director of the Office of Management and  
11 Budget shall not take any action to prevent the Director of  
12 the National Institute of Allergy and Infectious Diseases or  
13 the Director of the Centers for Disease Control from making  
14 any priority request under this section.

15 (d) For purposes of this section, the term "priority re-  
16 quest" means any request which is designated as a priority  
17 request by the Director of the National Institute of Allergy  
18 and Infectious Diseases or the Director of the Centers for  
19 Disease Control in carrying out activities with respect to ac-  
20 quired immunodeficiency syndrome and which—

21 (1) in the case of a request made to the Director  
22 of the Office of Personnel Management, is a request for  
23 the allocation of personnel to carry out activities relat-  
24 ing to such syndrome; and

(2) in the case of a request made to the Administrator of General Services, is a request for space or administrative or support services to be used in the carrying out of such activities.

#### TECHNICAL ASSISTANCE

SEC. 109. The Secretary of Health and Human Services, through the Public Health Service, shall provide technical assistance to State and local governments and public and nonprofit private entities carrying out programs, projects, and activities relating to acquired immunodeficiency syndrome. To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1988, 1989, and 1990.

#### USE OF CONSORTIA FOR RESEARCH AND DEVELOPMENT

SEC. 110. The Secretary of Health and Human Services shall request the National Academy of Sciences and other similar appropriate nonprofit institutions to provide recommendations to the Secretary concerning—

(1) whether the research and development of vaccines and drugs for the prevention and treatment of acquired immunodeficiency syndrome would be enhanced by the creation of consortia of—

(A) businesses involved in such research and development;

(B) nonprofit research institutions; or



1 (C) combinations of such businesses and insti-  
2 tutions,

3 designed to combine and share resources needed for  
4 such research and development; and

5 (2) the appropriate participation, if any, of the  
6 Federal Government in such consortia.

7 INFORMATION FOR HEALTH AND PUBLIC SAFETY

8 WORKERS

9 SEC. 111. (a) Within 90 days after the date of enact-  
10 ment of this Act, the Secretary of Health and Human Serv-  
11 ices, shall develop and initiate an emergency program to dis-  
12 seminate information to all health workers, public safety  
13 workers, and emergency service workers in the United States  
14 concerning methods to reduce in the workplace the risk of  
15 becoming infected with the human immunodeficiency virus.  
16 The information disseminated under this section shall be  
17 based on guidelines issued by the Directors of the Centers for  
18 Disease Control.

19 (b) The Secretary shall transmit the guidelines issued  
20 under subsection (a) to the Secretary of Labor. The Secretary  
21 of Labor shall consider such guidelines as the basis for a  
22 standard which such Secretary shall issue under the Occupa-  
23 tional Safety and Health Act of 1970.

24 NATIONAL BLOOD RESOURCE EDUCATION PROGRAM

25 SEC. 112. The Director of the National Heart, Lung,  
26 and Blood Institute shall establish a program of research and

1 education regarding blood donations and transfusions to  
2 maintain, ensure and improve the safety of the blood supply.  
3 Education programs shall be directed at health professionals,  
4 patients, and the community to—

5 (1) in the case of the public and patients undergo-  
6 ing treatment—

7 (A) increase awareness that the process of  
8 donating blood is safe;

9 (B) promote the concept that blood donors  
10 are contributors to a national need to maintain an  
11 adequate and safe blood supply;

12 (C) encourage blood donors to donate more  
13 than once a year; and

14 (D) encourage repeat blood donors to recruit  
15 new donors;

16 (2) in the case of health professionals—

17 (A) improve knowledge, attitudes, and skills  
18 of health professionals in the appropriate use of  
19 blood and blood components;

20 (B) increase the awareness and understand-  
21 ing of health professionals regarding the risks  
22 versus benefits of blood transfusion; and

23 (C) encourage health professionals to consid-  
24 er alternatives to the administration of blood or  
25 blood components for their patients; and

1           (3) in the case of the community, increase coordi-  
2       nation, communication, and collaboration among com-  
3       munity, professional, industry, and government organi-  
4       zations regarding blood donation and transfusion issues.

5           **TITLE II—INTERNATIONAL EFFORTS**

6           **SUPPORT OF INTERNATIONAL EFFORTS**

7       SEC. 201. (a) The Secretary of Health and Human  
8       Services, under section 307 of the Public Health Service Act  
9       and through the Director of the National Institutes of  
10      Health—

11           (1) shall make grants to, enter into contracts and  
12      cooperative agreements with, and provide technical as-  
13      sistance to, international organizations concerned with  
14      public health; and

15           (2) may provide technical assistance to foreign  
16      governments,

17      in order to promote and expedite international clinical re-  
18      search concerning the development of vaccines for, and treat-  
19      ment and testing with respect to, acquired immunodeficiency  
20      syndrome and related illnesses.

21           (b) The Secretary of Health and Human Services, under  
22      section 307 of the Public Health Service Act and through the  
23      Director of the Centers for Disease Control, and in coopera-  
24      tion with the Administrator of the Agency for International  
25      Development, shall make grants to, enter into contracts and

1 cooperative agreements with, and provide technical assist-  
2 ance to, international organizations concerned with public  
3 health, and may provide technical assistance to foreign gov-  
4 ernments, in order to support—

5 (1) programs of education, information, and risk  
6 reduction relating to acquired immunodeficiency syn-  
7 drome and related illnesses;

8 (2) projects to train individuals to develop skills  
9 and technical expertise for use in combatting acquired  
10 immunodeficiency syndrome and related illnesses; and

11 (3) epidemiological research relating to acquired  
12 immunodeficiency syndrome and related illnesses.

13 (c) No grant may be made under this section unless an  
14 application therefor is submitted to the Secretary in such  
15 form, at such time, and containing such information as the  
16 Secretary may by regulation prescribe.

17 (d) Not less than 50 percent of the amounts available to  
18 carry out subsection (b) for any fiscal year shall be used for  
19 grants through the World Health Organization and, in the  
20 case of activities in the Western Hemisphere, grants through  
21 the Pan American Health Organization. Grants made under  
22 this subsection shall be in furtherance of the global strategy  
23 of the World Health Organization Special Programme on Ac-  
24 quired Immunodeficiency Syndrome.

(e) The authority of the Secretary of Health and Human Services to enter into contracts under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 202. To carry out this title, there are authorized to be appropriated \$45,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

### TITLE III—PUBLIC INFORMATION EFFORTS

#### NATIONAL INFORMATION DISSEMINATION EFFORTS

SEC. 301. The Public Health Service Act is amended by adding at the end thereof the following new title:

### “TITLE XXIV—ACQUIRED IMMUNODEFICIENCY SYNDROME

#### “PART A—NATIONAL INFORMATION PROGRAMS

#### “NATIONAL ACQUIRED IMMUNODEFICIENCY SYNDROME

#### INFORMATION PROGRAM

“SEC. 2401. The Director of the Centers for Disease Control shall annually prepare a comprehensive plan, including a budget, for a National Acquired Immunodeficiency Syndrome Information Program. The plan shall contain provisions to implement the provisions of this part and provisions for such other activities as the Director considers necessary and appropriate to disseminate information concerning acquired immunodeficiency syndrome. The Director shall

1 submit such plan to the Secretary. The authority of the Di-  
2 rector to carry out such Program and plan is not the exclu-  
3 sive authority for the Director to carry out information activi-  
4 ties with respect to acquired immunodeficiency syndrome.

5 "CLEARINGHOUSE

6 "SEC. 2402. The Secretary, through the Director of the  
7 Centers for Disease Control, shall establish a clearinghouse  
8 to make information concerning acquired immunodeficiency  
9 syndrome available to Federal agencies, States and political  
10 subdivisions of States, public agencies concerned with public  
11 health and education, public and private entities, organiza-  
12 tions, and institutions, minority organizations, community-  
13 based organizations, and the general public. The clearing-  
14 house shall—

15 "(1) develop and obtain educational materials,  
16 model curricula, and methods directed toward reducing  
17 the transmission of the acquired immunodeficiency syn-  
18 drome virus;

19 "(2) provide support for individuals who provide  
20 instruction in methods and techniques of education re-  
21 lating to the prevention of acquired immunodeficiency  
22 syndrome and in the use of the materials and curricula  
23 described in paragraph (1); and

24 "(3) conduct, or provide for the conduct of, eval-  
25 uations of the materials, curricula, and methods de-  
26 scribed in paragraph (1) and the efficacy of such mate-

1        rials, curricula, and methods in preventing infection  
2        with the acquired immunodeficiency syndrome virus.

3 "GRANTS AND CONTRACTS FOR INFORMATION

## 4 DISSEMINATION

5       “SEC. 2403. (a) The Secretary, through the Director of  
6 the Centers for Disease Control, shall make grants to, and  
7 enter into contracts with, national organizations having the  
8 ability to rapidly disseminate information concerning acquired  
9 immunodeficiency syndrome to groups at high risk of becom-  
10 ing infected with the acquired immunodeficiency syndrome  
11 virus. Payments under such grants and contracts shall be  
12 used for the development and operation of programs directed  
13 toward such groups, and the development of educational ma-  
14 terials directed toward such groups, relating to acquired im-  
15 munodeficiency syndrome and infection with the acquired im-  
16 munodeficiency syndrome virus.

17       “(b) No grant may be made and no contract may be  
18 entered into under this section unless an application therefor  
19 is submitted to the Secretary at such time, in such form, and  
20 containing such information as the Secretary may prescribe.

21 “COMMUNITY EDUCATION, INFORMATION, AND RISK

## 22 REDUCTION DEMONSTRATION PROGRAMS

23       “SEC. 2404. (a) The Secretary, through the Director of  
24 the Centers for Disease Control, shall make grants to public  
25 and private nonprofit entities (including community-based or-  
26 ganizations) for the development, establishment, or expansion

1 of demonstration programs for the conduct of targeted educa-  
2 tion, information, and risk reduction activities relating to ac-  
3 quired immunodeficiency syndrome. In making grants under  
4 this section, the Secretary shall give priority to programs and  
5 activities directed toward populations in which there is a sig-  
6 nificant number of cases of acquired immunodeficiency syn-  
7 drome or other significant evidence of infection with the ac-  
8 quired immunodeficiency virus.

9       “(b) No grant may be made to support a demonstration  
10 program under this section unless an application therefor is  
11 submitted to the Secretary in such form and at such time as  
12 the Secretary may prescribe and publish in the Federal Reg-  
13 ister. Each such application shall contain—

14           “(1) information demonstrating that the entity ap-  
15 plying for the grant has identified needs for the con-  
16 duct of education, information, and risk reduction ac-  
17 tivities relating to acquired immunodeficiency syndrome  
18 in the area in which the program will be developed, es-  
19 tablished, or expanded;

20           “(2) assurances that such entity will provide edu-  
21 cation and information concerning acquired immunode-  
22 ficiency syndrome under the program in a manner  
23 which is medically accurate and factually correct;

24           “(3) assurances that any educational or informa-  
25 tional materials developed with a grant under this sec-



1       tion shall be of a content, and shall be presented in  
2       such a manner, which is specifically directed to the  
3       group for which such materials are intended;

4       “(4) a description of the manner in which such  
5       entity has planned the program in consultation with,  
6       and of the manner in which such entity will consult  
7       during the conduct of the program with—

8               “(A) appropriate local officials and communi-  
9       ty groups for the area to be served by the  
10      program;

11              “(B) organizations representing the specific  
12      population to be targeted for the education or pre-  
13      vention effort; and

14              “(C) individuals having expertise in health  
15      education,

16      in order to ensure that activities conducted under the  
17      program will be directed appropriately at the individ-  
18      uals needing such education, information, and risk  
19      reduction;

20              “(5) information demonstrating, in the case of an  
21      entity which is a community-based organization, that—

22              “(A) the organization has continuing rela-  
23      tionships, or will establish continuing relation-  
24      ships, with the portion of the population that is at  
25      risk of contracting acquired immunodeficiency syn-

1           drome in the area to be served by such organiza-  
2           tion; and

3           “(B) the organization has established or will  
4           establish relationships with public and private en-  
5           tities in such area which provide services to indi-  
6           viduals with acquired immunodeficiency syndrome;  
7           “(6) a description of—

8           “(A) the objectives established by the entity  
9           for the conduct of the program; and

10           “(B) the methods the entity will use to  
11           evaluate the activities conducted under the pro-  
12           gram to determine if such objectives are met; and

13           “(7) such other information as the Secretary may  
14           prescribe and publish in the Federal Register.

15           “(c) In making grants under this section to support pro-  
16           grams described in subsection (a), the Secretary shall give  
17           preference to community-based organizations which are lo-  
18           cated in, have a history of service in, and will serve under the  
19           program, areas—

20           “(1) in which there is a significant incidence of  
21           acquired immunodeficiency syndrome;

22           “(2) in which there has been a significant increase  
23           in the incidence of acquired immunodeficiency syn-  
24           drome; or

1           “(3) in which there is a significant risk of becom-  
2       ing infected with acquired immunodeficiency syndrome  
3       virus,

4 as determined by the Secretary by regulation.

5           “PUBLIC INFORMATION CAMPAIGNS

6       “SEC. 2405. (a) The Secretary, through the Director of  
7 the Centers for Disease Control, shall make grants to public  
8 and nonprofit private entities, and shall enter into contracts  
9 with public and private entities, for the development and dis-  
10 semination of public service announcements and paid adver-  
11 tising messages relating to acquired immunodeficiency syn-  
12 drome that warn individuals about activities which place  
13 them at risk of becoming infected with the acquired immuno-  
14 deficiency syndrome virus. The Director shall make every  
15 effort to insure that not less than 90 percent of American  
16 households receive such messages at a frequency of not less  
17 than 15 times during a six-month period.

18       “(b) No grant may be made and no contract may be  
19 entered into under this section unless an application therefor  
20 is submitted to the Secretary at such time, in such form, and  
21 containing such information as the Secretary may prescribe.

22           “TELEPHONE HOTLINES

23       “SEC. 2406. (a) The Secretary, through the Public  
24 Health Service, shall maintain a toll free twenty-four hour  
25 telephone service to provide information to the public con-  
26 cerning acquired immunodeficiency syndrome.

1       “(b) The Secretary, through the Public Health Service,  
2 shall establish and maintain a telephone service to provide  
3 medical and technical information to individuals and organi-  
4 zations who provide care and treatment services for individ-  
5 uals with acquired immunodeficiency syndrome. Such tele-  
6 phone service shall be available during the normal business  
7 hours of the Public Health Service.

8               “AUTHORIZATION OF APPROPRIATIONS

9       “SEC. 2407. To carry out this part, there are author-  
10 ized to be appropriated \$120,000,000 for fiscal year 1988  
11 and such sums as may be necessary for each of the fiscal  
12 years 1989 and 1990, of which not less than \$30,000,000 for  
13 fiscal year 1988 and such sums as may be necessary for each  
14 of the fiscal years 1989 and 1990, shall be set-aside for na-  
15 tional and local information efforts which are to be carried  
16 out by national and community-based minority organizations.  
17 The Secretary, acting through the Centers for Disease Con-  
18 trol shall, after consultation with the Office of Minority  
19 Health and the Indian Health Service, publish guidelines for  
20 applications for funding under this section and for public  
21 comment, within 90 days after the date of enactment of this  
22 section.”.

23               STATE PREVENTION PROGRAMS

24       SEC. 302. Title XXIV (as added by section 301 of this  
25 Act) is further amended by adding at the end thereof the  
26 following new part:

1           “PART B—STATE PREVENTION PROGRAMS

2           “AUTHORIZATION OF APPROPRIATIONS

3           “SEC. 2411. For the purpose of allotments under sec-  
4 tion 2412, there are authorized to be appropriated  
5 \$150,000,000 for fiscal year 1988 and such sums as may be  
6 necessary for each of the fiscal years 1989 and 1990.

7           “ALLOTMENTS

8           “SEC. 2412. (a) The Secretary shall, for each of the  
9 fiscal years 1988, 1989, and 1990, allot to each State an  
10 amount determined in accordance with subsections (c) and  
11 (d). The Secretary shall, in accordance with section 2413,  
12 make payments for each such fiscal year to each State from  
13 the allotment for the State if the Secretary approves for each  
14 such fiscal year an application submitted by the State pursu-  
15 ant to section 2415.

16          “(b) The Secretary may not make payments under an  
17 allotment under subsection (a) to a State for a fiscal year  
18 unless the State agrees that amounts received by the State  
19 pursuant to such subsection will be expended only in accord-  
20 ance with section 2414.

21          “(c)(1) The allotment for a State under subsection (a) for  
22 a fiscal year shall be the greater of—

23               “(A) the amount described in paragraph (2); or

24               “(B) the amount determined in accordance with  
25 subsection (d).

1       “(2)(A) If the total amount appropriated under section  
2 2411 for any fiscal year exceeds \$100,000,000, the amount  
3 referred to in paragraph (1)(A) is \$300,000 for such fiscal  
4 year.

5       “(B) If the total amount appropriated under section  
6 2411 for any fiscal year equals or exceeds \$50,000,000, but  
7 is less than \$100,000,000, the amount referred to in para-  
8 graph (1)(A) is \$200,000 for such fiscal year.

9       “(C) If the total amount appropriated under section  
10 2411 for any fiscal year is less than \$50,000,000, the  
11 amount referred to in paragraph (1)(A) is \$100,000 for such  
12 fiscal year.

13       “(d)(1) The amount referred to in subsection (c)(1)(B) is  
14 the sum of the amounts determined under subparagraphs (A)  
15 and (B) of paragraph (2).

16       “(2)(A) The Secretary shall allot 60 percent of the  
17 amounts appropriated under section 2411 for any fiscal year  
18 to States in accordance with this subparagraph. Of the  
19 amount available for allotments under this subparagraph for a  
20 fiscal year, the Secretary shall allot to each State for such  
21 fiscal year an amount which bears the same ratio to such  
22 available amount as the population of the State bears to the  
23 population of all States.

24       “(B) The Secretary shall allot 40 percent of the  
25 amounts appropriated under section 2411 for any fiscal year

1 to States in accordance with this subparagraph. Of the  
2 amount available for allotments under this subparagraph for a  
3 fiscal year, the Secretary shall allot to each State for such  
4 fiscal year an amount which bears the same ratio to such  
5 available amount as the number of reported cases of acquired  
6 immunodeficiency syndrome (including reported cases of pedi-  
7 atric acquired immunodeficiency syndrome) in the State bears  
8 to the number of reported cases of acquired immunodeficiency  
9 syndrome (including reported cases of pediatric acquired im-  
10 munodeficiency syndrome) in all States.

11       “(3) To the extent that all of the amounts appropriated  
12 under section 2411 for a fiscal year and available for allot-  
13 ment in such fiscal year are not otherwise allotted to the  
14 States because—

15               “(A) one or more States have not submitted an  
16 application or description of activities in accordance  
17 with section 2415 for the fiscal year;

18               “(B) one or more States have notified the Secre-  
19 tary that they do not intend to use the full amount of  
20 their allotment; or

21               “(C) some State allotments are offset or repaid  
22 under section 2418(a)(3);

23 such excess shall be allotted among each of the remaining  
24 States in proportion to the amount otherwise allotted to such  
25 States for the fiscal year without regard to this paragraph.

1           “PAYMENTS UNDER ALLOTMENTS TO STATES

2           “SEC. 2413. (a)(1) For each fiscal year, the Secretary  
3 shall make payments, as provided by section 6503 of title 31,  
4 United States Code, to each State from its allotment under  
5 section 2412 from amounts appropriated for that fiscal year.

6           “(2) Any amount paid to a State for a fiscal year and  
7 remaining unobligated at the end of such year shall remain  
8 available to such State for the purposes for which it was  
9 made for the next fiscal year.

10          “(b) The Secretary, at the request of a State, may  
11 reduce the amount of payments under subsection (a) by—

12               “(1) the fair market value of any supplies or  
13 equipment furnished the State; and

14               “(2) the amount of the pay, allowances, and  
15 travel expenses of any officer or employee of the Gov-  
16 ernment when detailed to the State and the amount of  
17 any other costs incurred in connection with the detail  
18 of such officer or employee, when the furnishing of  
19 supplies or equipment or the detail of an officer or em-  
20 ployee is for the convenience of and at the request of  
21 the State and for the purpose of conducting activities  
22 described in section 2414. The amount by which any  
23 payment is so reduced shall be available for payment  
24 by the Secretary of the costs incurred in furnishing the  
25 supplies or equipment or in detailing the personnel, on



1       which the reduction of the payment is based, and the  
2       amount shall be deemed to be part of the payment and  
3       shall be deemed to have been paid to the State.

4                       “USE OF ALLOTMENTS

5       “SEC. 2414. (a) Except as provided in subsection (b),  
6       amounts paid to a State under this part may be used by the  
7       State for—

8               “(1) the development, establishment, or conduct of  
9       public information activities relating to the prevention  
10      and diagnosis of acquired immunodeficiency syndrome  
11      for each population or community in the State in which  
12      there is a significant number of individuals at high risk  
13      of contracting such syndrome;

14              “(2) the development, establishment, or conduct of  
15      public information activities for the general public re-  
16      lating to the prevention and diagnosis of acquired im-  
17      munodeficiency syndrome;

18              “(3) the development, establishment, or conduct of  
19      risk reduction activities relating to acquired immunode-  
20      ficiency syndrome, including research into the preven-  
21      tion and control of such syndrome;

22              “(4) the conduct of demonstration projects for the  
23      prevention and control of acquired immunodeficiency  
24      syndrome;

25              “(5) the provision of technical assistance to com-  
26      munity-based organizations, public and nonprofit pri-

1 vate entities, schools, and employers in developing in-  
2 formation programs relating to acquired immunodefi-  
3 ciency syndrome;

4 “(6) the conduct of education, training, and skills  
5 improvement activities in the prevention and control of  
6 acquired immunodeficiency syndrome for health profes-  
7 sionals (including allied health professionals), public  
8 safety workers, teachers, school administrators, and  
9 other appropriate education personnel; and

10 “(7) appropriate acquired immunodeficiency syn-  
11 drome education programs for school-aged children.

12 “(b) A State may not use amounts paid to it under sec-  
13 tion 2413 to—

14 “(1) provide inpatient services;

15 “(2) make cash payments to intended recipients of  
16 health services;

17 “(3) purchase or improve land, purchase, con-  
18 struct, or permanently improve (other than minor re-  
19 modeling) any building or other facility, or purchase  
20 major medical equipment;

21 “(4) satisfy any requirement for the expenditure of  
22 non-Federal funds as a condition for the receipt of Fed-  
23 eral funds;

24 “(5) provide financial assistance to any entity  
25 other than a public or nonprofit private entity; or

1           “(6) conduct any testing for infection with the ac-  
2           quired immunodeficiency syndrome virus or conduct  
3           any counseling relating to any such testing.

4           The Secretary may waive the limitation contained in para-  
5           graph (3) upon the request of a State if the Secretary finds  
6           that there are extraordinary circumstances to justify the  
7           waiver and that granting the waiver will assist in carrying  
8           out this part.

9           “(c) Of the amount paid to any State under section  
10          2413, not more than 5 percent may be used for administering  
11          the funds made available under such section. The State will  
12          pay from non-Federal sources the remaining costs of adminis-  
13          tering such funds.

14          “APPLICATION AND DESCRIPTION OF ACTIVITIES

15          “SEC. 2415. (a) In order to receive an allotment for a  
16          fiscal year under section 2412 each State shall submit an  
17          application to the Secretary. Each such application shall be  
18          in such form and submitted by such date as the Secretary  
19          shall require.

20          “(b) Each State shall certify that the State will make  
21          copies of each application required by this section available  
22          for public inspection and comment prior to the submission of  
23          such application.

24          “(c) As part of the annual application required by sub-  
25          section (a), the chief executive officer of a State shall certify  
26          as follows:

1           “(1) The State agrees to use the funds allotted to  
2           it under section 2412 in accordance with the require-  
3           ments of this part.

4           “(2) The State agrees, in carrying out this part,  
5           to place priority on activities directed toward individ-  
6           uals in populations and communities identified under  
7           section 2414(a)(1).

8           “(3) In the case of a State in which there is a  
9           large number of individuals who are intravenous drug  
10          abusers, the State agrees to place priority on activities  
11          under this part directed at such drug abusers.

12          “(4) The State agrees that information provided  
13          under this part will be scientifically accurate and factu-  
14          ally correct.

15          “(5) In the case of a State in which there is a  
16          significant incidence of reported cases of acquired im-  
17          munodeficiency syndrome, the State agrees—

18               “(A) to use at least 50 percent of the total  
19               amount paid to the State under section 2413 for  
20               any fiscal year for grants to local governments  
21               and community-based organizations with—

22                       “(i) at least 15 percent of the total  
23                       amount paid to the State under section 2413  
24                       for any fiscal year being used for grants to  
25                       local governments;

1                   “(ii) at least 15 percent of the total  
2                   amount paid to the State under section 2413  
3                   for any fiscal year being used for grants to  
4                   community-based organizations, including mi-  
5                   nority community-based organizations, locat-  
6                   ed in and representative of communities and  
7                   subpopulations which reflect the local demo-  
8                   graphics of AIDS; and

9                   “(B) to require such governments and orga-  
10                  nizations to use such grants for the conduct by  
11                  such governments and organizations of activities  
12                  described in section 2414.

13                 “(6) The State agrees that Federal funds made  
14                 available under section 2413 for any period will be so  
15                 used as to supplement and increase the level of State,  
16                 local, and other non-Federal funds that would in the  
17                 absence of such Federal funds be made available for  
18                 the programs and activities for which funds are provid-  
19                 ed under that section and will in no event supplant  
20                 such State, local, and other non-Federal funds.

21                   “TECHNICAL ASSISTANCE

22                 “SEC. 2416. The Secretary may provide training and  
23                 technical assistance to States with respect to the planning,  
24                 development, and operation of programs to carry out this  
25                 part. The Secretary may provide such training and technical  
26                 assistance directly or through grants and contracts.

1 "ANNUAL REPORT

2 "SEC. 2417. Each State shall prepare and transmit to  
3 the Secretary an annual report on activities conducted with  
4 payments to the State under this part.

5 "AUDITS

6 "SEC. 2418. (a)(1) Each State shall establish fiscal con-  
7 trol and fund accounting procedures as may be necessary to  
8 assure the proper disbursement of and accounting for Federal  
9 funds paid to the State under section 2413.

10 "(2) Each State shall provide for one of the following:

11 "(A) A financial and compliance audit of the funds  
12 provided the State under section 2413. Such audits  
13 shall be performed biennially, shall cover expenditures  
14 in each fiscal year, and shall be conducted in accord-  
15 ance with standards established by the Comptroller  
16 General for the audit of governmental organizations,  
17 programs, activities, and functions.

18 "(B) A single financial and compliance audit of  
19 each entity administering funds provided under section  
20 2413. An audit of such an entity shall be conducted  
21 biennially, shall cover expenditures in each fiscal year,  
22 and shall be conducted in accordance with standards of  
23 the Comptroller General referred to in subparagraph  
24 (A).

25 Within 30 days after completion of an audit under subpara-  
26 graph (A) or (B), a copy of the audit report shall be transmit-

1 ted to the State legislature and the Secretary. For purposes  
2 of subparagraphs (A) and (B), the term 'financial and compli-  
3 ance audit' means an audit to determine whether the finan-  
4 cial statements of an audited entity present fairly the finan-  
5 cial position and the results of financial operations in accord-  
6 ance with generally accepted accounting principles, and  
7 whether the entity has complied with laws and regulations  
8 that may have a material effect upon the financial  
9 statements.

10       “(3) Each State shall, after being provided by the Sec-  
11 retary with adequate notice and opportunity for a hearing  
12 within the affected State, repay to the United States amounts  
13 found not to have been expended in accordance with the re-  
14 quirements of this part or the certification provided under  
15 section 2415(c). If such repayment is not made, the Secre-  
16 tary shall, after providing the State with adequate notice and  
17 opportunity for a hearing, offset such amounts against the  
18 amount of any allotment to which the State is or may become  
19 entitled under section 2412.

20       “(4) The State shall make copies of the reports and  
21 audits required by this section available for public inspection  
22 within the State.

23       “(5) The Comptroller General of the United States  
24 shall, from time to time, evaluate the expenditures by States

1 of allotments under this part in order to assure that expendi-  
2 tures are consistent with the provisions of this part.

3       “(b) The Secretary, in consultation with appropriate na-  
4 tional organizations, shall develop model criteria and forms  
5 for the collection of data and information with respect to  
6 services provided under this part in order to enable States to  
7 share uniform data and information with respect to the provi-  
8 sion of such services.

9                               “WITHHOLDING

10       “SEC. 2419. (a)(1) The Secretary shall, after adequate  
11 notice and an opportunity for a hearing conducted within the  
12 affected State, withhold funds from any State which does not  
13 use its allotment in accordance with the requirements of this  
14 part or the certification provided under section 2415(c). The  
15 Secretary shall withhold such funds until the Secretary finds  
16 that the reason for the withholding has been removed and  
17 there is reasonable assurance that it will not recur.

18       “(2) The Secretary may not institute proceedings to  
19 withhold funds under paragraph (1) unless the Secretary has  
20 conducted an investigation concerning whether the State has  
21 used its allotment in accordance with the requirements of this  
22 part or the certification provided under section 2415(c). In-  
23 vestigations required by this paragraph shall be conducted  
24 within the affected State by qualified investigators.

25       “(3) The Secretary shall respond in an expeditious  
26 manner to complaints of a substantial or serious nature that a



1 State has failed to use funds in accordance with the require-  
2 ments of this part or the certification provided under section  
3 2415(c).

4 “(4) The Secretary may not withhold funds under para-  
5 graph (1) from a State for a minor failure to comply with the  
6 requirements of this part or the certification provided under  
7 section 2415(c).

8 “(b)(1) The Secretary shall conduct in several States in  
9 each fiscal year investigations of the use of funds received by  
10 the States under this part in order to evaluate compliance  
11 with the requirements of this part and the certification pro-  
12 vided under section 2415(c).

13 “(2) The Comptroller General of the United States may  
14 conduct investigations of the use of funds received under this  
15 part by a State in order to insure compliance with the re-  
16 quirements of this part and the certification provided under  
17 section 2415(c).

18 “(c) Each State, and each entity which has received  
19 funds from an allotment made to a State under this part, shall  
20 make appropriate books, documents, papers, and records  
21 available to the Secretary or the Comptroller General of the  
22 United States, or any of their duly authorized representa-  
23 tives, for examination, copying, or mechanical reproduction  
24 on or off the premises of the appropriate entity upon a rea-  
25 sonable request therefor.

1       “(d)(1) In conducting any investigation in a State, the  
2 Secretary or the Comptroller General of the United States  
3 may not make a request for any information not readily avail-  
4 able to such State or an entity which has received funds from  
5 an allotment made to the State under this part or make an  
6 unreasonable request for information to be compiled, collect-  
7 ed, or transmitted in any form not readily available.

8       “(2) Paragraph (1) does not apply to the collection, com-  
9 pilation, or transmittal of data in the course of a judicial  
10 proceeding.

11       “CRIMINAL PENALTY FOR FALSE STATEMENTS

12       “SEC. 2420. Whoever—

13           “(1) knowingly and willfully makes or causes to  
14 be made any false statement or representation of a ma-  
15 terial fact in connection with the furnishing of items or  
16 services for which payment may be made by a State  
17 from funds allotted to the State under this part; or

18           “(2) having knowledge of the occurrence of any  
19 event affecting his initial or continued right to any  
20 such payment conceals or fails to disclose such event  
21 with an intent fraudulently to secure such payment  
22 either in a greater amount that is due or when no such  
23 payment is authorized,

24 shall be fined not more than \$25,000 or imprisoned for not  
25 more than five years, or both.

1 "EVALUATIONS

2 "SEC. 2421. The Secretary shall conduct, or arrange  
3 for the conduct of, evaluations for services provided and ac-  
4 tivities carried out with payments to States under this part."

5 TITLE IV—TRAINING

6 ESTABLISHMENT OF PROGRAMS

7 SEC. 401. Title XXIV (as added by section 301 of this  
8 Act and amended by section 302 of this Act) is further  
9 amended by adding at the end thereof the following new part:

10 "PART D—TRAINING

11 "FELLOWSHIPS AND TRAINING

12 "SEC. 2451. (a) The Secretary, through the Director of  
13 the Centers for Disease Control, shall establish fellowship  
14 and training programs to be conducted by the Centers for  
15 Disease Control to train individuals to develop skills in epide-  
16 miology, surveillance, testing, counseling, education, infor-  
17 mation, laboratory analysis, and risk reduction relating to  
18 acquired immunodeficiency syndrome. Such programs shall  
19 be designed to enable health professionals and health person-  
20 nel trained under such programs to work, after receiving such  
21 training, in national and international efforts to combat  
22 acquired immunodeficiency syndrome.

23 "(b) Any individual receiving a fellowship or receiving  
24 training under subsection (a) shall not be counted in deter-  
25 mining the number of full time equivalent employees of the

1 Department of Health and Human Services for the purpose  
 2 of any limitation on the number of such employees estab-  
 3 lished by law prior to, on, or after the date of enactment of  
 4 this title.

5       “(c) To carry out this section, there are authorized to be  
 6 appropriated \$20,000,000 for fiscal year 1988 and such sums  
 7 as may be necessary for each of the fiscal years 1989 and  
 8 1990.

9                   “CONTINUING MEDICAL EDUCATION

10       “SEC. 2452. (a) The Secretary shall make grants to  
 11 nonprofit national organizations representing health care  
 12 workers to assist in the payment of the costs of projects to  
 13 train such workers concerning—

14               “(1) appropriate infection control procedures to  
 15 reduce the transmission of acquired immunodeficiency  
 16 syndrome; and

17               “(2) the provision of care and treatment to indi-  
 18 viduals with acquired immunodeficiency syndrome and  
 19 related illnesses.

20       “(b) No grant may be made under this section unless an  
 21 application therefor is submitted to the Secretary in such  
 22 form, at such time, and containing such information, as the  
 23 Secretary may prescribe.

24       “(c) The Federal share of the costs of a project sup-  
 25 ported with a grant under this section shall be 33 percent.

1       “(d) To carry out this section, there are authorized to be  
2 appropriated \$4,000,000 for fiscal year 1988 and such sums  
3 as may be necessary for each of the fiscal years 1989 and  
4 1990.”.

5 TRAINING OF HEALTH PROFESSIONALS WITH RESPECT TO  
6 ACQUIRED IMMUNODEFICIENCY SYNDROME

7 SEC. 402. Part F of title VII is amended by inserting  
8 after section 788 the following new section:

9 “TRAINING WITH RESPECT TO ACQUIRED  
10 IMMUNODEFICIENCY SYNDROME

11 “SEC. 788A. (a)(1) The Secretary, through the Public  
12 Health Service, may make grants to and enter into contracts  
13 with schools of medicine, schools of osteopathy, and academic  
14 health science centers to assist in meeting the costs of such  
15 schools in serving as education and training centers to—

16 “(A) train faculty of schools of medicine, psychol-  
17 ogy, nursing, osteopathy, podiatry, dentistry, public  
18 health, and allied health to teach students in such  
19 schools to provide care and treatment for individuals  
20 with acquired immunodeficiency syndrome;

21 “(B) develop and disseminate curricula relating to  
22 the care and treatment of individuals with acquired  
23 immunodeficiency syndrome; and

24 “(C) provide technical assistance to communities,  
25 regional organizations and health care systems in the  
26 training of primary care workers.

1       “(2) In making grants under this section, the Secretary  
2 shall give preference to projects which will—

3               “(A) train, or result in the training of, health pro-  
4 fessionals, mental health professionals, and allied  
5 health professionals who will provide treatment for  
6 minority individuals who are at risk of contracting ac-  
7 quired immunodeficiency syndrome and other individ-  
8 uals who are at risk of contracting such syndrome; and

9               “(B) train, or result in the training of, minority  
10 health professionals, minority mental health profession-  
11 als, and minority allied health professionals to provide  
12 treatment for individuals with acquired immunodefi-  
13 ciency syndrome.

14       “(b) No grant or contract may be made under this sec-  
15 tion unless an application therefor is submitted to the Secre-  
16 tary in such form, at such time, and containing such informa-  
17 tion, as the Secretary may prescribe.

18       “(c)(1) Any application for a grant or contract under this  
19 subsection shall be subject to appropriate peer review by peer  
20 review groups composed principally of non-Federal experts.

21       “(2) The Secretary may not approve or disapprove an  
22 application for a grant or contract under this subsection  
23 unless the Secretary has received recommendations with re-  
24 spect to such application from the appropriate peer review  
25 group required under paragraph (1) and, where appropriate,

1 has consulted with the National Advisory Council on Health  
2 Professions Education with respect to such application.

3 “(d) For purposes of this section, the term ‘school of  
4 nursing’ has the same meaning as in section 853(2).

5 “(e) To carry out this section, there are authorized to be  
6 appropriated \$11,000,000 for fiscal year 1988 and such sums  
7 as may be necessary for each of the fiscal years 1989 and  
8 1990.”.

## 9 TITLE V—SERVICE PROGRAMS

### 10 STATE SERVICE PROGRAMS

11 SEC. 501. Title XXIV (as added by section 301 of this  
12 Act and as amended by sections 302 and 401 of this Act) is  
13 further amended by inserting after part B the following new  
14 part:

### 15 “PART C—HEALTH SERVICES

#### 16 “AUTHORIZATION OF APPROPRIATIONS

17 “SEC. 2431. For the purpose of allotments under sec-  
18 tion 2432, there are authorized to be appropriated  
19 \$100,000,000 for fiscal year 1988 and such sums as may be  
20 necessary for each of the fiscal years 1989 and 1990.

#### 21 “ALLOTMENTS

22 “SEC. 2432. (a) The Secretary shall, for each of the  
23 fiscal years 1988, 1989, and 1990, allot to each State an  
24 amount determined in accordance with subsections (c) and  
25 (d). The Secretary shall, in accordance with section 2433,  
26 make payments for each such fiscal year to each State from

1 the allotment for the State if the Secretary approves for each  
2 such fiscal year an application submitted by the State pursu-  
3 ant to section 2435.

4 “(b) The Secretary may not make payments under an  
5 allotment under subsection (a) to a State for a fiscal year  
6 unless the State agrees that amounts received by the State  
7 pursuant to such subsection will be expended only in accord-  
8 ance with section 2434.

9 “(c)(1) The allotment for a State under subsection (a) for  
10 a fiscal year shall be the greater of—

11 “(A) the amount described in paragraph (2); or

12 “(B) the amount determined in accordance with  
13 subsection (d).

14 “(2)(A) If the total amount appropriated under section  
15 2431 for any fiscal year equals or exceeds \$50,000,000, the  
16 amount referred to in paragraph (1)(A) is \$175,000 for such  
17 fiscal year.

18 “(B) If the total amount appropriated under section  
19 2411 for any fiscal year is less than \$50,000,000, the  
20 amount referred to in paragraph (1)(A) is \$100,000 for such  
21 fiscal year.

22 “(d)(1) From the total amount appropriated under sec-  
23 tion 2431 for any fiscal year, the Secretary shall allot to each  
24 State for such fiscal year an amount which bears the same  
25 ratio to such total amount as the number of reported cases of



1 living individuals with acquired immunodeficiency syndrome  
2 (including reported cases of pediatric acquired immunodefi-  
3 ciency syndrome) in the State bears to the number of report-  
4 ed cases of living individuals with acquired immunodeficiency  
5 syndrome (including reported cases of pediatric acquired im-  
6 munodeficiency syndrome) in all States.

7       “(2) To the extent that all the funds appropriated under  
8 section 2431 for a fiscal year and available for allotment in  
9 such fiscal year are not otherwise allotted to the States  
10 because—

11               “(A) one or more States have not submitted an  
12 application or description of activities in accordance  
13 with section 2435 for the fiscal year;

14               “(B) one or more States have notified the Secre-  
15 tary that they do not intend to use the full amount of  
16 their allotment; or

17               “(C) some State allotments are offset or repaid  
18 under section 2437(a)(3);

19 such excess shall be allotted among each of the remaining  
20 States in proportion to the amount otherwise allotted to such  
21 States for the fiscal year without regard to this paragraph.

22               “PAYMENTS UNDER ALLOTMENTS TO STATES

23               “SEC. 2433. (a)(1) For each fiscal year, the Secretary  
24 shall make payments, as provided by section 6503 of title 31,  
25 United States Code, to each State from its allotment under  
26 section 2432 from amounts appropriated for that fiscal year.

1       “(2) Any amount paid to a State for a fiscal year and  
2 remaining unobligated at the end of such year shall remain  
3 available to such State for the purposes for which it was  
4 made for the next fiscal year.

5       “(b) The Secretary, at the request of a State, may  
6 reduce the amount of payments under subsection (a) by—

7           “(1) the fair market value of any supplies or  
8 equipment furnished the State; and

9           “(2) the amount of the pay, allowances, and  
10 travel expenses of any officer or employee of the Gov-  
11 ernment when detailed to the State and the amount of  
12 any other costs incurred in connection with the detail  
13 of such officer or employee, when the furnishing of  
14 supplies or equipment or the detail of an officer or em-  
15 ployee is for the convenience of and at the request of  
16 the State and for the purpose of conducting activities  
17 described in section 2434. The amount by which any  
18 payment is so reduced shall be available for payment  
19 by the Secretary of the costs incurred in furnishing the  
20 supplies or equipment or in detailing the personnel, on  
21 which the reduction of the payment is based, and the  
22 amount shall be deemed to be part of the payment and  
23 shall be deemed to have been paid to the State.

1 "USE OF ALLOTMENTS

2 "SEC. 2434. (a)(1) Except as provided in subsection (b),  
3 amounts paid to a State under this part may be used by the  
4 State for—

5 "(A) the payment of compensation for the services  
6 of physicians, nurses, and social workers who plan,  
7 manage, provide, or arrange for the provision of, health  
8 care services for eligible individuals in the home and in  
9 community-based settings, including community-based  
10 respite and day care programs;

11 "(B) the provision of referrals to other appropriate  
12 services;

13 "(C) the identification, location, and provision of  
14 outreach to eligible individuals, including infants and  
15 children, needing health care services in the home or in  
16 the community;

17 "(D) the provision of appropriate training and re-  
18 cruitment of individuals who provide services to eligible  
19 individuals;

20 "(E) the provision of outpatient mental health  
21 services;

22 "(F) the provision of outpatient drug abuse treat-  
23 ment services;

24 "(G) the coordination of the provision of health  
25 care services in the home for eligible individuals; and

1           “(H) the coordination of other health and social  
2       services provided for eligible individuals by public and  
3       private institutions and voluntary organizations in  
4       order to ensure the provision of such services and to  
5       maximize the use of funds provided under this part and  
6       other Federal laws.

7           “(2) A State may use amounts paid to it under section  
8       2433 to provide health care services in the home for eligible  
9       individuals through grants to health care organizations. In  
10      making such grants, a State shall give priority to certified  
11      home health care programs, hospitals, or community-based  
12      programs that have demonstrated an ability to deliver health  
13      care services.

14          “(3) A State may use amounts paid to it under section  
15      2433 to recruit and train community-based physicians and  
16      other individuals for the provision of services to eligible  
17      individuals.

18          “(4) In carrying out the activities under this part, the  
19      State shall give priority to activities directed toward minori-  
20      ties and populations at high risk of contracting acquired im-  
21      munodeficiency syndrome. A State may provide that amounts  
22      paid by the State to health care organizations shall not be  
23      used by such organizations to provide in home health services  
24      to an eligible individual in excess of an amount specified by  
25      the State.

1       “(b) A State may not use amounts paid to it under sec-  
2   tion 2433 to—

3               “(1) provide inpatient services;

4               “(2) make cash payments to intended recipients of  
5   health services;

6               “(3) purchase or improve land, purchase, con-  
7   struct, or permanently improve (other than minor re-  
8   modeling) any building or other facility, or purchase  
9   major medical equipment;

10              “(4) satisfy any requirement for the expenditure of  
11   non-Federal funds as a condition for the receipt of Fed-  
12   eral funds; or

13              “(5) provide financial assistance to any entity  
14   other than a public or nonprofit private entity.

15   The Secretary may waive the limitation contained in para-  
16   graph (3) upon the request of a State if the Secretary finds  
17   that there are extraordinary circumstances to justify the  
18   waiver and that granting the waiver will assist in carrying  
19   out this part.

20       “(c) Of the amount paid to any State under section  
21   2433, not more than 5 percent may be used for administering  
22   the funds made available under such section. The State will  
23   pay from non-Federal sources the remaining costs of adminis-  
24   tering such funds.

1       “APPLICATION AND DESCRIPTION OF ACTIVITIES

2       “SEC. 2435. (a) In order to receive an allotment for a  
3   fiscal year under section 2432 each State shall submit an  
4   application to the Secretary. Each such application shall be  
5   in such form and submitted by such date as the Secretary  
6   shall require.

7       “(b) Each State shall certify that the State will make  
8   copies of the applications required by this section available  
9   for public inspection.

10      “(c) As part of the annual application required by sub-  
11   section (a), the chief executive officer of a State shall certify  
12   as follows:

13           “(1) The State agrees to use the funds allotted to  
14   it under section 2432 in accordance with the require-  
15   ments of this part.

16           “(2) The State agrees to identify each population  
17   in the State at high risk of contracting acquired im-  
18   munodeficiency syndrome, including minority popula-  
19   tions, and to provide services under this part to each  
20   such population.

21           “(3) The State agrees that it will, to the maxi-  
22   mum extent feasible, provide services under this part  
23   to individuals who are low-income individuals and not  
24   receiving equivalent services under the State’s Medic-

1 aid plan approved under title XIX of the Social Securi-  
2 ty Act.

3 “(4) The State agrees to use funds available to  
4 the State under section 2334(c) to establish a State  
5 Acquired Immunodeficiency Syndrome Council which  
6 shall—

7 “(A) monitor, review, and evaluate, not less  
8 often than annually, the allocation and adequacy  
9 of services for eligible individuals within the  
10 State; and

11 “(B) be comprised of residents of the State,  
12 including representatives of the principal State  
13 agencies involved in providing services to eligible  
14 individuals and representatives of community-  
15 based organizations providing services to eligible  
16 individuals.

17 “TECHNICAL ASSISTANCE

18 “SEC. 2436. The Secretary may provide training and  
19 technical assistance to States with respect to the planning,  
20 development, and operation of programs to carry out this  
21 part. The Secretary may provide such training and technical  
22 assistance directly or through grants and contracts.

23 “AUDITS

24 “SEC. 2437. (a)(1) Each State shall establish fiscal con-  
25 trol and fund accounting procedures as may be necessary to

1 assure the proper disbursement of and accounting for Federal  
2 funds paid to the State under section 2433.

3       “(2) Each State shall provide for one of the following:

4               “(A) A financial and compliance audit of the funds  
5 provided the State under section 2433. Such audits  
6 shall be performed biennially, shall cover expenditures  
7 in each fiscal year, and shall be conducted in accord-  
8 ance with standards established by the Comptroller  
9 General for the audit of governmental organizations,  
10 programs, activities, and functions.

11               “(B) A single financial and compliance audit of  
12 each entity administering funds provided under section  
13 2433. An audit of such an entity shall be conducted  
14 biennially, shall cover expenditures in each fiscal year,  
15 and shall be conducted in accordance with standards of  
16 the Comptroller General referred to in subpara-  
17 graph (A).

18 Within 30 days after completion of an audit under subpara-  
19 graph (A) or (B), a copy of the audit report shall be transmit-  
20 ted to the State legislature and the Secretary. For purposes  
21 of subparagraphs (A) and (B), the term ‘financial and compli-  
22 ance audit’ means an audit to determine whether the finan-  
23 cial statements of an audited entity present fairly the finan-  
24 cial position and the results of financial operations in accord-  
25 ance with generally accepted accounting principles, and



1 whether the entity has complied with laws and regulations  
2 that may have a material effect upon the financial  
3 statements.

4       “(3) Each State shall, after being provided by the Sec-  
5 retary with adequate notice and opportunity for a hearing  
6 within the affected State, repay to the United States amounts  
7 found not to have been expended in accordance with the re-  
8 quirements of this part or the certification provided under  
9 section 2435(c). If such repayment is not made, the Secre-  
10 tary shall, after providing the State with adequate notice and  
11 opportunity for a hearing, offset such amounts against the  
12 amount of any allotment to which the State is or may become  
13 entitled under section 2432.

14       “(4) The State shall make copies of the reports and  
15 audits required by this section available for public inspection  
16 within the State.

17       “(5) The Comptroller General of the United States  
18 shall, from time to time, evaluate the expenditures by States  
19 of allotments under this part in order to assure that expendi-  
20 tures are consistent with the provisions of this part.

21       “(b) The Secretary, in consultation with appropriate na-  
22 tional organizations, shall develop model criteria and forms  
23 for the collection of data and information with respect to  
24 services provided under this part in order to enable States to

1 share uniform data and information with respect to the provi-  
2 sion of such services.

3 "WITHHOLDING

4 "SEC. 2438. (a)(1) The Secretary shall, after adequate  
5 notice and an opportunity for a hearing conducted within the  
6 affected State, withhold funds from any State which does not  
7 use its allotment in accordance with the requirements of this  
8 part or the certification provided under section 2435(c). The  
9 Secretary shall withhold such funds until the Secretary finds  
10 that the reason for the withholding has been removed and  
11 there is reasonable assurance that it will not recur.

12 "(2) The Secretary may not institute proceedings to  
13 withhold funds under paragraph (1) unless the Secretary has  
14 conducted an investigation concerning whether the State has  
15 used its allotment in accordance with the requirements of this  
16 part or the certification provided under section 2435(c). In-  
17 vestigations required by this paragraph shall be conducted  
18 within the affected State by qualified investigators.

19 "(3) The Secretary shall respond in an expeditious  
20 manner to complaints of a substantial or serious nature that a  
21 State has failed to use funds in accordance with the require-  
22 ments of this part or the certification provided under section  
23 2435(c).

24 "(4) The Secretary may not withhold funds under para-  
25 graph (1) from a State for a minor failure to comply with the

1 requirements of this part or the certification provided under  
2 section 2435(c).

3       “(b)(1) The Secretary shall conduct in several States in  
4 each fiscal year investigations of the use of funds received by  
5 the States under this part in order to evaluate compliance  
6 with the requirements of this part and the certification pro-  
7 vided under section 2435(c).

8       “(2) The Comptroller General of the United States may  
9 conduct investigations of the use of funds received under this  
10 part by a State in order to insure compliance with the re-  
11 quirements of this part and the certification provided under  
12 section 2435(c).

13       “(c) Each State, and each entity which has received  
14 funds from an allotment made to a State under this part, shall  
15 make appropriate books, documents, papers, and records  
16 available to the Secretary or the Comptroller General of the  
17 United States, or any of their duly authorized representa-  
18 tives, for examination, copying, or mechanical reproduction  
19 on or off the premises of the appropriate entity upon a rea-  
20 sonable request therefor.

21       “(d)(1) In conducting any investigation in a State, the  
22 Secretary or the Comptroller General of the United States  
23 may not make a request for any information not readily avail-  
24 able to such State or an entity which has received funds from  
25 an allotment made to the State under this part or make an

1 unreasonable request for information to be compiled, collect-  
2 ed, or transmitted in any form not readily available.

3       “(2) Paragraph (1) does not apply to the collection, com-  
4 pilation, or transmittal of data in the course of a judicial  
5 proceeding.

6       “CRIMINAL PENALTY FOR FALSE STATEMENTS

7       “SEC. 2439. Whoever—

8           “(1) knowingly and willfully makes or causes to  
9 be made any false statement or representation of a ma-  
10 terial fact in connection with the furnishing of items or  
11 services for which payment may be made by a State  
12 from funds allotted to the State under this part; or

13           “(2) having knowledge of the occurrence of any  
14 event affecting his initial or continued right to any  
15 such payment conceals or fails to disclose such event  
16 with an intent fraudulently to secure such payment  
17 either in a greater amount that is due or when no such  
18 payment is authorized,

19 shall be fined not more than \$25,000 or imprisoned for not  
20 more than five years, or both.

21       “EVALUATIONS

22       “SEC. 2440. The Secretary shall conduct, or arrange  
23 for the conduct of, evaluations for services provided and ac-  
24 tivities carried out with payments to States under this part.

## "DEFINITION

"SEC. 2441. For purposes of this part, the term 'eligible individual' means an individual who is infected with the acquired immunodeficiency syndrome virus and who has clinical symptoms resulting from such infection.

## "SUBACUTE-CARE SERVICES DEMONSTRATION PROJECTS

"SEC. 2442. (a) As used in this section:

"(1) The term 'patients infected with the human immunodeficiency virus' means persons who have a disease, or are recovering from a disease, attributable to the infection of such person with the human immunodeficiency virus, and as a result of the effects of such disease, are in need of subacute-care services.

"(2) The term 'subacute care' means medical and health care services that are required for persons recovering from acute care episodes that are less intensive than the level of care provided in acute-care hospitals, and includes skilled nursing care, hospice care, and other types of health services provided in other long-term-care facilities.

"(b) The Secretary shall conduct three demonstration projects to determine the effectiveness and cost of providing the subacute-care services described in subsection (c) to patients infected with the human immunodeficiency virus, and the impact of such services on the health status of such patients.

1       “(c)(1) The services provided under each demonstration  
2 project shall be designed to meet the specific needs of pa-  
3 tients infected with the human immunodeficiency virus, and  
4 shall include—

5               “(A) the care and treatment of such patients by  
6 providing—

7                       “(i) subacute care;

8                       “(ii) emergency medical care and specialized  
9 diagnostic and therapeutic services as needed and  
10 where appropriate, either directly or through af-  
11 filiation with a hospital that has experience in  
12 treating AIDS patients; and

13                      “(iii) case management services to ensure,  
14 through existing services and programs whenever  
15 possible, appropriate discharge planning for pa-  
16 tients; and

17               “(B) technical assistance, to other facilities in the  
18 region served by such facility, that is directed towards  
19 education and training of physicians, nurses, and other  
20 health-care professionals in the subacute care and  
21 treatment of patients infected with the human immuno-  
22 deficiency virus.

23       “(2) Services provided under each demonstration project  
24 may also include—

25               “(A) hospice services;

1           “(B) outpatient care; and

2           “(C) outreach activities in the surrounding com-  
3           munity to hospitals and other health-care facilities that  
4           serve patients infected with the human immunodeficiency virus.  
5

6           “(d) The demonstration projects shall be conducted—

7           “(1) during a 4-year period beginning not later  
8           than 9 months after the date of enactment of this section; and  
9

10          “(2) at sites that—

11               “(A) are geographically diverse and located  
12               in areas that are appropriate for the provision of  
13               the required and authorized services; and

14               “(B) have the highest incidence of AIDS  
15               cases and the greatest need for subacute-care  
16               services.

17          “(e) The Secretary shall evaluate the operations of the  
18          demonstration projects and shall submit to the Committee on  
19          Energy and Commerce of the House of Representatives and  
20          the Committee on Labor and Human Resources of the  
21          Senate—

22               “(1) not later than 18 months after the begin-  
23          ning of the first project, a preliminary report that  
24          contains—

1           “(A) a description of the sites at which the  
2           projects are being conducted and of the services  
3           being provided in each project; and

4           “(B) a preliminary evaluation of the experi-  
5           ence of the projects in the first 12 months of op-  
6           eration; and

7           “(2) not later than 6 months after the completion  
8           of the last project, a final report that contains—

9           “(A) an assessment of the costs of subacute  
10          care for patients infected with the human immun-  
11          odeficiency virus, including a breakdown of all  
12          other sources of funding for the care provided to  
13          cover subacute care; and

14          “(B) recommendations for appropriate legis-  
15          lative changes.

16          “(f) Each demonstration project shall provide for other  
17          research to be carried out at the site of such demonstration  
18          project including—

19          “(1) clinical research on the acquired immunodeficiency  
20          syndrome, concentrating on research on the  
21          neurological manifestations resulting from infection  
22          with the human immunodeficiency virus; and

23          “(2) the study of the psychological and mental  
24          health issues related to the acquired immunodeficiency  
25          syndrome.



1       “(g)(1) To carry out this section, there are authorized to  
2 be appropriated \$10,000,000 for fiscal year 1988 and such  
3 sums as are necessary for each of the fiscal years 1989  
4 through 1991.

5       “(2) Amounts appropriated pursuant to paragraph (1)  
6 shall remain available until September 10, 1992.

7       “(h) The Secretary shall enter into an agreement with  
8 the Administrator of the Veterans’ Administration to ensure  
9 that appropriate provision will be made for the furnishing,  
10 through demonstration projects, of services to eligible veter-  
11 ans, under contract with the Veterans’ Administration pursu-  
12 ant to section 620 of title 38, United States Code.”.

13 ACQUIRED IMMUNODEFICIENCY SYNDROME BLOCK GRANT  
14 PROGRAM

15           SEC. 502. Title XXIV (as added by section 301 of this  
16 Act and as amended by sections 302, 401, and 501 of this  
17 Act) is further amended by adding at the end thereof the  
18 following new part:

19 "PART E—ACQUIRED IMMUNODEFICIENCY SYNDROME  
20 BLOCK GRANT PROGRAM  
21 "GRANTS

22       “SEC. 2461. (a) To carry out this section, there are au-  
23   thorized to be appropriated \$75,000,000 for fiscal year 1988,  
24   and such sums as are appropriate for each of the fiscal years  
25   1989 through 1991, to make grants to public and nonprofit  
26   private entities for projects and programs that seek to reduce

1 the transmission of the acquired immunodeficiency virus in  
2 and by users of illegal intravenous drugs.

3       “(b) An allotment to a State shall not be made by the  
4 Secretary under subsection (a) unless the State has submitted  
5 an information and assurances section as designated in sec-  
6 tion 2463, and such information and assurances section has  
7 been approved by the Secretary, acting through the Director  
8 of the National Institute on Drug Abuse in consultation with  
9 the Director of the Centers for Disease Control, in accord-  
10 ance with section 2463.

11                               “ALLOTMENTS

12       “SEC. 2462. (a) The Secretary shall reserve \$100,000  
13 of the amount appropriated under section 2461 in each fiscal  
14 year for payments to Guam, American Samoa, the Virgin  
15 Islands, the Trust Territory of the Pacific Islands, and the  
16 Northern Mariana Islands, to be allotted in accordance with  
17 their respective needs.

18       “(b) The allotment of a State under this section shall be  
19 based on the State's proportionate share of the number of  
20 intravenous drug use related cases of AIDS as reported by  
21 the Centers for Disease Control, but in no case shall a State  
22 receive less than \$150,000.

23       “(c) Puerto Rico shall be treated as a State in the deter-  
24 mination of allotments under subsection (b).

25       “(d) The Secretary shall obtain from each appropriate  
26 Federal agency, the most recent data and information, for the

1 12-month period immediately preceding the determination of  
2 the allotment, necessary to determine the allotments for fiscal  
3 year 1988, and for subsequent fiscal years, the Secretary  
4 shall obtain the most recent data and information, for the 2-  
5 year period immediately preceding the determination of the  
6 allotment.

7 "REQUIRED INFORMATION AND ASSURANCES

8 "SEC. 2463. In order to receive an allotment for a fiscal  
9 year under section 2462, each State shall submit to the Sec-  
10 retary, as part of the alcohol, drug abuse, and mental health  
11 block grant application required under section 1916 of the  
12 Public Health Service Act, an information and assurances  
13 section that shall contain—

14 "(1) such information as the Directors of the Na-  
15 tional Institute on Drug Abuse and the Centers for  
16 Disease Control shall require;

17 "(2) a description of the programs that will be im-  
18 plemented or improved with the assistance given under  
19 this part and the manner in which such programs will  
20 be coordinated with other public and private programs  
21 and activities;

22 "(3) assurances that, in the preparation of any  
23 statement under this section, the State will consult  
24 with local governments and the public and private enti-  
25 ties (including community-based organizations) involved  
26 in the provision of services under this part;

1           “(4) a description of the manner in which the  
2     State will evaluate the programs and activities con-  
3     ducted with assistance provided under this part;

4           “(5) assurances that the State will prepare and  
5     submit a report, as required by the Secretary, on the  
6     results of the evaluations referred to in paragraph (3);

7           “(6) assurances that the State will prepare and  
8     submit reports, as required by the Secretary, contain-  
9     ing data necessary to monitor relevant epidemiological  
10    changes; and

11          “(7) assurances that assistance provided to the  
12    State under this part will supplement and not supplant  
13    any State or local expenditures for treatment, out-  
14    reach, prevention, and educational efforts targeted for  
15    users of illegal intravenous drugs at risk of contracting  
16    acquired immunodeficiency syndrome.

17                           “USE OF ALLOTMENTS

18          “SEC. 2464. Amounts paid to a State under this part  
19    may be used by the State according to such requirements as  
20    the Secretary, acting through the Director of the National  
21    Institute on Drug Abuse, and in consultation with the Direc-  
22    tors of the Centers for Disease Control, to establish programs  
23    that provide—

24           “(1) treatment for users of illegal intravenous  
25    drugs that have contracted, or are at risk of contract-  
26    ing the acquired immunodeficiency syndrome virus;

1           “(2) outreach services to users of illegal intrave-  
2       nous drugs;

3           “(3) aggressive efforts to prevent the transmission  
4       of the acquired immunodeficiency syndrome virus  
5       among users of illegal intravenous drugs; and

6           “(4) the training and organizational efforts neces-  
7       sary to accomplish all of the above.

8                               “PAYMENTS

9       “SEC. 2465. (a) For each fiscal year, the Secretary shall  
10     make payments, as provided by section 203 of the Intergov-  
11     ernmental Cooperation Act of 1968 (42 U.S.C. 4213), to  
12     each State that has complied with section 2463 from the al-  
13     lotment under section 2462 (other than any amount reserved  
14     under section 2462) from amounts appropriated for that fiscal  
15     year.

16       “(b)(1) Any amount paid to a State for a fiscal year and  
17     remaining unobligated at the end of such year shall remain  
18     available to such State for the next fiscal year for the pur-  
19     poses for which the payment was made.

20       “(2) If in the judgment of the Secretary, a State is un-  
21     likely to use funds that are available to that State during a  
22     fiscal year for the purposes prescribed by the Secretary under  
23     section 2464, the Secretary may withhold the amount other-  
24     wise available to that State in subsequent fiscal year.

25       “(c)(1) The Secretary, at the request of a State, may  
26     reduce the amount of payments under subsection (a) by—

1           “(A) the fair market value of any supplies or  
2       equipment furnished the State by the Federal Govern-  
3       ment for the convenience of and at the request of the  
4       State; and

5           “(B) the amount of the pay, allowances, and  
6       travel expenses of any officer or employee of the Fed-  
7       eral Government when detailed to the State, and the  
8       amount of any other costs incurred in connection with  
9       the detail of such officer or employee, if such amount is  
10      expended for the convenience of and at the request of  
11      the State.

12          “(2) The amount by which any payment is reduced  
13      under paragraph (1) shall be available for payment by the  
14      Secretary of the costs incurred in furnishing the supplies or  
15      equipment or in detailing the personnel, on which the reduc-  
16      tion of the payment is based. The amount shall be considered  
17      to be part of the payment and to have been paid to the State.

18          “(d) To the extent that all the funds appropriated under  
19      section 2462 for a fiscal year and available for allotment in  
20      such fiscal year are not otherwise allotted to States be-  
21      cause—

22           “(1) one or more States have not submitted a sat-  
23      isfactory application with an information and assur-  
24      ances section in accordance with section 2463 for the  
25      fiscal year;

1           “(2) one or more States have notified the Secre-  
2           tary that they do not intend to use the full amount of  
3           their allotment; or

4           “(3) some States allotments are offset or repaid  
5           under subsection (c);

6           such excess shall be allotted among each of the remaining  
7           States in proportion to the amount otherwise allotted to such  
8           States for the fiscal year without regard to this subsection.

9                                 “DEFINITION

10          “SEC. 2466. As used in this part, the term ‘illegal intra-  
11          venous drug’ includes any controlled substance as defined in  
12          section 102(6) of the Controlled Substance Act (21 U.S.C.  
13          802(6)).”.

14                                 **TITLE VI—RESEARCH**

15                         **ACQUIRED IMMUNODEFICIENCY SYNDROME ADVISORY**

16   **BOARD**

17          SEC. 601. Part B of title IV is amended by adding at  
18          the end thereof the following new section:

19                         “ACQUIRED IMMUNODEFICIENCY SYNDROME ADVISORY

20   **BOARD**

21          “SEC. 409. (a) The Director of NIH shall establish in  
22          the National Institutes of Health an Acquired Immunodefi-  
23          ciency Syndrome Advisory Board (hereafter in this section  
24          referred to as the ‘Advisory Board’).

1       “(b) The Advisory Board shall be composed of seven  
2 appointed members and nonvoting ex officio members as  
3 follows:

4               “(1) The Director of NIH shall appoint—

5                       “(A) four members from individuals who are  
6 scientists, physicians, and other health profession-  
7 als, who are not officers or employees of the  
8 United States, and who represent the specialties  
9 and disciplines relevant to acquired immunodeficiency  
10 syndrome; and

11                      “(B) three members from the general public  
12 who are knowledgeable with respect to acquired  
13 immunodeficiency syndrome, including at least  
14 one member who is an individual who is infected  
15 with the human immunodeficiency virus.

16       Of the members appointed under this paragraph, at  
17 least three shall by virtue of training or experience be  
18 knowledgeable in research in the fields of health educa-  
19 tion, nursing, data systems, public information, and  
20 community program development, and of the members  
21 appointed under subparagraph (A), at least one shall be  
22 an expert in public health. In making appointments  
23 under this paragraph, the Director of NIH shall re-  
24 quest recommendations from the Institute of Medicine  
25 of the National Academy of Sciences.



1           “(2) The following shall be ex officio members of  
2       the Advisory Board:

3           “(A) The Director of NIH, the Director of  
4       the National Cancer Institute, the Director of the  
5       National Institute on Allergy and Infectious Dis-  
6       eases, the Director of the National Heart, Lung,  
7       and Blood Institute, and the Surgeon General of  
8       the United States (or the designees of such offi-  
9       cers).

10          “(B) Such other officers and employees of  
11       the United States as the Advisory Board deter-  
12       mines necessary for the Advisory Board to carry  
13       out its functions.

14          “(c) Members of the Advisory Board shall serve without  
15       compensation in addition to that received in their regular  
16       public employment. While away from their homes or regular  
17       places of business in the performance of duties for the Advi-  
18       sory Board, all members of the Advisory Board shall be al-  
19       lowed travel expenses, including per diem in lieu of subsist-  
20       ence, at rates authorized for employees of agencies under  
21       sections 5702 and 5703 of title 5, United States Code.

22          “(d) The term of office of an appointed member of the  
23       Advisory Board is four years, except that no term of office  
24       may extend beyond the expiration of the Advisory Board.  
25       Any member appointed to fill a vacancy for an unexpired

1 term shall be appointed for the remainder of such term. A  
2 member may serve after the expiration of the member's term  
3 until a successor has taken office. If a vacancy occurs in the  
4 Advisory Board, the Director of NIH shall make an appoint-  
5 ment to fill the vacancy not later than 90 days from the date  
6 the vacancy occurred.

7       “(e) The Director of NIH shall select the chairman of  
8 the Advisory Board from the members of the Advisory  
9 Board.

10       “(f) The Director of NIH shall, after consultation with  
11 and consideration of the recommendations of the Advisory  
12 Board, provide the Advisory Board with an executive direc-  
13 tor and one other professional staff member. In addition, the  
14 Director of NIH shall, after consultation with and consider-  
15 ation of the recommendations of the Advisory Board, provide  
16 the Advisory Board with such additional professional staff  
17 members, such clerical staff members, such services of con-  
18 sultants, such information, and (through contracts or other  
19 arrangements) such administrative support services and facili-  
20 ties, as the Director of NIH determines are necessary for the  
21 Advisory Board to carry out its functions.

22       “(g) The Advisory Board shall meet at the call of the  
23 chairman, but not less often than four times a year.

24       “(h) The Advisory Board shall—

1           “(1) review and evaluate the implementation of  
2       the Core National Research Program on Acquired Im-  
3       munodeficiency Syndrome established under section  
4       447;

5           “(2) for the purpose of assuring the most effective  
6       use and organization of resources respecting research  
7       concerning acquired immunodeficiency syndrome,  
8       advise and make recommendations to the Congress, the  
9       Secretary, the Director of NIH, the Director of the  
10      National Institute on Allergy and Infectious Diseases,  
11      and the heads of other appropriate Federal agencies for  
12      the implementation and revision of such Program; and

13           “(3) maintain liaison with other advisory bodies  
14      related to Federal agencies involved in activities relat-  
15      ed to acquired immunodeficiency syndrome.

16           “(i) In carrying out its functions, the Advisory Board  
17      may establish subcommittees, convene workshops and confer-  
18      ences, and collect data. Such subcommittees may be com-  
19      posed of Advisory Board members and nonmember consult-  
20      ants with expertise in the particular area addressed by such  
21      subcommittees. The subcommittees may hold such meetings  
22      as are necessary to enable them to carry out their activities.

23           “(j) The Advisory Board shall prepare and transmit to  
24      the Director of NIH an annual report which—

1           “(1) describes the Advisory Board’s activities in  
2           the fiscal year for which the report is made; and

3           “(2) contains the Advisory Board’s recommenda-  
4           tions with respect to the Program.

5           “(k) The Advisory Board shall terminate on Septem-  
6           ber 30, 1992.

7           “(l) The Director of NIH shall make appointments to  
8           the Advisory Board within 90 days after the date of enact-  
9           ment of this section.”.

10   IMPROVING THE CAPABILITY OF THE NATIONAL INSTI-  
11   TUTES OF HEALTH TO COMBAT ACQUIRED IMMUNO-  
12   DEFICIENCY SYNDROME

13   SEC. 602. (a) Section 402 is amended by adding at the  
14   end thereof the following new subsection:

15   “(g) The Director of the National Institutes of Health  
16   shall—

17           “(1) coordinate activities relating to acquired im-  
18           munodeficiency syndrome conducted by the national re-  
19           search institutes and the agencies of the National Insti-  
20           tutes of Health; and

21           “(2) give special emphasis to the continued devel-  
22           opment of activities relating to the cause of acquired  
23           immunodeficiency syndrome and to the coordination of  
24           such activities in and among the national research in-  
25           stitutes and agencies.”.

26   (b) Section 403 is amended—

1 (1) by inserting "(a)" after the section designation;

2 and

3 (2) by adding at the end thereof the following new  
4 subsection:

5 "(b) The Director of the National Institutes of Health  
6 shall prepare and transmit to the Secretary, for inclusion in  
7 the Secretary's annual report under section 102 of the Ac-  
8 quired Immunodeficiency Syndrome Information and Re-  
9 search Act of 1988, a report—

10 "(1) describing and evaluating the progress made  
11 in research, treatment, education, and training with re-  
12 spect to acquired immunodeficiency syndrome conduct-  
13 ed or supported by the National Institutes of Health;

14 "(2) summarizing and analyzing expenditures  
15 made in such fiscal year for activities respecting ac-  
16 quired immunodeficiency syndrome conducted or sup-  
17 ported by the National Institutes of Health; and

18 "(3) containing such recommendations as the Di-  
19 rector considers appropriate."

20 CORE NATIONAL RESEARCH PROGRAM ON ACQUIRED

21 IMMUNODEFICIENCY SYNDROME

22 SEC. 603. (a) Subpart 6 of part C of title IV is amended  
23 by adding at the end thereof the following new sections:

1       “CORE NATIONAL RESEARCH PROGRAM ON ACQUIRED  
2                               IMMUNODEFICIENCY SYNDROME

3       “SEC. 447. (a) There shall be a Core National Research  
4 Program on Acquired Immunodeficiency Syndrome (hereafter  
5 in this subpart referred to as the ‘Program’), which shall con-  
6 sist of—

7               “(1) an expanded, intensified, and coordinated re-  
8 search program on acquired immunodeficiency syn-  
9 drome conducted and supported by the Institute, in-  
10 cluding an expanded and intensified basic and clinical  
11 research program relating to the prevention and treat-  
12 ment of acquired immunodeficiency syndrome; and

13               “(2) demonstration, education, and other programs  
14 for health professionals for the detection, diagnosis,  
15 prevention, and treatment of acquired immunodefi-  
16 ciency syndrome and related illnesses.

17       “(b) The Director of the Institute shall be responsible  
18 for the administration of the Program.

19       “(c) To carry out the Program, the Director of the Insti-  
20 tute shall establish projects to promote cooperation between  
21 Federal agencies, State, local, and regional public health  
22 agencies, and private entities, in research concerning the di-  
23 agnosis, prevention, and treatment of acquired immunodefi-  
24 ciency syndrome.

1       “(d) In carrying out the Program, the Director of the  
2 Institute shall—

3               “(1) coordinate activities under the Program with  
4 other activities relating to acquired immunodeficiency  
5 syndrome conducted by the other national research in-  
6 stitutes and the agencies of the National Institutes of  
7 Health; and

8               “(2) give special emphasis to the continued devel-  
9 opment of activities relating to the cause of acquired  
10 immunodeficiency syndrome and to the coordination of  
11 such activities with related activities conducted by the  
12 other national research institutes.

13       “(e) The Director of the Institute shall prepare and  
14 transmit to the Secretary, for inclusion in the Secretary’s  
15 annual report under section 102 of the Acquired Immunodeficiency Syndrome Information and Research Act of 1988, a  
16 report—  
17

18               “(1) describing and evaluating the progress made  
19 in such fiscal year in research, treatment, education,  
20 and training with respect to acquired immunodeficiency  
21 syndrome conducted or supported by the Institute;

22               “(2) summarizing and analyzing expenditures  
23 made in such fiscal year for activities respecting ac-  
24 quired immunodeficiency syndrome conducted or sup-  
25 ported by the Institute; and

1           “(3) containing such recommendations as the Di-  
2           rector of the Institute considers appropriate.

3           “SPECIAL AUTHORITIES OF THE DIRECTOR

4           “SEC. 447A. In carrying out the Program, the Director  
5 of the Institute—

6           “(1) shall develop and expand clinical trials of  
7           treatments and therapies for acquired immunodeficiency  
8           syndrome and infection with the acquired immunodefi-  
9           ciency syndrome virus;

10          “(2) may establish or support the large-scale de-  
11          velopment and preclinical screening, production, or dis-  
12          tribution of specialized biological materials and other  
13          therapeutic substances for research relating to acquired  
14          immunodeficiency syndrome and set standards of safety  
15          and care for persons using such materials;

16          “(3) may, in consultation with the advisory coun-  
17          cil for the Institute, support (A) research relating to  
18          acquired immunodeficiency syndrome outside the  
19          United States by highly qualified foreign nationals  
20          which can be expected to benefit the American people,  
21          (B) collaborative research involving American and for-  
22          eign participants, and (C) the training of American sci-  
23          entists abroad and foreign scientists in the United  
24          States;

25          “(4) may, in consultation with the advisory coun-  
26          cil for the Institute, support appropriate programs of



1 education and training (including continuing education  
2 and laboratory and clinical research training);

3 “(5) may encourage and coordinate research relat-  
4 ing to acquired immunodeficiency syndrome by indus-  
5 trial concerns where such concerns evidence a particu-  
6 lar capability for such research;

7 “(6)(A) may, in consultation with the advisory  
8 council for the Institute, acquire, improve, repair, oper-  
9 ate, and maintain laboratories, other research facilities,  
10 equipment, and such other real or personal property as  
11 the Director of the Institute determines necessary;

12 “(B) may, in consultation with the advisory coun-  
13 cil for the Institute, make grants for the renovation or  
14 construction of facilities; and

15 “(C) may, in consultation with the advisory coun-  
16 cil for the Institute, acquire, without regard to the Act  
17 of March 3, 1877 (40 U.S.C. 34) by lease or otherwise  
18 through the Administrator of General Services, build-  
19 ings or parts of buildings in the District of Columbia or  
20 communities located adjacent to the District of Colum-  
21 bia for the use of the Program for a period not to  
22 exceed ten years; and

23 “(7) subject to section 405(b)(2) and without  
24 regard to section 3324 of title 31, United States Code,  
25 and section 3709 of the Revised Statutes (41 U.S.C.

5), may enter into such contracts and cooperative agreements with any public agency, or with any person, firm, association, corporation, or educational institution, as may be necessary to expedite and coordinate research relating to acquired immunodeficiency syndrome.

“NATIONAL ACQUIRED IMMUNODEFICIENCY SYNDROME

## RESEARCH CENTERS

9           “SEC. 447B. (a)(1) The Director of the Institute may  
10 enter into cooperative agreements with and make grants to  
11 public or private nonprofit entities to pay all or part of the  
12 cost of planning, establishing, or strengthening, and providing  
13 basic operating support for, centers for basic and clinical re-  
14 search into, and training in, advanced diagnostic, prevention,  
15 and treatment methods for acquired immunodeficiency  
16 syndrome.

17       “(2) A cooperative agreement or grant under paragraph  
18 (1) shall be entered into in accordance with policies estab-  
19 lished by the Director of NIH and after consultation with the  
20 Institute’s advisory council.

21       “(b) Federal payments made under a cooperative agree-  
22   ment or grant under subsection (a) may be used for—

23 “(1) the renovation or leasing of space;

24           “(2) staffing and other basic operating costs, in-  
25       cluding such patient care costs as are required for  
26       research;

1           “(3) clinical training, including training for allied  
2       health professionals, continuing education for health  
3       professionals and allied health professions personnel,  
4       and information programs for the public respecting ac-  
5       quired immunodeficiency syndrome; and

6           “(4) demonstration purposes.

7       As used in this subsection, the term ‘training’ does not in-  
8       clude research training for which National Research Service  
9       Awards may be provided under section 487.

10       “(c) Support of a center under subsection (a) may be for  
11       a period of not to exceed five years. Such period may be  
12       extended by the Director for additional periods of not more  
13       than five years each if the operations of such center have  
14       been reviewed by an appropriate technical and scientific peer  
15       review group established by the Director and if such group  
16       has recommended to the Director that such period should be  
17       extended.

18           “ASSOCIATE DIRECTOR FOR PREVENTION

19       “SEC. 447C. (a) There shall be in the Institute an Asso-  
20       ciate Director for Prevention to coordinate and promote the  
21       programs in the Institute concerning the prevention of infec-  
22       tious diseases, including acquired immunodeficiency syn-  
23       drome. The Associate Director shall be appointed by the Di-  
24       rector of the Institute from individuals who because of their  
25       professional training or experience are experts in public  
26       health or preventive medicine.

1       “(b) The Associate Director for Prevention shall prepare  
 2 for inclusion in the biennial report made under section 407 a  
 3 description of the prevention activities of the Institute, in-  
 4 cluding a description of the staff and resources allocated to  
 5 those activities.

6                               “VIRUS AND SERUM BANK

7       “SEC. 447D. The Director of the Institute shall estab-  
 8 lish, or provide for the establishment of, a virus and serum  
 9 bank in which all human immunodeficiency virus serotypes  
 10 and serum are available to qualified investigators and organi-  
 11 zations.”.

12       (b) Section 446 is amended—

13               (1) by inserting “the cause, prevention, treatment,  
 14 and care of individuals with” after “with respect to”;  
 15 and

16               (2) by inserting before the period a comma and  
 17 “including acquired immunodeficiency syndrome”.

18                               NATIONAL RESEARCH SERVICE AWARDS

19       SEC. 603. Section 487(a) is amended by adding at the  
 20 end thereof the following new paragraph:

21       “(4) The Secretary, through the Directors of the nation-  
 22 al research institutes, shall make National Research Service  
 23 Awards under subparagraphs (A)(ii), (A)(iv), and (B) of para-  
 24 graph (1) for the training of individuals to participate in na-  
 25 tional research efforts relating to acquired immunodeficiency  
 26 syndrome.”.

1                                   DRUG ABUSE RESEARCH

2       SEC. 604. (a) Section 516(a) is amended—

3               (1) by striking out “and” at the end of paragraph  
4       (1)(B);

5               (2) by striking out the period at the end of para-  
6       graph (2)(C) and inserting in lieu thereof a semicolon  
7       and “and”; and

8               (3) by adding at the end thereof the following new  
9       paragraph:

10              “(3) for the study and demonstration of effective  
11       methods to reduce the transmission of the acquired im-  
12       munodeficiency syndrome virus among intravenous  
13       drug abusers.”.

14       (b) Section 517 is amended by adding at the end thereof  
15       the following new sentence: “Of the amounts appropriated  
16       under this section for any fiscal year (beginning with fiscal  
17       year 1988) \$25,000,000 shall be available for projects under  
18       section 516(a)(3).”.

19                           TITLE VII—MANDATORY TESTING OF  
20   CONVICTED FELONS

21   SHORT TITLE

22       SEC. 701. This title may be cited as the “AIDS Aware-  
23       ness Act of 1988”.

24   TESTING OF FEDERAL PRISONERS

25       SEC. 702. (a) ATTORNEY GENERAL.—

1           (1) IN GENERAL.—The Attorney General shall  
2 provide for the confidential testing of—

3           (A) any individual convicted of an intrave-  
4 nous drug or sex offense on or after the effective  
5 date of this Act; and

6           (B) each individual incarcerated in a Federal  
7 prison for an intravenous drug or sex offense;  
8 for exposure of such individuals to the human immuno-  
9 deficiency virus.

10          (2) COSTS.—The costs of testing an individual de-  
11 scribed in paragraph (1)(A) shall be paid for by such  
12 individual, provided such individual is able to pay, and  
13 such costs shall be included in any court costs or fines  
14 ordered to be paid by the individual upon sentencing.

15          (3) DATE OF COMMISSION.—The testing require-  
16 ments for individuals described in paragraph (1)(B)  
17 shall apply to any individual currently incarcerated in a  
18 Federal prison for an intravenous drug or sex offense if  
19 such intravenous drug or sex offense was committed on  
20 or after January 1, 1978.

21          (b) CONFIDENTIALITY.—Except as provided herein, no  
22 person receiving identifying information regarding an individ-  
23 ual tested pursuant to this section shall disclose or redisclose  
24 such information to any person. The confidentiality of the

1 testing required under subsection (a) shall be waived only so  
2 that—

3 (1) correctional personnel deemed appropriate by  
4 the Attorney General in accordance with guidelines  
5 pertaining to occupational risks of exposure to the  
6 human immunodeficiency virus issued by the Depart-  
7 ment of Health and Human Services may have access  
8 to the information, and

9 (2) victims of rape may be informed of the results  
10 of the test, if the person convicted of the rape tests  
11 positive for exposure to the human immunodeficiency  
12 virus.

13 (c) MEDICAL TREATMENT OF DRUG AND SEX OF-  
14 FENDERS.—The Attorney General shall provide education  
15 and counseling through existing prison medical facilities to  
16 any individual testing positive for exposure to the human im-  
17 munodeficiency virus under subsection (a).

18 (d) DRUG OR SEX OFFENSE.—For purposes of this sec-  
19 tion, the term “intravenous drug or sex offense” means—

20 (1) an offense that is punishable, under a Federal  
21 law relating to intravenous use of a controlled sub-  
22 stance (other than a law relating to simple possession  
23 of a controlled substance), by death or imprisonment  
24 for a term exceeding one year; or

1           (2) an offense punishable under chapter 99 of title  
2       18, United States Code, relating to rape.

3                       TESTING OF STATE PRISONERS

4       SEC. 703. (a) IN GENERAL.—The chief law enforce-  
5   ment officer of each State shall establish a State program to  
6   provide for the confidential testing of—

7           (1) any individual convicted under State law, of  
8       an intravenous drug or sex offense on or after the ef-  
9       fective date of this title; and

10          (2) each individual incarcerated in a State penal  
11       institution for intravenous drug or sex offense, for ex-  
12       posure to the human immunodeficiency virus.

13       (b) WAIVER OF CONFIDENTIALITY.—The confidential-  
14   ity of the testing required under subsection (a) shall be  
15   waived only so that—

16          (1) correctional personnel, as deemed necessary  
17       under laws of the State or policies established by the  
18       State Department of Health, may have access to the  
19       information, and

20          (2) victims of rape may be informed of the result  
21       of the test, if the person convicted of the rape tests  
22       positive for exposure to the human immunodeficiency  
23       virus.

24       (c) FUNDING.—



1           (1) IN GENERAL.—The program established under  
2 subsection (a) shall be conducted in part with using  
3 funds made available under this section.

4           (2) REQUIREMENT.—A State shall not receive  
5 funds under subsection (f) unless an application for such  
6 has been submitted to, and approved by, the Attorney  
7 General.

8           (3) CONTENTS.—An application submitted under  
9 paragraph (1) shall—

10               (A) be in such form and be submitted in such  
11 manner as the Attorney General may by regula-  
12 tion require; and

13               (B) contain—

14                       (i) assurances by the chief executive of-  
15 ficer of the State that the State will provide,  
16 through existing medical facilities in State  
17 penal institutions, education and pre- and  
18 post-test counseling to any individual tested  
19 for exposure to the human immunodeficiency  
20 virus under this section; and

21                       (ii) a 50 percent cost share under sub-  
22 section (a), by the State; and

23                       (iii) such other information as the Attor-  
24 ney General may by regulation specify.

25           (d) DEFINITIONS.—As used in this section:

1           (1) INDIVIDUAL.—The term “individual” means  
2           any individual who is currently incarcerated in a State  
3           prison for a State criminal offense who committed such  
4           offense on or after January 1, 1978.

5           (2) INTRAVENOUS DRUG OR SEX OFFENSE.—The  
6           term “intravenous drug or sex offense” means—

7                   (A) an offense that is punishable, under a  
8                   State law relating to intravenous use of a con-  
9                   trolled substance (other than a law relating to  
10                  simple possession of a controlled substance), by  
11                  death or imprisonment for a term exceeding one  
12                  year;

13                  (B) a State offense of the same type de-  
14                  scribed under chapter 99 of title 18, United  
15                  States Code, relating to rape; or

16                  (C) a State criminal offense involving  
17                  prostitution.

18           (e) REGULATIONS.—The Attorney General shall pro-  
19           mulgate regulations to carry out this section, including regu-  
20           lations that determine the amount of funds that each State is  
21           entitled to receive under this section.

22           (f) AUTHORIZATION.—To carry out this section, there  
23           are authorized to be appropriated such sums as may be nec-  
24           essary for each of the fiscal years 1988 through 1990.

## ATTORNEY GENERAL STUDY

SEC. 704. Not later than one year after the date of enactment of this title, the Attorney General shall complete a study and submit a report to Congress concerning the appropriateness of mandated prison sentences for any individual convicted of an intravenous drug or sex offense who thereafter knowingly places others at risk of becoming infected with the human immunodeficiency virus.

## EFFECTIVE DATE

SEC. 705. This title shall become effective one hundred and eighty days after the date of enactment of this Act. A State may apply to the Attorney General for a waiver to permit an additional period of one hundred and eighty days to submit the application required for funding.

## TITLE VIII—AMERICAN INDIAN AIDS

## PREVENTION AND TREATMENT PROGRAM

SEC. 801. There is hereby authorized to be appropriated to the Indian Health Service, \$6,600,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990, for the development and implementation of information programs, healthcare worker training and awareness, and care and treatment programs for Indian people with AIDS, under such terms and conditions as are generally applicable for such programs pursuant to this Act.

## 1 TITLE IX—GENERAL PROVISIONS

2 SEC. 901. Notwithstanding any other provision of law,  
3 The Prohibition of Discrimination in the Provision of Insur-  
4 ance Act of 1986 (D.C. Law 6-170) is hereby repealed.

5 SEC. 902. None of the funds provided under this Act or  
6 an amendment made by this Act shall be used to provide  
7 individuals with hypodermic needles or syringes so that such  
8 individuals may use illegal drugs, unless the Surgeon General  
9 of the United States determines that a demonstration needle  
10 exchange program would be effective in reducing drug abuse  
11 and the risk that the public will become infected with AIDS.

12 SEC. 903. The Congressional Biomedical Ethics Board  
13 shall report to Congress within eighteen months from the ef-  
14 fective date of this Act on the ethical issues connected with  
15 the administration of nutrition and hydration to dying pa-  
16 tients. This report shall include a review of State laws, regu-  
17 lations and court decisions on this topic. The report shall also  
18 discuss the arguments concerning the appropriate roles of the  
19 patient, the patient's family, the care provider, the State and  
20 the appropriate Federal role.

21 SEC. 904. (a) Notwithstanding any other provision of  
22 law or of this Act, or an amendment made by this Act, no  
23 State or local government entity shall be eligible to receive  
24 any funds authorized under this Act, or an amendment made

1 by this Act, if such entity has any law, regulation, or admin-  
2 istrative policy that—

3 (1) forbids spousal notification in AIDS cases; or

4 (2) holds any physician criminally or civilly liable  
5 for spousal notification in AIDS cases.

6 (b)(1) Upon application of a State or local government  
7 entity, the Secretary of Health and Human Services may  
8 waive the requirements of subsection (a) with respect to that  
9 organization for a period not to exceed two years if the Sec-  
10 retary determines that such a waiver is necessary.

11 (2) A State or local government entity shall be eligible  
12 to receive funds under this Act, or an amendment made by  
13 this Act, during any period not to exceed two years in which  
14 the Secretary has waived the requirements of subsection (a)  
15 with respect to that entity.

16 (c) For purposes of this section—

17 (1) the term “State or local government entity”  
18 means any State or political subdivision of any State or  
19 any department, agency, special purpose district, or  
20 other instrumentality of a State or of a political subdi-  
21 vision of any State;

22 (2) the term “spousal notification in AIDS cases”  
23 means the act of any physician (who has encouraged  
24 the patient to notify personally such patient’s spouse of  
25 the test results and who believes that the patient will

1 not notify his or her spouse and believes that it is  
2 medically appropriate for the physician to inform such  
3 spouse) in confidentially notifying the spouse of any pa-  
4 tient who has tested positive for the presence of the  
5 probable causative agent of acquired immunodeficiency  
6 syndrome that such test was positive, even if the pa-  
7 tient refuses to consent to such notification; and

8 (3) the term "physician" means (A) any licensed  
9 doctor of medicine or osteopathy, nurse practitioner, or  
10 any other person who provides health care whenever  
11 such doctor, nurse, or other health care provider is  
12 acting within the scope of such person's license, or (B)  
13 any person in the State or local government entity's  
14 department of health (or comparable agency) who is  
15 authorized to act on behalf of any doctor of medicine,  
16 nurse practitioner, or other person who provides health  
17 care.

18 (d) Nothing in this section shall be construed to affect or  
19 prohibit the availability of anonymous testing.

20 SEC. 905. (a) Notwithstanding any other provision of  
21 this Act or an amendment made by this Act none of the funds  
22 provided under this Act or an amendment made by this Act  
23 shall be used to provide educational, informational, or risk  
24 reduction materials or activities to promote or encourage, di-  
25 rectly, homosexual sexual activity.

1 (b) Education, information, and prevention activities and  
2 materials paid for with funds appropriated under this Act  
3 shall emphasize—

4 (1) abstinence from sexual activity outside a sexu-  
5 ally monogamous marriage (including abstinence from  
6 homosexual sexual activities) and

7 (2) abstinence from the use of illegal intravenous  
8 drugs.

9 (c) The homosexual activity referred to in subsections  
10 (a), (b), and (c) means any sexual activity between two or  
11 more males as described in section 2256(2)(A) of title 18,  
12 United States Code.

13 (d) The illegal drugs referred to in subsections (a), (b),  
14 and (c) mean any controlled substance as defined in section  
15 106(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

16 (e) If the Secretary of Health and Human Services finds  
17 that a recipient of funds under this Act has failed to comply  
18 with this section, the Secretary shall notify the recipient, if  
19 the funds are paid directly to the recipient, or notify the State  
20 if the recipient receives the funds from the State of such find-  
21 ings and that—

22 (1) no further funds shall be provided to the  
23 recipient;

1           (2) no further funds shall be provided to the  
2       State with respect to noncompliance by the individual  
3       recipient;

4           (3) further payment shall be limited to those re-  
5       cipients not participating in such noncompliance; and

6           (4) the recipient shall repay to the United States,  
7       amounts found not to have been expended in accord-  
8       ance with this section.

9       (f) All federally funded AIDS public information and  
10     education programs shall provide accurate warnings, the con-  
11     tent of which shall be promulgated by the Secretary of  
12     Health and Human Services, that homosexual and bisexual  
13     activities, multiple sex partners, and intravenous drug use,  
14     are high risk activities which place individuals at risk of be-  
15     coming infected with the etiologic agent for AIDS of which  
16     there is no known cure once an individual becomes infected  
17     with the AIDS virus.

18       SEC. 906. RESTRICTIONS CONCERNING EDUCATION  
19     PROGRAMS.—Education programs that receive funds under  
20     this Act shall stress the public health benefits of abstinence  
21     and a single monogamous relationship and the avoidance of  
22     unlawful intravenous drug use. Notwithstanding any other  
23     provision of this Act or of the Acquired Immunodeficiency  
24     Syndrome Research and Information Act of 1988, nothing  
25     shall restrict the ability of the education program to provide



1 accurate information on reducing the risk of becoming infect-  
2 ed with the etiologic agent for AIDS.

3 TITLE X—SOVIET, CUBA, OR NICARAGUA

4 COMBAT TROOPS IN PANAMA

5 SEC. 1001. It is the sense of the Senate that the Presi-  
6 dent, without delegation, should forthwith report to Congress  
7 by written message whether, in his judgment as Commander-  
8 in-Chief of the Armed Forces of the United States, any  
9 combat troops of the Soviet Union, Cuba, or Nicaragua are  
10 present in Panama or have engaged United States troops in  
11 combat in Panama at any time during the last sixty days or  
12 during such period intruded into any United States military  
13 base or facility in Panama.

Passed the Senate April 28, 1988.

Attest:

WALTER J. STEWART,

*Secretary.*