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H. R. 5942

To improve the health of minority individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2018

Ms. LEE (for herself, Mr. AGUILAR, Ms. BARRAGÁN, Ms. BASS, Ms. BONAMICI, Ms. BORDALLO, Mr. BROWN of Maryland, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Ms. CLARKE of New York, Mr. CORREA, Mr. DANNY K. DAVIS of Illinois, Mr. ELLISON, Ms. ESHOO, Mr. ESPAILLAT, Ms. FUDGE, Mr. GALLEGO, Mr. GOMEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. HASTINGS, Ms. JAYAPAL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KELLY of Illinois, Mr. KHANNA, Mr. LEWIS of Georgia, Mr. TED LIEU of California, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. MATSUI, Mr. MEEKS, Ms. MENG, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Mr. RASKIN, Mr. RICHMOND, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABLAN, Ms. SÁNCHEZ, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SEWELL of Alabama, Mr. SWALWELL of California, Mr. TAKANO, Mrs. TORRES, Ms. VELÁZQUEZ, Ms. WILSON of Florida, Mrs. WATSON COLEMAN, and Mr. KRISHNAMOORTHI) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Agriculture, Education and the Workforce, the Budget, the Judiciary, Veterans' Affairs, Armed Services, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To improve the health of minority individuals, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Health Equity and Accountability Act of 2018''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—DATA COLLECTION AND REPORTING

Sec. 101. Amendment to the Public Health Service Act.
Sec. 102. Elimination of prerequisite of direct appropriations for data collection and analysis.
Sec. 103. Collection of race and ethnicity data by the Social Security Administration.
Sec. 104. Revision of HIPAA claims standards.
Sec. 105. National Center for Health Statistics.
Sec. 106. Disparities data collected by the Federal Government.
Sec. 107. Data collection and analysis grants to minority-serving institutions.
Sec. 108. Standards for measuring sexual orientation and gender identity in collection of health data.
Sec. 109. Standards for measuring socioeconomic status in collection of health data.
Sec. 110. Safety and effectiveness of drugs with respect to racial and ethnic background.
Sec. 111. Improving health data regarding Native Hawaiians and other Pacific Islanders.
Sec. 112. Clarification of simplified administrative reporting requirement.

TITLE II—CULTURALLY AND LINGUISTICALLY APPROPRIATE HEALTH AND HEALTH CARE

Sec. 201. Definitions.
Sec. 202. Amendment to the Public Health Service Act.
Sec. 203. Pilot program for improvement and development of State medical interpreting services.
Sec. 204. Training tomorrow's doctors for culturally and linguistically appropriate care: graduate medical education.
Sec. 205. Federal reimbursement for culturally and linguistically appropriate services under the Medicare, Medicaid, and State Children's Health Insurance Programs.
Sec. 206. Increasing understanding of and improving health literacy.
Sec. 207. Assurances for receiving Federal funds.
Sec. 208. Report on Federal efforts to provide culturally and linguistically appropriate health care services.

Sec. 209. English for speakers of other languages.
Sec. 210. Implementation.
Sec. 211. Language access services.

TITLE III—HEALTH WORKFORCE DIVERSITY

Sec. 301. Amendment to the Public Health Service Act.
Sec. 302. Hispanic-serving health professions schools.
Sec. 303. Loan repayment program of Centers for Disease Control and Prevention.
Sec. 304. Cooperative agreements for online degree programs at schools of public health and schools of allied health.
Sec. 305. Sense of Congress on the mission of the National Health Care Workforce Commission.
Sec. 306. Scholarship and fellowship programs.
Sec. 307. McNair Postbaccalaureate Achievement Program.
Sec. 308. Rules for determination of full-time equivalent residents for cost-reporting periods.
Sec. 309. Developing and implementing strategies for local health equity.
Sec. 310. Loan forgiveness for mental and behavioral health social workers.
Sec. 311. Health Professions Workforce Fund.
Sec. 312. Findings; sense of Congress relating to graduate medical education.
Sec. 313. Career support for skilled, internationally educated health professionals.

TITLE IV—IMPROVING HEALTH CARE ACCESS AND QUALITY

Subtitle A—Expansion of Coverage

Sec. 401. Amendment to the Public Health Service Act.
Sec. 402. Removing citizenship and immigration barriers to access to affordable health care under ACA.
Sec. 403. Study on the uninsured.
Sec. 404. Medicaid in the territories.
Sec. 405. Extension of Medicare secondary payer.
Sec. 406. Border health grants.
Sec. 407. Removing Medicare barrier to health care.
Sec. 408. 100 percent FMAP for medical assistance provided by urban Indian health centers.
Sec. 409. 100 percent FMAP for medical assistance provided to a Native Hawaiian through a federally qualified health center or a Native Hawaiian health care system under the Medicaid program.

Subtitle B—Expansion of Access

Sec. 410. Protecting sensitive locations.
Sec. 411. Grants for racial and ethnic approaches to community health.
Sec. 412. Critical access hospital improvements.
Sec. 413. Establishment of Rural Community Hospital (RCH) Program.
Sec. 414. Medicare remote monitoring pilot projects.
Sec. 415. Rural health quality advisory commission and demonstration projects.
Sec. 416. Rural health care services.
Sec. 417. Community health center collaborative access expansion.
Sec. 418. Facilitating the provision of telehealth services across State lines.
Sec. 419. Scoring of preventive health savings.
Sec. 420. Sense of Congress on Maintenance of Effort Provisions Regarding Children's Health.

Sec. 421. Repeal of requirement for documentation evidencing citizenship or nationality under the Medicaid program.
Sec. 422. Protection of the HHS Offices of Minority Health.
Sec. 423. Office of Minority Health in Veterans Health Administration of Department of Veterans Affairs.
Sec. 424. Indian defined in PPACA.
Sec. 425. Study of DSH payments to ensure hospital access for low-income patients.
Sec. 426. Assistant Secretary of the Indian Health Service.
Sec. 427. Reauthorization of the Native Hawaiian Health Care Improvement Act.
Sec. 428. Availability of non-English language speaking providers.
Sec. 429. Access to essential community providers.
Sec. 430. Provider network adequacy in communities of color.
Sec. 431. Improving access to dental care.

Subtitle C—Advancing Health Equity Through Payment and Delivery Reform

Sec. 441. Sense of Congress.
Sec. 442. Centers for Medicare & Medicaid Services quality payment program.
Sec. 443. Development and testing of disparity reducing delivery and payment models.
Sec. 444. Supporting safety net and community-based providers to compete in value-based payment systems.

Subtitle D—Health Empowerment Zones

Sec. 451. Short title.
Sec. 452. Findings.
Sec. 453. Designation of health empowerment zones.
Sec. 454. Assistance to those seeking designation.
Sec. 455. Benefits of designation.
Sec. 456. Definition.
Sec. 457. Authorization of appropriations.

Subtitle E—At-Risk Community Coverage

Sec. 461. Medicaid coverage for citizens of Freely Associated States.
Sec. 462. At-risk youth Medicaid protection.

TITLE V—IMPROVING HEALTH OUTCOMES FOR WOMEN, CHILDREN, AND FAMILIES

Subtitle A—In General

Sec. 501. Grants to promote health for underserved communities.
Sec. 502. Removing barriers to health care and nutrition assistance for children, pregnant persons, and lawfully present individuals.
Sec. 503. Repeal of denial of benefits.
Sec. 504. Birth defects prevention, risk reduction, and awareness.
Sec. 505. Preventing maternal deaths.
Sec. 506. Eliminating disparities in maternity health outcomes.
Sec. 507. Decreasing the risk factors for sudden unexpected infant death and sudden unexplained death in childhood.
Sec. 508. Reducing unintended teenage pregnancies.
Sec. 509. Gestational diabetes.
Sec. 510. Emergency contraception education and information programs.

Sec. 511. Comprehensive sex education programs.
Sec. 512. Compassionate assistance for rape emergencies.
Sec. 513. Access to birth control duties of pharmacies to ensure provision of FDA-approved contraception.
Sec. 514. Additional focus area for the Office on Women's Health.
Sec. 515. Interagency coordinating committee on the promotion of optimal maternity outcomes.
Sec. 516. Consumer education campaign.
Sec. 517. Bibliographic database of systematic reviews for care of childbearing individuals and newborns.
Sec. 518. Maternity care health professional shortage areas.
Sec. 519. Expansion of CDC prevention research centers program to include centers on optimal maternity outcomes.
Sec. 520. Expanding models allowed to be tested by Center for Medicare & Medicaid Innovation to include maternity care models.
Sec. 521. Development of interprofessional maternity care educational models and tools.
Sec. 522. Including within inpatient hospital services under Medicare services furnished by certain students, interns, and residents supervised by certified nurse midwives.
Sec. 523. Grants to professional organizations to increase diversity in maternal, reproductive, and sexual health professionals.
Sec. 524. Interagency update to the quality family planning guidelines.
Sec. 525. Dissemination of the quality family planning guidelines.

Subtitle B—Pregnancy Screening

Sec. 531. Pregnancy intention screening initiative demonstration program.

TITLE VI—MENTAL HEALTH

Sec. 601. Mental health findings.
Sec. 602. Coverage of marriage and family therapist services, mental health counselor services, and substance abuse counselor services under part B of the Medicare program.
Sec. 603. Integrated Health Care Demonstration Program.
Sec. 604. Addressing racial and ethnic minority mental health disparities research gaps.
Sec. 605. Health professions competencies to address racial and ethnic minority mental health disparities.
Sec. 606. Asian American, Native Hawaiian, and Pacific Islander behavioral and mental health outreach and education strategies.
Sec. 607. Mental health in schools.
Sec. 608. Geo-access study.

TITLE VII—ADDRESSING HIGH IMPACT MINORITY DISEASES

Subtitle A—Cancer

Sec. 701. Lung cancer mortality reduction.
Sec. 702. Expanding prostate cancer research, outreach, screening, testing, access, and treatment effectiveness.
Sec. 703. Improved Medicaid coverage for certain breast and cervical cancer patients in the territories.
Sec. 704. Cancer prevention and treatment demonstration for ethnic and racial minorities.
Sec. 705. Reducing cancer disparities within Medicare.

Subtitle B—Viral Hepatitis and Liver Cancer Control and Prevention

Sec. 711. Viral hepatitis and liver cancer control and prevention.

Subtitle C—Acquired Bone Marrow Failure Diseases

Sec. 721. Acquired bone marrow failure diseases.

Subtitle D—Cardiovascular Disease, Chronic Disease, and Other Disease Issues

Sec. 731. Guidelines for disease screening for minority patients.
Sec. 732. CDC Wisewoman Screening Program.
Sec. 733. Report on cardiovascular care for women and minorities.
Sec. 734. Coverage of comprehensive tobacco cessation services in Medicaid and private health insurance.
Sec. 735. Clinical research funding for oral health.
Sec. 736. Participation by Medicaid beneficiaries in approved clinical trials.

Subtitle E—HIV/AIDS

Sec. 741. Statement of policy.
Sec. 742. Findings.
Sec. 743. Additional funding for AIDS drug assistance program treatments.
Sec. 744. Enhancing the national HIV surveillance system.
Sec. 745. Evidence-based strategies for improving linkage to and retention in appropriate care.
Sec. 746. Improving entry into and retention in care and antiretroviral adherence for persons with HIV.
Sec. 747. Services to reduce HIV/AIDS in racial and ethnic minority communities.
Sec. 748. Minority AIDS initiative.
Sec. 749. Health care professionals treating individuals with HIV/AIDS.
Sec. 750. HIV/AIDS provider loan repayment program.
Sec. 751. Dental education loan repayment program.
Sec. 752. Reducing new HIV infections among injecting drug users.
Sec. 753. Report on impact of HIV/AIDS in vulnerable populations.
Sec. 754. National HIV/AIDS observance days.
Sec. 755. Review of all Federal and State laws, policies, and regulations regarding the criminal prosecution of individuals for HIV-related offenses.
Sec. 756. Expanding support for condoms in prisons.
Sec. 757. Automatic reinstatement or enrollment in Medicaid for people who test positive for HIV before reentering communities.
Sec. 758. Stop AIDS in prison.
Sec. 759. Support data system review and indicators for monitoring HIV care.
Sec. 760. Transfer of funds for implementation of national HIV/AIDS strategy.
Sec. 761. Report on the implementation of goal 4 (improved coordination) of the national HIV/AIDS strategy.

Subtitle F—Diabetes

Sec. 771. Research, treatment, and education.
Sec. 772. Research, education, and other activities.
Sec. 773. Research, education, and other activities.
Sec. 774. Research, education, and other activities.
Sec. 775. Updated report on health disparities.

Subtitle G—Lung Disease

Sec. 776. Expansion of the National Asthma Education and Prevention Program.
Sec. 777. Asthma-related activities of the Centers for Disease Control and Prevention.
Sec. 778. Influenza and pneumonia vaccination campaign.
Sec. 779. Chronic obstructive pulmonary disease action plan.

Subtitle H—Tuberculosis

Sec. 781. Elimination of all forms of tuberculosis.
Sec. 782. Additional funding for States in combating and eliminating tuberculosis.
Sec. 783. Strengthening clinical research funding for tuberculosis.

Subtitle I—Osteoarthritis and Musculoskeletal Diseases

Sec. 785. Findings.
Sec. 786. Osteoarthritis and other musculoskeletal health-related activities of the Centers for Disease Control and Prevention.
Sec. 787. Grants for comprehensive osteoarthritis and musculoskeletal disease health education within health professions schools.

Subtitle J—Sleep and Circadian Rhythm Disorders

Sec. 791. Short title; findings.
Sec. 792. Sleep and circadian rhythm disorders research activities of the National Institutes of Health.
Sec. 793. Sleep and circadian rhythm health disparities-related activities of the Centers for Disease Control and Prevention.
Sec. 794. Grants for comprehensive sleep and circadian health education within health professions schools.
Sec. 795. Report on impact of sleep and circadian health disorders in vulnerable and racial/ethnic populations.

Subtitle K—Sickle Cell Disease Research, Surveillance, Prevention, and Treatment

Sec. 796. Short title.
Sec. 796A. Sickle cell disease research.
Sec. 796B. Sickle cell disease surveillance.
Sec. 796C. Sickle cell disease prevention and treatment.
Sec. 796D. Collaboration with community-based entities.

TITLE VIII—HEALTH INFORMATION TECHNOLOGY

Sec. 800. Definitions.

Subtitle A—Reducing Health Disparities Through Health IT

Sec. 801. HRSA assistance to health centers for promotion of Health IT.
Sec. 802. Assessment of impact of Health IT on racial and ethnic minority communities; outreach and adoption of Health IT in such communities.

Subtitle B—Modifications To Achieve Parity in Existing Programs

Sec. 811. Extending funding to strengthen the Health IT infrastructure in racial and ethnic minority communities.
Sec. 812. Extending competitive grants for the development of loan programs to facilitate adoption of Certified Electronic Health Record Technology by providers serving racial and ethnic minority groups.
Sec. 813. Authorization of appropriations.

Subtitle C—Additional Research and Studies

Sec. 821. Data collection and assessments conducted in coordination with minority-serving institutions.
Sec. 822. Study of health information technology in medically underserved communities.

Subtitle D—Closing Gaps in Funding To Adopt Certified EHRs

Sec. 831. Extending Medicaid EHR incentive payments to rehabilitation facilities, long-term care facilities, and home health agencies.
Sec. 832. Extending physician assistant eligibility for Medicaid electronic health record incentive payments.

TITLE IX—ACCOUNTABILITY AND EVALUATION

Sec. 901. Prohibition on discrimination in Federal assisted health care services and research programs on the basis of sex, race, color, national origin, marital status, familial status, sexual orientation, gender identity, or disability status.
Sec. 902. Treatment of Medicare payments under title VI of the Civil Rights Act of 1964.
Sec. 903. Accountability and transparency within the Department of Health and Human Services.
Sec. 904. United States Commission on Civil Rights.
Sec. 905. Sense of Congress concerning full funding of activities to eliminate racial and ethnic health disparities.
Sec. 906. GAO and NIH reports.

TITLE X—ADDRESSING SOCIAL DETERMINANTS AND IMPROVING ENVIRONMENTAL JUSTICE

Subtitle A—In General

Sec. 1001. Definitions.
Sec. 1002. Findings.
Sec. 1003. Health impact assessments.
Sec. 1004. Implementation of recommendations by Environmental Protection Agency.
Sec. 1005. Grant program to conduct environmental health improvement activities and to improve social determinants of health.
Sec. 1006. Additional research on the relationship between the built environment and the health of community residents.
Sec. 1007. Environment and public health restoration.
Sec. 1008. GAO report on health effects of Deepwater Horizon oil rig explosion in the Gulf Coast.

Subtitle B—Gun Violence

Sec. 1011. Findings.

Sec. 1012. Reaffirming research authority of the Centers for Disease Control and Prevention.
Sec. 1013. National violent death reporting system.
Sec. 1014. Report on effects of gun violence on public health.
Sec. 1015. Report on effects of gun violence on mental health in minority communities.

SEC. 3. FINDINGS.

The Congress finds as follows:

(1) The population of racial and ethnic minorities is expected to increase over the next few decades, yet racial and ethnic minorities have the poorest health status and face substantial cultural, social, and economic barriers to obtaining quality health care.

(2) Health disparities are a function of not only access to health care, but also the social determinants of health—including the environment, the physical structure of communities, nutrition and food options, educational attainment, employment, race, ethnicity, sex, geography, language preference, immigrant or citizenship status, sexual orientation, gender identity, socioeconomic status, or disability status—that directly and indirectly affect the health, health care, and wellness of individuals and communities.

(3) By 2020, the Nation will face a shortage of health care providers and allied health workers and this shortage disproportionately affects health pro-

fessional shortage areas where many racial and ethnic minority populations reside.

(4) All efforts to reduce health disparities and barriers to quality health services require better and more consistent data.

(5) A full range of culturally and linguistically appropriate health care and public health services must be available and accessible in every community.

(6) Racial and ethnic minorities and underserved populations must be included early and equitably in health reform innovations.

(7) Efforts to improve minority health have been limited by inadequate resources in funding, staffing, stewardship, and accountability. Targeted investments that are focused on disparities elimination must be made in providing care and services that are community-based, including prevention and policies addressing social determinants of health.

(8) In 2011, the Department of Health and Human Services developed the HHS Action Plan to Reduce Racial and Ethnic Health Disparities and the National Stakeholder Strategy for Achieving Health Equity, two strategic plans that represent the country's first coordinated roadmap to reducing health disparities. Along with the National Preven-

tion Strategy, Healthy People 2020, and the National Health Care Quality Strategy, as well as critical resources such as the 2012 National Healthcare Quality and Disparities Reports, these comprehensive plans will work to increase the number of Americans who are healthy at every stage of life.

(9) The Department of Health and Human Services has also reviewed and advanced updated clinical guidelines and developed other strategic planning documents—

(A) to combat health disparities with a high impact on minority populations including the National HIV/AIDS Strategy, the Action Plan for the Prevention, Care, and Treatment of Viral Hepatitis; and

(B) to provide high-quality family planning services including recommendations of the Centers for Disease Control and Prevention and the Office of Population Affairs.

(10) The Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act, represents the biggest advancement for minority health in the last 40 years.

TITLE I—DATA COLLECTION AND REPORTING

SEC. 101. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) PURPOSE.—It is the purpose of this section to promote data collection, analysis, and reporting by race, ethnicity, sex, primary language, sexual orientation, disability status, gender identity, and socioeconomic status among federally supported health programs.

(b) AMENDMENT.—Title XXXIV of the Public Health Service Act, as added by titles II and III of this Act, is further amended by inserting after subtitle A the following:

"Subtitle B—Strengthening Data Collection, Improving Data Analysis, and Expanding Data Reporting

"SEC. 3431. HEALTH DISPARITY DATA.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—Each health-related program operated by or that receives funding or reimbursement, in whole or in part, either directly or indirectly from the Department of Health and Human Services shall—

"(A) require the collection, by the agency or program involved, of data on the race, ethnicity, sex, primary language, sexual orientation, disability status, gender identity, and socioeconomic status of each applicant for and recipient of health-related assistance under such program—

"(i) using, at a minimum, standards for data collection on race, ethnicity, sex, primary language, sexual orientation, disability status, gender identity, and socioeconomic status developed under section 3101;

"(ii) collecting data for additional population groups if such groups can be aggregated into the race and ethnicity categories outlined by standards developed under section 3101;

"(iii) additionally referring, where practicable, to the standards developed by the Institute of Medicine in 'Race, Ethnicity, and Language Data: Standardization for Health Care Quality Improvement'; and

"(iv) where practicable, through self-reporting;

"(B) with respect to the collection of the data described in subparagraph (A), for applicants and recipients who are minors, require communication assistance in speech or writing, and for applicants and recipients who are otherwise legally incapacitated, require that—

"(i) such data be collected from the parent or legal guardian of such an applicant or recipient; and

"(ii) the primary language of the parent or legal guardian of such an applicant or recipient be collected;

"(C) systematically analyze such data using the smallest appropriate units of analysis feasible to detect racial and ethnic disparities, as well as disparities along the lines of primary language, sex, disability status, sexual orientation, gender identity, and socioeconomic status in health and health care, and report the results of such analysis to the Secretary, the Director of the Office for Civil Rights, each agency listed in section 3101(c)(1), the Committee on Health, Education, Labor, and Pensions and

the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives;

"(D) provide such data to the Secretary on at least an annual basis; and

"(E) ensure that the provision of assistance to an applicant or recipient of assistance is not denied or otherwise adversely affected because of the failure of the applicant or recipient to provide race, ethnicity, primary language, sex, sexual orientation, disability status, gender identity, and socioeconomic status data.

"(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) permit the use of information collected under this subsection in a manner that would adversely affect any individual providing any such information; or

"(B) diminish existing or future requirements on health care providers to collect data.

"(3) NO COMPELLED DISCLOSURE OF DATA.—This title does not authorize any health care provider, Federal official, or other entity to compel the disclosure of any data collected under this title. The

disclosure of any such data by an individual pursuant to this title shall be strictly voluntary.

"(b) PROTECTION OF DATA.—The Secretary shall ensure (through the promulgation of regulations or otherwise) that all data collected pursuant to subsection (a) are protected—

"(1) under the same privacy protections as the Secretary applies to other health data under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033) relating to the privacy of individually identifiable health information and other protections; and

"(2) from all inappropriate internal use by any entity that collects, stores, or receives the data, including use of such data in determinations of eligibility (or continued eligibility) in health plans, and from other inappropriate uses, as defined by the Secretary.

"(c) NATIONAL PLAN OF THE DATA COUNCIL.—The Secretary shall develop and implement a national plan to ensure the collection of data in a culturally appropriate and competent manner, to improve the collection, analysis, and reporting of racial, ethnic, sex, primary language, sexual orientation, disability status, gender identity, and so-

1 cioeconomic status data at the Federal, State, territorial,
2 Tribal, and local levels, including data to be collected
3 under subsection (a), and to ensure that data collection
4 activities carried out under this section are in compliance
5 with standards developed under section 3101. The Data
6 Council of the Department of Health and Human Serv-
7 ices, in consultation with the National Committee on Vital
8 Health Statistics, the Office of Minority Health, Office on
9 Women's Health, and other appropriate public and private
10 entities, shall make recommendations to the Secretary
11 concerning the development, implementation, and revision
12 of the national plan. Such plan shall include recommenda-
13 tions on how to—

14 "(1) implement subsection (a) while minimizing
15 the cost and administrative burdens of data collec-
16 tion and reporting;

17 "(2) expand knowledge among Federal agen-
18 cies, States, territories, Indian Tribes, counties, mu-
19 nicipalities, health providers, health plans, and the
20 general public that data collection, analysis, and re-
21 porting by race, ethnicity, primary language, sexual
22 orientation, disability status, gender identity, and so-
23 cioeconomic status is legal and necessary to assure
24 equity and nondiscrimination in the quality of health
25 care services;

"(3) ensure that future patient record systems follow Federal standards promulgated under the HITECH Act for the collection and meaningful use of electronic health data on race, ethnicity, primary language, sexual orientation, disability status, gender identity, and socioeconomic status;

"(4) improve health and health care data collection and analysis for more population groups if such groups can be aggregated into the minimum race and ethnicity categories, including exploring the feasibility of enhancing collection efforts in States, counties, and municipalities for racial and ethnic groups that comprise a significant proportion of the population of the State, county, or municipality;

"(5) provide researchers with greater access to racial, ethnic, primary language, sexual orientation, disability status, gender identity, and socioeconomic status data, subject to privacy and confidentiality regulations; and

"(6) safeguard and prevent the misuse of data collected under subsection (a).

"(d) COMPLIANCE WITH STANDARDS.—Data collected under subsection (a) shall be obtained, maintained, and presented (including for reporting purposes) in accordance with standards developed under section 3101.

1 "(e) ANALYSIS OF HEALTH DISPARITY DATA.—The
2 Secretary, acting through the Director of the Agency for
3 Healthcare Research and Quality and in coordination with
4 the Assistant Secretary for Planning and Evaluation, Ad-
5 ministrator of the Centers for Medicare & Medicaid Serv-
6 ices, the Director of the National Center for Health Statis-
7 tics, and the Director of the National Institutes of Health,
8 shall provide technical assistance to agencies of the De-
9 partment of Health and Human Services in meeting Fed-
10 eral standards for health disparity data collection and for
11 analysis of racial, ethnic, and other disparities in health
12 and health care in public programs by—
13 "(1) identifying appropriate quality assurance
14 mechanisms to monitor for health disparities;
15 "(2) specifying the clinical, diagnostic, or thera-
16 peutic measures which should be monitored;
17 "(3) developing new quality measures relating
18 to racial and ethnic disparities and their overlap
19 with other disparity factors in health and health
20 care;
21 "(4) identifying the level at which data analysis
22 should be conducted; and
23 "(5) sharing data with external organizations
24 for research and quality improvement purposes.

1 "(f) PRIMARY LANGUAGE.—References in this sec-
2 tion—
3 "(1) to primary language data, include spoken
4 and written primary language data; and
5 "(2) to primary language data collection activi-
6 ties, include identifying, collecting, storing, tracking,
7 and analyzing primary language data and informa-
8 tion on the methods used to meet the language ac-
9 cess needs of limited-English-proficient individuals.
10 "(g) DEFINITION.—In this section, the term 'health-
11 related program' mean a program—
12 "(1) under the Social Security Act (42 U.S.C.
13 301 et seq.) that pays for health care and services;
14 and
15 "(2) under this Act that provides Federal finan-
16 cial assistance for health care, biomedical research,
17 or health services research and or is designed to im-
18 prove the public's health.
19 "(h) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 such sums as may be necessary for each of fiscal years
22 2019 through 2024.

"SEC. 3432. ESTABLISHING GRANTS FOR DATA COLLECTION IMPROVEMENT ACTIVITIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality and in consultation with the Deputy Assistant Secretary for Minority Health, the Director of the National Institutes of Health, the Assistant Secretary for Planning and Evaluation, and the Director of the National Center for Health Statistics, shall establish a technical assistance program under which the Secretary provides grants to eligible entities to assist such entities in complying with section 3431.

"(b) TYPES OF ASSISTANCE.—Grants provided under this section may include grants to—

"(1) enhance or upgrade computer technology that will facilitate racial, ethnic, primary language, sexual orientation, disability status, gender identity, and socioeconomic status data collection, analysis, and reporting;

"(2) improve methods for health data collection and analysis, including additional population groups if such groups can be aggregated into the race and ethnicity categories outlined by standards developed under section 3101;

1 "(3) develop mechanisms for submitting col-
2 lected data subject to existing privacy and confiden-
3 tiality regulations; and
4 "(4) develop educational programs to inform
5 health plans, health providers, health-related agen-
6 cies, and the general public that data collection and
7 reporting by race, ethnicity, primary language, sex-
8 ual orientation, disability status, gender identity,
9 and socioeconomic status are legal and essential for
10 eliminating health and health care disparities.
11 "(c) ELIGIBLE ENTITY.—To be eligible for grants
12 under this section, an entity shall be a State, territory,
13 Indian Tribe, municipality, county, health provider, health
14 care organization, or health plan making a demonstrated
15 effort to bring data collections into compliance with sec-
16 tion 3431.
17 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as may be necessary for each of fiscal years
20 2019 through 2024.
21 **"SEC. 3433. OVERSAMPLING OF UNDERREPRESENTED**
22 **GROUPS IN FEDERAL HEALTH SURVEYS.**
23 "(a) NATIONAL STRATEGY.—
24 "(1) IN GENERAL.—The Secretary of Health
25 and Human Services, acting through the Director of

the National Center for Health Statistics of the Centers for Disease Control and Prevention, and other agencies within the Department of Health and Human Services as the Secretary determines appropriate, shall develop and implement an ongoing and sustainable national strategy for oversampling underrepresented populations within the categories of race, ethnicity, sex, primary language, sexual orientation, disability status, gender identity, and socioeconomic status as determined appropriate by the Secretary in Federal health surveys and program data collections. Such national strategy shall include a strategy for oversampling of Asian Americans, Native Hawaiians and Pacific Islanders.

"(2) CONSULTATION.—In developing and implementing a national strategy, as described in paragraph (1), not later than 180 days after the date of the enactment of the this section, the Secretary shall—

"(A) consult with representatives of community groups, nonprofit organizations, nongovernmental organizations, and government agencies working with underrepresented populations;

"(B) solicit the participation of representatives from other Federal departments and agencies, including subagencies of the Department of Health and Human Services; and

"(C) consult on, and use as models, the 2014 National Health Interview Survey oversample of Native Hawaiian and Pacific Islander populations and the 2017 Behavioral Risk Factor Surveillance System oversample of American Indian and Alaska Native communities.

"(b) PROGRESS REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit to the Congress a progress report, which shall include the national strategy described in subsection (a)(1).

"(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2019 through 2024.".

SEC. 102. ELIMINATION OF PREREQUISITE OF DIRECT APPROPRIATIONS FOR DATA COLLECTION AND ANALYSIS.

Section 3101 of the Public Health Service Act (42 U.S.C. 300kk) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 103. COLLECTION OF RACE AND ETHNICITY DATA BY THE SOCIAL SECURITY ADMINISTRATION.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"COLLECTION OF RACE AND ETHNICITY DATA BY THE SOCIAL SECURITY ADMINISTRATION

"SEC. 1150C. (a) REQUIREMENT.—The Commissioner of Social Security, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall—

"(1) require the collection of data on the race, ethnicity, primary language, and disability status of all applicants for Social Security account numbers or benefits under title II or part A of title XVIII and all individuals with respect to whom the Commissioner maintains records of wages and self-employment income in accordance with reports received by the Commissioner or the Secretary of the Treasury—

"(A) using, at a minimum, standards for data collection on race, ethnicity, primary language, and disability status developed under section 3101 of the Public Health Service Act;

"(B) where practicable, collecting data for additional population groups if such groups can be aggregated into the race and ethnicity categories outlined by standards developed under section 3101 of the Public Health Service Act; and

"(C) additionally referring, where practicable, to the standards developed by the Institute of Medicine in 'Race, Ethnicity, and Language Data: Standardization for Health Care Quality Improvement' (released August 31, 2009);

"(2) with respect to the collection of the data described in paragraph (1) for applicants who are under 18 years of age or otherwise legally incapacitated, require that—

"(A) such data be collected from the parent or legal guardian of such an applicant; and

"(B) the primary language of the parent or legal guardian of such an applicant or recipient be used in collecting the data;

"(3) require that such data be uniformly analyzed and reported at least annually to the Commissioner of Social Security;

"(4) be responsible for storing the data reported under paragraph (3);

"(5) ensure transmission to the Centers for Medicare & Medicaid Services and other Federal health agencies;

"(6) provide such data to the Secretary on at least an annual basis; and

"(7) ensure that the provision of assistance to an applicant is not denied or otherwise adversely affected because of the failure of the applicant to provide race, ethnicity, primary language, and disability status data.

"(b) PROTECTION OF DATA.—The Commissioner of Social Security shall ensure (through the promulgation of regulations or otherwise) that all data collected pursuant to subsection (a) are protected—

"(1) under the same privacy protections as the Secretary applies to health data under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033) relating to the privacy of individually identifiable health information and other protections; and

"(2) from all inappropriate internal use by any entity that collects, stores, or receives the data, in-

cluding use of such data in determinations of eligibility (or continued eligibility) in health plans, and from other inappropriate uses, as defined by the Secretary.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit the use of information collected under this section in a manner that would adversely affect any individual providing any such information.

''(d) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide technical assistance to enable any health entity to comply with the requirements of this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2024.''.

SEC. 104. REVISION OF HIPAA CLAIMS STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall revise the regulations promulgated under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), relating to the collection of data on race, ethnicity, and primary language in a health-related transaction, to require—

(1) the use, at a minimum, of standards for data collection on race, ethnicity, primary language, disability, sex, sexual orientation, and gender identity developed under section 3101 of the Public Health Service Act (42 U.S.C. 300kk); and

(2) in consultation with the Office of the National Coordinator for Health Information Technology, the designation of the appropriate racial, ethnic, primary language, disability, sex, and other code sets as required for claims and enrollment data.

(b) DISSEMINATION.—The Secretary of Health and Human Services shall disseminate the new standards developed under subsection (a) to all health entities that are subject to the regulations described in such subsection and provide technical assistance with respect to the collection of the data involved.

(c) COMPLIANCE.—The Secretary of Health and Human Services shall require that health entities comply with the new standards developed under subsection (a) not later than 2 years after the final promulgation of such standards.

SEC. 105. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)) is amended—

(1) in paragraph (1), by striking ''2003'' and inserting ''2022'';

(2) in paragraph (2), in the first sentence, by striking ''2003'' and inserting ''2022''; and

(3) in paragraph (3), by striking ''2002'' and inserting ''2022''.

SEC. 106. DISPARITIES DATA COLLECTED BY THE FEDERAL GOVERNMENT.

(a) COLLECTION; SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, and January 31 of each year thereafter, each department, agency, and office of the Federal Government that has collected data on race, ethnicity, sex, primary language, sexual orientation, disability status, gender identity, or socioeconomic status during the preceding calendar year shall submit such data to a centralized electronic repository of Government data on factors related to the health and well-being of the American population.

(b) ANALYSIS; PUBLIC AVAILABILITY; REPORTING.—Not later than April 30, 2018, and each April 30 thereafter, the Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation, the Assistant Secretary for Health, the Director of the Agency for Healthcare Research and Quality, the Director of the National Center for Health Statistics, the

Administrator of the Centers for Medicare & Medicaid Services, the Director of the National Institute on Minority Health and Health Disparities, and the Deputy Assistant Secretary for Minority Health, shall—

(1) prepare and make available datasets for public use that relate to disparities in health status, health care access, health care quality, health outcomes, public health, and other areas of health and well-being by factors that include race, ethnicity, sex, primary language, sexual orientation, disability status, gender identity, and socioeconomic status;

(2) ensure that these data sets are publicly identified on a centralized electronic repository of Government data as ''disparities'' data; and

(3) submit a report to the Congress on the availability and use of such data by public stakeholders.

SEC. 107. DATA COLLECTION AND ANALYSIS GRANTS TO MINORITY-SERVING INSTITUTIONS.

(a) AUTHORITY.—The Secretary of Health and Human Services, acting through the National Institute on Minority Health and Health Disparities and the Deputy Assistant Secretary for Minority Health, shall award grants to access and analyze racial and ethnic, and where possible other health disparity data, to monitor and report

on progress to reduce and eliminate disparities in health and health care.

(b) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a historically Black college or university, a Hispanic-serving institution, a Tribal college or university, or an Asian American, Native American, or Pacific Islander-serving institution with an accredited public health, health policy, or health services research program.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2019 through 2024.

SEC. 108. STANDARDS FOR MEASURING SEXUAL ORIENTATION AND GENDER IDENTITY IN COLLECTION OF HEALTH DATA.

Section 3101(a) of the Public Health Service Act (42 U.S.C. 300kk(a)) is amended—

(1) in paragraph (1)(A), by inserting ''sexual orientation, gender identity,'' before ''and disability status'';

(2) in paragraph (1)(C), by inserting ''sexual orientation, gender identity,'' before ''and disability status''; and

(3) in paragraph (2)(B), by inserting ''sexual orientation, gender identity,'' before ''and disability status''.

SEC. 109. STANDARDS FOR MEASURING SOCIOECONOMIC STATUS IN COLLECTION OF HEALTH DATA.

Section 3101(a) of the Public Health Service Act (42 U.S.C. 300kk(a)), as amended, is amended—

(1) in paragraph (1)(A), by inserting ''socioeconomic status,'' before ''and disability status'';

(2) in paragraph (1)(C), by inserting ''socioeconomic status,'' before ''and disability status''; and

(3) in paragraph (2)(B), by inserting ''socioeconomic status,'' before ''and disability status''.

SEC. 110. SAFETY AND EFFECTIVENESS OF DRUGS WITH RESPECT TO RACIAL AND ETHNIC BACKGROUND.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding after section 505F the following:

''SEC. 505G. SAFETY AND EFFECTIVENESS OF DRUGS WITH RESPECT TO RACIAL AND ETHNIC BACKGROUND.

''(a) PREAPPROVAL STUDIES.—If there is evidence that there may be a disparity on the basis of racial or

ethnic background as to the safety or effectiveness of a drug, then—

"(1)(A) the investigations required under section 505(b)(1)(A) shall include adequate and well-controlled investigations of the disparity; or

"(B) the evidence required under section 351(a) of the Public Health Service Act for approval of a biologics license application for the drug shall include adequate and well-controlled investigations of the disparity; and

"(2) if the investigations confirm that there is a disparity, the labeling of the drug shall include appropriate information about the disparity.

"(b) POSTMARKET STUDIES.—

"(1) IN GENERAL.—If there is evidence that there may be a disparity on the basis of racial or ethnic background as to the safety or effectiveness of a drug for which there is an approved application under section 505 or a license under section 351 of the Public Health Service Act, the Secretary may by order require the holder of the approved application or license to conduct, by a date specified by the Secretary, postmarketing studies to investigate the disparity.

1 "(2) LABELING.—If the Secretary determines
2 that the postmarket studies confirm that there is a
3 disparity described in paragraph (1), the labeling of
4 the drug shall include appropriate information about
5 the disparity.
6 "(3) STUDY DESIGN.—The Secretary may
7 specify all aspects of study design, including the
8 number of studies and study participants, and the
9 other demographic characteristics of study partici-
10 pants included, in the order requiring postmarket
11 studies of the drug.
12 "(4) MODIFICATIONS OF STUDY DESIGN.—The
13 Secretary may by order modify any aspect of the
14 study design as necessary after issuing an order
15 under paragraph (1).
16 "(5) STUDY RESULTS.—The results from stud-
17 ies required under paragraph (1) shall be submitted
18 to the Secretary as supplements to the drug applica-
19 tion or biological license application.
20 "(c) DISPARITY.—The term 'evidence that there may
21 be a disparity on the basis of racial or ethnic background
22 for adult and pediatric populations as to the safety or ef-
23 fectiveness of a drug' includes—
24 "(1) evidence that there is a disparity on the
25 basis of racial or ethnic background as to safety or

effectiveness of a drug in the same chemical class as the drug;

"(2) evidence that there is a disparity on the basis of racial or ethnic background in the way the drug is metabolized; and

"(3) other evidence as the Secretary may determine.

"(d) APPLICATIONS UNDER SECTIONS 505(b)(2) AND 505(j).—

"(1) IN GENERAL.—A drug for which an application has been submitted or approved under section 505(j) shall not be considered ineligible for approval under that section or misbranded under section 502 on the basis that the labeling of the drug omits information relating to a disparity on the basis of racial or ethnic background as to the safety or effectiveness of the drug, whether derived from investigations or studies required under this section or derived from other sources, when the omitted information is protected by patent or by exclusivity under clause (iii) or (iv) of section 505(j)(5)(B).

"(2) LABELING.—Notwithstanding clauses (iii) and (iv) of section 505(j)(5)(B), the Secretary may require that the labeling of a drug approved under section 505(j) that omits information relating to a

disparity on the basis of racial or ethnic background as to the safety or effectiveness of the drug include a statement of any appropriate contraindications, warnings, or precautions related to the disparity that the Secretary considers necessary.''.

(b) ENFORCEMENT.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(ee) If it is a drug and the holder of the approved application under section 505 or license under section 351 of the Public Health Service Act for the drug has failed to complete the investigations or studies, or comply with any other requirement, of section 505G.''.

(c) DRUG FEES.—Section 736(a)(1)(A)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h) is amended by adding after ''are required'' the following: '', including supplements required under section 505G''.

SEC. 111. IMPROVING HEALTH DATA REGARDING NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317U, as added, the following:

''SEC. 317V. NATIVE HAWAIIAN AND OTHER PACIFIC ISLANDER HEALTH DATA.

''(a) DEFINITIONS.—In this section:

"(1) COMMUNITY GROUP.—The term 'community group' means a group of NHOPI who are organized at the community level, and may include a church group, social service group, national advocacy organization, or cultural group.

"(2) NONPROFIT, NONGOVERNMENTAL ORGANIZATION.—The term 'nonprofit, nongovernmental organization' means a group of NHOPI with a demonstrated history of addressing NHOPI issues, including a NHOPI coalition.

"(3) DESIGNATED ORGANIZATION.—The term 'designated organization' means an entity established to represent NHOPI populations and which has statutory responsibilities to provide, or has community support for providing, health care.

"(4) GOVERNMENT REPRESENTATIVES.—The term 'government representatives' means representatives from Hawaii, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam, the Republic of Palau, and the Republic of the Marshall Islands.

"(5) NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS (NHOPI).—The term 'Native Hawaiians and Other Pacific Islanders' or 'NHOPI' means people having origins in any of the original peoples of

American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam, Hawaii, the Republic of the Marshall Islands, the Republic of Palau, or any other Pacific island.

"(6) INSULAR AREA.—The term 'insular area' means Guam, the Commonwealth of Northern Mariana Islands, American Samoa, the United States Virgin Islands, the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands.

"(b) NATIONAL STRATEGY.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the National Center for Health Statistics (referred to in this section as 'NCHS') of the Centers for Disease Control and Prevention, and other agencies within the Department of Health and Human Services as the Secretary determines appropriate, shall develop and implement an ongoing and sustainable national strategy for identifying and evaluating the health status and health care needs of NHOPI populations living in the continental United States, Hawaii, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam,

the Republic of Palau, and the Republic of the Marshall Islands.

"(2) CONSULTATION.—In developing and implementing a national strategy, as described in paragraph (1), not later than 180 days after the date of enactment of the Health Equity and Accountability Act of 2018, the Secretary—

"(A) shall consult with representatives of community groups, designated organizations, and nonprofit, nongovernmental organizations and with government representatives of NHOPI populations; and

"(B) may solicit the participation of representatives from other Federal departments.

"(c) PRELIMINARY HEALTH SURVEY.—

"(1) IN GENERAL.—The Secretary, acting through the Director of NCHS, shall conduct a preliminary health survey in order to identify the major areas and regions in the continental United States, Hawaii, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam, the Republic of Palau, and the Republic of the Marshall Islands in which NHOPI people reside.

1 "(2) CONTENTS.—The health survey described
2 in paragraph (1) shall include health data and any
3 other data the Secretary determines to be—
4 "(A) useful in determining health status
5 and health care needs; or
6 "(B) required for developing or imple-
7 menting a national strategy.
8 "(3) METHODOLOGY.—Methodology for the
9 health survey described in paragraph (1), including
10 plans for designing questions, implementation, sam-
11 pling, and analysis, shall be developed in consulta-
12 tion with community groups, designated organiza-
13 tions, nonprofit, nongovernmental organizations, and
14 government representatives of NHOPI populations,
15 as determined by the Secretary.
16 "(4) TIMEFRAME.—The survey required under
17 this subsection shall be completed not later than 18
18 months after the date of enactment of the Health
19 Equity and Accountability Act of 2018.
20 "(d) PROGRESS REPORT.—Not later than 2 years
21 after the date of enactment of the Health Equity and Ac-
22 countability Act of 2018, the Secretary shall submit to
23 Congress a progress report, which shall include the na-
24 tional strategy described in subsection (b)(1).
25 "(e) STUDY AND REPORT BY THE IOM.—

1 "(1) IN GENERAL.—The Secretary shall enter
2 into an agreement with the Institute of Medicine
3 (IOM) to conduct a study, with input from stake-
4 holders in insular areas, on the following:
5 "(A) The standards and definitions of
6 health care applied to health care systems in in-
7 sular areas and the appropriateness of such
8 standards and definitions.
9 "(B) The status and performance of health
10 care systems in insular areas, evaluated based
11 upon standards and definitions, as the Sec-
12 retary determines.
13 "(C) The effectiveness of donor aid in ad-
14 dressing health care needs and priorities in in-
15 sular areas.
16 "(D) The progress toward implementation
17 of recommendations of the Committee on
18 Health Care Services in the United States—As-
19 sociated Pacific Basin of the Institute of Medi-
20 cine that are set forth in the 1998 report, 'Pa-
21 cific Partnerships for Health: Charting a New
22 Course for the 21st Century'.
23 "(2) REPORT.—An agreement described in
24 paragraph (1) shall require the Institute of Medicine
25 to submit to the Secretary and to Congress, not

later than 2 years after the date of the enactment of the Health Equity and Accountability Act of 2018, a report containing a description of the results of the study conducted under paragraph (1), including the conclusions and recommendations of the Institute of Medicine for each of the items described in subparagraphs (A) through (D) of such paragraph.

''(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2019 through 2024.''.

SEC. 112. CLARIFICATION OF SIMPLIFIED ADMINISTRATIVE REPORTING REQUIREMENT.

Section 11(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(a)) is amended by adding at the end the following:

''(5) SIMPLIFIED ADMINISTRATIVE REPORTING REQUIREMENT.—The administrative notification requirement under section 421(e)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(e)(2)) shall be satisfied by the submission by an agency of a report on the aggregate number of exceptions granted under such section by such agency in each year.''.

TITLE II—CULTURALLY AND LINGUISTICALLY APPROPRIATE HEALTH AND HEALTH CARE

SEC. 201. DEFINITIONS.

In this title, the definitions contained in section 3400 of the Public Health Service Act, as added by section 202, shall apply.

SEC. 202. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) FINDINGS.—Congress finds the following:

(1) Effective communication is essential to meaningful access to quality physical and mental health care.

(2) Research indicates that the lack of appropriate language services creates language barriers that result in increased risk of misdiagnosis, ineffective treatment plans and poor health outcomes for limited-English-proficient individuals and individuals with communication disabilities such as hearing, vision, or print impairments.

(3) The number of limited-English-speaking residents in the United States who speak English less than very well and, therefore, cannot effectively communicate with health and social service providers continues to increase significantly.

(4) The responsibility to fund language services in the provision of health care and health-care-related services to limited-English-proficient individuals and individuals with communication disabilities such as hearing, vision, or print impairments is a societal one that cannot fairly be visited solely upon the health care, public health, or social services community.

(5) Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the grounds of race, color, or national origin by any entity receiving Federal financial assistance. In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the Department must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying limited-English-proficient individuals with equal access to benefits and services for which such persons qualify.

(6) Both the Americans with Disabilities Act and the Rehabilitation Act of 1973 prohibit discrimination on the basis of disability and require the provision of appropriate auxiliary aids and services necessary to ensure effective communication with individuals with disabilities. The type of auxiliary aid or

service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. A public accommodation should consult with individuals with disabilities whenever possible to determine what type of auxiliary aid is needed to ensure effective communication, but the ultimate decision as to what measures to take rests with the public accommodation, provided that the method chosen results in effective communication. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

(7) Linguistic diversity in the health care and health-care-related-services workforce is important for providing all patients the environment most conducive to positive health outcomes.

(8) All members of the health care and health-care-related-services community should continue to educate their staff and constituents about limited-English-proficient and disability communication issues and help them identify resources to improve

access to quality care for limited-English-proficient individuals and individuals with communication disabilities such as hearing, vision, or print impairments.

(9) Access to English as a second language, and sign language instructions, readers, and other auxiliary aids and services, are essential to ensure effective communication and eliminate the language barriers that impede access to health care.

(10) Competent language services in health care settings should be available as a matter of course.

(b) AMENDMENT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXXIV—CULTURALLY AND LINGUISTICALLY APPROPRIATE HEALTH CARE

"SEC. 3400. DEFINITIONS.

''In this title:

''(1) BILINGUAL.—The term 'bilingual' with respect to an individual means a person who has sufficient degree of proficiency in two languages.

''(2) CULTURAL COMPETENCE.—The term 'cultural competence' means a set of congruent behaviors, attitudes, and policies that come together in a

system, agency, or among professionals that enables effective work in cross-cultural situations. In the preceding sentence—

"(A) the term 'cultural' refers to integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social groups, including lesbian, gay, bisexual, transgender, queer, and questioning individuals, and individuals with physical and mental disabilities; and

"(B) the term 'competence' implies having the capacity to function effectively as an individual and an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities.

"(3) EFFECTIVE COMMUNICATION.—The term 'effective communication' means an exchange of information between the provider of health care or health-care-related services and the recipient of such services who is limited in English proficiency, or has a communication impairment such as a hearing, vision, speaking, or learning impairment, that enables access, understanding, and benefit from health care

1 or health-care-related services, and full participation
2 in the development of their treatment plan.
3 ''(4) GRIEVANCE RESOLUTION PROCESS.—The
4 term 'grievance resolution process' means all aspects
5 of dispute resolution including filing complaints,
6 grievance and appeal procedures, and court action.
7 ''(5) HEALTH CARE GROUP.—The term 'health
8 care group' means a group of physicians organized,
9 at least in part, for the purposes of providing physi-
10 cians' services under the Medicaid, SCHIP, or Medi-
11 care programs and may include a hospital and any
12 other individual or entity furnishing services covered
13 under the Medicaid, SCHIP, or Medicare programs
14 that is affiliated with the health care group.
15 ''(6) HEALTH EDUCATOR.—The term 'health
16 educator' includes a baccalaureate prepared profes-
17 sional responsible for designing, implementing, and
18 evaluating individual and population health pro-
19 motion and chronic disease prevention programs.
20 ''(7) HEALTH CARE SERVICES.—The term
21 'health care services' means services that address
22 physical as well as mental health conditions in all
23 care settings.
24 ''(8) HEALTH-CARE-RELATED SERVICES.—The
25 term 'health-care-related services' means human or

1 social services programs or activities that provide ac-
2 cess, referrals or links to health care.

3 "(9) INDIAN TRIBE.—The term 'Indian Tribe'
4 means any Indian Tribe, band, nation, or other or-
5 ganized group or community, including any Alaska
6 Native village or group or regional or village cor-
7 poration as defined in or established pursuant to the
8 Alaska Native Claims Settlement Act (85 Stat. 688)
9 (43 U.S.C. 1601 et seq.), which is recognized as eli-
10 gible for the special programs and services provided
11 by the United States to Indians because of their sta-
12 tus as Indians.

13 "(10) INTEGRATED HEALTH CARE DELIVERY
14 SYSTEM.—The term 'integrated health care delivery
15 system' means an interdisciplinary system that
16 brings together providers from the primary health,
17 mental health, substance use and related disciplines
18 to improve the health outcomes of an individual.
19 Providers may include but are not limited to hos-
20 pitals, health, mental health or substance use clinics
21 and providers, home health agencies, ambulatory
22 surgery centers, skilled nursing facilities, rehabilita-
23 tion centers, and employed, independent, or con-
24 tracted physicians.

"(11) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual who has a disability as defined for the purpose of section 504 of the Rehabilitation Act of 1973. Where this title references regulatory provisions applicable to a 'handicapped individual', the term 'handicapped individual' in such provisions shall be treated to have the same meaning as the term 'individual with a disability' as defined in this section.

"(12) INDIVIDUAL WITH LIMITED-ENGLISH PROFICIENCY.—The term 'individual with limited-English proficiency' means an individual whose primary language for communication is not English and who has a limited ability to read, write, speak, or understand English.

"(13) INTERPRETING; INTERPRETATION.—The terms 'interpreting' and 'interpretation' mean the transmission of a spoken, written, or signed message from one language or format into another, faithfully, accurately, and objectively.

"(14) LANGUAGE ACCESS.—The term 'language access' means the provision of language services to an individual with limited-English proficiency or an individual with communication disabilities designed

to enhance that individual's access to, understanding of, or benefit from health care or health-care-related services.

"(15) LANGUAGE ASSISTANCE SERVICES.—The term 'language assistance services' includes—

"(A) oral language assistance, including interpretation in non-English languages provided in-person or remotely by a qualified interpreter for an individual with limited-English proficiency, and the use of qualified bilingual or multilingual staff to communicate directly with individuals with limited-English proficiency;

"(B) written translation, performed by a qualified translator, of written content in paper or electronic form into languages other than English; and

"(C) taglines.

"(16) MEDICARE, MEDICAID, AND SCHIP.—The terms 'Medicare', 'Medicaid', and 'SCHIP' mean the respective programs under titles XVIII, XIX, and XXI of the Social Security Act.

"(17) MINORITY.—

"(A) IN GENERAL.—The terms 'minority' and 'minorities' refer to individuals from a minority group.

"(B) POPULATIONS.—The term 'minority', with respect to populations, refers to racial and ethnic minority groups, members of sexual and gender minority groups, and individuals with a disability.

"(18) MINORITY GROUP.—The term 'minority group' has the meaning given the term 'racial and ethnic minority group'.

"(19) QUALIFIED INTERPRETER FOR AN INDIVIDUAL WITH LIMITED-ENGLISH PROFICIENCY.—The term 'qualified interpreter for an individual with limited-English proficiency' means an interpreter who via a remote interpreting service or an on-site appearance—

"(A) adheres to generally accepted interpreter ethics principles, including client confidentiality;

"(B) has demonstrated proficiency in speaking and understanding both spoken English and one or more other spoken languages; and

"(C) is able to interpret effectively, accurately, and impartially, both receptively and expressly, to and from such languages and

English, using any necessary specialized vocabulary, terminology, and phraseology.

"(20) QUALIFIED TRANSLATOR.—The term 'qualified translator' means a translator who—

"(A) adheres to generally accepted translator ethics principles, including client confidentiality;

"(B) has demonstrated proficiency in writing and understanding both written English and one or more other written non-English languages; and

"(C) is able to translate effectively, accurately, and impartially to and from such languages and English, using any necessary specialized vocabulary, terminology, and phraseology.

"(21) RACIAL AND ETHNIC MINORITY GROUP.—The term 'racial and ethnic minority group' means American Indians and Alaska Natives, African Americans (including Caribbean Blacks, Africans, and other Blacks), Asian Americans, Hispanics (including Latinos), and Native Hawaiians and other Pacific Islanders.

"(22) SEXUAL AND GENDER MINORITY GROUP.—The term 'sexual and gender minority

group' encompasses lesbian, gay, bisexual, and transgender populations, as well as those whose sexual orientation, gender identity and expression, or reproductive development varies from traditional, societal, cultural, or physiological norms.

"(23) ONSITE INTERPRETATION.—The term 'onsite interpretation' means a method of interpreting or interpretation for which the interpreter is in the physical presence of the provider of health care or health-care-related services and the recipient of such services who is limited in English proficiency or has a communication impairment such as hearing, vision, or learning.

"(24) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(25) SIGHT TRANSLATION.—The term 'sight translation' means the transmission of a written message in one language into a spoken or signed message in another language, or an alternative format in English or another language.

"(26) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Indian Tribes, the United States Virgin Islands, Guam, American

1 Samoa, and the Commonwealth of the Northern
2 Mariana Islands.

3 "(27) TELEPHONIC INTERPRETATION.—The
4 term 'telephonic interpretation' (also known as over
5 the phone interpretation or OPI) means a method of
6 interpretation for which the interpreter is not in the
7 physical presence of the provider of health care or
8 related services and the limited-English-proficient re-
9 cipient of such services but is connected via tele-
10 phone.

11 "(28) TRANSLATION.—The term 'translation'
12 means the transmission of a written message in one
13 language into a written or signed message in an-
14 other language, and includes translation into an-
15 other language or alternative format, such as large
16 print font, Braille, audio recording, or CD.

17 "(29) VIDEO REMOTE INTERPRETING SERV-
18 ICES.—The term 'video remote interpreting services'
19 means the provision, through a qualified interpreter
20 for an individual with limited-English proficiency, of
21 video remote interpreting services in health pro-
22 grams and activities.

23 "(A) in real-time, full-motion video, and
24 audio over a dedicated high-speed, wide-band-
25 width video connection or wireless connection

that delivers high quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication; and

"(B) in a sharply delineated image that is large enough to display.

"(30) VITAL DOCUMENT.—The term 'vital document' includes but is not limited to applications for government programs that provide health care services, medical or financial consent forms, financial assistance documents, letters containing important information regarding patient instructions (such as prescriptions, referrals to other providers, and discharge plans) and participation in a program (such as a Medicaid managed care program), notices pertaining to the reduction, denial, or termination of services or benefits, notices of the right to appeal such actions, and notices advising limited-English-proficient individuals and individuals with communication disabilities of the availability of free language services, alternative formats, and other outreach materials.

"SEC. 3401. IMPROVING ACCESS TO SERVICES FOR INDIVIDUALS WITH LIMITED-ENGLISH PROFICIENCY.

"(a) PURPOSE.—As provided in Executive Order 13166, it is the purpose of this section—

1 ''(1) to improve Federal agency performance re-
2 garding access to federally conducted and federally
3 assisted programs and activities for individuals who
4 are limited in their English proficiency;
5 ''(2) to require each Federal agency to examine
6 the services it provides and develop and implement
7 a system by which limited-English-proficient individ-
8 uals can obtain cultural competence and meaningful
9 access to those services consistent with, and without
10 substantially burdening, the fundamental mission of
11 the agency;
12 ''(3) to require each Federal agency to ensure
13 that recipients of Federal financial assistance pro-
14 vide cultural competence and meaningful access to
15 their limited-English-proficient applicants and bene-
16 ficiaries;
17 ''(4) to ensure that recipients of Federal finan-
18 cial assistance take reasonable steps, consistent with
19 the guidelines set forth in the limited-English pro-
20 ficient Guidance of the Department of Justice (as
21 issued on June 12, 2002), to ensure cultural com-
22 petence and meaningful access to their programs
23 and activities by limited-English-proficient individ-
24 uals; and

1 "(5) to ensure compliance with title VI of the
2 Civil Rights Act of 1964 and that health care pro-
3 viders and organizations do not discriminate in the
4 provision of services.
5 "(b) FEDERALLY CONDUCTED PROGRAMS AND AC-
6 TIVITIES.—
7 "(1) IN GENERAL.—Not later than 120 days
8 after the date of enactment of this title, each Fed-
9 eral agency that carries out health-care-related ac-
10 tivities shall prepare a plan to improve access cul-
11 tural competence to the federally conducted, health-
12 care-related programs and activities of the agency by
13 limited-English-proficient individuals. Not later than
14 one year after the date of enactment of this title,
15 each such Federal agency shall ensure that such
16 plan is fully implemented.
17 "(2) PLAN REQUIREMENT.—Each plan under
18 paragraph (1) shall include—
19 "(A) the steps the agency will take to en-
20 sure that limited-English-proficient individuals
21 have access to the agency's federally conducted
22 health care and health-care-related programs
23 and activities;
24 "(B) the policies and procedures for identi-
25 fying, assessing, and meeting the language

needs and cultural competence needs of its limited-English-proficient beneficiaries served by federally conducted programs and activities;

"(C) the steps the agency will take for its federally conducted programs and activities to improve cultural competence to provide a range of language assistance options, notice to limited-English-proficient individuals of the right to competent language services, periodic training of staff, monitoring and quality assessment of the language services and, in appropriate circumstances, the translation of written materials;

"(D) the steps the agency will take to ensure that applications, forms, and other relevant documents for its federally conducted programs and activities are competently translated into the primary language of a limited-English-proficient client where such materials are needed to improve access to federally conducted and federally assisted programs and activities for such a limited-English-proficient individual;

"(E) the resources the agency will provide to improve cultural competence to assist recipients of Federal funds to improve access to

1 health care or health-care-related programs and
2 activities for limited-English-proficient individ-
3 uals;
4 "(F) the resources the agency will provide
5 to ensure that competent language assistance is
6 provided to limited-English-proficient patients
7 by interpreters or trained bilingual staff; and
8 "(G) the resources the agency will provide
9 to ensure that family, particularly minor chil-
10 dren, and friends are not used to provide inter-
11 pretation services, except—
12 "(i) in the case of a medical emer-
13 gency where delay directly associated with
14 obtaining a competent interpreter would
15 jeopardize the health of the patient; or
16 "(ii) on request of the patient, who
17 has been informed in his or her preferred
18 language of the availability of free inter-
19 pretation services, if the health care serv-
20 ices provider has determined that the fam-
21 ily or friend can provide competent inter-
22 preter services as defined in section 3400.
23 "(3) SUBMISSION OF PLAN TO DOJ.—Each
24 agency that is required to prepare a plan under
25 paragraph (1) shall send a copy of such plan to the

1 Department of Justice, which shall serve as the cen-
2 tral repository of such plans.
3 "(4) RULE OF CONSTRUCTION.—Paragraph
4 (2)(G)(i) shall not be construed to mean that emer-
5 gency rooms or similar entities that regularly pro-
6 vide health care services in medical emergencies are
7 exempt from legal or regulatory requirements related
8 to competent interpreter services.
9 "(c) FEDERALLY ASSISTED PROGRAMS AND ACTIVI-
10 TIES.—
11 "(1) IN GENERAL.—Not later than 120 days
12 after the date of enactment of this title, each Fed-
13 eral agency providing health-care-related Federal fi-
14 nancial assistance shall ensure that the guidance for
15 recipients of Federal financial assistance developed
16 by the agency to ensure compliance with title VI of
17 the Civil Rights Act of 1964 (42 U.S.C. 2000d et
18 seq.) is specifically tailored to the recipients of such
19 assistance. Each agency shall send a copy of such
20 guidance to the Department of Justice which shall
21 serve as the central repository of the agency's plans.
22 After approval by the Department of Justice, each
23 agency shall publish its guidance document in the
24 Federal Register for public comment.

1 "(2) REQUIREMENTS.—The agency-specific
2 guidance developed under paragraph (1) shall take
3 into account the types of health care services pro-
4 vided by the recipients, the individuals served by the
5 recipients, and other factors set out in such stand-
6 ards.
7 "(3) EXISTING GUIDANCES.—A Federal agency
8 that has developed a guidance for purposes of title
9 VI of the Civil Rights Act of 1964 shall examine
10 such existing guidance, as well as the programs and
11 activities to which such guidance applies, to deter-
12 mine if modification of such guidance is necessary to
13 comply with this subsection.
14 "(4) CONSULTATION.—Each Federal agency
15 shall consult with the Department of Justice in es-
16 tablishing the guidances under this subsection.
17 "(d) CONSULTATIONS.—
18 "(1) IN GENERAL.—In carrying out this sec-
19 tion, each Federal agency that carriers out health
20 care and health-care-related activities shall ensure
21 that stakeholders, such as limited-English-proficient
22 individuals and their representative organizations,
23 recipients of Federal assistance, and other appro-
24 priate individuals or entities, have an adequate op-

portunity to provide input with respect to the actions of the agency.

"(2) EVALUATION.—Each Federal agency described in paragraph (1) shall evaluate the—

"(A) particular needs of the limited-English-proficient individuals served by the agency;

"(B) particular needs of the limited-English-proficient individuals served by the agency's recipients of Federal financial assistance; and

"(C) burdens of compliance with the agency guidance and this section for the agency and its recipients.

"SEC. 3402. NATIONAL STANDARDS FOR CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES IN HEALTH CARE.

"(a) APPLICABILITY.—This section applies to any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or any program or activity that is administered by an executive agency or any entity established under title I of the Patient Protection and Affordable Care Act (or amendments made thereby), as such programs, activities, agencies, and entities are described

in section 1557(a) of the Patient Protection and Affordable Care Act.

"(b) STANDARDS.—The programs, activities, agencies, and entities described in subsection (a)—

"(1) shall implement strategies to recruit, retain, and promote individuals at all levels to maintain a diverse staff and leadership that can provide culturally and linguistically appropriate health care to patient populations of the service area of the programs, activities, agencies, and entities;

"(2) shall educate and train governance, leadership, and workforce at all levels and across all disciplines of the programs, activities, agencies, and entities in culturally and linguistically appropriate policies and practices on an ongoing basis;

"(3) shall offer and provide language assistance, including trained bilingual staff and interpreter services, to individuals who have limited-English proficiency or other communication needs, at no cost to them at all points of contact, and during all hours of operation, to facilitate timely access to all health care and services;

"(4) shall notify patients, in a culturally appropriate manner, of their right to receive language as-

sistance services in their primary language, verbally and in writing;

"(5) shall not—

"(A) require an individual with limited-English proficiency to provide his or her own interpreter;

"(B) rely on an adult accompanying an individual with limited-English proficiency to interpret or facilitate communication, except—

"(i) in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter for the individual with limited-English proficiency immediately available; or

"(ii) where the individual with limited-English proficiency specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances;

"(C) rely on a minor child to interpret or facilitate communication, except in an emer-

gency involving an imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter for the individual with limited-English proficiency immediately available; or

"(D) rely on staff other than qualified bilingual or multilingual staff to communicate directly with individuals;

"(6) shall for each eligible LEP language group that constitutes 5 percent or 500 individuals, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered in the service area of the organization, make available—

"(A) easily understood patient-related materials, including print and multimedia materials;

"(B) information or notices about termination of benefits; and

"(C) signage;

"(7) shall develop and implement clear goals, policies, operational plans, and management, accountability, and oversight mechanisms to provide culturally and linguistically appropriate services and

1 infuse them throughout the organization's planning
2 and operations;
3 "(8) shall conduct initial and ongoing organiza-
4 tional assessments of culturally and linguistically ap-
5 propriate services-related activities and integrate
6 valid linguistic, competence-related National Stand-
7 ards for Culturally and Linguistically Appropriate
8 Services (CLAS) measures into the internal audits,
9 performance improvement programs, patient satis-
10 faction assessments, continuous quality improvement
11 activities, and outcomes-based evaluations of the or-
12 ganization and develop ways to standardize the as-
13 sessments;
14 "(9) shall ensure that, consistent with the pri-
15 vacy protections provided for under the regulations
16 promulgated under section 264(c) of the Health In-
17 surance Portability and Accountability Act of 1996,
18 data on an individual required to be collected pursu-
19 ant to section 3101, including the individual's alter-
20 native format preferences and policy modification
21 needs, are—
22 "(A) collected in health records;
23 "(B) integrated into the organization's
24 management information systems; and
25 "(C) periodically updated;

1 "(10) shall maintain a current demographic,
2 cultural, and epidemiological profile of the commu-
3 nity, conduct regular assessments of community
4 health assets and needs, and use the results to accu-
5 rately plan for and implement services that respond
6 to the cultural and linguistic characteristics of the
7 service area of the organization;
8 "(11) shall develop participatory, collaborative
9 partnerships with communities and utilize a variety
10 of formal and informal mechanisms to facilitate
11 community and patient involvement in designing,
12 implementing, and evaluating policies and practices
13 to ensure culturally and linguistically appropriate
14 service-related activities;
15 "(12) shall ensure that conflict and grievance
16 resolution processes are culturally and linguistically
17 sensitive and capable of identifying, preventing, and
18 resolving cross-cultural conflicts or complaints by
19 patients;
20 "(13) shall regularly make available to the pub-
21 lic information about their progress and successful
22 innovations in implementing the standards under
23 this section and provide public notice in their com-
24 munities about the availability of this information;
25 and

"(14) shall, if requested, regularly make available to the head of each Federal entity from which Federal funds are received, information about their progress and successful innovations in implementing the standards under this section as required by the head of such entity.

"SEC. 3403. ROBERT T. MATSUI CENTER FOR CULTURAL AND LINGUISTIC COMPETENCE IN HEALTH CARE.

"(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall establish and support a center to be known as the 'Robert T. Matsui Center for Cultural and Linguistic Competence in Health Care' (referred to in this section as the 'Center') to carry out the following activities:

"(1) INTERPRETATION SERVICES.—The Center shall provide resources via the internet to identify and link health care providers to competent interpreter and translation services.

"(2) TRANSLATION OF WRITTEN MATERIAL.—

"(A) The Center shall provide, directly or through contract, vital documents from competent translation services for providers of health care and health-care-related services at

1 no cost to such providers. Materials may be
2 submitted for translation into non-English lan-
3 guages. Translation services shall be provided
4 in a timely and reasonable manner. The quality
5 of such translation services shall be monitored
6 and reported publicly.

7 "(B) For each form developed or revised
8 by the Secretary that will be used by LEP indi-
9 viduals in health care or health-care-related set-
10 tings, the Center shall translate the form, at a
11 minimum, into the top 15 non-English lan-
12 guages in the United States according to the
13 most recent data from the American Commu-
14 nity Survey or its replacement. The translation
15 must be completed within 45 days of the Sec-
16 retary receiving final approval of the form from
17 the Office of Management and Budget.

18 "(3) TOLL-FREE CUSTOMER SERVICE TELE-
19 PHONE NUMBER.—The Center shall provide,
20 through a toll-free number, a customer service line
21 for LEP individuals—

22 "(A) to obtain information about federally
23 conducted or funded health programs, including
24 Medicare, Medicaid, and SCHIP;

"(B) to obtain assistance with applying for or accessing these programs and understanding Federal notices written in English; and

"(C) to learn how to access language services.

"(4) HEALTH INFORMATION CLEARINGHOUSE.—

"(A) IN GENERAL.—The Center shall develop and maintain an information clearinghouse to facilitate the provision of language services by providers of health care and health-care-related services to reduce medical errors, improve medical outcomes, to improve cultural competence, reduce health care costs caused by miscommunication with individuals with limited-English proficiency, and reduce or eliminate the duplication of effort to translate materials. The clearinghouse shall make such information available on the internet and in print. Such information shall include the information described in the succeeding provisions of this paragraph.

"(B) DOCUMENT TEMPLATES.—The Center shall collect and evaluate for accuracy, develop, and make available templates for stand-

1 ard documents that are necessary for patients
2 and consumers to access and make educated de-
3 cisions about their health care, including the
4 following:
5 ''(i) Administrative and legal docu-
6 ments, including—
7 ''(I) intake forms;
8 ''(II) Medicare, Medicaid, and
9 SCHIP forms, including eligibility in-
10 formation;
11 ''(III) forms informing patient of
12 HIPAA compliance and consent; and
13 ''(IV) documents concerning in-
14 formed consent, advanced directives,
15 and waivers of rights.
16 ''(ii) Clinical information, such as how
17 to take medications, how to prevent trans-
18 mission of a contagious disease, and other
19 prevention and treatment instructions.
20 ''(iii) Public health, patient education,
21 and outreach materials, such as immuniza-
22 tion notices, health warnings, or screening
23 notices.

1 "(iv) Additional health or health-care-
2 related materials as determined appro-
3 priate by the Director of the Center.
4 "(C) STRUCTURE OF FORMS.—In oper-
5 ating the clearinghouse, the Center shall—
6 "(i) ensure that the documents posted
7 in English and non-English languages are
8 culturally appropriate;
9 "(ii) allow public review of the docu-
10 ments before dissemination in order to en-
11 sure that the documents are understand-
12 able and culturally appropriate for the tar-
13 get populations;
14 "(iii) allow health care providers to
15 customize the documents for their use;
16 "(iv) facilitate access to these docu-
17 ments;
18 "(v) provide technical assistance with
19 respect to the access and use of such infor-
20 mation; and
21 "(vi) carry out any other activities the
22 Secretary determines to be useful to fulfill
23 the purposes of the clearinghouse.
24 "(D) LANGUAGE ASSISTANCE PRO-
25 GRAMS.—The Center shall provide for the col-

lection and dissemination of information on current examples of language assistance programs and strategies to improve language services for LEP individuals, including case studies using de-identified patient information, program summaries, and program evaluations.

"(E) CULTURAL AND LINGUISTIC COMPETENCE MATERIALS.—The Center shall provide information relating to culturally and linguistically competent health care for minority populations residing in the United States to all health care providers and health-care-related services at no cost. Such information shall include—

"(i) tenets of culturally and linguistically competent care;

"(ii) cultural and linguistic competence self-assessment tools;

"(iii) cultural and linguistic competence training tools;

"(iv) strategic plans to increase cultural and linguistic competence in different types of providers of health care and health-care-related services, including re-

1 gional collaborations among health care or-
2 ganizations; and
3 "(v) cultural and linguistic com-
4 petence information for educators, practi-
5 tioners, and researchers.
6 "(F) INFORMATION ABOUT PROGRESS.—
7 The Center shall regularly collect and make
8 publicly available information about the
9 progress of entities receiving grants under sec-
10 tion 3404 regarding successful innovations in
11 implementing the obligations under this sub-
12 section and provide public notice in the entities'
13 communities about the availability of this infor-
14 mation.
15 "(b) DIRECTOR.—The Center shall be headed by a
16 Director who shall be appointed by, and who shall report
17 to, the Director of the Agency for Healthcare Research
18 and Quality.
19 "(c) AVAILABILITY OF LANGUAGE ACCESS.—The Di-
20 rector shall collaborate with the Deputy Assistant Sec-
21 retary for Minority Health, the Administrator of the Cen-
22 ters for Medicare & Medicaid Services, and the Adminis-
23 trator of the Health Resources and Services Administra-
24 tion to notify health care providers and health care organi-

1 zations about the availability of language access services
2 by the Center.

3 "(d) EDUCATION.—The Secretary, directly or
4 through contract, shall undertake a national education
5 campaign to inform providers, LEP individuals, health
6 professionals, graduate schools, and community health
7 centers about—

8 "(1) Federal and State laws and guidelines gov-
9 erning access to language services;

10 "(2) the value of using trained interpreters and
11 the risks associated with using family members,
12 friends, minors, and untrained bilingual staff;

13 "(3) funding sources for developing and imple-
14 menting language services; and

15 "(4) promising practices to effectively provide
16 language services.

17 "(e) AUTHORIZATION OF APPROPRIATIONS.—In ad-
18 dition to the amounts authorized under subsection
19 (e)(8)(F), there are authorized to be appropriated to carry
20 out this section $5,000,000 for each of fiscal years 2019
21 through 2023.

22 **"SEC. 3404. INNOVATIONS IN CULTURAL AND LINGUISTIC**
23 **COMPETENCE GRANTS.**

24 "(a) IN GENERAL.—The Secretary, acting through
25 the Director of the Agency for Healthcare Research and

1 Quality, shall award grants to eligible entities to enable
2 such entities to design, implement, and evaluate innova-
3 tive, cost-effective programs to improve cultural com-
4 petence and language access in health care for individuals
5 with limited-English proficiency. The Director of the
6 Agency for Healthcare Research and Quality shall coordi-
7 nate with, and ensure the participation of, other agencies
8 including the Health Resources and Services Administra-
9 tion, the Center on Minority Health and Health Dispari-
10 ties at the National Institutes of Health, and the Office
11 of Minority Health, regarding the design and evaluation
12 of the grants program.

13 ''(b) ELIGIBILITY.—To be eligible to receive a grant
14 under subsection (a) an entity shall—

15 ''(1) be—

16 ''(A) a city, county, Indian Tribe, State,
17 territory, or subdivision thereof;

18 ''(B) an organization described in section
19 501(c)(3) of the Internal Revenue Code of 1986
20 and exempt from tax under section 501(a) of
21 such Code;

22 ''(C) a community health, mental health,
23 or substance use center or clinic;

24 ''(D) a solo or group physician practice;

1 "(E) an integrated health care delivery
2 system;
3 "(F) a public hospital;
4 "(G) a health care group, university, or
5 college; or
6 "(H) other entity designated by the Sec-
7 retary; and
8 "(2) prepare and submit to the Secretary an
9 application, at such time, in such manner, and ac-
10 companied by such additional information as the
11 Secretary may require.
12 "(c) USE OF FUNDS.—An entity shall use funds re-
13 ceived under a grant under this section to—
14 "(1) develop, implement, and evaluate models of
15 providing competent interpretation services through
16 onsite interpretation, telephonic interpretation, or
17 video interpretation;
18 "(2) implement strategies to recruit, retain, and
19 promote individuals at all levels of the organization
20 to maintain a diverse staff and leadership that can
21 promote and provide language services to patient
22 populations of the service area of the organization;
23 "(3) develop and maintain a needs assessment
24 that identifies the current demographic, cultural,
25 and epidemiological profile of the community to ac-

curately plan for and implement language services needed in service area of the organization;

''(4) develop a strategic plan to implement language services;

''(5) develop participatory, collaborative partnerships with communities encompassing the LEP patient populations being served to gain input in designing and implementing language services;

''(6) develop and implement grievance resolution processes that are culturally and linguistically sensitive and capable of identifying, preventing, and resolving complaints by LEP individuals;

''(7) develop short-term medical mental health interpretation training courses and incentives for bilingual health care staff who are asked to interpret in the workplace;

''(8) develop formal training programs, including continued professional development and education programs as well as supervision, for individuals interested in becoming dedicated health care interpreters and culturally competent providers;

''(9) provide staff language training instruction, which shall include information on the practical limitations of such instruction for nonnative speakers;

1 "(10) develop policies that address compensa-
2 tion in salary for staff who receive training to be-
3 come either a staff interpreter or bilingual provider;
4 "(11) develop other language assistance services
5 as determined appropriate by the Secretary;
6 "(12) develop, implement, and evaluate models
7 of improving cultural competence, including cultural
8 competence programs for community health workers;
9 and
10 "(13) ensure that, consistent with the privacy
11 protections provided for under the regulations pro-
12 mulgated under section 264(c) of the Health Insur-
13 ance Portability and Accountability Act of 1996 (42
14 U.S.C. 1320d–2 note) and any applicable State pri-
15 vacy laws, data on the individual patient or recipi-
16 ent's race, ethnicity, and primary language are col-
17 lected (and periodically updated) in health records
18 and integrated into the organization's information
19 management systems or any similar system used to
20 store and retrieve data.
21 "(d) PRIORITY.—In awarding grants under this sec-
22 tion, the Secretary shall give priority to entities that pri-
23 marily engage in providing direct care and that have devel-
24 oped partnerships with community organizations or with
25 agencies with experience in improving language access.

1 "(e) EVALUATION.—

2 "(1) BY GRANTEES.—An entity that receives a
3 grant under this section shall submit to the Sec-
4 retary an evaluation that describes, in the manner
5 and to the extent required by the Secretary, the ac-
6 tivities carried out with funds received under the
7 grant, and how such activities improved access to
8 health and health-care-related services and the qual-
9 ity of health care for individuals with limited-English
10 proficiency. Such evaluation shall be collected and
11 disseminated through the Robert T. Matsui Center
12 for Cultural and Linguistic Competence in Health
13 Care established under section 3403. The Director
14 of the Agency for Healthcare Research and Quality
15 shall notify grantees of the availability of technical
16 assistance for the evaluation and provide such assist-
17 ance upon request.

18 "(2) BY SECRETARY.—The Director of the
19 Agency for Healthcare Research and Quality shall
20 evaluate or arrange with other individuals or organi-
21 zations to evaluate projects funded under this sec-
22 tion.

23 "(f) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section,
25 $5,000,000 for each of fiscal years 2019 through 2023.

"SEC. 3405. RESEARCH ON CULTURAL AND LANGUAGE COMPETENCE.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall expand research concerning language access in the provision of health care.

"(b) ELIGIBILITY.—The Director of the Agency for Healthcare Research and Quality may conduct the research described in subsection (a) or enter into contracts with other individuals or organizations to do so.

"(c) USE OF FUNDS.—Research under this section shall be designed to do one or more of the following:

"(1) To identify the barriers to mental and behavioral services that are faced by LEP individuals.

"(2) To identify health care providers' and health administrators' attitudes, knowledge, and awareness of the barriers to quality health care services that are faced by LEP individuals.

"(3) To identify optimal approaches for delivering language access.

"(4) To identify best practices for data collection, including—

"(A) the collection by providers of health care and health-care-related services of data on the race, ethnicity, and primary language of recipients of such services, taking into account ex-

1 isting research conducted by the Government or
2 private sector;
3 "(B) the development and implementation
4 of data collection and reporting systems; and
5 "(C) effective privacy safeguards for col-
6 lected data.
7 "(5) To develop a minimum data collection set
8 for primary language.
9 "(6) To evaluate the most effective ways in
10 which the Department can create or coordinate, and
11 then subsidize or otherwise fund telephonic interpre-
12 tation providers for health care providers, taking
13 into consideration, among other factors, the flexi-
14 bility necessary for such a system to accommodate
15 variations in—
16 "(A) provider type;
17 "(B) languages needed and their frequency
18 of use;
19 "(C) type of encounter;
20 "(D) time of encounter, including regular
21 business hours and after hours; and
22 "(E) location of encounter.
23 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 $5,000,000 for each of fiscal years 2019 through 2023.".

SEC. 203. PILOT PROGRAM FOR IMPROVEMENT AND DEVELOPMENT OF STATE MEDICAL INTERPRETING SERVICES.

(a) GRANTS AUTHORIZED.—The Secretary shall award one grant in accordance with this section to each of three States to assist each such State in designing, implementing, and evaluating a statewide program to provide onsite interpreter services under Medicaid.

(b) GRANT PERIOD.—A grant awarded under this section is authorized for a period of three fiscal years beginning on October 1, 2019.

(c) PREFERENCE.—In awarding a grant under this section, the Secretary shall give preference to a State—

(1) that has a high proportion of qualified LEP enrollees, as determined by the Secretary;

(2) that has a large number of qualified LEP enrollees, as determined by the Secretary;

(3) that has a high growth rate of the population of LEP individuals, as determined by the Secretary; and

(4) that has a population of qualified LEP enrollees that is linguistically diverse, requiring interpreter services in at least 200 non-English languages.

(d) USE OF FUNDS.—A State receiving a grant under this section shall use the grant funds to—

(1) ensure that all health care providers in the State participating in the State plan under Medicaid have access to onsite interpreter services, for the purpose of enabling effective communication between such providers and qualified LEP enrollees during the furnishing of items and services and administrative interactions;

(2) establish, expand, procure, or contract for—

(A) a statewide health care information technology system that is designed to achieve efficiencies and economies of scale with respect to onsite interpreter services provided to health care providers in the State participating in the State plan under Medicaid; and

(B) an entity to administer such system, the duties of which shall include—

(i) procuring and scheduling interpreter services for qualified LEP enrollees;

(ii) procuring and scheduling interpreter services for LEP individuals seeking to enroll in the State plan under Medicaid;

(iii) ensuring that interpreters receive payment for interpreter services rendered under the system; and

(iv) consulting regularly with organizations representing consumers, interpreters, and health care providers; and

(3) develop mechanisms to establish, improve, and strengthen the competency of the medical interpretation workforce that serves qualified LEP enrollees in the State, including a national certification process that is valid, credible, and vendor-neutral.

(e) APPLICATION.—To receive a grant under this section, a State shall submit an application at such time and containing such information as the Secretary may require, which shall include the following:

(1) A description of the language access needs of individuals in the State enrolled in the State plan under Medicaid.

(2) A description of the extent to which the program will—

(A) use the grant funds for the purposes described in subsection (d);

(B) meet the health care needs of rural populations of the State; and

(C) collect information that accurately tracks the language services requested by consumers as compared to the language services

1 provided by health care providers in the State
2 participating in the State plan under Medicaid.
3 (3) A description of how the program will be
4 evaluated, including a proposal for collaboration with
5 organizations representing interpreters, consumers,
6 and LEP individuals.
7 (f) DEFINITIONS.—In this section:
8 (1) QUALIFIED LEP ENROLLEE.—The term
9 ''qualified LEP enrollee'' means an individual—
10 (A) who is limited-English proficient; and
11 (B) who is enrolled in a State plan under
12 Medicaid.
13 (2) STATE.—The term ''State'' has the mean-
14 ing given the term in section 1101(a)(1) of the So-
15 cial Security Act (42 U.S.C. 1301(a)(1)), for pur-
16 poses of title XIX of such Act.
17 (3) UNITED STATES.—The term ''United
18 States'' has the meaning given the term in section
19 1101(a)(2) of the Social Security Act (42 U.S.C.
20 1301(a)(2)), for purposes of title XIX of such Act.
21 (g) FUNDING.—
22 (1) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated $5,000,000
24 to carry out this section.

(2) AVAILABILITY OF FUNDS.—The funds authorized by paragraph (1) shall be available without fiscal year limitation.

(3) INCREASED FEDERAL FINANCIAL PARTICIPATION.—Section 1903(a)(2)(E) of the Social Security Act (42 U.S.C. 1396b(a)(2)(E)), as amended by section 205(d)(1) of this Act, is further amended by inserting "(or, in the case of a State receiving a grant under section 203 of the Health Equity and Accountability Act of 2018, 100 percent for each quarter occurring during the grant period)" after "90 percent".

(h) LIMITATION.—No Federal funds under this section may be used to provide interpreter services from a location outside the United States.

SEC. 204. TRAINING TOMORROW'S DOCTORS FOR CULTURALLY AND LINGUISTICALLY APPROPRIATE CARE: GRADUATE MEDICAL EDUCATION.

(a) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4) of the Social Security Act (42 U.S.C. 1395ww(h)(4)) is amended by adding at the end the following new subparagraph:

"(L) TREATMENT OF CULTURALLY COMPETENCY TRAINING.—In determining a hos-

pital's number of full-time equivalent residents for purposes of this subsection, all the time that is spent by an intern or resident in an approved medical residency training program for education and training in cultural competency and linguistically appropriate service delivery shall be counted toward the determination of full-time equivalency.''.

(b) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) by redesignating the clause (x) added by section 5505(b) of the Patient Protection and Affordable Care Act as clause (xi); and

(2) by adding at the end the following new clause:

''(xii) The provisions of subparagraph (L) of subsection (h)(4) shall apply under this subparagraph in the same manner as they apply under such subsection.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to payments made to hospitals on or after the date that is one year after the date of the enactment of this Act.

SEC. 205. FEDERAL REIMBURSEMENT FOR CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES UNDER THE MEDICARE, MEDICAID, AND STATE CHILDREN'S HEALTH INSURANCE PROGRAMS.

(a) LANGUAGE ACCESS GRANTS FOR MEDICARE PROVIDERS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Centers for Medicare & Medicaid Services and in consultation with the Center for Medicare and Medicaid Innovation, shall establish a demonstration program under which the Secretary shall award grants to eligible Medicare service providers to improve communication between such providers and Medicare beneficiaries who are English learners, including beneficiaries who live in diverse and underserved communities.

(B) APPLICATION OF INNOVATION RULES.—The demonstration project under subparagraph (A) shall be conducted in a manner that is consistent with the applicable provisions

of subsections (b), (c), and (d) of section 1115A of the Social Security Act (42 U.S.C. 1315a).

(C) NUMBER OF GRANTS.—To the extent practicable, the Secretary shall award not less than 24 grants under this subsection.

(D) GRANT PERIOD.—Except as provided under paragraph (2)(D), each grant awarded under this subsection shall be for a 3-year period.

(2) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this subsection, an entity must meet the following requirements:

(A) MEDICARE PROVIDER.—The entity must be—

(i) a provider of services under part A of title XVIII of the Social Security Act;

(ii) a provider of services under part B of such title;

(iii) a Medicare Advantage organization offering a Medicare Advantage plan under part C of such title; or

(iv) a PDP sponsor offering a prescription drug plan under part D of such title.

(B) UNDERSERVED COMMUNITIES.—The entity must serve a community that, with respect to necessary language services for improving access and utilization of health care among English learners, is disproportionally underserved.

(C) APPLICATION.—The entity must prepare and submit to the Secretary an application, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

(D) REPORTING.—In the case of a grantee that received a grant under this subsection in a previous year, such grantee is only eligible for continued payments under a grant under this subsection if the grantee met the reporting requirements under paragraph (9) for such year. If a grantee fails to meet the requirement of such paragraph for the first year of a grant, the Secretary may terminate the grant and solicit applications from new grantees to participate in the demonstration program.

(3) DISTRIBUTION.—To the extent feasible, the Secretary shall award—

(A) at least 6 grants to providers of services described in paragraph (2)(A)(i);

(B) at least 6 grants to service providers described in paragraph (2)(A)(ii);

(C) at least 6 grants to organizations described in paragraph (2)(A)(iii); and

(D) at least 6 grants to sponsors described in paragraph (2)(A)(iv).

(4) CONSIDERATIONS IN AWARDING GRANTS.—

(A) VARIATION IN GRANTEES.—In awarding grants under this subsection, the Secretary shall select grantees to ensure the following:

(i) The grantees provide many different types of language services.

(ii) The grantees serve Medicare beneficiaries who speak different languages, and who, as a population, have differing needs for language services.

(iii) The grantees serve Medicare beneficiaries in both urban and rural settings.

(iv) The grantees serve Medicare beneficiaries in at least two geographic regions, as defined by the Secretary.

(v) The grantees serve Medicare beneficiaries in at least two large metropolitan statistical areas with racial, ethnic, sexual, gender, disability, and economically diverse populations.

(B) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY ORGANIZATIONS AND AGENCIES.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that have a partnership with—

(i) a community organization; or

(ii) a consortia of community organizations, State agencies, and local agencies, that has experience in providing language services.

(5) USE OF FUNDS FOR COMPETENT LANGUAGE SERVICES.—

(A) IN GENERAL.—Subject to subparagraph (E), a grantee may only use grant funds received under this subsection to pay for the provision of competent language services to Medicare beneficiaries who are English learners.

1 (B) COMPETENT LANGUAGE SERVICES DE-
2 FINED.—For purposes of this subsection, the
3 term ''competent language services'' means—
4 (i) interpreter and translation services
5 that—
6 (I) subject to the exceptions
7 under subparagraph (C)—
8 (aa) if the grantee operates
9 in a State that has statewide
10 health care interpreter standards,
11 meet the State standards cur-
12 rently in effect; or
13 (bb) if the grantee operates
14 in a State that does not have
15 statewide health care interpreter
16 standards, utilizes competent in-
17 terpreters who follow the Na-
18 tional Council on Interpreting in
19 Health Care's Code of Ethics and
20 Standards of Practice; and
21 (II) that, in the case of inter-
22 preter services, are provided
23 through—
24 (aa) onsite interpretation;

1 (bb) telephonic interpreta-
2 tion; or
3 (cc) video interpretation;
4 and
5 (ii) the direct provision of health care
6 or health-care-related services by a com-
7 petent bilingual health care provider.
8 (C) EXCEPTIONS.—The requirements of
9 subparagraph (B)(i)(I) do not apply, with re-
10 spect to interpreter and translation services and
11 a grantee—
12 (i) in the case of a Medicare bene-
13 ficiary who is an English learner if—
14 (I) such beneficiary has been in-
15 formed, in the beneficiary's primary
16 language, of the availability of free in-
17 terpreter and translation services and
18 the beneficiary instead requests that a
19 family member, friend, or other per-
20 son provide such services; and
21 (II) the grantee documents such
22 request in the beneficiary's medical
23 record; or
24 (ii) in the case of a medical emergency
25 where the delay directly associated with ob-

1 taining a competent interpreter or trans-
2 lation services would jeopardize the health
3 of the patient.
4 Clause (ii) shall not be construed to exempt
5 emergency rooms or similar entities that regu-
6 larly provide health care services in medical
7 emergencies to patients who are English learn-
8 ers from any applicable legal or regulatory re-
9 quirements related to providing competent in-
10 terpreter and translation services without undue
11 delay.
12 (D) MEDICARE ADVANTAGE ORGANIZA-
13 TIONS AND PDP SPONSORS.—If a grantee is a
14 Medicare Advantage organization offering a
15 Medicare Advantage plan under part C of title
16 XVIII of the Social Security Act or a PDP
17 sponsor offering a prescription drug plan under
18 part D of such title, such entity must provide
19 at least 50 percent of the grant funds that the
20 entity receives under this subsection directly to
21 the entity's network providers (including all
22 health providers and pharmacists) for the pur-
23 pose of providing support for such providers to
24 provide competent language services to Medi-
25 care beneficiaries who are English learners.

(E) ADMINISTRATIVE AND REPORTING COSTS.—A grantee may use up to 10 percent of the grant funds to pay for administrative costs associated with the provision of competent language services and for reporting required under paragraph (9).

(6) DETERMINATION OF AMOUNT OF GRANT PAYMENTS.—

(A) IN GENERAL.—Payments to grantees under this subsection shall be calculated based on the estimated numbers of Medicare beneficiaries who are English learners in a grantee's service area utilizing—

(i) data on the numbers of English learners who speak English less than ''very well'' from the most recently available data from the Bureau of the Census or other State-based study the Secretary determines likely to yield accurate data regarding the number of such individuals in such service area; or

(ii) data provided by the grantee, if the grantee routinely collects data on the primary language of the Medicare beneficiaries that the grantee serves and the

Secretary determines that the data is accurate and shows a greater number of English learners than would be estimated using the data under clause (i).

(B) DISCRETION OF SECRETARY.—Subject to subparagraph (C), the amount of payment made to a grantee under this subsection may be modified annually at the discretion of the Secretary, based on changes in the data under subparagraph (A) with respect to the service area of a grantee for the year.

(C) LIMITATION ON AMOUNT.—The amount of a grant made under this subsection to a grantee may not exceed $500,000 for the period under paragraph (1)(D).

(7) ASSURANCES.—Grantees under this subsection shall, as a condition of receiving a grant under this subsection—

(A) ensure that clinical and support staff receive appropriate ongoing education and training in linguistically appropriate service delivery;

(B) ensure the linguistic competence of bilingual providers;

(C) offer and provide appropriate language services at no additional charge to each patient who is an English learner for all points of contact between the patient and the grantee, in a timely manner during all hours of operation;

(D) notify Medicare beneficiaries of their right to receive language services in their primary language;

(E) post signage in the primary languages commonly used by the patient population in the service area of the organization; and

(F) ensure that—

(i) primary language data are collected for recipients of language services and such data are consistent with standards developed under title XXXIV of the Public Health Service Act, as added by section 202 of this Act, to the extent such standards are available upon the initiation of the demonstration program; and

(ii) consistent with the privacy protections provided under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2

note), if the recipient of language services is a minor or is incapacitated, primary language data are collected on the parent or legal guardian of such recipient.

(8) NO COST SHARING.—Medicare beneficiaries who are English learners shall not have to pay cost sharing or co-payments for competent language services provided under this demonstration program.

(9) REPORTING REQUIREMENTS FOR GRANTEES.—Not later than the end of each calendar year, a grantee that receives funds under this subsection in such year shall submit to the Secretary a report that includes the following information:

(A) The number of Medicare beneficiaries to whom competent language services are provided.

(B) The primary languages of those Medicare beneficiaries.

(C) The types of language services provided to such beneficiaries.

(D) Whether such language services were provided by employees of the grantee or through a contract with external contractors or agencies.

(E) The types of interpretation services provided to such beneficiaries, and the approximate length of time such service is provided to such beneficiaries.

(F) The costs of providing competent language services.

(G) An account of the training or accreditation of bilingual staff, interpreters, and translators providing services funded by the grant under this subsection.

(10) EVALUATION AND REPORT TO CONGRESS.—Not later than 1 year after the completion of a 3-year grant under this subsection, the Secretary shall conduct an evaluation of the demonstration program under this subsection and shall submit to the Congress a report that includes the following:

(A) An analysis of the patient outcomes and the costs of furnishing care to the Medicare beneficiaries who are English learners participating in the project as compared to such outcomes and costs for such Medicare beneficiaries not participating, based on the data provided under paragraph (9) and any other information available to the Secretary.

(B) The effect of delivering language services on—

(i) Medicare beneficiary access to care and utilization of services;

(ii) the efficiency and cost effectiveness of health care delivery;

(iii) patient satisfaction;

(iv) health outcomes; and

(v) the provision of culturally appropriate services provided to such beneficiaries.

(C) The extent to which bilingual staff, interpreters, and translators providing services under such demonstration were trained or accredited and the nature of accreditation or training needed by type of provider, service, or other category as determined by the Secretary to ensure the provision of high-quality interpretation, translation, or other language services to Medicare beneficiaries if such services are expanded pursuant to subsection (c) of section 1907 of this Act.

(D) Recommendations, if any, regarding the extension of such project to the entire Medicare Program, subject to the provisions of sec-

1 tion 1115A(c) of the Social Security Act (42
2 U.S.C. 1315a(c)).
3 (11) APPROPRIATIONS.—There is appropriated
4 to carry out this subsection, in equal parts from the
5 Federal Hospital Insurance Trust Fund under sec-
6 tion 1817 of the Social Security Act (42 U.S.C.
7 1395i) and the Federal Supplementary Medical In-
8 surance Trust Fund under section 1841 of such Act
9 (42 U.S.C. 1395t), $16,000,000 for each fiscal year
10 of the demonstration program.
11 (12) ENGLISH LEARNER DEFINED.—In this
12 subsection, the term ''English learner'' has the
13 meaning given such term in section 8101(20) of the
14 Elementary and Secondary Education Act of 1965,
15 except that subparagraphs (A), (B), and (D) of such
16 section shall not apply.
17 (b) LANGUAGE SERVICES UNDER THE MEDICARE
18 PROGRAM.—
19 (1) INCLUSION AS RURAL HEALTH CLINIC
20 SERVICES.—Section 1861 of the Social Security Act
21 (42 U.S.C. 1395x) is amended—
22 (A) in subsection (aa)(1)—
23 (i) in subparagraph (B), by striking
24 ''and'' at the end;

(ii) by adding ''and'' at the end of subparagraph (C); and

(iii) by inserting after subparagraph (C) the following new subparagraph:

''(D) language assistance services as defined in subsection (iii)(1),''; and

(B) by adding at the end the following new subsection:

''Language Assistance Services and Related Terms

''(iii)(1) The term 'language assistance services' has the same meaning given the term 'language or language assistance services' in section 3400 of the Public Health Service Act.

''(2) The term 'interpreter services' has the meaning given the term 'qualified interpreter for an individual with limited-English proficiency' in section 3400(3) of the Public Health Service Act.

''(3) The term 'qualified interpreter for an individual with limited-English proficiency' means an interpreter who via a remote interpreting service or an onsite appearance—

''(A) adheres to generally accepted interpreter ethics principles, including client confidentiality;

1 ''(B) has demonstrated proficiency in speaking
2 and understanding both spoken English and at least
3 one other spoken language; and
4 ''(C) is able to interpret effectively, accurately,
5 and impartially and in a culturally competent man-
6 ner, both receptively and expressly, to and from such
7 language(s) and English, using any necessary spe-
8 cialized vocabulary, terminology, and phraseology.
9 ''(4) The term 'qualified translator' means a trans-
10 lator who—
11 ''(A) adheres to generally accepted translator
12 ethics principles, including client confidentiality;
13 ''(B) has demonstrated proficiency in writing
14 and understanding both written English and at least
15 one other written non-English language; and
16 ''(C) is able to translate effectively, accurately,
17 and impartially to and from such language(s) and
18 English, using any necessary specialized vocabulary,
19 terminology, and phraseology.
20 ''(5) The term 'English learner' has the meaning
21 given such term in section 8101(20) of the Elementary
22 and Secondary Education Act of 1965, except that sub-
23 paragraphs (A), (B), and (D) of such section shall not
24 apply.''.

(2) COVERAGE.—Section 1832(a)(2) of the Social Security Act (42 U.S.C. 1395k(a)(2)) is amended—

(A) by striking ''and'' at the end of subparagraph (I);

(B) by striking the period at the end of subparagraph (J) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(K) language services (as defined in paragraph (1) of section 1861(iii)) furnished by an interpreter (as defined in paragraph (3) of such section) or translator.''.

(3) PAYMENT.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended—

(A) by striking ''and'' at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting ''; and''; and

(C) by inserting after paragraph (9) the following new paragraph:

''(10) in the case of language services described in section 1861(iii)(1), 100 percent of the reasonable charges for such services, as determined in consulta-

1 tion with the Medicare Payment Advisory Commis-
2 sion; and''.
3 (4) WAIVER OF BUDGET NEUTRALITY.—For
4 the 3-year period beginning on the date of enact-
5 ment of this section, the budget neutrality provision
6 of section 1848(c)(2)(B)(ii) of the Social Security
7 Act (42 U.S.C. 1395w–4(c)(2)(B)(ii)) shall not
8 apply with respect to language services (as such
9 term is defined in section 1861(iii)(1) of such Act).
10 (c) MEDICARE PARTS C AND D.—
11 (1) IN GENERAL.—Medicare Advantage plans
12 under part C of the Social Security Act and pre-
13 scription drug plans under part D of such Act shall
14 comply with title VI of the Civil Rights Act of 1964
15 and section 1557 of the Patient Protection and Af-
16 fordable Care Act (42 U.S.C. 18116) to provide ef-
17 fective language services to enrollees of such plans.
18 (2) MEDICARE ADVANTAGE PLANS AND PRE-
19 SCRIPTION DRUG PLANS REPORTING REQUIRE-
20 MENT.—Section 1857(e) of the Social Security Act
21 (42 U.S.C. 1395w–27(e)) is amended by adding at
22 the end the following new paragraph:
23 ''(5) REPORTING REQUIREMENTS RELATING TO
24 EFFECTIVE LANGUAGE SERVICES.—A contract under
25 this part shall require a Medicare Advantage organi-

1 zation (and, through application of section 1860D–
2 12(b)(3)(D), a contract under section 1860D–12
3 shall require a PDP sponsor) to annually submit
4 (for each year of the contract) a report that contains
5 information on the plan's internal policies and proce-
6 dures related to recruitment and retention efforts di-
7 rected to workforce diversity and linguistically and
8 culturally appropriate provision of services in each of
9 the following contexts:

10 "(A) The collection of data in a manner
11 that meets the requirements of title I of the
12 Health Equity and Accountability Act of 2018,
13 regarding the enrollee population.

14 "(B) Education of staff and contractors
15 who have routine contact with enrollees regard-
16 ing the various needs of the diverse enrollee
17 population.

18 "(C) Evaluation of the health plan's lan-
19 guage services programs and services with re-
20 spect to the plan's enrollee population, such as
21 through analysis of complaints or satisfaction
22 survey results.

23 "(D) Methods by which the plan provides
24 to the Secretary information regarding the eth-
25 nic diversity of the plan's enrollee population.

"(E) The periodic provision of educational information to plan enrollees on the plan's language services and programs.".

(d) IMPROVING LANGUAGE SERVICES IN MEDICAID AND CHIP.—

(1) PAYMENTS TO STATES.—Section 1903(a)(2)(E) of the Social Security Act (42 U.S.C. 1396b(a)(2)(E)) is amended by—

(A) striking "75" and inserting "90";

(B) striking "translation or interpretation services" and inserting "language services"; and

(C) striking "children of families" and inserting "individuals".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended by striking "and (28)" and inserting "(28), and (29)".

(3) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by—

(A) in paragraph (28), by striking "and" at the end;

(B) by redesignating paragraph (29) as paragraph (30); and

(C) by inserting after paragraph (28) the following new paragraph:

''(29) language services, as such term is defined in section 1861(iii)(1), provided in a timely manner to English learners (as defined in section 1861(iii)(5)) who need such services; and''.

(4) USE OF DEDUCTIONS AND COST SHARING.—Section 1916(a)(2) of the Social Security Act (42 U.S.C. 1396o(2)) is amended by—

(A) by striking ''or'' at the end of subparagraph (D);

(B) by striking ''; and'' at the end of subparagraph (E) and inserting '', or''; and

(C) by adding at the end the following new subparagraph:

''(F) language services described in section 1905(a)(29); and''.

(5) CHIP COVERAGE REQUIREMENTS.—Section 2103 of the Social Security Act (42 U.S.C. 1397cc) is amended—

(A) in subsection (a), in the matter before paragraph (1), by striking ''and (7)'' and inserting ''(7), and (9)''; and

(B) in subsection (c), by adding at the end the following new paragraph:

"(9) LANGUAGE SERVICES.—The child health assistance provided to a targeted low-income child shall include coverage of language services, as such term is defined in section 1861(iii)(1), provided in a timely manner to English learners (as defined in section 1861(iii)(5)) who need such services."; and

(C) in subsection (e)(2)—

(i) in the heading, by striking "PREVENTIVE" and inserting "CERTAIN"; and

(ii) by inserting "or subsection (c)(9)" after "subsection (c)(1)(D)".

(6) DEFINITION OF CHILD HEALTH ASSISTANCE.—Section 2110(a)(27) of the Social Security Act (42 U.S.C. 1397jj) is amended by striking "translation" and inserting "language services as described in section 2103(c)(9)".

(7) STATE DATA COLLECTION.—Pursuant to the reporting requirement described in section 2107(b)(1) of the Social Security Act (42 U.S.C. 1397gg(b)(1)), the Secretary of Health and Human Services shall require that States collect data on—

(A) the primary language of individuals receiving child health assistance under title XXI of the Social Security Act; and

(B) in the case of such individuals who are minors or incapacitated, the primary language of the individual's parent or guardian.

(8) CHIP PAYMENTS TO STATES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee(c)) is amended—

(A) in subsection (a)(1), by striking "75" and inserting "90"; and

(B) in subsection (c)(2)(A), by inserting before the period at the end the following: ", except that expenditures pursuant to clause (iv) of subparagraph (D) of such paragraph shall not count towards this total".

(e) FUNDING LANGUAGE SERVICES FURNISHED BY PROVIDERS OF HEALTH CARE AND HEALTH-CARE-RELATED SERVICES THAT SERVE HIGH RATES OF UNINSURED LEP INDIVIDUALS.—

(1) PAYMENT OF COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Health and Human Services shall make payments (on a quarterly basis) directly to eligible entities to support the provision of language services to English learners in an amount equal to an eligible entity's eligible costs for such services for the quarter.

(B) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services such sums as may be necessary for each of fiscal years 2017 through 2021.

(C) RELATION TO MEDICAID DSH.—Payments under this subsection shall not offset or reduce payments under section 1923 of the Social Security Act, nor shall payments under such section be considered when determining uncompensated costs associated with the provision of language services.

(2) METHODOLOGY FOR PAYMENT OF CLAIMS.—

(A) IN GENERAL.—The Secretary shall establish a methodology to determine the average per person cost of language services.

(B) DIFFERENT ENTITIES.—In establishing such methodology, the Secretary may establish different methodologies for different types of eligible entities.

(C) NO INDIVIDUAL CLAIMS.—The Secretary may not require eligible entities to submit individual claims for language services for

individual patients as a requirement for payment under this subsection.

(3) DATA COLLECTION INSTRUMENT.—For purposes of this subsection, the Secretary shall create a standard data collection instrument that is consistent with any existing reporting requirements by the Secretary or relevant accrediting organizations regarding the number of individuals to whom language access are provided.

(4) GUIDELINES.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish and distribute guidelines concerning the implementation of this subsection.

(5) REPORTING REQUIREMENTS.—

(A) REPORT TO SECRETARY.—Entities receiving payment under this subsection shall provide the Secretary with a quarterly report on how the entity used such funds. Such report shall contain aggregate (and may not contain individualized) data collected using the instrument under paragraph (3) and shall otherwise be in a form and manner determined by the Secretary.

1 (B) REPORT TO CONGRESS.—Not later
2 than 2 years after the date of enactment of this
3 Act, and every 2 years thereafter, the Secretary
4 shall submit a report to Congress concerning
5 the implementation of this subsection.
6 (6) DEFINITIONS.—In this subsection:
7 (A) ELIGIBLE COSTS.—The term ''eligible
8 costs'' means, with respect to an eligible entity
9 that provides language services to English
10 learners, the product of—
11 (i) the average per person cost of lan-
12 guage services, determined according to
13 the methodology devised under paragraph
14 (2); and
15 (ii) the number of English learners
16 who are provided language services by the
17 entity and for whom no reimbursement is
18 available for such services under the
19 amendments made by subsections (a), (b),
20 (c), or (d) or by private health insurance.
21 (B) ELIGIBLE ENTITY.—The term ''eligible
22 entity'' means an entity that—
23 (i) is a Medicaid provider that is—
24 (I) a physician;

(II) a hospital with a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r–4(b)(3))) of greater than 25 percent; or

(III) a federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)));

(ii) provide language services to at least 8 percent of the entity's total number of patients, not later than 6 months after the date of the enactment of the Act; and

(iii) prepare and submit an application to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require to ascertain the entity's eligibility for funding under this subsection.

(C) ENGLISH LEARNER.—The term ''English learner'' has the meaning given such term in section 8101(20) of the Elementary and Secondary Education Act of 1965, except that subparagraphs (A), (B), and (D) of such section shall not apply.

(D) LANGUAGE SERVICES.—The term "language services" has the meaning given such term in section 1861(iii)(1) of the Social Security Act.

(f) APPLICATION OF CIVIL RIGHTS ACT OF 1964 AND OTHER LAWS.—Nothing in this section shall be construed to limit otherwise existing obligations of recipients of Federal financial assistance under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d) et seq.) or other laws that protect the civil rights of individuals.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided and subject to paragraph (2), the amendments made by this section shall take effect on January 1, 2017.

(2) EXCEPTION IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its

failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 206. INCREASING UNDERSTANDING OF AND IMPROVING HEALTH LITERACY.

(a) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality and the Administrator of the Health Resources and Services Administration, in consultation with the Director of the National Institute on Minority Health and Health Disparities and the Deputy Assistant Secretary for Minority Health, shall award grants to eligible entities to improve health care for patient populations that have low functional health literacy.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a hospital, health center or clinic, health plan, or other health entity (including a nonprofit minority health organization or association); and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—

(1) AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—Grants awarded under subsection (a) through the Agency for Healthcare Research and Quality shall be used—

(A) to define and increase the understanding of health literacy;

(B) to investigate the correlation between low health literacy and health and health care;

(C) to clarify which aspects of health literacy have an effect on health outcomes; and

(D) for any other activity determined appropriate by the Director of the Agency.

(2) HEALTH RESOURCES AND SERVICES ADMINISTRATION.—Grants awarded under subsection (a) through the Health Resources and Services Administration shall be used to conduct demonstration projects for interventions for patients with low health literacy that may include—

(A) the development of new disease management programs for patients with low health literacy;

(B) the tailoring of existing disease management programs addressing mental, physical, oral, and behavioral health conditions for patients with low health literacy;

(C) the translation of written health materials for patients with low health literacy;

(D) the identification, implementation, and testing of low health literacy screening tools;

(E) the conduct of educational campaigns for patients and providers about low health literacy; and

(F) other activities determined appropriate by the Administrator of the Health Resources and Services Administration.

(d) DEFINITIONS.—In this section, the term ''low health literacy'' means the inability of an individual to obtain, process, and understand basic health information and services needed to make appropriate health decisions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 207. ASSURANCES FOR RECEIVING FEDERAL FUNDS.

(a) IN GENERAL.—Any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, and any program or activity that is administered by an executive agency or any entity established under title I of the Patient Protection and Affordable Care Act (or amendments made thereby), as such programs, activities, agencies, and entities are described in section 1557(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18116), in order to ensure the right of LEP individuals to receive access to quality health care, shall—

(1) ensure that appropriate clinical and support staff receive ongoing education and training in linguistically appropriate service delivery;

(2) offer and provide appropriate language assistance services at no additional charge to each patient with limited-English-proficiency at all points of contact, in a timely manner during all hours of operation;

(3) notify patients of their right to receive language services in their primary language; and

(4) utilize only qualified interpreters for an individual with limited-English proficiency or qualified translators, as defined in section 3400 of the Public Health Service Act.

1 (b) EXEMPTIONS.—The requirements of subsection
2 (a)(4) shall not apply as follows:
3 (1) When a patient (who has been informed in
4 his or her primary language of the availability of
5 free interpreter and translation services) requests
6 the use of family, friends, or other persons untrained
7 in interpretation or translation if the following con-
8 ditions are met:
9 (A) The interpreter requested by the pa-
10 tient is over the age of 18.
11 (B) The recipient informs the patient that
12 he or she has the option of having the recipient
13 provide an interpreter for him or her without
14 charge, or of using his or her own interpreter.
15 (C) The recipient informs the patient that
16 the recipient may not require an LEP person to
17 use a family member or friend as an inter-
18 preter.
19 (D) The recipient evaluates whether the
20 person the patient wishes to use as an inter-
21 preter is competent. If the recipient has reason
22 to believe that the interpreter is not competent,
23 the recipient provides the recipient's own inter-
24 preter to protect the recipient from liability if

1 the patient's interpreter is later found not com-
2 petent.
3 (E) If the recipient has reason to believe
4 that there is a conflict of interest between the
5 interpreter and patient, the recipient may not
6 use the patient's interpreter.
7 (F) The recipient has the patient sign a
8 waiver, witnessed by at least 1 individual not
9 related to the patient, that includes the infor-
10 mation stated in subparagraphs (A) through
11 (E) and is translated into the patient's lan-
12 guage.
13 (2) When a medical emergency exists and the
14 delay directly associated with obtaining competent
15 interpreter or translation services would jeopardize
16 the health of the patient, but only until a competent
17 interpreter or translation service is available.
18 (c) RULE OF CONSTRUCTION.—Subsection (b)(2)
19 shall not be construed to mean that emergency rooms or
20 similar entities that regularly provide health care services
21 in medical emergencies are exempt from legal or regu-
22 latory requirements related to competent interpreter serv-
23 ices.

SEC. 208. REPORT ON FEDERAL EFFORTS TO PROVIDE CULTURALLY AND LINGUISTICALLY APPROPRIATE HEALTH CARE SERVICES.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall enter into a contract with the National Academy of Medicine for the preparation and publication of a report that describes Federal efforts to ensure that all individuals with limited-English proficiency have meaningful access culturally competent to health care and health-care-related services. Such report shall include—

(1) a description and evaluation of the activities carried out under this Act;

(2) a description and analysis of best practices, model programs, guidelines, and other effective strategies for providing access to culturally and linguistically appropriate health care services;

(3) recommendations on the development and implementation of policies and practices by providers of health care and health-care-related services for limited-English-proficient individuals;

(4) recommend guidelines or standards for health literacy and plain language, informed consent, discharge instructions, and written communications, and for improvement of health care access;

(5) a description of the effect of providing language services on quality of health care and access to care; and

(6) a description of the costs associated with or savings related to the provision of language services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 209. ENGLISH FOR SPEAKERS OF OTHER LANGUAGES.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to provide grants to eligible entities for the provision of English as a second language (in this section referred to ''ESL'') instruction and shall determine, after consultation with appropriate stakeholders, the mechanism for administering and distributing such grants.

(b) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term ''eligible entity'' means a State or community-based organization that employs, and serves, minority populations.

(c) APPLICATION.—An eligible entity may apply for a grant under this section by submitting such information as the Secretary may require and in such form and manner as the Secretary may require.

(d) USE OF GRANT.—As a condition of receiving a grant under this section, an eligible entity shall—

(1) develop and implement a plan for assuring the availability of ESL instruction that effectively integrates information about the nature of the United States health care system, how to access care, and any special language skills that may be required for them to access and regularly negotiate the system effectively;

(2) develop a plan, including, where appropriate, public-private partnerships, for making ESL instruction progressively available to all individuals seeking instruction; and

(3) maintain current ESL instruction efforts by using the additional funds to supplement rather than supplant any funds expended for ESL instruction in the State as of January 1, 2019.

(e) ADDITIONAL DUTIES OF THE SECRETARY.—The Secretary of Education shall—

(1) collect and publicize annual data on how much Federal, State, and local governments spend on ESL instruction;

(2) collect data from State and local governments to identify the unmet needs of English lan-

1 guage learners for appropriate ESL instruction, in-
2 cluding—
3 (A) the preferred written and spoken lan-
4 guage of such English language learners;
5 (B) the extent of waiting lists including
6 how many programs maintain waiting lists and,
7 for programs that do not have waiting lists, the
8 reasons why not;
9 (C) the availability of programs to geo-
10 graphically isolated communities;
11 (D) the impact of course enrollment poli-
12 cies, including open enrollment, on the avail-
13 ability of ESL instruction;
14 (E) the number individuals in the State
15 and each participating locality;
16 (F) the effectiveness of the instruction in
17 meeting the needs of individuals receiving in-
18 struction and those needing instruction;
19 (G) as assessment of the need for pro-
20 grams that integrate job training and ESL in-
21 struction, to assist individuals to obtain better
22 jobs; and
23 (H) the availability of ESL slots by State
24 and locality;

(3) determine the cost and most appropriate methods of making ESL instruction available to all English language learners seeking instruction; and

(4) not later than 1 year after the date of enactment of this Act, issue a report to Congress that assesses the information collected in paragraphs (1), (2), and (3) and makes recommendations on steps that should be taken to progressively realize the goal of making ESL instruction available to all English language learners seeking instruction.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Education $250,000,000 for each of fiscal years 2019 through 2022 to carry out this section.

SEC. 210. IMPLEMENTATION.

(a) GENERAL PROVISIONS.—

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for failing to provide the language access funded pursuant to this title.

(2) In a suit against a State for a violation of this title, remedies (including remedies at both at law and in equity) are available for such a violation to the same extent as such remedies are available for

1 such a violation in the suit against any public or pri-
2 vate entity other than a State.
3 (b) RULE OF CONSTRUCTION.—Nothing in this title
4 shall be construed to limit otherwise existing obligations
5 of recipients of Federal financial assistance under title VI
6 of the Civil Rights Act of 1964 (42 U.S.C. 2000(d) et
7 seq.) or any other statute.

8 **SEC. 211. LANGUAGE ACCESS SERVICES.**

9 (a) ESSENTIAL BENEFITS.—Section 1302(b)(1) of
10 the Patient Protection and Affordable Care Act (42
11 U.S.C. 18022(b)(1)) is amended by adding at the end the
12 following:

13 "(K) Language access services, including
14 oral interpretation and written translations.".

15 (b) EMPLOYER-SPONSORED MINIMUM ESSENTIAL
16 COVERAGE.—

17 (1) IN GENERAL.—Section 36B(c)(2)(C) of the
18 Internal Revenue Code of 1986 is amended by redes-
19 ignating clauses (iii) and (iv) as clauses (iv) and (v),
20 respectively, and by inserting after clause (ii) the fol-
21 lowing new clause:

22 "(iii) COVERAGE MUST INCLUDE LAN-
23 GUAGE ACCESS AND SERVICES.—Except as
24 provided in clause (iv), an employee shall
25 not be treated as eligible for minimum es-

sential coverage if such coverage consists of an eligible employer-sponsored plan (as defined in section 5000A(f)(2)) and the plan does not provide coverage for language access services, including oral interpretation and written translations.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 36B(c)(2)(C) of such Code is amended by striking ''clause (iii)'' each place it appears in clauses (i) and (ii) and inserting ''clause (iv)''.

(B) Section 36B(c)(2)(C)(iv) of such Code, as redesignated by this subsection, is amended by striking ''(i) and (ii)'' and inserting ''(i), (ii), and (iii)''.

(c) QUALITY REPORTING.—Section 2717(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–17(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

"(E) reduce health disparities through the provision of language access services, including oral interpretation and written translations.".

(d) REGULATIONS REGARDING INTERNAL CLAIMS AND APPEALS AND EXTERNAL REVIEW PROCESSES FOR HEALTH PLANS AND HEALTH INSURANCE ISSUERS.—The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services shall amend the regulations in section 54.9815–2719T(e) of title 26, Code of Federal Regulations, section 2590.715–2719(e) of title 29, Code of Federal Regulations, and section 147.136(e) of title 45, Code of Federal Regulations, respectively, to require group health plans and health insurance issuers offering group or individual health insurance coverage to which such sections apply—

(1) to provide oral interpretation services without any threshold requirements;

(2) to provide in the English versions of all notices a statement prominently displayed in not less than 15 non-English languages clearly indicating how to access the language services provided by the plan or issuer; and

(3) with respect to written translations of notices, to apply a threshold that 5 percent of the population or at least 500 individuals per service area

are literate only in the same non-English language in lieu of 10 percent or more residing in a county.

(e) DATA COLLECTION AND REPORTING.—The Secretary of Health and Human Services shall—

(1) amend the single streamlined application form developed pursuant to section 1413 of the Patient Protection and Affordable Care Act (42 U.S.C. 18083) to collect the preferred spoken and written language for each household member applying for coverage under a qualified health plan through an Exchange under title I of the Patient Protection and Affordable Care Act;

(2) require navigators, certified application counselors, and other enrollment assisters to collect and report requests for language assistance; and

(3) require the Federal and State call centers established pursuant to section 1311(d)(4)(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(d)(4)(b)) to submit an annual report documenting the number of language assistance requests, the types of languages requested, the range and average wait time for a consumer to speak with an interpreter, and any steps the call center and language line have taken to actively address some of the consumer complaints.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

TITLE III—HEALTH WORKFORCE DIVERSITY

SEC. 301. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title XXXIV of the Public Health Service Act, as added by section 202, is amended by adding at the end the following:

"Subtitle A—Diversifying the Health Care Workplace

"SEC. 3411. NATIONAL WORKING GROUP ON WORKFORCE DIVERSITY.

"(a) IN GENERAL.—The Secretary, acting through the Bureau of Health Workforce within the Health Resources and Services Administration, shall award a grant to an entity determined appropriate by the Secretary for the establishment of a national working group on workforce diversity.

"(b) REPRESENTATION.—In establishing the national working group under subsection (a):

"(1) The grantee shall ensure that the group has representatives of the following:

1 "(A) The Health Resources and Services
2 Administration.
3 "(B) The Department of Health and
4 Human Services Data Council.
5 "(C) The Office of Minority Health of the
6 Department of Health and Human Services.
7 "(D) The Substance Abuse and Mental
8 Health Services Administration.
9 "(E) The Bureau of Labor Statistics of
10 the Department of Labor.
11 "(F) The Public Health Practice Program
12 Office—Office of Workforce Policy and Plan-
13 ning.
14 "(G) The National Institute on Minority
15 Health and Health Disparities.
16 "(H) The Agency for Healthcare Research
17 and Quality.
18 "(I) The Institute of Medicine Study Com-
19 mittee for the 2004 workforce diversity report.
20 "(J) The Indian Health Service.
21 "(K) The Department of Education.
22 "(L) Minority-serving academic institu-
23 tions.
24 "(M) Consumer organizations.

"(N) Health professional associations, including those that represent underrepresented minority populations.

"(O) Researchers in the area of health workforce.

"(P) Health workforce accreditation entities.

"(Q) Private (including nonprofit) foundations that have sponsored workforce diversity initiatives.

"(R) Local and State health departments.

"(S) Representatives of community members to be included on admissions committees for health profession schools pursuant to subsection (c)(8).

"(T) National community-based organizations that serve as a national intermediary to their urban affiliate members and have demonstrated capacity to train health care professionals.

"(U) Other entities determined appropriate by the Secretary.

"(V) The Veterans Health Administration.

"(2) The grantee shall ensure that, in addition to the representatives under paragraph (1), the

1 group has not less than 5 health professions stu-
2 dents representing various health profession fields
3 and levels of training.

4 "(c) ACTIVITIES.—The working group established
5 under subsection (a) shall convene at least twice each year
6 to complete the following activities:

7 "(1) Review current public and private health
8 workforce diversity initiatives.

9 "(2) Identify successful health workforce diver-
10 sity programs and practices.

11 "(3) Examine challenges relating to the devel-
12 opment and implementation of health workforce di-
13 versity initiatives.

14 "(4) Draft a national strategic work plan for
15 health workforce diversity, including recommenda-
16 tions for public and private sector initiatives.

17 "(5) Develop a framework and methods for the
18 evaluation of current and future health workforce di-
19 versity initiatives.

20 "(6) Develop recommended standards for work-
21 force diversity that could be applicable to all health
22 professions programs and programs funded under
23 this Act.

24 "(7) Develop guidelines to train health profes-
25 sionals to care for a diverse population.

"(8) Develop a workforce data collection or tracking system to identify where racial and ethnic minority health professionals practice.

"(9) Develop a strategy for the inclusion of community members on admissions committees for health profession schools.

"(10) Helping with monitoring and implementation of standards for diversity, equity, and inclusion.

"(11) Other activities determined appropriate by the Secretary.

"(d) ANNUAL REPORT.—Not later than 1 year after the establishment of the working group under subsection (a), and annually thereafter, the working group shall prepare and make available to the general public for comment, an annual report on the activities of the working group. Such report shall include the recommendations of the working group for improving health workforce diversity.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2024.

1 **"SEC. 3412. TECHNICAL CLEARINGHOUSE FOR HEALTH**
2 **WORKFORCE DIVERSITY.**

3 "(a) IN GENERAL.—The Secretary, acting through
4 the Deputy Assistant Secretary for Minority Health, and
5 in collaboration with the Bureau of Health Workforce
6 within the Health Resources and Services Administration,
7 the National Institute on Minority Health and Health Dis-
8 parities, shall establish a technical clearinghouse on health
9 workforce diversity within the Office of Minority Health
10 and coordinate current and future clearinghouses.

11 "(b) INFORMATION AND SERVICES.—The clearing-
12 house established under subsection (a) shall offer the fol-
13 lowing information and services:

14 "(1) Information on the importance of health
15 workforce diversity.

16 "(2) Statistical information relating to under-
17 represented minority representation in health and al-
18 lied health professions and occupations.

19 "(3) Model health workforce diversity practices
20 and programs, including integrated models of care.

21 "(4) Admissions policies that promote health
22 workforce diversity and are in compliance with Fed-
23 eral and State laws.

24 "(5) Retainment policies that promote comple-
25 tion of health profession degrees for underserved
26 populations.

"(6) Lists of scholarship, loan repayment, and loan cancellation grants as well as fellowship information for underserved populations for health professions schools.

"(7) Foundation and other large organizational initiatives relating to health workforce diversity.

"(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with non-Federal entities which may include minority health professional associations and minority sections of major health professional associations to ensure the adequacy and accuracy of information.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2024.

"SEC. 3413. SUPPORT FOR INSTITUTIONS COMMITTED TO WORKFORCE DIVERSITY, EQUITY, AND INCLUSION.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Centers for Disease Control and Prevention, shall award grants to eligible entities that demonstrate a commitment to health workforce diversity.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be an educational institution or entity that historically produces or trains meaningful numbers of underrepresented minority health professionals, including—

"(A) historically Black colleges and universities;

"(B) Hispanic-serving health professions schools;

"(C) Hispanic-serving institutions;

"(D) Tribal colleges and universities;

"(E) Asian-American, Native American, and Pacific Islander-serving institutions;

"(F) institutions that have programs to recruit and retain underrepresented minority health professionals, in which a significant number of the enrolled participants are underrepresented minorities;

"(G) health professional associations, which may include underrepresented minority health professional associations; and

"(H) institutions, including national and regional community-based organizations with demonstrated commitment to a diversified workforce—

"(i) located in communities with predominantly underrepresented minority populations;

"(ii) with whom partnerships have been formed for the purpose of increasing workforce diversity; and

"(iii) in which at least 20 percent of the enrolled participants are underrepresented minorities; and

"(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used to expand existing workforce diversity programs, implement new workforce diversity programs, or evaluate existing or new workforce diversity programs, including with respect to mental health care professions. Such programs shall enhance diversity by considering minority status as part of an individualized consideration of qualifications. Possible activities may include—

"(1) educational outreach programs relating to opportunities in the health professions;

"(2) scholarship, fellowship, grant, loan repayment, and loan cancellation programs;

1 ''(3) postbaccalaureate programs;
2 ''(4) academic enrichment programs, particu-
3 larly targeting those who would not be competitive
4 for health professions schools;
5 ''(5) kindergarten through 12th grade and
6 other health pipeline programs;
7 ''(6) mentoring programs;
8 ''(7) internship or rotation programs involving
9 hospitals, health systems, health plans, and other
10 health entities;
11 ''(8) community partnership development for
12 purposes relating to workforce diversity; or
13 ''(9) leadership training.
14 ''(d) REPORTS.—Not later than 1 year after receiving
15 a grant under this section, and annually for the term of
16 the grant, a grantee shall submit to the Secretary a report
17 that summarizes and evaluates all activities conducted
18 under the grant.
19 ''(e) DEFINITION.—In this section, the term 'Asian-
20 American, Native American, and Pacific Islander-serving
21 institutions' has the same meaning as the term 'Asian
22 American and Native American Pacific Islander-serving
23 institution' as defined in section 371(c) of the Higher
24 Education Act of 1965 (20 U.S.C. 1067q(c)).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2019 through 2024.

"SEC. 3414. CAREER DEVELOPMENT FOR SCIENTISTS AND RESEARCHERS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Director of the Agency for Healthcare Research and Quality, and the Administrator of the Health Resources and Services Administration, shall award grants that expand existing opportunities for scientists and researchers and promote the inclusion of underrepresented minorities in the health professions.

"(b) RESEARCH FUNDING.—The head of each entity within the Department of Health and Human Services shall establish or expand existing programs to provide research funding to scientists and researchers in training. Under such programs, the head of each such entity shall give priority in allocating research funding to support health research in traditionally underserved communities, including underrepresented minority communities, and research classified as community or participatory.

1 "(c) DATA COLLECTION.—The head of each entity
2 within the Department of Health and Human Services
3 shall collect data on the number (expressed as an absolute
4 number and a percentage) of underrepresented minority
5 and nonminority applicants who receive and are denied
6 agency funding at every stage of review. Such data shall
7 be reported annually to the Secretary and the appropriate
8 committees of Congress.

9 "(d) STUDENT LOAN REIMBURSEMENT.—The Sec-
10 retary shall establish a student loan reimbursement pro-
11 gram to provide student loan reimbursement assistance to
12 researchers who focus on racial and ethnic disparities in
13 health. The Secretary shall promulgate regulations to de-
14 fine the scope and procedures for the program under this
15 subsection.

16 "(e) STUDENT LOAN CANCELLATION.—The Sec-
17 retary shall establish a student loan cancellation program
18 to provide student loan cancellation assistance to research-
19 ers who focus on racial and ethnic disparities in health.
20 Students participating in the program shall make a min-
21 imum 5-year commitment to work at an accredited health
22 profession school. The Secretary shall promulgate addi-
23 tional regulations to define the scope and procedures for
24 the program under this subsection.

1 "(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section,
3 such sums as may be necessary for each of fiscal years
4 2019 through 2024.

5 **"SEC. 3415. CAREER SUPPORT FOR NONRESEARCH HEALTH**
6 **PROFESSIONALS.**

7 "(a) IN GENERAL.—The Secretary, acting through
8 the Director of the Centers for Disease Control and Pre-
9 vention, the Administrator of the Substance Abuse and
10 Mental Health Services Administration, the Administrator
11 of the Health Resources and Services Administration, and
12 the Administrator of the Centers for Medicare & Medicaid
13 Services, shall establish a program to award grants to eli-
14 gible individuals for career support in nonresearch-related
15 health and wellness professions.

16 "(b) ELIGIBILITY.—To be eligible to receive a grant
17 under subsection (a), an individual shall—

18 "(1) be a student in a health professions school,
19 a graduate of such a school who is working in a
20 health profession, an individual working in a health
21 or wellness profession (including mental and behav-
22 ioral health), or a faculty member of such a school;
23 and

1 "(2) submit to the Secretary an application at
2 such time, in such manner, and containing such in-
3 formation as the Secretary may require.
4 "(c) USE OF FUNDS.—An individual shall use
5 amounts received under a grant under this section to—
6 "(1) support the individual's health activities or
7 projects that involve underserved communities, in-
8 cluding racial and ethnic minority communities;
9 "(2) support health-related career advancement
10 activities;
11 "(3) to pay, or as reimbursement for payments
12 of, student loans or training or credentialing costs
13 for individuals who are health professionals and are
14 focused on health issues affecting underserved com-
15 munities, including racial and ethnic minority com-
16 munities; and
17 "(4) to establish and promote leadership train-
18 ing programs to decrease health disparities and to
19 increase cultural competence with the goal of in-
20 creasing diversity in leadership positions.
21 "(d) DEFINITION.—In this section, the term 'career
22 in nonresearch-related health and wellness professions'
23 means employment or intended employment in the field
24 of public health, health policy, health management, health
25 administration, medicine, nursing, pharmacy, psychology,

1 social work, psychiatry, other mental and behavioral
2 health, allied health, community health, social work, or
3 other fields determined appropriate by the Secretary,
4 other than in a position that involves research.

5 ''(e) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to carry out this section
7 such sums as may be necessary for each of fiscal years
8 2019 through 2024.

9 **''SEC. 3416. RESEARCH ON THE EFFECT OF WORKFORCE DI-**
10 **VERSITY ON QUALITY.**

11 ''(a) IN GENERAL.—The Director of the Agency for
12 Healthcare Research and Quality, in collaboration with
13 the Deputy Assistant Secretary for Minority Health and
14 the Director of the National Institute on Minority Health
15 and Health Disparities, shall award grants to eligible enti-
16 ties to expand research on the link between health work-
17 force diversity and quality health care.

18 ''(b) ELIGIBILITY.—To be eligible to receive a grant
19 under subsection (a), an entity shall—

20 ''(1) be a clinical, public health, or health serv-
21 ices research entity or other entity determined ap-
22 propriate by the Director; and

23 ''(2) submit to the Secretary an application at
24 such time, in such manner, and containing such in-
25 formation as the Secretary may require.

1 "(c) USE OF FUNDS.—Amounts received under a
2 grant awarded under subsection (a) shall be used to sup-
3 port research that investigates the effect of health work-
4 force diversity on—
5 "(1) language access;
6 "(2) cultural competence;
7 "(3) patient satisfaction;
8 "(4) timeliness of care;
9 "(5) safety of care;
10 "(6) effectiveness of care;
11 "(7) efficiency of care;
12 "(8) patient outcomes;
13 "(9) community engagement;
14 "(10) resource allocation;
15 "(11) organizational structure;
16 "(12) compliance of care; or
17 "(13) other topics determined appropriate by
18 the Director.
19 "(d) PRIORITY.—In awarding grants under sub-
20 section (a), the Director shall give individualized consider-
21 ation to all relevant aspects of the applicant's background.
22 Consideration of prior research experience involving the
23 health of underserved communities shall be such a factor.
24 "(e) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to carry out this section

1 such sums as may be necessary for each of fiscal years
2 2019 through 2024.

3 **"SEC. 3417. HEALTH DISPARITIES EDUCATION PROGRAM.**

4 "(a) ESTABLISHMENT.—The Secretary, acting
5 through the National Institute on Minority Health and
6 Health Disparities and in collaboration with the Office of
7 Minority Health, the Office for Civil Rights, the Centers
8 for Disease Control and Prevention, the Centers for Medi-
9 care & Medicaid Services, the Health Resources and Serv-
10 ices Administration, and other appropriate public and pri-
11 vate entities, shall establish and coordinate a health and
12 health care disparities education program to support, de-
13 velop, and implement educational initiatives and outreach
14 strategies that inform health care professionals and the
15 public about the existence of and methods to reduce racial
16 and ethnic disparities in health and health care.

17 "(b) ACTIVITIES.—The Secretary, through the edu-
18 cation program established under subsection (a), shall,
19 through the use of public awareness and outreach cam-
20 paigns targeting the general public and the medical com-
21 munity at large—

22 "(1) disseminate scientific evidence for the ex-
23 istence and extent of racial and ethnic disparities in
24 health care, including disparities that are not other-
25 wise attributable to known factors such as access to

1 care, patient preferences, or appropriateness of
2 intervention, as described in the 2002 Institute of
3 Medicine Report entitled 'Unequal Treatment: Con-
4 fronting Racial and Ethnic Disparities in Health
5 Care', as well as the impact of disparities related to
6 age, disability status, socioeconomic status, sex, gen-
7 der identity, and sexual orientation on racial and
8 ethnic minorities;

9 "(2) disseminate new research findings to
10 health care providers and patients to assist them in
11 understanding, reducing, and eliminating health and
12 health care disparities;

13 "(3) disseminate information about the impact
14 of linguistic and cultural barriers on health care
15 quality and the obligation of health providers who
16 receive Federal financial assistance to ensure that
17 people with limited-English proficiency have access
18 to language access services;

19 "(4) disseminate information about the impor-
20 tance and legality of racial, ethnic, disability status,
21 socioeconomic status, sex, gender identity, and sex-
22 ual orientation, and primary language data collec-
23 tion, analysis, and reporting;

"(5) design and implement specific educational initiatives to health care providers relating to health and health care disparities;

"(6) assess the impact of the programs established under this section in raising awareness of health and health care disparities and providing information on available resources; and

"(7) design and implement specific educational initiatives to educate the health care workforce relating to unconscious bias.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2024.".

SEC. 302. HISPANIC-SERVING HEALTH PROFESSIONS SCHOOLS.

Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by adding at the end the following:

"SEC. 742. HISPANIC-SERVING INSTITUTIONS, HISTORICALLY BLACK COLLEGES & UNIVERSITIES, AND TRIBAL COLLEGES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health and Human Resources and Services Administration, shall establish grants from

1 the Department of Education to Hispanic-serving Institu-
2 tions, Historically Black Colleges & Universities, and Trib-
3 al Colleges, including Regional community based organiza-
4 tions and national minority medical associations, for schol-
5 arships and counseling services to prepare underrep-
6 resented minority individuals to enroll in and graduate
7 from health professional schools and to increase services
8 for qualified students, including—

9 ''(1) mentoring with underrepresented health
10 professionals; and

11 ''(2) providing financial assistance information
12 for continued education and applications to health
13 professional schools.

14 ''(b) ELIGIBILITY.—In subsection (a), the term 'His-
15 panic-serving Institutions' means an entity that—

16 ''(1) is a school or program under section
17 799B;

18 ''(2) has an enrollment of full-time equivalent
19 students that is made up of at least 9 percent His-
20 panic students;

21 ''(3) has been effective in carrying out pro-
22 grams to recruit Hispanic individuals to enroll in
23 and graduate from the school;

24 ''(4) has been effective in recruiting and retain-
25 ing Hispanic faculty members;

"(5) has a significant number of graduates who are providing health services to medically underserved populations or to individuals in health professional shortage areas; and

"(6) is a Regional Hispanic Center of Excellence.

"(c) CERTAIN LOAN REPAYMENT PROGRAMS.—In carrying out the National Health Service Corps loan repayment program and loan repayment programs of the Centers for Disease Control and Prevention, the Secretary shall ensure that loan repayments of not less than $50,000 per year are awarded for repayment of loans incurred for enrollment or participation in schools and programs described in this section.".

SEC. 303. LOAN REPAYMENT PROGRAM OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Section 317F(c) of the Public Health Service Act (42 U.S.C. 247b–7(c)) is amended—

(1) by striking "and" after "1994,"; and

(2) by inserting before the period at the end the following: ", $750,000 for fiscal year 2019, and such sums as may be necessary for each of the fiscal years 2020 through 2024".

SEC. 304. COOPERATIVE AGREEMENTS FOR ONLINE DEGREE PROGRAMS AT SCHOOLS OF PUBLIC HEALTH AND SCHOOLS OF ALLIED HEALTH.

Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.), as amended by section 302, is further amended by adding at the end the following:

"SEC. 743. COOPERATIVE AGREEMENTS FOR ONLINE DEGREE PROGRAMS.

"(a) COOPERATIVE AGREEMENTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in consultation with the Director of the Centers for Disease Control and Prevention, the Director of the Agency for Healthcare Research and Quality, and the Deputy Assistant Secretary for Minority Health, shall award cooperative agreements to schools of public health and schools of allied health to design and implement online degree programs.

"(b) PRIORITY.—In awarding cooperative agreements under this section, the Secretary shall give priority to any school of public health or school of allied health that has an established track record of serving medically underserved communities.

"(c) REQUIREMENTS.—Recipients of cooperative agreements under this section shall design and implement an online degree program that meets the following restrictions:

"(1) Enrollment of individuals who have obtained a secondary school diploma or its recognized equivalent.

"(2) Maintaining a significant enrollment of underrepresented minority or disadvantaged students.

"(3) Achieving a high completion rate of enrolled underrepresented minority or disadvantaged students.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2024.".

SEC. 305. SENSE OF CONGRESS ON THE MISSION OF THE NATIONAL HEALTH CARE WORKFORCE COMMISSION.

It is the sense of Congress that the National Health Care Workforce Commission established by section 5101 of the Patient Protection and Affordable Care Act (42 U.S.C. 294q) should, in carrying out its assigned duties under that section, give attention to the needs of racial and ethnic minorities, individuals with lower socioeconomic status, individuals with mental, developmental, and physical disabilities, lesbian, gay, bisexual, transgender, queer, and questioning populations, and indi-

viduals who are members of multiple minority or special population groups.

SEC. 306. SCHOLARSHIP AND FELLOWSHIP PROGRAMS.

Subtitle A of title XXXIV of the Public Health Service Act, as added by section 301, is further amended by inserting after section 3417 the following:

"SEC. 3418. DAVID SATCHER PUBLIC HEALTH AND HEALTH SERVICES CORPS.

''(a) IN GENERAL.—The Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention, in collaboration with the Deputy Assistant Secretary for Minority Health, shall award grants to eligible entities to increase awareness among postprimary and postsecondary students of career opportunities in the health professions.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a clinical, public health, or health services organization, community-based or nonprofit entity, or other entity determined appropriate by the Director of the Centers for Disease Control and Prevention;

''(2) serve a health professional shortage area, as determined by the Secretary;

1 "(3) work with students, including those from
2 racial and ethnic minority backgrounds, that have
3 expressed an interest in the health professions; and
4 "(4) submit to the Secretary an application at
5 such time, in such manner, and containing such in-
6 formation as the Secretary may require.
7 "(c) USE OF FUNDS.—Grant awards under sub-
8 section (a) shall be used to support internships that will
9 increase awareness among students of non-research-based,
10 career opportunities in the following health professions:
11 "(1) Medicine.
12 "(2) Nursing.
13 "(3) Public Health.
14 "(4) Pharmacy.
15 "(5) Health administration and management.
16 "(6) Health policy.
17 "(7) Psychology.
18 "(8) Dentistry.
19 "(9) International health.
20 "(10) Social work.
21 "(11) Allied health.
22 "(12) Psychiatry.
23 "(13) Hospice care.
24 "(14) Community health, patient navigation,
25 and peer support.

1 "(15) Other professions deemed appropriate by
2 the Director of the Centers for Disease Control and
3 Prevention.
4 "(d) PRIORITY.—In awarding grants under sub-
5 section (a), the Director of the Centers for Disease Con-
6 trol and Prevention shall give priority to those entities
7 that—
8 "(1) serve a high proportion of individuals from
9 disadvantaged backgrounds;
10 "(2) have experience in health disparity elimi-
11 nation programs;
12 "(3) facilitate the entry of disadvantaged indi-
13 viduals into institutions of higher education; and
14 "(4) provide counseling or other services de-
15 signed to assist disadvantaged individuals in success-
16 fully completing their education at the postsecondary
17 level.
18 "(e) STIPENDS.—The Secretary may approve sti-
19 pends under this section for individuals for any period of
20 education in student-enhancement programs (other than
21 regular courses) at health professions schools, programs,
22 or entities, except that such a stipend may not be provided
23 to an individual for more than 6 months, and such a sti-
24 pend may not exceed $20 per day (notwithstanding any
25 other provision of law regarding the amount of stipends).

1 "(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 such sums as may be necessary for each of fiscal years
4 2019 through 2024.

5 **"SEC. 3419. LOUIS STOKES PUBLIC HEALTH SCHOLARS**
6 **PROGRAM.**

7 "(a) IN GENERAL.—The Director of the Centers for
8 Disease Control and Prevention, in collaboration with the
9 Deputy Assistant Secretary for Minority Health, shall
10 award scholarships to postsecondary students who seek a
11 career in public health.

12 "(b) ELIGIBILITY.—To be eligible to receive a schol-
13 arship under subsection (a), an individual shall—

14 "(1) have interest, knowledge, or skill in public
15 health research or public health practice, or other
16 health professions as determined appropriate by the
17 Director of the Centers for Disease Control and Pre-
18 vention;

19 "(2) reside in a health professional shortage
20 area as determined by the Secretary;

21 "(3) demonstrate promise for becoming a leader
22 in public health;

23 "(4) secure admission to a 4-year institution of
24 higher education;

25 "(5) comply with subsection (e); and

"(6) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—Amounts received under an award under subsection (a) shall be used to support opportunities for students to become public health professionals.

"(d) PRIORITY.—In awarding grants under subsection (a), the Director shall give priority to those students that—

"(1) are from disadvantaged backgrounds;

"(2) have secured admissions to a minority-serving institution; and

"(3) have identified a health professional as a mentor at their school or institution and an academic advisor to assist in the completion of their baccalaureate degree.

"(e) SCHOLARSHIPS.—The Secretary may approve payment of scholarships under this section for such individuals for any period of education in student undergraduate tenure, except that such a scholarship may not be provided to an individual for more than 4 years, and such scholarships may not exceed $10,000 per academic year (notwithstanding any other provision of law regarding the amount of scholarship).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2024.

"SEC. 3420. PATSY MINK HEALTH AND GENDER RESEARCH FELLOWSHIP PROGRAM.

"(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, in collaboration with the Deputy Assistant Secretary for Minority Health, the Administrator of the Substance Abuse and Mental Health Services Administration, and the Director of the Indian Health Services, shall award research fellowships to post-baccalaureate students to conduct research that will examine gender and health disparities and to pursue a career in the health professions.

"(b) ELIGIBILITY.—To be eligible to receive a fellowship under subsection (a) an individual shall—

"(1) have experience in health research or public health practice;

"(2) reside in a health professional shortage area as determined by the Secretary;

"(3) have expressed an interest in the health professions;

"(4) demonstrate promise for becoming a leader in the field of women's health;

1 "(5) secure admission to a health professions
2 school or graduate program with an emphasis in
3 gender studies;
4 "(6) comply with subsection (f); and
5 "(7) submit to the Secretary an application at
6 such time, in such manner, and containing such in-
7 formation as the Secretary may require.
8 "(c) USE OF FUNDS.—Amounts received under an
9 award under subsection (a) shall be used to support oppor-
10 tunities for students to become researchers and advance
11 the research base on the intersection between gender and
12 health.
13 "(d) PRIORITY.—In awarding grants under sub-
14 section (a), the Director of the Centers for Disease Con-
15 trol and Prevention shall give priority to those applicants
16 that—
17 "(1) are from disadvantaged backgrounds; and
18 "(2) have identified a mentor and academic ad-
19 visor who will assist in the completion of their grad-
20 uate or professional degree and have secured a re-
21 search assistant position with a researcher working
22 in the area of gender and health.
23 "(e) FELLOWSHIPS.—The Director of the Centers for
24 Disease Control and Prevention may approve fellowships
25 for individuals under this section for any period of edu-

1 cation in the student's graduate or health profession ten-
2 ure, except that such a fellowship may not be provided
3 to an individual for more than 3 years, and such a fellow-
4 ship may not exceed $18,000 per academic year (notwith-
5 standing any other provision of law regarding the amount
6 of fellowship).

7 ''(f) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 such sums as may be necessary for each of fiscal years
10 2019 through 2024.

11 **"SEC. 3420A. PAUL DAVID WELLSTONE INTERNATIONAL**
12 **HEALTH FELLOWSHIP PROGRAM.**

13 ''(a) IN GENERAL.—The Director of the Agency for
14 Healthcare Research and Quality, in collaboration with
15 the Deputy Assistant Secretary for Minority Health, shall
16 award research fellowships to college students or recent
17 graduates to advance their understanding of international
18 health.

19 ''(b) ELIGIBILITY.—To be eligible to receive a fellow-
20 ship under subsection (a) an individual shall—

21 ''(1) have educational experience in the field of
22 international health;

23 ''(2) reside in a health professional shortage
24 area as determined by the Secretary;

1 "(3) demonstrate promise for becoming a leader
2 in the field of international health;
3 "(4) be a college senior or recent graduate of
4 a four-year higher education institution;
5 "(5) comply with subsection (e); and
6 "(6) submit to the Secretary an application at
7 such time, in such manner, and containing such in-
8 formation as the Secretary may require.
9 "(c) USE OF FUNDS.—Amounts received under an
10 award under subsection (a) shall be used to support oppor-
11 tunities for students to become health professionals and
12 to advance their knowledge about international issues re-
13 lating to health care access and quality.
14 "(d) PRIORITY.—In awarding grants under sub-
15 section (a), the Director shall give priority to those appli-
16 cants that—
17 "(1) are from a disadvantaged background; and
18 "(2) have identified a mentor at a health pro-
19 fessions school or institution, an academic advisor to
20 assist in the completion of their graduate or profes-
21 sional degree, and an advisor from an international
22 health non-governmental organization, private volun-
23 teer organization, or other international institution
24 or program that focuses on increasing health care

1 access and quality for residents in developing coun-
2 tries.

3 "(e) FELLOWSHIPS.—The Secretary shall approve
4 fellowships for college seniors or recent graduates, except
5 that such a fellowship may not be provided to an indi-
6 vidual for more than 6 months, may not be awarded to
7 a graduate that has not been enrolled in school for more
8 than 1 year, and may not exceed $4,000 per academic year
9 (notwithstanding any other provision of law regarding the
10 amount of fellowship).

11 "(f) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out this section,
13 such sums as may be necessary for each of fiscal years
14 2019 through 2024.

15 **"SEC. 3420B. EDWARD R. ROYBAL HEALTH SCHOLAR PRO-**
16 **GRAM.**

17 "(a) IN GENERAL.—The Director of the Agency for
18 Healthcare Research and Quality, the Director of the Cen-
19 ters for Medicare and Medicaid Services, and the Adminis-
20 trator for Health Resources and Services Administration,
21 in collaboration with the Deputy Assistant Secretary for
22 Minority Health, shall award grants to eligible entities to
23 expose entering graduate students to the health profes-
24 sions.

1 "(b) ELIGIBILITY.—To be eligible to receive a grant
2 under subsection (a), an entity shall—
3 "(1) be a clinical, public health, or health serv-
4 ices organization, community-based, academic, or
5 nonprofit entity, or other entity determined appro-
6 priate by the Director of the Agency for Healthcare
7 Research and Quality;
8 "(2) serve in a health professional shortage
9 area as determined by the Secretary;
10 "(3) work with students obtaining a degree in
11 the health professions; and
12 "(4) submit to the Secretary an application at
13 such time, in such manner, and containing such in-
14 formation as the Secretary may require.
15 "(c) USE OF FUNDS.—Amounts received under a
16 grant awarded under subsection (a) shall be used to sup-
17 port opportunities that expose students to non-research-
18 based health professions, including—
19 "(1) public health policy;
20 "(2) health care and pharmaceutical policy;
21 "(3) health care administration and manage-
22 ment;
23 "(4) health economics; and
24 "(5) other professions determined appropriate
25 by the Director of the Agency for Healthcare Re-

search and Quality, the Director of the Centers for Medicare and Medicaid Services, and the Administrator for Health Resources and Services Administration.

"(d) PRIORITY.—In awarding grants under subsection (a), the Director of the Agency for Healthcare Research and Quality shall give priority to those entities that—

"(1) have experience with health disparity elimination programs;

"(2) facilitate training in the fields described in subsection (c); and

"(3) provide counseling or other services designed to assist such individuals in successfully completing their education at the postsecondary level.

"(e) STIPENDS.—The Secretary may approve the payment of stipends for individuals under this section for any period of education in student-enhancement programs (other than regular courses) at health professions schools or entities, except that such a stipend may not be provided to an individual for more than 2 months, and such a stipend may not exceed $100 per day (notwithstanding any other provision of law regarding the amount of stipends).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section

such sums as may be necessary for each of fiscal years 2019 through 2024.

"SEC. 3420C. LEADERSHIP FELLOWSHIP PROGRAMS.

"The Secretary of Health and Human Services shall award grants to entities to develop leadership fellowship programs for underrepresented health professionals to become future leaders in public health and health care delivery institutions.".

SEC. 307. MCNAIR POSTBACCALAUREATE ACHIEVEMENT PROGRAM.

Section 402E of the Higher Education Act of 1965 (20 U.S.C. 1070a–15) is amended by striking subsection (g) and inserting the following:

"(g) COLLABORATION IN HEALTH PROFESSION DIVERSITY TRAINING PROGRAMS.—The Secretary shall coordinate with the Secretary of Health and Human Services to ensure that there is collaboration between the goals of the program under this section and programs of the Health Resources and Services Administration that promote health workforce diversity. The Secretary of Education shall take such measures as may be necessary to encourage students participating in projects assisted under this section to consider health profession careers.

"(h) FUNDING.—From amounts appropriated pursuant to the authority of section 402A(g), the Secretary

shall, to the extent practicable, allocate funds for projects authorized by this section in an amount which is not less than $31,000,000 for each of the fiscal years 2019 through 2025.''.

SEC. 308. RULES FOR DETERMINATION OF FULL-TIME EQUIVALENT RESIDENTS FOR COST-REPORTING PERIODS.

(a) DGME DETERMINATIONS.—Section 1886(h)(4) of the Social Security Act (42 U.S.C. 1395ww(h)(4)), as amended by section 204(a), is amended—

(1) in subparagraph (E), by striking ''Subject to subparagraphs (J) and (K), such rules'' and inserting ''Subject to subparagraphs (J), (K), and (M), such rules'';

(2) in subparagraph (J), by striking ''Such rules'' and inserting ''Subject to subparagraph (M), such rules'';

(3) in subparagraph (K), by striking ''In determining'' and inserting ''Subject to subparagraph (M), in determining''; and

(4) by adding at the end the following new subparagraph:

''(M) TREATMENT OF CERTAIN RESIDENTS AND INTERNS.—For purposes of cost-reporting periods beginning on or after October 1, 2016,

in determining the hospital's number of full-time equivalent residents for purposes of this paragraph, all the time spent by an intern or resident in an approved medical residency training program shall be counted toward the determination of full-time equivalency if the hospital—

"(i) is recognized as a subsection (d) hospital;

"(ii) is recognized as a subsection (d) Puerto Rico hospital;

"(iii) is reimbursed under a reimbursement system authorized under section 1814(b)(3); or

"(iv) is a provider-based hospital outpatient department.".

(b) IME DETERMINATIONS.—Section 1886(d)(5)(B)(x) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(x)) is amended—

(1) in subclause (II), by striking "In determining" and inserting "Subject to subclause (IV), in determining";

(2) in subclause (III), by striking "In determining" and inserting "Subject to subclause (IV), in determining"; and

(3) by inserting after subclause (III) the following new subclause:

"(IV) The provisions of subparagraph (L) of subsection (h)(4) shall apply under this subparagraph in the same manner as they apply under such subsection.".

SEC. 309. DEVELOPING AND IMPLEMENTING STRATEGIES FOR LOCAL HEALTH EQUITY.

(a) GRANTS.—The Secretaries of Health and Human Services, Education, and Labor, acting jointly, shall make grants to academic institutions for the purposes of—

(1) in accordance with subsection (b), developing capacity—

(A) to build an evidence base for successful strategies for increasing local health equity; and

(B) to serve as national models of driving local health equity;

(2) in accordance with subsection (c), developing a strategic partnership with the community in which the academic institution is located; and

(3) collecting data on, and periodically evaluating, the effectiveness of the institution's programs funded through this section to enable the institution to adapt accordingly for maximum efficiency and success.

1 (b) DEVELOPING CAPACITY FOR INCREASING LOCAL
2 HEALTH EQUITY.—As a condition on receipt of a grant
3 under subsection (a), an academic institution shall agree
4 to use the grant to build an evidence base for successful
5 strategies for increasing local health equity, and to serve
6 as a national model of driving local health equity, by sup-
7 porting—
8 (1) resources to strengthen institutional metrics
9 and capacity to execute institutionwide health work-
10 force goals that can serve as models for increasing
11 health equity in communities across the country;
12 (2) collaborations among a cohort of institu-
13 tions in implementing systemic change, partnership
14 development, and programmatic efforts supportive of
15 health equity goals across disciplines and popu-
16 lations; and
17 (3) enhanced or newly developed data systems
18 and research infrastructure capable of informing
19 current and future workforce efforts and building a
20 foundation for a broader research agenda targeting
21 urban health disparities.
22 (c) STRATEGIC PARTNERSHIPS.—As a condition on
23 receipt of a grant under subsection (a), an academic insti-
24 tution shall agree to use the grant to develop a strategic

partnership with the community in which the institution is located for the purposes of—

(1) strengthening connections between the institution and the community—

(A) to improve evaluation of and address the community's health and health workforce needs; and

(B) to engage the community in health workforce development;

(2) developing, enhancing, or accelerating innovative undergraduate and graduate programs in the biomedical sciences and health professions; and

(3) strengthening pipeline programs in the biomedical sciences and health professions, including by developing partnerships between institutions of higher education and elementary and secondary schools to recruit the next generation of health professionals earlier in the pipeline to a health care career.

SEC. 310. LOAN FORGIVENESS FOR MENTAL AND BEHAVIORAL HEALTH SOCIAL WORKERS.

Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following new subsection:

"(r) REPAYMENT PLAN FOR MENTAL AND BEHAVIORAL HEALTH SOCIAL WORKERS.—

"(1) IN GENERAL.—The Secretary shall cancel the balance of interest and principal due on any eligible Federal Direct Loan not in default for a borrower who—

"(A) has made 120 monthly payments on the eligible Federal Direct Loan after October 1, 2016, pursuant to any one or a combination of the following—

"(i) payments under an income-based repayment plan under section 493C;

"(ii) payments under a standard repayment plan under subsection (d)(1)(A), based on a 10-year repayment period;

"(iii) monthly payments under a repayment plan under subsection (d)(1) or (g) of not less than the monthly amount calculated under subsection (d)(1)(A), based on a 10-year repayment period; or

"(iv) payments under an income contingent repayment plan under subsection (d)(1)(D); and

"(B)(i) is employed as a mental health or behavioral health social worker, as defined by the Secretary by regulation, at the time of such forgiveness; and

"(ii) has been employed as such a mental health or behavioral health social worker during the period in which the borrower makes each of the 120 payments as described in subparagraph (A).

"(2) LOAN CANCELLATION AMOUNT.—After the conclusion of the employment period described in paragraph (1), the Secretary shall cancel the obligation to repay the balance of principal and interest due as of the time of such cancellation, on the eligible Federal Direct Loans made to the borrower under this part.

"(3) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may, for the same employment as a mental health or behavioral health social worker, receive a reduction of loan obligations under both this subsection and subsection (m), 428J, 428K, 428L, or 460.

"(4) DEFINITION OF ELIGIBLE FEDERAL DIRECT LOAN.—In this subsection, the term 'eligible Federal Direct Loan' means a Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan.".

SEC. 311. HEALTH PROFESSIONS WORKFORCE FUND.

(a) PURPOSE.—It is the purpose of this section to establish a Health Professions Workforce Fund to be administered through the Health Resources and Services Administration within the Department of Health and Human Services to provide for expanded and sustained national investment in the health professions and nursing workforce development programs under title VII and title VIII of the Public Health Service Act.

(b) ESTABLISHING THE HEALTH PROFESSIONS WORKFORCE FUND.—There is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, to the Health Professions Workforce Fund—

(1) $355,000,000 for fiscal year 2019;

(2) $375,000,000 for fiscal year 2020;

(3) $392,000,000 for fiscal year 2021;

(4) $412,000,000 for fiscal year 2022;

(5) $432,000,000 for fiscal year 2023;

(6) $454,000,000 for fiscal year 2024;

(7) $476,000,000 for fiscal year 2025;

(8) $500,000,000 for fiscal year 2026;

(9) $525,000,000 for fiscal year 2027; and

(10) $552,000,000 for fiscal year 2028.

(c) FUNDING.—

(1) For the purpose of carrying out health professions education programs authorized under title VII of the Public Health Service Act, in addition to any other amounts authorized to be appropriated for such purpose, there is authorized to be appropriated out of any monies in the Health Professions Workforce Fund, the following:

(A) $240,000,000 for fiscal year 2019.

(B) $253,000,000 for fiscal year 2020.

(C) $265,000,000 for fiscal year 2021.

(D) $278,000,000 for fiscal year 2022.

(E) $292,000,000 for fiscal year 2023.

(F) $307,000,000 for fiscal year 2024.

(G) $322,000,000 for fiscal year 2025.

(H) $338,000,000 for fiscal year 2026.

(I) $355,000,000 for fiscal year 2027.

(J) $373,000,000 for fiscal year 2028.

(2) For the purpose of carrying out nursing workforce development programs authorized under Title VIII of the Public Health Service Act, in addition to any other amounts authorized to be appropriated for such purpose, there is authorized to be appropriated out of any monies in the Health Professions Workforce Fund, the following:

(A) $115,000,000 for fiscal year 2019.

(B) $122,000,000 for fiscal year 2020.

(C) $127,000,000 for fiscal year 2021.

(D) $134,000,000 for fiscal year 2022.

(E) $140,000,000 for fiscal year 2023.

(F) $147,000,000 for fiscal year 2024.

(G) $154,000,000 for fiscal year 2025.

(H) $162,000,000 for fiscal year 2026.

(I) $170,000,000 for fiscal year 2027.

(J) $179,000,000 for fiscal year 2028.

SEC. 312. FINDINGS; SENSE OF CONGRESS RELATING TO GRADUATE MEDICAL EDUCATION.

(a) FINDINGS.—Congress finds the following:

(1) Projections by the Association of American Medical Colleges (AAMC) and other expert entities, such as the Health Resources and Services Administration (HRSA), have indicated a nationwide shortage of up to 104,900 physicians, split evenly between primary care and specialists, by 2030.

(2) Primarily due to the growing and aging population, over the next decade, physician demand is expected to grow up to 17 percent.

(3) The United States Census Bureau estimates that the United States population will grow from 321 million in 2015 to 347 million in 2025. Further, the number of Medicare beneficiaries is estimated to

1 increase from 47.8 million in 2015 to approximately
2 66 million in 2025.
3 (4) Approximately 36 percent of practicing phy-
4 sicians are over the age of 55 and are likely to retire
5 within the next decade.
6 (5) A nationwide physician shortage will result
7 in many Americans waiting longer and traveling far-
8 ther for health care; seeking nonemergent care in
9 emergency departments; and delaying treatment
10 until their health care needs become more serious,
11 complex, and costly.
12 (6) Changing demographics (such as an aging
13 population), new health care delivery models (such
14 as medical homes), and other factors (such as dis-
15 aster preparedness) are contributing to a shortage of
16 both generalist and specialist physicians.
17 (7) These shortages will have the most severe
18 impact on vulnerable and underserved populations,
19 including racial/ethnic minorities and the approxi-
20 mately 20 percent of Americans who live in rural or
21 inner-city locations designated as health professional
22 shortage areas.
23 (8) The AAMC's Health Care Utilization Eq-
24 uity model estimates that if racial and ethnic minori-
25 ties and individuals from rural areas utilized health

1 care in a similar way to their Caucasian counter-
2 parts living in metropolitan areas, the physician
3 shortage would require an additional 96,000 physi-
4 cians.

5 (9) To address the physician shortage, medical
6 education and training need to be accessible for stu-
7 dents and physicians from all backgrounds. Inter-
8 national graduates play an important role in U.S.
9 health care, representing roughly 25 percent of the
10 health care workforce. Immigration pathways like
11 student, exchange-visitor, and employment visas, and
12 programs like the National Interest Waiver and
13 Conrad 30 J–1 Visa Waiver, help improve health ac-
14 cess across the country.

15 (10) United States medical schools have com-
16 mitted to and have initiated a 30 percent increase
17 in enrollment by 2017 to help reduce the Nation's
18 shortage of quality physicians.

19 (11) An increase in United States medical
20 school graduates must be accompanied by an in-
21 crease of 4,000 graduate medical education (GME)
22 training positions each year.

23 (12) Graduate medical education programs and
24 teaching hospitals provide venues in which the next
25 generation of physicians learns to work collabo-

1 ratively with other physicians and health profes-
2 sionals, adopt more efficient care delivery models
3 (such as care coordination and medical homes), in-
4 corporate health information technology and elec-
5 tronic health records in every aspect of their work,
6 apply new methods of assuring quality and safety,
7 and participate in groundbreaking clinical and public
8 health research.

9 (13) The Medicare Program under title XVIII
10 of the Social Security Act (having more beneficiaries
11 than any other health care program), supports its
12 ''fair share'' of the costs associated with graduate
13 medical education (GME).

14 (14) In general, the level of support of graduate
15 medical education by the Medicare Program has
16 been capped since 1997 and has not been increased
17 to support the expansion of graduate medical edu-
18 cation programs needed to avert the projected physi-
19 cian shortage or to accommodate the increase in
20 United States medical school graduates.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that eliminating the limit of the number of residency
23 positions that receive some level of Medicare support
24 under section 1886(h) of the Social Security Act (42

U.S.C. 1395ww(h)), also referred to as the Medical graduate medical education cap, is critical to—

(1) ensuring an appropriate supply of physicians to meet the Nation's health care needs;

(2) facilitating equitable access for all who seek health care; and

(3) mitigating disparities in health and health care.

SEC. 313. CAREER SUPPORT FOR SKILLED, INTERNATIONALLY EDUCATED HEALTH PROFESSIONALS.

(a) FINDINGS.—Congress finds the following:

(1) According to the Association of Schools of Public Health, projections indicate a nationwide shortage of up to 250,000 public health workers needed by 2020.

(2) Similar trends are projected for other health professions indicating shortages across disciplines, including within the fields of nursing (500,000 by 2025), dentistry (15,000 by 2025), pharmacy (38,000 by 2030), mental and behavioral health, primary care (46,000 by 2025), and community and allied health.

(3) A nationwide health workforce shortage will result in serious health threats and more severe and costly health care needs, due to, in part, a delayed

response to food-borne outbreaks, emerging infectious diseases, natural disasters, fewer cancer screenings, and delayed treatment.

(4) Vulnerable and underserved populations and health professional shortage areas will be most severely impacted by the health workforce shortage.

(5) According to the Migration Policy Institute, over 2,000,000 college-educated immigrants in the United States today are unemployed or underemployed in low- or semi-skilled jobs that fail to draw on their education and expertise.

(6) Approximately 2 out of every 5 internationally educated immigrants are unemployed or underemployed.

(7) According to Drexel University Center for Labor Markets and Policy, underemployment for internationally educated immigrant women is 28 percent higher than for their male counterparts.

(8) According to the Drexel University Center for labor markets and policy, the mean annual earnings of underemployed immigrants were $32,000, or 43 percent less than United States born college graduates employed in the college labor market.

(9) According to Upwardly Global and the Welcome Back Initiative, with proper guidance and sup-

1 port, underemployed skilled immigrants typically in-
2 crease their income by 215 percent to 900 percent.
3 (10) According to the Brookings Institution and
4 the Partnership for a New American Economy, im-
5 migrants working in the health workforce are, on av-
6 erage, better educated than United States-born
7 workers in the health workforce.
8 (b) GRANTS TO ELIGIBLE ENTITIES.—
9 (1) AUTHORITY TO PROVIDE GRANTS.—The
10 Secretary of Health and Human Services acting
11 through the Bureau of Health Workforce within the
12 Health Resources and Services Administration, the
13 National Institute on Minority Health and Health
14 Disparities, or the Office of Minority Health (in this
15 section referred to as the ''Secretary'') may award
16 grants to eligible entities to carry out activities de-
17 scribed in subsection (c).
18 (2) ELIGIBILITY.—To be eligible to receive a
19 grant under this section, an entity shall—
20 (A) be a clinical, public health, or health
21 services organization, a community-based or
22 nonprofit entity, an academic institution, a
23 faith-based organization, a State, county, or
24 local government, an Area Health Education

1 Center, or another entity determined appro-
2 priate by the Secretary; and
3 (B) submit to the Secretary an application
4 at such time, in such manner, and containing
5 such information as the Secretary may require.
6 (c) AUTHORIZED ACTIVITIES.—A grant awarded
7 under this section shall be used—
8 (1) to provide services to assist unemployed and
9 underemployed skilled immigrants, residing in the
10 United States, who have legal, permanent work au-
11 thorization and who are internationally educated
12 health professionals, enter into the American health
13 workforce with employment matching their health
14 professional skills and education, and advance in em-
15 ployment to positions that better match their health
16 professional education and expertise;
17 (2) to provide training opportunities to reduce
18 barriers to entry and advancement in the health
19 workforce for skilled, internationally educated immi-
20 grants;
21 (3) to educate employers regarding the abilities
22 and capacities of internationally educated health
23 professionals;
24 (4) to assist in the evaluation of foreign creden-
25 tials;

(5) to support preceptorships for international medical graduates in hospital primary care training; and

(6) to facilitate access to contextualized and accelerated courses on English as a second language.

TITLE IV—IMPROVING HEALTH CARE ACCESS AND QUALITY

Subtitle A—Expansion of Coverage

SEC. 401. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title XXXIV of the Public Health Service Act, as amended by titles I, II, III, and IX of this Act, is further amended by inserting after subtitle C the following:

"Subtitle D—Reconstruction and Improvement Grants for Public Health Care Facilities Serving Pacific Islanders and the Insular Areas

"SEC. 3451. GRANT SUPPORT FOR QUALITY IMPROVEMENT INITIATIVES.

''(a) IN GENERAL.—The Secretary, in collaboration with the Administrator of the Health Resources and Services Administration, the Director of the Agency for Healthcare Research and Quality, and the Administrator of the Centers for Medicare & Medicaid Services, shall

1 award grants to eligible entities for the conduct of dem-
2 onstration projects to improve the quality of and access
3 to health care.

4 "(b) ELIGIBILITY.—To be eligible to receive a grant
5 under subsection (a), an entity shall—

6 "(1) be a health center, hospital, health plan,
7 health system, community clinic. or other health en-
8 tity determined appropriate by the Secretary—

9 "(A) that, by legal mandate or explicitly
10 adopted mission, provides patients with access
11 to services regardless of their ability to pay;

12 "(B) that provides care or treatment for a
13 substantial number of patients who are unin-
14 sured, are receiving assistance under a State
15 program under title XIX of the Social Security
16 Act, or are members of vulnerable populations,
17 as determined by the Secretary; and

18 "(C)(i) with respect to which, not less than
19 50 percent of the entity's patient population is
20 made up of racial and ethnic minorities; or

21 "(ii) that—

22 "(I) serves a disproportionate percent-
23 age of local, minority racial and ethnic pa-
24 tients, or that has a patient population, at

1 least 50 percent of which is limited-
2 English-proficient; and
3 "(II) provides an assurance that
4 amounts received under the grant will be
5 used only to support quality improvement
6 activities in the racial and ethnic popu-
7 lation served; and
8 "(2) prepare and submit to the Secretary an
9 application at such time, in such manner, and con-
10 taining such information as the Secretary may re-
11 quire.
12 "(c) PRIORITY.—In awarding grants under sub-
13 section (a), the Secretary shall give priority to applicants
14 under subsection (b)(2) that—
15 "(1) demonstrate an intent to operate as part
16 of a health care partnership, network, collaborative,
17 coalition, or alliance where each member entity con-
18 tributes to the design, implementation, and evalua-
19 tion of the proposed intervention; or
20 "(2) intend to use funds to carry out system-
21 wide changes with respect to health care quality im-
22 provement, including—
23 "(A) improved systems for data collection
24 and reporting;

1 "(B) innovative collaborative or similar
2 processes;
3 "(C) group programs with behavioral or
4 self-management interventions;
5 "(D) case management services;
6 "(E) physician or patient reminder sys-
7 tems;
8 "(F) educational interventions; or
9 "(G) other activities determined appro-
10 priate by the Secretary.
11 "(d) USE OF FUNDS.—An entity shall use amounts
12 received under a grant under subsection (a) to support
13 the implementation and evaluation of health care quality
14 improvement activities or minority health and health care
15 disparity reduction activities that include—
16 "(1) with respect to health care systems, activi-
17 ties relating to improving—
18 "(A) patient safety;
19 "(B) timeliness of care;
20 "(C) effectiveness of care;
21 "(D) efficiency of care;
22 "(E) patient centeredness; and
23 "(F) health information technology; and
24 "(2) with respect to patients, activities relating
25 to—

1 "(A) staying healthy;
2 "(B) getting well, mentally and physically;
3 "(C) living effectively with illness or dis-
4 ability;
5 "(D) coping with end-of-life issues; and
6 "(E) shared decisionmaking.
7 "(e) COMMON DATA SYSTEMS.—The Secretary shall
8 provide financial and other technical assistance to grant-
9 ees under this section for the development of common data
10 systems.
11 "(f) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 such sums as may be necessary for each of fiscal years
14 2019 through 2024.
15 **"SEC. 3452. CENTERS OF EXCELLENCE.**
16 "(a) IN GENERAL.—The Secretary, acting through
17 the Administrator of the Health Resources and Services
18 Administration, shall designate centers of excellence at
19 public hospitals, and other health systems serving large
20 numbers of minority patients, that—
21 "(1) meet the requirements of section
22 3451(b)(1);
23 "(2) demonstrate excellence in providing care to
24 minority populations; and

1 "(3) demonstrate excellence in reducing dispari-
2 ties in health and health care.
3 "(b) REQUIREMENTS.—A hospital or health system
4 that serves as a center of excellence under subsection (a)
5 shall—
6 "(1) design, implement, and evaluate programs
7 and policies relating to the delivery of care in ra-
8 cially, ethnically, and linguistically diverse popu-
9 lations;
10 "(2) provide training and technical assistance
11 to other hospitals and health systems relating to the
12 provision of quality health care to minority popu-
13 lations; and
14 "(3) develop activities for graduate or con-
15 tinuing medical education that institutionalize a
16 focus on cultural competence training for health care
17 providers.
18 "(c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section,
20 such sums as may be necessary for each of fiscal years
21 2019 through 2024.

"SEC. 3453. RECONSTRUCTION AND IMPROVEMENT GRANTS FOR PUBLIC HEALTH CARE FACILITIES SERVING PACIFIC ISLANDERS AND THE INSULAR AREAS.

"(a) IN GENERAL.—The Secretary shall provide direct financial assistance to designated health care providers and community health centers in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Puerto Rico, and Hawaii for the purposes of reconstructing and improving health care facilities and services in a culturally competent and sustainable manner.

"(b) ELIGIBILITY.—To be eligible to receive direct financial assistance under subsection (a), an entity shall be a public health facility or community health center located in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Puerto Rico, or Hawaii that—

"(1) is owned or operated by—

"(A) the Government of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Puerto Rico, or Hawaii or a unit of local government; or

"(B) a nonprofit organization; and

1 "(2)(A) provides care or treatment for a sub-
2 stantial number of patients who are uninsured, re-
3 ceiving assistance under a State program under a
4 title XVIII of the Social Security Act, or a State
5 program under title XIX of such Act, or who are
6 members of a vulnerable population, as determined
7 by the Secretary; or
8 "(B) serves a disproportionate percentage of
9 local, minority racial and ethnic patients.
10 "(c) REPORT.—Not later than 180 days after the
11 date of enactment of this title and annually thereafter, the
12 Secretary shall submit to the Congress and the President
13 a report that includes an assessment of health resources
14 and facilities serving populations in American Samoa,
15 Guam, the Commonwealth of the Northern Mariana Is-
16 lands, the United States Virgin Islands, Puerto Rico, and
17 Hawaii. In preparing such report, the Secretary shall—
18 "(1) consult with and obtain information on all
19 health care facilities needs from the entities de-
20 scribed in subsection (b);
21 "(2) include all amounts of Federal assistance
22 received by each entity in the preceding fiscal year;
23 "(3) review the total unmet needs of each juris-
24 diction for health care facilities, including needs for
25 renovation and expansion of existing facilities;

1 "(4) include a strategic plan for addressing the
2 needs of each jurisdiction identified in the report;
3 and
4 "(5) evaluate the effectiveness of the care pro-
5 vided by measuring patient outcomes and cost meas-
6 ures.
7 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as necessary
9 to carry out this section.".

10 **SEC. 402. REMOVING CITIZENSHIP AND IMMIGRATION BAR-**
11 **RIERS TO ACCESS TO AFFORDABLE HEALTH**
12 **CARE UNDER ACA.**

13 (a) IN GENERAL.—
14 (1) PREMIUM TAX CREDITS.—Section 36B of
15 the Internal Revenue Code of 1986 is amended—
16 (A) in subsection (c)(1)(B)—
17 (i) by amending the heading to read
18 as follows: "SPECIAL RULE FOR CERTAIN
19 INDIVIDUALS INELIGIBLE FOR MEDICAID
20 DUE TO STATUS", and
21 (ii) in clause (ii), by striking "lawfully
22 present in the United States, but" and in-
23 serting "who", and
24 (B) by striking subsection (e).

(2) COST-SHARING REDUCTIONS.—Section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) is amended by striking subsection (e).

(3) BASIC HEALTH PROGRAM ELIGIBILITY.—Section 1331(e)(1)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18051(e)(1)(B)) is amended by striking ''lawfully present in the United States''.

(4) RESTRICTIONS ON FEDERAL PAYMENTS.—Section 1412 of the Patient Protection and Affordable Care Act (42 U.S.C. 18082) is amended by striking subsection (d).

(5) REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.—Section 5000A(d) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(b) CONFORMING AMENDMENTS.—

(1) Section 1411(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18081(a)) is amended by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(2) Section 1312(f) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(f)) is amended—

(A) in the heading, by striking "; ACCESS LIMITED TO CITIZENS AND LAWFUL RESIDENTS"; and

(B) by striking paragraph (3).

SEC. 403. STUDY ON THE UNINSURED.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall—

(1) conduct a study, in accordance with the standards under section 3101 of the Public Health Service Act (42 U.S.C. 300kk), on the demographic characteristics of the population of individuals who do not have health insurance coverage or oral health coverage; and

(2) predict, based on such study, the demographic characteristics of the population of individuals who would remain without health insurance coverage after the end of any annual open enrollment or any special enrollment period or upon enactment and implementation of any legislative changes to the Patient Protection and Affordable Care Act that affect the number of persons eligible for coverage.

1 (b) REPORTING REQUIREMENTS.—

2 (1) IN GENERAL.—Not later than 12 months
3 after the date of the enactment of this Act, the Sec-
4 retary shall submit to the Congress the results of
5 the study under subsection (a)(1) and the prediction
6 made under subsection (a)(2).

7 (2) REPORTING OF DEMOGRAPHIC CHARACTER-
8 ISTICS.—The Secretary shall—

9 (A) report the demographic characteristics
10 under paragraphs (1) and (2) of subsection (a)
11 on the basis of racial and ethnic group, and
12 shall stratify the reporting on each racial and
13 ethnic group by other demographic characteris-
14 tics that can impact access to health insurance
15 coverage, such as sexual orientation, gender
16 identity, primary language, disability status,
17 sex, socioeconomic status, age group, and citi-
18 zenship and immigration status, in a manner
19 consistent with title I of this Act; and

20 (B) not use such report to engage in or an-
21 ticipate any deportation or immigration related
22 enforcement action by any entity, including the
23 Department of Homeland Security.

SEC. 404. MEDICAID IN THE TERRITORIES.

(a) ELIMINATION OF GENERAL MEDICAID FUNDING LIMITATIONS (''CAP'') FOR TERRITORIES.—

(1) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(A) in subsection (f), in the matter before paragraph (1), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)'';

(B) in subsection (g)(2), in the matter before subparagraph (A), by inserting ''and subsection (h)'' after ''paragraphs (3) and (5)''; and

(C) by adding at the end the following new subsection:

''(h) SUNSET OF MEDICAID FUNDING LIMITATIONS FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE UNITED STATES, GUAM, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA.—Subsections (f) and (g) shall not apply to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa beginning with fiscal year 2019.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended by striking '', the limitation in section 1108(f),''.

(B) Section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) is amended by striking paragraph (4).

(C) Section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)) is amended by striking ''2019'' and inserting ''2018''.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2019.

(b) ELIMINATION OF SPECIFIC FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) LIMITATION FOR TERRITORIES.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended, in clause (2), by inserting ''for fiscal years before fiscal year 2019'' after ''American Samoa''.

(c) APPLICATION OF MEDICAID WAIVER AUTHORITY TO ALL OF THE TERRITORIES.—

(1) IN GENERAL.—Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended—

(A) by striking ''American Samoa and the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa'';

(B) by striking ''American Samoa or the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa'';

(C) by inserting ''(1)'' after ''(j)'';

(D) by inserting ''except as otherwise provided in this subsection,'' after ''Notwithstanding any other requirement of this title''; and

(E) by adding at the end the following:

''(2) The Secretary may not waive under this subsection the requirement of subsection (a)(10)(A)(i)(IX) (relating to coverage of adults formerly under foster care) with respect to any territory.''.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply beginning October 1, 2018.

(d) PERMITTING MEDICAID DSH ALLOTMENTS FOR TERRITORIES.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

''(C) TERRITORIES.—

"(i) FISCAL YEAR 2019.—For fiscal year 2019, the DSH allotment for Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa shall bear the same ratio to $150,000,000 as the ratio of the number of individuals who are low-income or uninsured and residing in such respective territory (as estimated from time to time by the Secretary) bears to the sums of the number of such individuals residing in all of the territories.

"(ii) SUBSEQUENT FISCAL YEAR.—For each subsequent fiscal year, the DSH allotment for each such territory is subject to an increase in accordance with paragraph (2)."; and

(2) in paragraph (9), by inserting before the period at the end the following: ", and includes, beginning with fiscal year 2019, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa".

SEC. 405. EXTENSION OF MEDICARE SECONDARY PAYER.

(a) IN GENERAL.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended—

(1) in the last sentence, by inserting ", and before January 1, 2019" after "prior to such date)"; and

(2) by adding at the end the following new sentence: "Effective for items and services furnished on or after January 1, 2019 (with respect to periods beginning on or after the date that is 42 months prior to such date), clauses (i) and (ii) shall be applied by substituting '42-month' for '12-month' each place it appears in the first sentence.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act. For purposes of determining an individual's status under section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)), as amended by subsection (a), an individual who is within the coordinating period as of the date of enactment of this Act shall have that period extended to the full 42 months described in the last sentence of such section, as added by the amendment made by subsection (a)(2).

SEC. 406. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, Tribal government, nonprofit health organization, community health center, or community clinic receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

1 (d) USE OF FUNDS.—An eligible entity that receives
2 a grant under subsection (b) shall use the grant funds
3 for—
4 (1) programs relating to—
5 (A) maternal and child health;
6 (B) primary care and preventative health;
7 (C) public health and public health infra-
8 structure;
9 (D) musculoskeletal health and obesity;
10 (E) health education and promotion;
11 (F) oral health;
12 (G) mental and behavioral health;
13 (H) substance abuse;
14 (I) health conditions that have a high prev-
15 alence in the border area;
16 (J) medical and health services research;
17 (K) workforce training and development;
18 (L) community health workers, patient
19 navigators, and promotoras;
20 (M) health care infrastructure problems in
21 the border area (including planning and con-
22 struction grants);
23 (N) health disparities in the border area;
24 (O) environmental health; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2019, and such sums as may be necessary for each succeeding fiscal year.

SEC. 407. REMOVING MEDICARE BARRIER TO HEALTH CARE.

(a) PART A.—Section 1818(a)(3) of the Social Security Act (42 U.S.C. 1395i–2(a)(3)) is amended by striking ''an alien'' and all that follows through ''under this section'' and inserting ''an individual who is lawfully present in the United States''.

(b) PART B.—Section 1836(2) of the Social Security Act (42 U.S.C. 1395o(2)) is amended by striking ''an

alien'' and all that follows through ''under this part'' and inserting ''an individual who is lawfully present in the United States''.

SEC. 408. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED BY URBAN INDIAN HEALTH CENTERS.

(a) IN GENERAL.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396(b)) is amended by inserting ''or are received through a program operated by an urban Indian organization through a grant or contract under title V of such Act'' after ''(as defined in section 4 of the Indian Health Care Improvement Act)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to medical assistance provided on or after the date of enactment of this Act.

SEC. 409. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by section 418(a), is amended by inserting before the period the following: ''; and, with respect to

medical assistance provided to a Native Hawaiian (as defined in section 12(2) of the Native Hawaiian Health Care Improvement Act) through a federally qualified health center or a Native Hawaiian health care system (as defined in section 12(6) of such Act), whether directly, by referral, or under contract or other arrangement between such federally qualified health center or Native Hawaiian health care system and another health care provider''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to medical assistance provided on or after the date of enactment of this Act.

Subtitle B—Expansion of Access

SEC. 410. PROTECTING SENSITIVE LOCATIONS.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

''(i)(1) In this subsection:

''(A) The term 'appropriate committees of Congress' means—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(ii) the Committee on the Judiciary of the Senate;

''(iii) the Committee on Homeland Security of the House of Representatives; and

1 "(iv) the Committee on the Judiciary of
2 the House of Representatives.
3 "(B) The term 'enforcement action'—
4 "(i) means an apprehension, arrest, inter-
5 view, request for identification, search, or sur-
6 veillance for the purposes of immigration en-
7 forcement; and
8 "(ii) includes an enforcement action at, or
9 focused on, a sensitive location that is part of
10 a joint case led by another law enforcement
11 agency.
12 "(C) The term 'exigent circumstances' means a
13 situation involving—
14 "(i) the imminent risk of death, violence,
15 or physical harm to any person or property, in-
16 cluding a situation implicating terrorism or the
17 national security of the United States;
18 "(ii) the immediate arrest or pursuit of a
19 dangerous felon, terrorist suspect, or other indi-
20 vidual presenting an imminent danger; or
21 "(iii) the imminent risk of destruction of
22 evidence that is material to an ongoing criminal
23 case.
24 "(D) The term 'prior approval' means—

"(i) in the case of officers and agents of U.S. Immigration and Customs Enforcement, prior written approval to carry out an enforcement action involving a specific individual or individuals authorized by—

"(I) the Assistant Director of Operations, Homeland Security Investigations;

"(II) the Executive Associate Director of Homeland Security Investigations;

"(III) the Assistant Director for Field Operations, Enforcement and Removal Operations; or

"(IV) the Executive Associate Director for Field Operations, Enforcement and Removal Operations;

"(ii) in the case of officers and agents of U.S. Customs and Border Protection, prior written approval to carry out an enforcement action involving a specific individual or individuals authorized by—

"(I) a Chief Patrol Agent;

"(II) the Director of Field Operations;

"(III) the Director of Air and Marine Operations; or

1 "(IV) the Internal Affairs Special
2 Agent in Charge; and
3 "(iii) in the case of other Federal, State,
4 or local law enforcement officers, to carry out
5 an enforcement action involving a specific indi-
6 vidual or individuals authorized by—
7 "(I) the head of the Federal agency
8 carrying out the enforcement action; or
9 "(II) the head of the State or local
10 law enforcement agency carrying out the
11 enforcement action.
12 "(E) The term 'sensitive location' includes all of
13 the physical space located within 1,000 feet of—
14 "(i) any medical treatment or health care
15 facility, including any hospital, doctor's office,
16 accredited health clinic, alcohol or drug treat-
17 ment center, or emergent or urgent care facil-
18 ity;
19 "(ii) any public or private school, including
20 any known and licensed day care facility, pre-
21 school, other early learning program facility,
22 primary school, secondary school, postsecondary
23 school (including colleges and universities), or
24 other institution of learning (including voca-
25 tional or trade schools);

"(iii) any scholastic or education-related activity or event, including field trips and inter-scholastic events;

"(iv) any school bus or school bus stop during periods when school children are present on the bus or at the stop;

"(v) any organization that—

"(I) assists children, pregnant women, victims of crime or abuse, or individuals with significant mental or physical disabilities; or

"(II) provides disaster or emergency social services and assistance;

"(vi) any church, synagogue, mosque, or other place of worship, including buildings rented for the purpose of religious services, retreats, counseling, workshops, instruction, and education;

"(vii) any Federal, State, or local courthouse, including the office of an individual's legal counsel or representative, and a probation, parole, or supervised release office;

"(viii) the site of a funeral, wedding, or other religious ceremony or observance;

"(ix) any public demonstration, such as a march, rally, or parade;

"(x) any domestic violence shelter, rape crisis center, supervised visitation center, family justice center, or victim services provider; or

"(xi) any other location specified by the Secretary of Homeland Security for purposes of this subsection.

"(2)(A) An enforcement action may not take place at, or be focused on, a sensitive location unless—

"(i) the action involves exigent circumstances; and

"(ii) prior approval for the enforcement action was obtained from the appropriate official.

"(B) If an enforcement action is initiated pursuant to subparagraph (A) and the exigent circumstances permitting the enforcement action cease, the enforcement action shall be discontinued until such exigent circumstances reemerge.

"(C) If an enforcement action is carried out in violation of this subsection—

"(i) no information resulting from the enforcement action may be entered into the record or received into evidence in a removal proceeding resulting from the enforcement action; and

1 "(ii) the alien who is the subject of such re-
2 moval proceeding may file a motion for the imme-
3 diate termination of the removal proceeding.
4 "(3)(A) This subsection shall apply to any enforce-
5 ment action by officers or agents of the Department of
6 Homeland Security, including—
7 "(i) officers or agents of U.S. Immigration and
8 Customs Enforcement;
9 "(ii) officers or agents of U.S. Customs and
10 Border Protection; and
11 "(iii) any individual designated to perform im-
12 migration enforcement functions pursuant to sub-
13 section (g).
14 "(B) While carrying out an enforcement action at a
15 sensitive location, officers and agents referred to in sub-
16 paragraph (A) shall make every effort—
17 "(i) to limit the time spent at the sensitive loca-
18 tion;
19 "(ii) to limit the enforcement action at the sen-
20 sitive location to the person or persons for whom
21 prior approval was obtained; and
22 "(iii) to conduct themselves discreetly.
23 "(C) If, while carrying out an enforcement action
24 that is not initiated at or focused on a sensitive location,
25 officers or agents are led to a sensitive location, and no

1 exigent circumstance and prior approval with respect to
2 the sensitive location exists, such officers or agents shall—
3 "(i) cease before taking any further enforce-
4 ment action;
5 "(ii) conduct themselves in a discreet manner;
6 "(iii) maintain surveillance; and
7 "(iv) immediately consult their supervisor in
8 order to determine whether such enforcement action
9 should be discontinued.
10 "(D) The limitations under this paragraph shall not
11 apply to the transportation of an individual apprehended
12 at or near a land or sea border to a hospital or health
13 care provider for the purpose of providing medical care
14 to such individual.
15 "(4)(A) Each official specified in subparagraph (B)
16 shall ensure that the employees under his or her super-
17 vision receive annual training on compliance with—
18 "(i) the requirements under this subsection in
19 enforcement actions at or focused on sensitive loca-
20 tions and enforcement actions that lead officers or
21 agents to a sensitive location; and
22 "(ii) the requirements under section 239 of this
23 Act and section 384 of the Illegal Immigration Re-
24 form and Immigrant Responsibility Act of 1996 (8
25 U.S.C. 1367).

1 "(B) The officials specified in this subparagraph
2 are—
3 "(i) the Chief Counsel of U.S. Immigration and
4 Customs Enforcement;
5 "(ii) the Field Office Directors of U.S. Immi-
6 gration and Customs Enforcement;
7 "(iii) each Special Agent in Charge of U.S. Im-
8 migration and Customs Enforcement;
9 "(iv) each Chief Patrol Agent of U.S. Customs
10 and Border Protection;
11 "(v) the Director of Field Operations of U.S.
12 Customs and Border Protection;
13 "(vi) the Director of Air and Marine Operations
14 of U.S. Customs and Border Protection;
15 "(vii) the Internal Affairs Special Agent in
16 Charge of U.S. Customs and Border Protection; and
17 "(viii) the chief law enforcement officer of each
18 State or local law enforcement agency that enters
19 into a written agreement with the Department of
20 Homeland Security pursuant to subsection (g).
21 "(5) The Secretary of Homeland Security shall mod-
22 ify the Notice to Appear form (I–862)—
23 "(A) to provide the subjects of an enforcement
24 action with information, written in plain language,
25 summarizing the restrictions against enforcement

actions at sensitive locations set forth in this subsection and the remedies available to the alien if such action violates such restrictions;

"(B) so that the information described in subparagraph (A) is accessible to individuals with limited-English proficiency; and

"(C) so that subjects of an enforcement action are not permitted to verify that the officers or agents that carried out such action complied with the restrictions set forth in this subsection.

"(6)(A) The Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection shall each submit an annual report to the appropriate committees of Congress that includes the information set forth in subparagraph (B) with respect to the respective agency.

"(B) Each report submitted under subparagraph (A) shall include, with respect to the submitting agency during the reporting period—

"(i) the number of enforcement actions that were carried out at, or focused on, a sensitive location;

"(ii) the number of enforcement actions in which officers or agents were subsequently led to a sensitive location; and

1 "(iii) for each enforcement action described in
2 clause (i) or (ii)—
3 "(I) the date on which it occurred;
4 "(II) the specific site, city, county, and
5 State in which it occurred;
6 "(III) the components of the agency in-
7 volved in the enforcement action;
8 "(IV) a description of the enforcement ac-
9 tion, including the nature of the criminal activ-
10 ity of its intended target;
11 "(V) the number of individuals, if any, ar-
12 rested or taken into custody;
13 "(VI) the number of collateral arrests, if
14 any, and the reasons for each such arrest;
15 "(VII) a certification whether the location
16 administrator was contacted before, during, or
17 after the enforcement action; and
18 "(VIII) the percentage of all of the staff
19 members and supervisors reporting to the offi-
20 cials listed in paragraph (4)(B) who completed
21 the training required under paragraph (4)(A).
22 "(7) Nothing in the subsection may be construed—
23 "(A) to affect the authority of Federal, State,
24 or local law enforcement agencies—

"(i) to enforce generally applicable Federal or State criminal laws unrelated to immigration; or

"(ii) to protect residents from imminent threats to public safety; or

"(B) to limit or override the protections provided in—

"(i) section 239; or

"(ii) section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).".

SEC. 411. GRANTS FOR RACIAL AND ETHNIC APPROACHES TO COMMUNITY HEALTH.

(a) PURPOSE.—It is the purpose of this section to provide for the awarding of grants to assist communities in mobilizing and organizing resources in support of effective and sustainable programs that will reduce or eliminate disparities in health and health care experienced by racial and ethnic minority individuals.

(b) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities to assist in designing, implementing, and evaluating culturally and linguistically appropriate, science-based, and community-

1 driven sustainable strategies to eliminate racial and ethnic
2 health and health care disparities.
3 (c) ELIGIBLE ENTITIES.—To be eligible to receive a
4 grant under this section, an entity shall—
5 (1) represent a coalition—
6 (A) whose principal purpose is to develop
7 and implement interventions to reduce or elimi-
8 nate a health or health care disparity in a tar-
9 geted racial or ethnic minority group in the
10 community served by the coalition; and
11 (B) that includes—
12 (i) members selected from among—
13 (I) public health departments;
14 (II) community-based organiza-
15 tions;
16 (III) university and research or-
17 ganizations;
18 (IV) American Indian Tribal or-
19 ganizations, national American Indian
20 organizations, Indian Health Service,
21 or organizations serving Alaska Na-
22 tives; and
23 (V) interested public or private
24 health care providers or organizations

as deemed appropriate by the Secretary; and

(ii) at least 1 member from a community-based organization that represents the targeted racial or ethnic minority group; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which shall include—

(A) a description of the targeted racial or ethnic populations in the community to be served under the grant;

(B) a description of at least 1 health disparity that exists in the racial or ethnic targeted populations, including health issues such as infant mortality, breast and cervical cancer screening and management, musculoskeletal diseases and obesity, prostate cancer screening and management, cardiovascular disease, diabetes, child and adult immunization levels, oral disease, or other health priority areas as designated by the Secretary; and

(C) a demonstration of a proven record of accomplishment of the coalition members in

1 serving and working with the targeted commu-
2 nity.

3 (d) SUSTAINABILITY.—The Secretary shall give pri-
4 ority to an eligible entity under this section if the entity
5 agrees that, with respect to the costs to be incurred by
6 the entity in carrying out the activities for which the grant
7 was awarded, the entity (and each of the participating
8 partners in the coalition represented by the entity) will
9 maintain its expenditures of non-Federal funds for such
10 activities at a level that is not less than the level of such
11 expenditures during the fiscal year immediately preceding
12 the first fiscal year for which the grant is awarded.

13 (e) NONDUPLICATION.—Funds provided through this
14 grant program should supplement, not supplant, existing
15 Federal funding, and the funds should not be used to du-
16 plicate the activities of the other health disparity grant
17 programs in this Act.

18 (f) TECHNICAL ASSISTANCE.—The Secretary may,
19 either directly or by grant or contract, provide any entity
20 that receives a grant under this section with technical and
21 other nonfinancial assistance necessary to meet the re-
22 quirements of this section.

23 (g) DISSEMINATION.—The Secretary shall encourage
24 and enable grantees to share best practices, evaluation re-
25 sults, and reports with communities not affiliated with

grantees using the Internet, conferences, and other pertinent information regarding the projects funded by this section, including the outreach efforts of the Office of Minority Health and Health Disparity Elimination and the Centers for Disease Control and Prevention.

(h) ADMINISTRATIVE BURDENS.—The Secretary shall make every effort to minimize duplicative or unnecessary administrative burdens on grantees.

(i) DEFINITION.—In this section, the term ''Secretary'' means the Secretary of Health and Human Services.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 412. CRITICAL ACCESS HOSPITAL IMPROVEMENTS.

(a) ELIMINATION OF ISOLATION TEST FOR COST-BASED AMBULANCE REIMBURSEMENT.—

(1) IN GENERAL.—Section 1834(l)(8) of the Social Security Act (42 U.S.C. 1395m(l)(8)) is amended—

(A) in subparagraph (B)—

(i) by striking ''owned and''; and

(ii) by inserting ''(including when such services are provided by the entity

under an arrangement with the hospital)'' after ''hospital''; and

(B) by striking the comma at the end of subparagraph (B) and all that follows and inserting a period.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to services furnished on or after January 1, 2015.

(b) PROVISION OF A MORE FLEXIBLE ALTERNATIVE TO THE CAH DESIGNATION 25 INPATIENT BED LIMIT REQUIREMENT.—

(1) IN GENERAL.—Section 1820(c)(2) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)) is amended—

(A) in subparagraph (B)(iii), by striking ''provides not more than'' and inserting ''subject to subparagraph (F), provides not more than''; and

(B) by adding at the end the following new subparagraph:

''(F) ALTERNATIVE TO 25 INPATIENT BED LIMIT REQUIREMENT.—

''(i) IN GENERAL.—A State may elect to treat a facility, with respect to the designation of the facility for a cost-reporting

period, as satisfying the requirement of subparagraph (B)(iii) relating to a maximum number of acute care inpatient beds if the facility elects, in accordance with a method specified by the Secretary and before the beginning of the cost reporting period, to meet the requirement under clause (ii).

"(ii) ALTERNATE REQUIREMENT.—The requirement under this clause, with respect to a facility and a cost-reporting period, is that the total number of inpatient bed days described in subparagraph (B)(iii) during such period will not exceed 7,300. For purposes of this subparagraph, an individual who is an inpatient in a bed in the facility for a single day shall be counted as one inpatient bed day.

"(iii) WITHDRAWAL OF ELECTION.—The option described in clause (i) shall not apply to a facility for a cost-reporting period if the facility (for any two consecutive cost-reporting periods during the previous 5 cost-reporting periods) was treated under such option and had a total number of in-

patient bed days for each of such two cost-reporting periods that exceeded the number specified in such clause.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to cost-reporting periods beginning on or after the date of the enactment of this Act.

SEC. 413. ESTABLISHMENT OF RURAL COMMUNITY HOSPITAL (RCH) PROGRAM.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 205(b)(1), is amended by adding at the end of the following new subsection:

''Rural Community Hospital; Rural Community Hospital Services

''(jjj)(1) The term 'rural community hospital' means a hospital (as defined in subsection (e)) that—

''(A) is located in a rural area (as defined in section 1886(d)(2)(D)) or treated as being so located pursuant to section 1886(d)(8)(E);

''(B) subject to paragraph (2), has less than 51 acute care inpatient beds, as reported in its most recent cost report;

''(C) makes available 24-hour emergency care services;

1 "(D) subject to paragraph (3), has a provider
2 agreement in effect with the Secretary and is open
3 to the public as of January 1, 2010; and
4 "(E) applies to the Secretary for such designa-
5 tion.
6 "(2) For purposes of paragraph (1)(B), beds in a
7 psychiatric or rehabilitation unit of the hospital which is
8 a distinct part of the hospital shall not be counted.
9 "(3) Paragraph (1)(D) shall not be construed to pro-
10 hibit any of the following from qualifying as a rural com-
11 munity hospital:
12 "(A) A replacement facility (as defined by the
13 Secretary in regulations in effect on January 1,
14 2012) with the same service area (as defined by the
15 Secretary in regulations in effect on such date).
16 "(B) A facility obtaining a new provider num-
17 ber pursuant to a change of ownership.
18 "(C) A facility which has a binding written
19 agreement with an outside, unrelated party for the
20 construction, reconstruction, lease, rental, or financ-
21 ing of a building as of January 1, 2012.
22 "(4) Nothing in this subsection shall be construed as
23 prohibiting a critical access hospital from qualifying as a
24 rural community hospital if the critical access hospital

1 meets the conditions otherwise applicable to hospitals
2 under subsection (e) and section 1866.
3 "(5) Nothing in this subsection shall be construed as
4 prohibiting a rural community hospital participating in
5 the demonstration program under section 410A of the
6 Medicare Prescription Drug, Improvement, and Mod-
7 ernization Act of 2003 (Public Law 108–173; 117 Stat.
8 2313) from qualifying as a rural community hospital if
9 the rural community hospital meets the conditions other-
10 wise applicable to hospitals under subsection (e) and sec-
11 tion 1866.".
12 (b) PAYMENT.—
13 (1) INPATIENT HOSPITAL SERVICES.—Section
14 1814 of the Social Security Act (42 U.S.C. 1395f)
15 is amended by adding at the end the following new
16 subsection:
17 "Payment for Inpatient Services Furnished in Rural
18 Community Hospitals
19 "(m) The amount of payment under this part for in-
20 patient hospital services furnished in a rural community
21 hospital, other than such services furnished in a psy-
22 chiatric or rehabilitation unit of the hospital which is a
23 distinct part, is, at the election of the hospital in the appli-
24 cation referred to in section 1861(jjj)(1)(E)—

"(1) 101 percent of the reasonable costs of providing such services, without regard to the amount of the customary or other charge, or

"(2) the amount of payment provided for under the prospective payment system for inpatient hospital services under section 1886(d).".

(2) OUTPATIENT SERVICES.—Section 1834 of such Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(p) PAYMENT FOR OUTPATIENT SERVICES FURNISHED IN RURAL COMMUNITY HOSPITALS.—The amount of payment under this part for outpatient services furnished in a rural community hospital is, at the election of the hospital in the application referred to in section 1861(jjj)(1)(E)—

"(1) 101 percent of the reasonable costs of providing such services, without regard to the amount of the customary or other charge and any limitation under section 1861(v)(1)(U), or

"(2) the amount of payment provided for under the prospective payment system for covered OPD services under section 1833(t).".

(3) EXEMPTION FROM 30-PERCENT REDUCTION IN REIMBURSEMENT FOR BAD DEBT.—Section 1861(v)(1)(T) of such Act (42 U.S.C.

1395x(v)(1)(T)) is amended by inserting ''(other than for a rural community hospital)'' after ''In determining such reasonable costs for hospitals''.

(c) BENEFICIARY COST-SHARING FOR OUTPATIENT SERVICES.—Section 1834(p) of such Act (as added by subsection (b)(2)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' after ''(p)''; and

(3) by adding at the end the following:

''(2) The amounts of beneficiary cost-sharing for outpatient services furnished in a rural community hospital under this part shall be as follows:

''(A) For items and services that would have been paid under section 1833(t) if provided by a hospital, the amount of cost-sharing determined under paragraph (8) of such section.

''(B) For items and services that would have been paid under section 1833(h) if furnished by a provider or supplier, no cost-sharing shall apply.

''(C) For all other items and services, the amount of cost-sharing that would apply to the item or service under the methodology that would be used to determine payment for such item or service if pro-

vided by a physician, provider, or supplier, as the case may be.''.

(d) CONFORMING AMENDMENTS.—

(1) PART A PAYMENT.—Section 1814(b) of such Act (42 U.S.C. 1395f(b)) is amended in the matter preceding paragraph (1) by inserting ''other than inpatient hospital services furnished by a rural community hospital,'' after ''critical access hospital services,''.

(2) PART B PAYMENT.—Section 1833(a) of such Act (42 U.S.C. 1395l(a)), as amended by section 205(b)(3), is amended—

(A) in paragraph (2), in the matter before subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (K)'';

(B) by striking ''and'' at the end of paragraph (9);

(C) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(D) by adding at the end the following:

''(11) in the case of outpatient services furnished by a rural community hospital, the amounts described in section 1834(p).''.

(3) TECHNICAL AMENDMENTS.—

(A) CONSULTATION WITH STATE AGENCIES.—Section 1863 of such Act (42 U.S.C. 1395z) is amended by striking ''and (dd)(2)'' and inserting ''(dd)(2), (mm)(1), and (jjj)(1)''.

(B) PROVIDER AGREEMENTS.—Section 1866(a)(2)(A) of such Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by inserting ''section 1834(p)(2),'' after ''section 1833(b),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after October 1, 2016.

SEC. 414. MEDICARE REMOTE MONITORING PILOT PROJECTS.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct pilot projects under title XVIII of the Social Security Act for the purpose of providing incentives to home health agencies to utilize home monitoring and communications technologies that—

(A) enhance health outcomes for Medicare beneficiaries; and

(B) reduce expenditures under such title.

(2) SITE REQUIREMENTS.—

(A) URBAN AND RURAL.—The Secretary shall conduct the pilot projects under this section in both urban and rural areas.

(B) SITE IN A SMALL STATE.—The Secretary shall conduct at least 3 of the pilot projects in a State with a population of less than 1,000,000.

(3) DEFINITION OF HOME HEALTH AGENCY.—In this section, the term ''home health agency'' has the meaning given that term in section 1861(o) of the Social Security Act (42 U.S.C. 1395x(o)).

(b) MEDICARE BENEFICIARIES WITHIN THE SCOPE OF PROJECTS.—The Secretary shall specify the criteria for identifying those Medicare beneficiaries who shall be considered within the scope of the pilot projects under this section for purposes of the application of subsection (c) and for the assessment of the effectiveness of the home health agency in achieving the objectives of this section. Such criteria may provide for the inclusion in the projects of Medicare beneficiaries who begin receiving home health services under title XVIII of the Social Security Act after the date of the implementation of the projects.

(c) INCENTIVES.—

1 (1) PERFORMANCE TARGETS.—The Secretary
2 shall establish for each home health agency partici-
3 pating in a pilot project under this section a per-
4 formance target using one of the following meth-
5 odologies, as determined appropriate by the Sec-
6 retary:
7 (A) ADJUSTED HISTORICAL PERFORMANCE
8 TARGET.—The Secretary shall establish for the
9 agency—
10 (i) a base expenditure amount equal
11 to the average total payments made to the
12 agency under parts A and B of title XVIII
13 of the Social Security Act for Medicare
14 beneficiaries determined to be within the
15 scope of the pilot project in a base period
16 determined by the Secretary; and
17 (ii) an annual per capita expenditure
18 target for such beneficiaries, reflecting the
19 base expenditure amount adjusted for risk
20 and adjusted growth rates.
21 (B) COMPARATIVE PERFORMANCE TAR-
22 GET.—The Secretary shall establish for the
23 agency a comparative performance target equal
24 to the average total payments under such parts
25 A and B during the pilot project for comparable

individuals in the same geographic area that are not determined to be within the scope of the pilot project.

(2) INCENTIVE.—Subject to paragraph (3), the Secretary shall pay to each participating home care agency an incentive payment for each year under the pilot project equal to a portion of the Medicare savings realized for such year relative to the performance target under paragraph (1).

(3) LIMITATION ON EXPENDITURES.—The Secretary shall limit incentive payments under this section in order to ensure that the aggregate expenditures under title XVIII of the Social Security Act (including incentive payments under this subsection) do not exceed the amount that the Secretary estimates would have been expended if the pilot projects under this section had not been implemented.

(d) WAIVER AUTHORITY.—The Secretary may waive such provisions of titles XI and XVIII of the Social Security Act as the Secretary determines to be appropriate for the conduct of the pilot projects under this section.

(e) REPORT TO CONGRESS.—Not later than 5 years after the date that the first pilot project under this section is implemented, the Secretary shall submit to Congress a report on the pilot projects. Such report shall contain a

1 detailed description of issues related to the expansion of
2 the projects under subsection (f) and recommendations for
3 such legislation and administrative actions as the Sec-
4 retary considers appropriate.

5 (f) EXPANSION.—If the Secretary determines that
6 any of the pilot projects under this section enhance health
7 outcomes for Medicare beneficiaries and reduce expendi-
8 tures under title XVIII of the Social Security Act, the Sec-
9 retary may initiate comparable projects in additional
10 areas.

11 (g) INCENTIVE PAYMENTS HAVE NO EFFECT ON
12 OTHER MEDICARE PAYMENTS TO AGENCIES.—An incen-
13 tive payment under this section—

14 (1) shall be in addition to the payments that a
15 home health agency would otherwise receive under
16 title XVIII of the Social Security Act for the provi-
17 sion of home health services; and

18 (2) shall have no effect on the amount of such
19 payments.

20 **SEC. 415. RURAL HEALTH QUALITY ADVISORY COMMISSION**
21 **AND DEMONSTRATION PROJECTS.**

22 (a) RURAL HEALTH QUALITY ADVISORY COMMIS-
23 SION.—

24 (1) ESTABLISHMENT.—Not later than 6
25 months after the date of the enactment of this sec-

tion, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a commission to be known as the Rural Health Quality Advisory Commission (in this section referred to as the ''Commission'').

(2) DUTIES OF COMMISSION.—

(A) NATIONAL PLAN.—The Commission shall develop, coordinate, and facilitate implementation of a national plan for rural health quality improvement. The national plan shall—

(i) identify objectives for rural health quality improvement;

(ii) identify strategies to eliminate known gaps in rural health system capacity and improve rural health quality; and

(iii) provide for Federal programs to identify opportunities for strengthening and aligning policies and programs to improve rural health quality.

(B) DEMONSTRATION PROJECTS.—The Commission shall design demonstration projects to test alternative models for rural health quality improvement, including with respect to both personal and population health.

1 (C) MONITORING.—The Commission shall
2 monitor progress toward the objectives identi-
3 fied pursuant to paragraph (1)(A).
4 (3) MEMBERSHIP.—
5 (A) NUMBER.—The Commission shall be
6 composed of 11 members appointed by the Sec-
7 retary.
8 (B) SELECTION.—The Secretary shall se-
9 lect the members of the Commission from
10 among individuals with significant rural health
11 care and health care quality expertise, including
12 expertise in clinical health care, health care
13 quality research, population or public health, or
14 purchaser organizations.
15 (4) CONTRACTING AUTHORITY.—Subject to the
16 availability of funds, the Commission may enter into
17 contracts and make other arrangements, as may be
18 necessary to carry out the duties described in para-
19 graph (2).
20 (5) STAFF.—Upon the request of the Commis-
21 sion, the Secretary may detail, on a reimbursable
22 basis, any of the personnel of the Office of Rural
23 Health Policy of the Health Resources and Services
24 Administration, the Agency for Healthcare Quality
25 and Research, or the Centers for Medicare & Med-

1 icaid Services to the Commission to assist in car-
2 rying out this subsection.
3 (6) REPORTS TO CONGRESS.—Not later than 1
4 year after the establishment of the Commission, and
5 annually thereafter, the Commission shall submit a
6 report to the Congress on rural health quality. Each
7 such report shall include the following:
8 (A) An inventory of relevant programs and
9 recommendations for improved coordination and
10 integration of policy and programs.
11 (B) An assessment of achievement of the
12 objectives identified in the national plan devel-
13 oped under paragraph (2) and recommenda-
14 tions for realizing such objectives.
15 (C) Recommendations on Federal legisla-
16 tion, regulations, or administrative policies to
17 enhance rural health quality and outcomes.
18 (b) RURAL HEALTH QUALITY DEMONSTRATION
19 PROJECTS.—
20 (1) IN GENERAL.—Not later than 270 days
21 after the date of the enactment of this section, the
22 Secretary, in consultation with the Rural Health
23 Quality Advisory Commission, the Office of Rural
24 Health Policy of the Health Resources and Services
25 Administration, the Agency for Healthcare Research

1 and Quality, and the Centers for Medicare & Med-
2 icaid Services, shall make grants to eligible entities
3 for 5 demonstration projects to implement and
4 evaluate methods for improving the quality of health
5 care in rural communities. Each such demonstration
6 project shall include—
7 (A) alternative community models that—
8 (i) will achieve greater integration of
9 personal and population health services;
10 and
11 (ii) address safety, effectiveness,
12 patient- or community-centeredness, timeli-
13 ness, efficiency, and equity (the 6 aims
14 identified by the Institute of Medicine of
15 the National Academies in its report enti-
16 tled ''Crossing the Quality Chasm: A New
17 Health System for the 21st Century'' re-
18 leased on March 1, 2001);
19 (B) innovative approaches to the financing
20 and delivery of health services to achieve rural
21 health quality goals; and
22 (C) development of quality improvement
23 support structures to assist rural health sys-
24 tems and professionals (such as workforce sup-
25 port structures, quality monitoring and report-

ing, clinical care protocols, and information technology applications).

(2) ELIGIBLE ENTITIES.—In this subsection, the term ''eligible entity'' means a consortium that—

(A) shall include—

(i) at least one health care provider or health care delivery system located in a rural area; and

(ii) at least one organization representing multiple community stakeholders; and

(B) may include other partners such as rural research centers.

(3) CONSULTATION.—In developing the program for awarding grants under this subsection, the Secretary shall consult with the Administrator of the Agency for Healthcare Research and Quality, rural health care providers, rural health care researchers, and private and nonprofit groups (including national associations) which are undertaking similar efforts.

(4) EXPEDITED WAIVERS.—The Secretary shall expedite the processing of any waiver that—

(A) is authorized under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq.); and

(B) is necessary to carry out a demonstration project under this subsection.

(5) DEMONSTRATION PROJECT SITES.—The Secretary shall ensure that the 5 demonstration projects funded under this subsection are conducted at a variety of sites representing the diversity of rural communities in the Nation.

(6) DURATION.—Each demonstration project under this subsection shall be for a period of 4 years.

(7) INDEPENDENT EVALUATION.—The Secretary shall enter into an arrangement with an entity that has experience working directly with rural health systems for the conduct of an independent evaluation of the program carried out under this subsection.

(8) REPORT.—Not later than 1 year after the conclusion of all of the demonstration projects funded under this subsection, the Secretary shall submit a report to the Congress on the results of such projects. The report shall include—

(A) an evaluation of patient access to care, patient outcomes, and an analysis of the cost effectiveness of each such project; and

(B) recommendations on Federal legislation, regulations, or administrative policies to enhance rural health quality and outcomes.

(c) APPROPRIATION.—

(1) IN GENERAL.—Out of funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section $30,000,000 for the period of fiscal years 2019 through 2023.

(2) AVAILABILITY.—

(A) IN GENERAL.—Funds appropriated under paragraph (1) shall remain available for expenditure through fiscal year 2023.

(B) REPORT.—For purposes of carrying out subsection (b)(8), funds appropriated under paragraph (1) shall remain available for expenditure through fiscal year 2024.

(3) RESERVATION.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

(A) $5,000,000 to carry out subsection (a); and

(B) $25,000,000 to carry out subsection (b), of which—

(i) 2 percent shall be for the provision of technical assistance to grant recipients; and

(ii) 5 percent shall be for independent evaluation under subsection (b)(7).

SEC. 416. RURAL HEALTH CARE SERVICES.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

"SEC. 330A. RURAL HEALTH CARE SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, DELTA RURAL DISPARITIES AND HEALTH SYSTEMS DEVELOPMENT, AND SMALL RURAL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to provide for grants—

''(1) under subsection (b), to promote rural health care services outreach;

''(2) under subsection (c), to provide for the planning and implementation of integrated health care networks in rural areas;

''(3) under subsection (d), to assist rural communities in the Delta Region to reduce health dis-

1 parities and to promote and enhance health system
2 development; and
3 "(4) under subsection (e), to provide for the
4 planning and implementation of small rural health
5 care provider quality improvement activities.
6 "(b) RURAL HEALTH CARE SERVICES OUTREACH
7 GRANTS.—
8 "(1) GRANTS.—The Director of the Office of
9 Rural Health Policy of the Health Resources and
10 Services Administration may award grants to eligible
11 entities to promote rural health care services out-
12 reach by expanding the delivery of health care serv-
13 ices to include new and enhanced services in rural
14 areas. The Director may award the grants for peri-
15 ods of not more than 3 years.
16 "(2) ELIGIBILITY.—To be eligible to receive a
17 grant under this subsection for a project, an enti-
18 ty—
19 "(A) shall be a rural public or rural non-
20 profit private entity, a facility that qualifies as
21 a rural health clinic under title XVIII of the
22 Social Security Act, a public or nonprofit entity
23 existing exclusively to provide services to mi-
24 grant and seasonal farm workers in rural areas,
25 or a Tribal government whose grant-funded ac-

tivities will be conducted within federally recognized Tribal areas;

"(B) shall represent a consortium composed of members—

"(i) that include 3 or more independently owned health care entities; and

"(ii) that may be nonprofit or for-profit entities; and

"(C) shall not previously have received a grant under this subsection for the same or a similar project, unless the entity is proposing to expand the scope of the project or the area that will be served through the project.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) a description of the manner in which the project funded under the grant will meet the health care needs of rural populations in the local community or region to be served;

1 "(C) a plan for quantifying how health
2 care needs will be met through identification of
3 the target population and benchmarks of service
4 delivery or health status, such as—
5 "(i) quantifiable measurements of
6 health status improvement for projects fo-
7 cusing on health promotion; or
8 "(ii) benchmarks of increased access
9 to primary care, including tracking factors
10 such as the number and type of primary
11 care visits, identification of a medical
12 home, or other general measures of such
13 access;
14 "(D) a description of how the local com-
15 munity or region to be served will be involved
16 in the development and ongoing operations of
17 the project;
18 "(E) a plan for sustaining the project after
19 Federal support for the project has ended;
20 "(F) a description of how the project will
21 be evaluated;
22 "(G) the administrative capacity to submit
23 annual performance data electronically as speci-
24 fied by the Director; and

1 "(H) other such information as the Direc-
2 tor determines to be appropriate.
3 "(c) RURAL HEALTH NETWORK DEVELOPMENT
4 GRANTS.—
5 "(1) GRANTS.—
6 "(A) IN GENERAL.—The Director may
7 award rural health network development grants
8 to eligible entities to promote, through planning
9 and implementation, the development of inte-
10 grated health care networks that have combined
11 the functions of the entities participating in the
12 networks in order to—
13 "(i) achieve efficiencies and economies
14 of scale;
15 "(ii) expand access to, coordinate, and
16 improve the quality of the health care de-
17 livery system through development of orga-
18 nizational efficiencies;
19 "(iii) implement health information
20 technology to achieve efficiencies, reduce
21 medical errors, and improve quality;
22 "(iv) coordinate care and manage
23 chronic illness; and
24 "(v) strengthen the rural health care
25 system as a whole in such a manner as to

show a quantifiable return on investment to the participants in the network.

"(B) GRANT PERIODS.—The Director may award such a rural health network development grant—

"(i) for a period of 3 years for implementation activities; or

"(ii) for a period of 1 year for planning activities to assist in the initial development of an integrated health care network, if the proposed participants in the network do not have a history of collaborative efforts and a 3-year grant would be inappropriate.

"(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity—

"(A) shall be a rural public or rural nonprofit private entity, a facility that qualifies as a rural health clinic under title XVIII of the Social Security Act, a public or nonprofit entity existing exclusively to provide services to migrant and seasonal farm workers in rural areas, or a Tribal government whose grant-funded activities will be conducted within federally recognized Tribal areas;

"(B) shall represent a network composed of participants—

"(i) that include 3 or more independently owned health care entities; and

"(ii) that may be nonprofit or for-profit entities; and

"(C) shall not previously have received a grant under this subsection (other than a 1-year grant for planning activities) for the same or a similar project.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) an explanation of the reasons why Federal assistance is required to carry out the project;

"(C) a description of—

1 "(i) the history of collaborative activi-
2 ties carried out by the participants in the
3 network;
4 "(ii) the degree to which the partici-
5 pants are ready to integrate their func-
6 tions; and
7 "(iii) how the local community or re-
8 gion to be served will benefit from and be
9 involved in the activities carried out by the
10 network;
11 "(D) a description of how the local com-
12 munity or region to be served will experience in-
13 creased access to quality health care services
14 across the continuum of care as a result of the
15 integration activities carried out by the net-
16 work, including a description of—
17 "(i) return on investment for the com-
18 munity and the network members; and
19 "(ii) other quantifiable performance
20 measures that show the benefit of the net-
21 work activities;
22 "(E) a plan for sustaining the project after
23 Federal support for the project has ended;
24 "(F) a description of how the project will
25 be evaluated;

"(G) the administrative capacity to submit annual performance data electronically as specified by the Director; and

"(H) other such information as the Director determines to be appropriate.

"(d) DELTA RURAL DISPARITIES AND HEALTH SYSTEMS DEVELOPMENT GRANTS.—

"(1) GRANTS.—The Director may award grants to eligible entities to support reduction of health disparities, improve access to health care, and enhance rural health system development in the Delta Region.

"(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity shall be a rural public or rural nonprofit private entity, a facility that qualifies as a rural health clinic under title XVIII of the Social Security Act, a public or nonprofit entity existing exclusively to provide services to migrant and seasonal farm workers in rural areas, or a Tribal government whose grant-funded activities will be conducted within federally recognized Tribal areas.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall prepare and submit to the Director an application at

1 such time, in such manner, and containing such in-
2 formation as the Director may require, including—
3 "(A) a description of the project that the
4 eligible entity will carry out using the funds
5 provided under the grant;
6 "(B) an explanation of the reasons why
7 Federal assistance is required to carry out the
8 project;
9 "(C) a description of the manner in which
10 the project funded under the grant will meet
11 the health care needs of the Delta Region;
12 "(D) a description of how the local com-
13 munity or region to be served will experience in-
14 creased access to quality health care services as
15 a result of the activities carried out by the enti-
16 ty;
17 "(E) a description of how health dispari-
18 ties will be reduced or the health system will be
19 improved;
20 "(F) a plan for sustaining the project after
21 Federal support for the project has ended;
22 "(G) a description of how the project will
23 be evaluated including process and outcome
24 measures related to the quality of care provided

1 or how the health care system improves its per-
2 formance;
3 "(H) a description of how the grantee will
4 develop an advisory group made up of rep-
5 resentatives of the communities to be served to
6 provide guidance to the grantee to best meet
7 community need; and
8 "(I) other such information as the Director
9 determines to be appropriate.
10 "(e) SMALL RURAL HEALTH CARE PROVIDER QUAL-
11 ITY IMPROVEMENT GRANTS.—
12 "(1) GRANTS.—The Director may award grants
13 to provide for the planning and implementation of
14 small rural health care provider quality improvement
15 activities. The Director may award the grants for
16 periods of 1 to 3 years.
17 "(2) ELIGIBILITY.—To be eligible for a grant
18 under this subsection, an entity—
19 "(A) shall be—
20 "(i) a rural public or rural nonprofit
21 private health care provider or provider of
22 health care services, such as a rural health
23 clinic; or
24 "(ii) another rural provider or net-
25 work of small rural providers identified by

the Director as a key source of local care; and

"(B) shall not previously have received a grant under this subsection for the same or a similar project.

"(3) PREFERENCE.—In awarding grants under this subsection, the Director shall give preference to facilities that qualify as rural health clinics under title XVIII of the Social Security Act.

"(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require, including—

"(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

"(B) an explanation of the reasons why Federal assistance is required to carry out the project;

"(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

"(D) a description of how the local community or region to be served will experience increased access to quality health care services as a result of the activities carried out by the entity;

"(E) a plan for sustaining the project after Federal support for the project has ended;

"(F) a description of how the project will be evaluated including process and outcome measures related to the quality of care provided; and

"(G) other such information as the Director determines to be appropriate.

"(f) GENERAL REQUIREMENTS.—

"(1) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds provided through the grant—

"(A) to build or acquire real property; or

"(B) for construction.

"(2) COORDINATION WITH OTHER AGENCIES.—The Director shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating

similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

"(g) REPORT.—Not later than September 30, 2020, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsections (b), (c), (d), and (e).

"(h) DEFINITIONS.—In this section:

"(1) The term 'Delta Region' has the meaning given to the term 'region' in section 382A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa).

"(2) The term 'Director' means the Director of the Office of Rural Health Policy of the Health Resources and Services Administration.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2019, and such sums as may be necessary for each of fiscal years 2020 through 2023.".

SEC. 417. COMMUNITY HEALTH CENTER COLLABORATIVE ACCESS EXPANSION.

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following:

"(s) MISCELLANEOUS PROVISIONS.—

1 "(1) RULE OF CONSTRUCTION WITH RESPECT
2 TO RURAL HEALTH CLINICS.—Nothing in this sec-
3 tion shall be construed to prevent a community
4 health center from contracting with a federally cer-
5 tified rural health clinic (as defined by section
6 1861(aa)(2) of the Social Security Act) for the deliv-
7 ery of primary health care and other mental, dental,
8 and physical health services that are available at the
9 rural health clinic to individuals who would other-
10 wise be eligible for free or reduced cost care if that
11 individual were able to obtain that care at the com-
12 munity health center. Such services may be limited
13 in scope to those primary health care and other
14 mental, dental, and physical health services available
15 in that rural health clinic.

16 "(2) ENABLING SERVICES.—To the extent pos-
17 sible, enabling services such as transportation and
18 language assistance (including translation and inter-
19 pretation) shall be provided by rural health clinics
20 described in paragraph (1).

21 "(3) ASSURANCES.—In order for a rural health
22 clinic to receive funds under this section through a
23 contract with a community health center for the de-
24 livery of primary health care and other services de-

1 scribed in paragraph (1), such rural health clinic
2 shall establish policies to ensure—
3 "(A) nondiscrimination based upon the
4 ability of a patient to pay;
5 "(B) the establishment of a sliding fee
6 scale for low-income patients; and
7 "(C) any such services should be subject to
8 full reimbursement according to the Prospective
9 Payment System scale.".

10 **SEC. 418. FACILITATING THE PROVISION OF TELEHEALTH**
11 **SERVICES ACROSS STATE LINES.**

12 (a) IN GENERAL.—For purposes of expediting the
13 provision of telehealth services, for which payment is made
14 under the Medicare Program, across State lines, the Sec-
15 retary of Health and Human Services shall, in consulta-
16 tion with representatives of States, physicians, health care
17 practitioners, and patient advocates, encourage and facili-
18 tate the adoption of provisions allowing for multistate
19 practitioner practice across State lines.

20 (b) DEFINITIONS.—In subsection (a):

21 (1) TELEHEALTH SERVICE.—The term "tele-
22 health service" has the meaning given that term in
23 subparagraph (F) of section 1834(m)(4) of the So-
24 cial Security Act (42 U.S.C. 1395m(m)(4)).

(2) PHYSICIAN, PRACTITIONER.—The terms ''physician'' and ''practitioner'' have the meaning given those terms in subparagraphs (D) and (E), respectively, of such section.

(3) MEDICARE PROGRAM.—The term ''Medicare Program'' means the program of health insurance administered by the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SEC. 419. SCORING OF PREVENTIVE HEALTH SAVINGS.

Section 202 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 602) is amended by adding at the end the following new subsection:

''(h) SCORING OF PREVENTIVE HEALTH SAVINGS.—

''(1) DETERMINATION BY THE DIRECTOR.—Upon a request by the chairman or ranking minority member of the Committee on the Budget of the Senate, or by the chairman or ranking minority member of the Committee on the Budget of the House of Representatives, the Director shall determine if a proposed measure would result in reductions in budget outlays in budgetary outyears through the use of preventive health and preventive health services.

1 "(2) PROJECTIONS.—If the Director determines
2 that a measure would result in substantial reduc-
3 tions in budget outlays as described in paragraph
4 (1), the Director—
5 "(A) shall include, in any projection pre-
6 pared by the Director, a description and esti-
7 mate of the reductions in budget outlays in the
8 budgetary outyears and a description of the
9 basis for such conclusions; and
10 "(B) may prepare a budget projection that
11 includes some or all of the budgetary outyears,
12 notwithstanding the time periods for projections
13 described in subsection (e) and sections 308,
14 402, and 424.
15 "(3) DEFINITIONS.—As used in this sub-
16 section—
17 "(A) the term 'preventive health' means an
18 action that focuses on the health of the public,
19 individuals, and defined populations in order to
20 protect, promote, and maintain health, wellness,
21 and functional ability, and prevent disease, dis-
22 ability, and premature death that is dem-
23 onstrated by credible and publicly available epi-
24 demiological projection models, incorporating

clinical trials or observational studies in humans, to avoid future health care costs; and

"(B) the term 'budgetary outyears' means the 2 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently agreed to concurrent resolution on the budget.".

SEC. 420. SENSE OF CONGRESS ON MAINTENANCE OF EFFORT PROVISIONS REGARDING CHILDREN'S HEALTH.

It is the sense of the Congress that—

(1) the maintenance of effort provisions added to sections 1902 and 2105(d) of the Social Security Act by sections 2001(b) and 2101(b) of the Patient Protection and Affordable Care Act were written to maintain the eligibility standards for the Medicaid program under title XIX of the Social Security Act and Children's Health Insurance Program under title XXI of such Act until the American Health Benefit Exchanges in the States are fully operational;

(2) it is imperative that the maintenance of effort provisions are enforced to the strict standard in-

tended by the Congress through September 30, 2022;

(3) waiving the maintenance of effort provisions should not be permitted, except in the case of a request for a waiver that meets the explicit non-application requirements;

(4) the maintenance of effort provisions ensure the continued success of the Medicaid program and Children's Health Insurance Program and were written deliberately to specifically protect vulnerable and disabled individuals, children, and senior citizens, many of whom are also members of communities of color; and

(5) the maintenance of effort provisions must be strictly enforced and proposals to weaken the maintenance of effort provisions must not be considered.

SEC. 421. REPEAL OF REQUIREMENT FOR DOCUMENTATION EVIDENCING CITIZENSHIP OR NATIONALITY UNDER THE MEDICAID PROGRAM.

(a) REPEAL.—Subsections (i)(22) and (x) of section 1903 of the Social Security Act (42 U.S.C. 1396b) are each repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) by amending paragraph (46) of subsection (a) to read as follows:

''(46) provide that information is requested and exchanged for purposes of income and eligibility verification in accordance with a State system which meets the requirements of section 1137 of this Act;'';

(B) in subsection (e)(13)(A)(i)—

(i) in the matter preceding subclause (I), by striking ''sections 1902(a)(46)(B) and 1137(d)'' and inserting ''section 1137(d)''; and

(ii) in subclause (IV), by striking ''1902(a)(46)(B) or''; and

(C) by striking subsection (ee).

(2) Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(A) in subsection (i), by redesignating paragraphs (23) through (26) as paragraphs (22) through (25), respectively; and

(B) by redesignating subsections (y) and (z) as subsections (x) and (y), respectively.

(3) Subsection (c) of section 6036 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396b note) is repealed.

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall take effect as if included in the enactment of the Deficit Reduction Act of 2005.

SEC. 422. PROTECTION OF THE HHS OFFICES OF MINORITY HEALTH.

(a) IN GENERAL.—Pursuant to the Patient Protection and Affordable Care Act (Public Law 111–148), the Offices of Minority Health established within the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Agency for Healthcare Research and Quality, the Food and Drug Administration, and the Centers for Medicare & Medicaid Services, are offices that, regardless of change in the structure of the Department of Health and Human Services, shall report to the Secretary of Health and Human Services.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that any effort to eliminate or consolidate such Offices of Minority Health undermines the progress achieved so far.

SEC. 423. OFFICE OF MINORITY HEALTH IN VETERANS HEALTH ADMINISTRATION OF DEPARTMENT OF VETERANS AFFAIRS.

(a) ESTABLISHMENT AND FUNCTIONS.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7310. Office of Minority Health

''(a) ESTABLISHMENT.—There is established in the Department within the Office of the Under Secretary for Health an office to be known as the 'Office of Minority Health' (in this section referred to as the 'Office').

''(b) HEAD.—The Director of the Office of Minority Health shall be the head of the Office. The Director of the Office of Minority Health shall be appointed by the Under Secretary of Health from among individuals qualified to perform the duties of the position.

''(c) FUNCTIONS.—The functions of the Office are as follows:

''(1) To establish short-range and long-range goals and objectives and coordinate all other activities within the Veterans Health Administration that relate to disease prevention, health promotion, health care services delivery, and health care research concerning veterans who are members of a racial or ethnic minority group.

1 "(2) To support research, demonstrations, and
2 evaluations to test new and innovative models for
3 the discharge of activities described in paragraph
4 (1).
5 "(3) To increase knowledge and understanding
6 of health risk factors for veterans who are members
7 of a racial or ethnic minority group.
8 "(4) To develop mechanisms that support bet-
9 ter health care information dissemination, education,
10 prevention, and services delivery to veterans from
11 disadvantaged backgrounds, including veterans who
12 are members of a racial or ethnic minority group.
13 "(5) To enter into contracts or agreements with
14 appropriate public and nonprofit private entities to
15 develop and carry out programs to provide bilingual
16 or interpretive services to assist veterans who are
17 members of a racial or ethnic minority group and
18 who lack proficiency in speaking the English lan-
19 guage in accessing and receiving health care services
20 through the Veterans Health Administration.
21 "(6) To carry out programs to improve access
22 to health care services through the Veterans Health
23 Administration for veterans with limited proficiency
24 in speaking the English language, including the de-

1 velopment and evaluation of demonstration and pilot
2 projects for that purpose.
3 "(7) To advise the Under Secretary of Health
4 on matters relating to the development, implementa-
5 tion, and evaluation of health professions education
6 in decreasing disparities in health care outcomes be-
7 tween veterans who are members of a racial or eth-
8 nic minority group and other veterans, including cul-
9 tural competency as a method of eliminating such
10 health disparities.
11 "(8) To perform such other functions and du-
12 ties as the Secretary or the Under Secretary for
13 Health considers appropriate.
14 "(d) DEFINITIONS.—In this section:
15 "(1) The term 'racial or ethnic minority group'
16 means any of the following:
17 "(A) American Indians (including Alaska
18 Natives, Eskimos, and Aleuts).
19 "(B) Asian Americans.
20 "(C) Native Hawaiians and other Pacific
21 Islanders.
22 "(D) Blacks.
23 "(E) Hispanics.
24 "(2) The term 'Hispanic' means individuals
25 whose origin is Mexican, Puerto Rican, Cuban, Cen-

tral or South American, or any other Spanish-speaking country.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7309A the following new item:

''7310. Office of Minority Health.''.

SEC. 424. INDIAN DEFINED IN PPACA.

(a) DEFINITION OF INDIAN.—Section 1304 of the Patient Protection and Affordable Care Act (42 U.S.C. 18024) is amended by adding at the end the following:

''(f) INDIAN.—

''(1) IN GENERAL.—In this title, the term 'Indian' means any individual—

''(A) described in paragraph (13) or (28) of section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603);

''(B) who is eligible for health services provided by the Indian Health Service under section 809 of the Indian Health Care Improvement Act (25 U.S.C. 1679);

''(C) who is of Indian descent and belongs to the Indian community served by the local facilities and program of the Indian Health Service; or

''(D) who is described in paragraph (2).

1 "(2) INCLUDED INDIVIDUALS.—The following
2 individuals shall be considered to be an 'Indian':
3 "(A) A member of a federally recognized
4 Indian Tribe.
5 "(B) A resident of an urban center who
6 meets 1 or more of the following 4 criteria:
7 "(i) Membership in a Tribe, band, or
8 other organized group of Indians, including
9 those Tribes, bands, or groups terminated
10 since 1940 and those recognized as of the
11 date of enactment of the Health Equity
12 and Accountability Act of 2018 or later by
13 the State in which they reside, or being a
14 descendant, in the first or second degree,
15 of any such member.
16 "(ii) Is an Eskimo or Aleut or other
17 Alaska Native.
18 "(iii) Is considered by the Secretary of
19 the Interior to be an Indian for any pur-
20 pose.
21 "(iv) Is determined to be an Indian
22 under regulations promulgated by the Sec-
23 retary.

"(C) An individual who is considered by the Secretary of the Interior to be an Indian for any purpose.

"(D) An individual who is considered by the Secretary to be an Indian for purposes of eligibility for Indian health care services, including as a California Indian, Eskimo, Aleut, or other Alaska Native.".

(b) CONFORMING AMENDMENTS.—

(1) AFFORDABLE CHOICES HEALTH BENEFIT PLANS.—Section 1311(c)(6)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)(6)(D)) is amended by striking "section 4 of the Indian Health Care Improvement Act" and inserting "section 1304(f)".

(2) REDUCED COST-SHARING FOR INDIVIDUALS ENROLLING IN QUALIFIED HEALTH PLANS.—Section 1402(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(d)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d))" and inserting "section 1304(f)"; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "(as so defined)" and inserting "(as defined in section 1304(f))".

(3) EXEMPTION FROM PENALTY FOR NOT MAINTAINING MINIMUM ESSENTIAL COVERAGE.—Section 5000A(e) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

"(3) INDIANS.—Any applicable individual who is an Indian (as defined in section 1304(f) of the Patient Protection and Affordable Care Act).".

SEC. 425. STUDY OF DSH PAYMENTS TO ENSURE HOSPITAL ACCESS FOR LOW-INCOME PATIENTS.

(a) IN GENERAL.—Not later than January 1, 2019, the Comptroller General of the United States shall conduct a study on how certain amendments made by the Patient Protection and Affordable Care Act (Public Law 111–148) to titles XVIII and XIX of the Social Security Act affect the timely access to health care services for low-income patients. Such study shall—

(1) evaluate and examine whether States electing to make medical assistance available under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)) (including

States making such an election through a waiver of the State plan) to individuals described in such section mitigates the need for payments to disproportionate share hospitals under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) and section 1923 of such Act (42 U.S.C. 1396r–4), including the impact of such States electing to make medical assistance available to such individuals on—

(A) the number of individuals in the United States who are without health insurance and the distribution of such individuals in relation to areas primarily served by disproportionate share hospitals; and

(B) the low-income utilization rate of such hospitals and the resulting fiscal sustainability of such hospitals;

(2) evaluate the appropriate level and distribution of such payments among disproportionate hospitals for purposes of—

(A) sufficiently accounting for the level of uncompensated care provided by such hospitals to low-income patients; and

(B) providing timely access to health services for individuals in medically underserved areas; and

(3) assess, with respect to disproportionate hospitals—

(A) the role played by such hospitals in providing critical access to emergency, inpatient, and outpatient health services, as well as the location of such hospitals in relation to medically underserved areas; and

(B) the extent to which such hospitals satisfy the requirements established for charitable hospital organizations under section 501(r) of the Internal Revenue Code of 1986 with respect to community health needs assessments, financial assistance policy requirements, limitations on charges, and billing and collection requirements.

(b) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than 180 days after the date on which the study under subsection (a) is completed, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Edu-

1 cation, Labor, and Pensions of the Senate a report
2 that contains—
3 (A) the results of the study;
4 (B) recommendations to Congress for any
5 legislative changes to the payments to dis-
6 proportionate share hospitals under section
7 1886(d)(5)(F) of the Social Security Act (42
8 U.S.C. 1395ww(d)(5)(F)) and section 1923 of
9 such Act (42 U.S.C. 1396r–4) that are needed
10 to ensure access to health services for low-in-
11 come patients that—
12 (i) are based on the number of indi-
13 viduals without health insurance, the
14 amount of uncompensated care provided by
15 such hospitals, and the impact of reduced
16 payments levels on low-income commu-
17 nities; and
18 (ii) takes into account any reports
19 submitted by the Secretary of the Treas-
20 ury, in consultation with the Secretary of
21 Health and Human Services, to Congres-
22 sional committees regarding the costs in-
23 curred by charitable hospital organizations
24 for charity care, bad debt, nonreimbursed
25 expenses for services provided to individ-

uals under the Medicare Program under title XVIII of the Social Security Act and the Medicaid Program under title XIX of such Act, and any community benefit activities provided by such organizations.

(2) REPORT TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than 180 days after the date on which the study under subsection (a) is completed, the Comptroller General of the United States shall submit to the Secretary of Health and Human Services a report that contains—

(A) the results of the study; and

(B) any recommendations for purposes of assisting in the development of the methodology for the adjustment of payments to disproportionate share hospitals, as required under section 1886(r) of the Social Security Act (42 U.S.C. 1395ww(r)) and the reduction of such payments section 1923(f)(7) of such Act (42 U.S.C. 1396r–4(f)(7)), taking into account the reports referred to in paragraph (1)(B)(ii).

SEC. 426. ASSISTANT SECRETARY OF THE INDIAN HEALTH SERVICE.

(a) REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Indian Health Service shall be deemed to be a reference to the Assistant Secretary of the Indian Health Service.

(b) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended in the matter relating to the Assistant Secretaries of Health and Human Services by striking ''(6)'' and inserting ''(7), 1 of whom shall be the Assistant Secretary of the Indian Health Service''.

(c) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Indian Health Service, Department of Health and Human Services.''.

SEC. 427. REAUTHORIZATION OF THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

(a) NATIVE HAWAIIAN HEALTH CARE SYSTEMS.—Section 6(h)(1) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(h)(1)) is amended by striking ''may be necessary for fiscal years 1993 through 2019'' and inserting ''are necessary''.

(b) ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.—Section 7(b) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11706(b)) is amended

by striking ''may be necessary for fiscal years 1993 through 2019'' and inserting ''are necessary''.

(c) NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.—Section 10(c) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709(c)) is amended by striking ''may be necessary for fiscal years 1993 through 2019'' and inserting ''are necessary''.

SEC. 428. AVAILABILITY OF NON-ENGLISH LANGUAGE SPEAKING PROVIDERS.

(a) IN GENERAL.—Section 1311(c)(1)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)(1)(B)) is amended by inserting before the semicolon the following: ''and, with respect to such providers, a provider's ability to provide care in a language other than English either through the provider speaking such language or by the provider having a trained medical interpreter, as defined in subsection (b) of this section, who speaks such language available during office hours''.

(b) QUALIFIED INTERPRETER FOR AN INDIVIDUAL WITH LIMITED-ENGLISH PROFICIENCY, DEFINED.—The term ''Qualified interpreter for an individual with limited-English proficiency'' means an interpreter who via a remote interpreting service or an on-site appearance—

(1) adheres to generally accepted interpreter ethics principles, including client confidentiality;

(2) has demonstrated proficiency in speaking and understanding both spoken English and at least one other spoken language; and

(3) is able to interpret effectively, accurately, and impartially, both receptively and expressly, to and from such language(s) and English, using any necessary specialized vocabulary, terminology and phraseology.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for plan years beginning more than 1 year after the date of the enactment of this Act.

SEC. 429. ACCESS TO ESSENTIAL COMMUNITY PROVIDERS.

(a) ESSENTIAL COMMUNITY PROVIDERS.—Section 1311(c)(1)(C) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)(1)(C)) is amended—

(1) by inserting ''(i)'' after ''(C)''; and

(2) by adding at the end the following new clauses:

''(ii) not later than 2018, increase the percentage of essential community providers included in its network by 10 percent annually (based on the level in the plan for 2016) until 90 percent of all federally qualified health centers and 75 percent of all other essential com-

1 munity providers in the contract service area
2 are in-network; and
3 "(iii) include one of each type of essential
4 community provider in network in each county
5 in their service area, where available;".
6 (b) REPORTING REQUIREMENTS.—Section
7 1311(e)(3) of the Patient Protection and Affordable Care
8 Act (42 U.S.C. 18031(e)(3)(A)) is amended by adding at
9 the end the following new subparagraph:
10 "(E) DATA ON ESSENTIAL COMMUNITY
11 PROVIDERS.—The Secretary shall require quali-
12 fied health plans to submit annually to the Sec-
13 retary data on the percentage of essential com-
14 munity providers, by county, that contract with
15 each qualified health plan offered in that county
16 and the percentage of essential community pro-
17 viders, by type, that contract with each quali-
18 fied health plan offered in that county. Data so
19 submitted shall be made available to the general
20 public".
21 (c) ESSENTIAL COMMUNITY PROVIDER PROVISIONS
22 APPLIED UNDER MEDICARE AND MEDICAID.—
23 (1) MEDICARE.—Section 1852(d)(1) of the So-
24 cial Security Act (42 U.S.C.1395w–22(d)(1)) is
25 amended—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(F) the plan meets the requirements of clauses (ii) and (iii) of section 1311(c)(1)(C) of the Patient Protection and Affordable Care Act (relating to inclusion in networks of essential community providers).''.

(2) MEDICAID.—Section 1932(b)(5) of the Social Security Act (42 U.S.C. 1396u–2(b)(5)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) the plan meets the requirements of clauses (ii) and (iii) of section 1311(c)(1)(C) of the Patient Protection and Affordable Care Act (relating to inclusion in networks of essential

community providers) with respect to services offered in the service area involved.''.

SEC. 430. PROVIDER NETWORK ADEQUACY IN COMMUNITIES OF COLOR.

(a) IN GENERAL.—Section 1311(c)(1)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)(1)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)''; and

(2) by adding at the end the following the following new clauses:

''(ii) meet such network adequacy standards as the Secretary may establish with regard to—

''(I) appointment wait time;

''(II) travel time and distance to health care provider facilities and providers by public and private transit;

''(III) hours of operation to accommodate individuals who cannot come to provider appointments during standard business hours; and

''(IV) other network adequacy standards to ensure that care through these plans is accessible to diverse

1 communities, including those who are
2 limited-English proficient; and
3 "(iii) provide coverage for services for
4 enrollees through out-of-network providers
5 at no additional cost to the enrollees in
6 cases where in-network providers are un-
7 able to comply with the standards estab-
8 lished under clause subclause (III) or (IV)
9 of clause (ii) for such services and the out-
10 of-network providers can deliver such serv-
11 ices in compliance with such standards.
12 "(b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall apply to plan years beginning more
14 than 1 year after the date of the enactment of this Act.".
15 **SEC. 431. IMPROVING ACCESS TO DENTAL CARE.**
16 (a) REPORTS TO CONGRESS.—
17 (1) GAO REPORT ON DENTAL THERAPIST PRO-
18 GRAMS.—Not later than 1 year after the date of the
19 enactment of this Act, the Comptroller General of
20 the United States shall submit to Congress a report
21 on the Alaska Dental Health Aide Therapists Pro-
22 gram and the Dental Therapist and Advanced Den-
23 tal Therapist programs in Minnesota, to assess den-
24 tal therapists' effectiveness in—

(A) improving access to timely dental care among communities of color;

(B) providing high quality care; and

(C) providing culturally competent care.

(2) GAO REPORT OF EXPANDING SCOPE OF CERTAIN PRACTICES.—The GAO shall also report on state variations in use of dental hygienists and assess the effectiveness of expanding the scope of practice for hygienists in—

(A) improving access to timely dental care among communities of color;

(B) providing high quality care; and

(C) providing culturally competent care.

(3) HRSA REPORT ON DENTAL SHORTAGE AREAS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Administrator of the Health Resources Service Administration, shall submit to Congress a report which details geographic dental access shortages and the preparedness of dental providers to offer culturally and linguistically appropriate, affordable, accessible, and timely services.

(b) EXPANSION OF DENTAL HEALTH AID THERAPISTS IN TRIBAL COMMUNITIES.—Section 119(d) of the

Indian Health Care Improvement Act (U.S.C. 1616l(d)) is amended—

(1) in paragraph (2), by striking ''Subject to'' and all that follows and inserting ''Subject to paragraph (3), in establishing a national program under paragraph (1), the Secretary shall not reduce the amounts provided for the Community Health Aide Program described in subsections (a) and (b).'';

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(c) COVERAGE OF DENTAL SERVICES UNDER THE MEDICARE PROGRAM.—

(1) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (EE), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (FF), by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

''(GG) oral health services (as defined in subsection (kkk);''.

1 (2) ORAL HEALTH SERVICES DEFINED.—Sec-
2 tion 1861 of the Social Security Act (42 U.S.C.
3 1395x), as amended by sections 205(b) and 433(a),
4 is amended by adding at the end the following new
5 subsection:

6 "Oral Health Services

7 "(kkk)(1) The term 'oral health services' means serv-
8 ices (as defined by the Secretary) that are necessary to
9 prevent disease and promote oral health, restore oral
10 structures to health and function, and treat emergency
11 conditions.

12 "(2) For purposes of paragraph (1), such term shall
13 include mobile and portable oral health services (as de-
14 fined by the Secretary) that—

15 "(A) are provided for the purpose of over-
16 coming mobility, transportation, and access barriers
17 for individuals; and

18 "(B) satisfy the standards and certification re-
19 quirements established under section 1902(a)(82)(B)
20 for the State in which the services are provided.".

21 (3) PAYMENT AND COINSURANCE.—Section
22 1833(a)(1) of the Social Security Act (42 U.S.C.
23 1395l(a)(1)) is amended—

24 (A) by striking "and" before "(Z)"; and

(B) by inserting before the semicolon at the end the following: ", and (AA) with respect to oral health services (as defined in section 1861(kkk)), the amount paid shall be (i) in the case of such services that are preventive, 100 percent of the lesser of the actual charge for the services or the amount determined under the payment basis determined under section 1848, and (ii) in the case of all other such services, 80 percent of the lesser of the actual charge for the services or the amount determined under the payment basis determined under section 1848".

(4) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting "(2)(GG)," after "risk assessment),".

(5) DENTURES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended—

(A) by striking "(other than dental)" and inserting "(including dentures)"; and

(B) by striking "internal body".

(6) REPEAL OF GROUND FOR EXCLUSION.—Section 1862(a) of the Social Security Act (42

U.S.C. 1395y) is amended by striking paragraph (12).

(7) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2019.

(d) COVERAGE OF DENTAL SERVICES UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)(10), by striking ''dental services'' and inserting ''oral health services (as defined in subsection (ee)(1))''; and

(B) by adding at the end the following new subsection:

''(ee)(1) Subject to paragraphs (2) and (3), for purposes of this title, the term 'oral health services' means services (as defined by the Secretary) that are necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions. These services shall include, in the case of pregnant or postpartum women, such services as are necessary to address oral health conditions that exist or are exacerbated by pregnancy or childbirth or which, if left untreated, could adversely affect fetal or child development.

1 "(2) For purposes of paragraph (1), such term shall
2 include—
3 "(A) dentures; and
4 "(B) mobile and portable oral health services
5 (as defined by the Secretary) that—
6 "(i) are provided for the purpose of over-
7 coming mobility, transportation, and access bar-
8 riers for individuals; and
9 "(ii) satisfy the standards and certification
10 requirements established under section
11 1902(a)(82)(C) for the State in which the serv-
12 ices are provided.
13 "(3) For purposes of paragraph (1), such term shall
14 not apply to dental care or services provided to individuals
15 under the age of 21 under subsection (r)(3).".
16 (2) CONFORMING AMENDMENTS.—
17 (A) STATE PLAN REQUIREMENTS.—Section
18 1902(a) of the Social Security Act (42 U.S.C.
19 1396a(a)) is amended—
20 (i) in paragraph (10)(A), in the mat-
21 ter preceding clause (i), by inserting
22 "(10)," after "(5),";
23 (ii) in paragraph (80), by striking
24 "and" at the end;

(iii) in paragraph (81), by striking the period at the end and inserting "; and"; and

(iv) by inserting after paragraph (81) the following:

"(82) provide for—

"(A) informing, in writing, all individuals who have been determined to be eligible for medical assistance of the availability of oral health services (as defined in section 1905(ee));

"(B) conducting targeted outreach to pregnant women who have been determined to be eligible for medical assistance about the availability of medical assistance for such dental services and the importance of receiving dental care while pregnant; and

"(C) establishing and maintaining standards for and certification of mobile and portable oral health services (as described in subsections (r)(3)(C) and (ee)(2)(B) of section 1905).".

(B) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a)(12) of the Social Security Act (42 U.S.C. 1396d(a)(12)) is amended by striking ", dentures,".

(3) MOBILE AND PORTABLE ORAL HEALTH SERVICES UNDER EPSDT.—Section 1905(r)(3) of the Social Security Act (42 U.S.C. 1396d(r)(3)) is amended—

(A) in subparagraph (A)(ii), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) which shall include mobile and portable oral health services (as defined by the Secretary) that—

''(i) are provided for the purpose of overcoming mobility, transportation, or access barriers for children; and

''(ii) satisfy the standards and certification requirements established under section 1902(a)(82)(C) for the State in which the services are provided.''.

(e) ORAL HEALTH SERVICES AS AN ESSENTIAL HEALTH BENEFIT.—Section 1302(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (J), by striking ''oral and''; and

(B) by adding at the end the following:

''(K) Oral health services for children and adults.''; and

(2) by adding at the end the following:

''(6) ORAL HEALTH SERVICES.—For purposes of paragraph (1)(K), the term 'oral health services' means services (as defined by the Secretary), that are necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.''.

(f) DEMONSTRATION PROGRAM ON TRAINING AND EMPLOYMENT OF ALTERNATIVE DENTAL HEALTH CARE PROVIDERS FOR DENTAL HEALTH CARE SERVICES FOR VETERANS IN RURAL AND OTHER UNDERSERVED COMMUNITIES.—

(1) DEMONSTRATION PROGRAM AUTHORIZED.—The Secretary of Veterans Affairs may carry out a demonstration program to establish programs to train and employ alternative dental health care providers in order to increase access to dental health care services for veterans who are entitled to such services from the Department of Veterans Affairs

and reside in rural and other underserved communities.

(2) TELEHEALTH.—For purposes of alternative dental health care providers and other dental care providers who are licensed to provide clinical care, dental services provided under the demonstration program under this section may be administered by such providers through telehealth-enabled collaboration and supervision when appropriate and feasible.

(3) ALTERNATIVE DENTAL HEALTH CARE PROVIDERS DEFINED.—In this section, the term ''alternative dental health care providers'' has the meaning given that term in section 340G–1(a)(2) of the Public Health Service Act (42 U.S.C. 256g–1(a)(2)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the demonstration program under this subsection.

(g) DEMONSTRATION PROGRAM ON TRAINING AND EMPLOYMENT OF ALTERNATIVE DENTAL HEALTH CARE PROVIDERS FOR DENTAL HEALTH CARE SERVICES FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS LACKING READY ACCESS TO SUCH SERVICES.—

(1) DEMONSTRATION PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a dem-

onstration program to establish programs to train and employ alternative dental health care providers in order to increase access to dental health care services for members of the Armed Forces and their dependents who lack ready access to such services, including the following:

(A) Members and dependents who reside in rural areas or areas otherwise underserved by dental health care providers.

(B) Members of the National Guard and Reserves in active status who are potentially deployable.

(2) TELEHEALTH.—For purposes of alternative dental health care providers and other dental care providers who are licensed to provide clinical care, dental services provided under the demonstration program under this section may be administered by such providers through telehealth-enabled collaboration and supervision when appropriate and feasible.

(3) ALTERNATIVE DENTAL HEALTH CARE PROVIDERS DEFINED.—In this section, the term ''alternative dental health care providers'' has the meaning given that term in section 340G–1(a)(2) of the Public Health Service Act (42 U.S.C. 256g–1(a)(2)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the demonstration program under this subsection.

(h) DEMONSTRATION PROGRAM ON TRAINING AND EMPLOYMENT OF ALTERNATIVE DENTAL HEALTH CARE PROVIDERS FOR DENTAL HEALTH CARE SERVICES FOR PRISONERS WITHIN THE CUSTODY OF THE BUREAU OF PRISONS.—

(1) DEMONSTRATION PROGRAM AUTHORIZED.—The Attorney General, acting through the Director of the Bureau of Prisons, may carry out a demonstration program to establish programs to train and employ alternative dental health care providers in order to increase access to dental health services for prisoners within the custody of the Bureau of Prisons.

(2) TELEHEALTH.—For purposes of alternative dental health care providers and any other dental care providers who are licensed to provide clinical care, dental services provided under the demonstration program under this section may be administered by such providers through telehealth-enabled collaboration and supervision when deemed appropriate and feasible.

(3) ALTERNATIVE DENTAL HEALTH CARE PROVIDERS DEFINED.—In this section, the term ''alternative dental health care providers'' has the meaning given that term in section 340G–1(a)(2) of the Public Health Service Act (42 U.S.C. 256g–1(a)(2)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the demonstration program under this subsection.

(i) DEMONSTRATION PROGRAM ON TRAINING AND EMPLOYMENT OF ALTERNATIVE DENTAL HEALTH CARE PROVIDERS FOR DENTAL HEALTH CARE SERVICES UNDER THE INDIAN HEALTH SERVICE.—

(1) DEMONSTRATION PROGRAM AUTHORIZED.—The Secretary of Health and Human Services, acting through the Indian Health Service, may carry out a demonstration program to establish programs to train and employ alternative dental health care providers in order to help eliminate oral health disparities and increase access to dental services through health programs operated by the Indian Health Service, Indian Tribes, Tribal organizations, and urban Indian organizations (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)).

(2) TELEHEALTH.—For purposes of alternative dental health care providers and any other dental care providers who are licensed to provide clinical care, dental services provided under the demonstration program under this section may be administered by such providers through telehealth-enabled collaboration and supervision when deemed appropriate and feasible.

(3) ALTERNATIVE DENTAL HEALTH CARE PROVIDERS DEFINED.—In this section, the term ''alternative dental health care providers'' has the meaning given that term in section 340G–1(a)(2) of the Public Health Service Act (42 U.S.C. 256g–1(a)(2)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the demonstration program under this subsection.

Subtitle C—Advancing Health Equity Through Payment and Delivery Reform

SEC. 441. SENSE OF CONGRESS.

It is the Sense of Congress that the sustainability of the U.S. health care system hinges on restructuring how health care is paid for, shifting away from paying for the volume of services provided to the value the services pro-

1 vide. High value care is care that provides higher quality
2 care more efficiently, achieving greater health improve-
3 ment and better health outcomes at lower cost (per patient
4 and overall). A high value health care system must deliver
5 timely, accessible, well-coordinated, high quality, culturally
6 centered, and language appropriate care to everyone.
7 Therefore, eliminating health disparities and achieving
8 health equity must be central to efforts to achieve a high
9 value health care system. This will require tailored inter-
10 ventions and targeted investments to address inequities in
11 health and health care to make sure that health care deliv-
12 ery and payment efforts are responsive to and inclusive
13 of the needs of communities of color and other commu-
14 nities experiencing disparities. New models of value-based
15 payment and care delivery should consider the holistic
16 needs of the patient population, including social deter-
17 minants of health and behavioral health needs.

18 **SEC. 442. CENTERS FOR MEDICARE & MEDICAID SERVICES**
19 **QUALITY PAYMENT PROGRAM.**

20 (a) IN GENERAL.—The Centers for Medicare & Med-
21 icaid Services Quality Payment Program, developed
22 through implementation of the Medicare Access and CHIP
23 Reauthorization Act of 2015, should explicitly integrate
24 ''achieving health equity'' across all measures and activi-
25 ties, including the Merit-based Payment Incentive System

1 and Alternative Payment Models. In addition, CMS should
2 identify limited-English proficient (LEP) persons as a spe-
3 cific underserved group within the program and give high
4 weight to providing language services for non-English
5 speakers. Clinicians can demonstrate performance in this
6 category by developing language assistance plans, pro-
7 viding oral interpretation services, and providing trans-
8 lated documents for the population served or eligible to
9 be served.

10 (b) STRATIFIED DATA.—CMS should include an ex-
11 plicit reference that data stratification and reporting is
12 one way of working to achieve health equity. CMS should
13 require that in reporting this measure, clinicians should
14 stratify clinical quality measures by disparity variables, in-
15 cluding race, ethnicity, preferred language, disability sta-
16 tus, sexual orientation, and gender identity, psychological
17 and behavioral status. Clinicians can use existing demo-
18 graphic data collection fields in CEHRT to do this. Strati-
19 fied data can help clinicians identify and distinguish ef-
20 forts to improve quality from efforts to reduce disparities,
21 which may not correlate without dedicated work. All par-
22 ticipating entities in the Quality Payment Program should
23 adopt 2015 Certified Electronic Health Records Tech-
24 nology as a condition of participating in the program.

1 (c) QUALITY IMPROVEMENT ACTIVITIES.—Further,
2 CMS, upon yearly review of the Quality Payment Pro-
3 gram, should add quality improvement activities that im-
4 plement the Culturally and Linguistically Accessible
5 Standards (CLAS) standards as Improvement Activities.

6 **SEC. 443. DEVELOPMENT AND TESTING OF DISPARITY RE-**
7 **DUCING DELIVERY AND PAYMENT MODELS.**

8 (a) IN GENERAL.—The Center for Medicaid and
9 Medicare Innovation (CMMI) will establish a dedicated
10 fund to identify, pilot, evaluate and scale delivery and pay-
11 ment models that target health disparities among racial
12 and ethnic minorities, including models that support high-
13 value non-medical services that address socially-deter-
14 mined barriers to health including: English proficiency,
15 health literacy, case management, transportation and en-
16 rollment assistance which will help to reduce disparities
17 and impact the overall cost of care.

18 (b) PILOT PROGRAMS.—Pilot and demonstration pro-
19 grams that include partnerships with entities including
20 community based organizations or other non-profit entities
21 to help address socially determined barriers to health and
22 health care will be given priority.

23 (c) ALTERNATIVES.—Require all CMMI funded alter-
24 native delivery and payment models to include measures
25 to assess and track their impact on health disparities,

using existing measures such as, but not limited to, the National Quality Forum Healthcare Disparities and Cultural Competency Measures, and stratified by race, ethnicity, English proficiency, gender identity, sexual orientation, and disability status.

SEC. 444. SUPPORTING SAFETY NET AND COMMUNITY-BASED PROVIDERS TO COMPETE IN VALUE-BASED PAYMENT SYSTEMS.

(a) IN GENERAL.—All proposed pay for performance and alternative payment models, developed and tested by CMMI, or any other HHS agency should be assessed for potential impact on safety net, community based, and critical access providers, including federally qualified health centers.

(b) NEW MODELS.—The rollout of new payment models should include training and additional up front resources for community based and safety net providers to enable them to participate in them.

Subtitle D—Health Empowerment Zones

SEC. 451. SHORT TITLE.

This subtitle may be cited as the ''Health Empowerment Zone Act of 2018''.

SEC. 452. FINDINGS.

The Congress finds the following:

(1) Numerous studies and reports, including the 2015 National Healthcare Disparities Report of the Administration on Healthcare Research and Quality and the 2002 Unequal Treatment Report of the Institute of Medicine, document the extensiveness to which health disparities exist across the country.

(2) These studies have found that, on average, racial and ethnic minorities are disproportionately afflicted with chronic and acute conditions—such as cancer, diabetes, musculoskeletal disease, obesity, and hypertension—and suffer worse health outcomes, worse health status, and higher mortality rates than their White counterparts.

(3) Several recent studies also show that health disparities are a function of not only access to health care, but also the social determinants of health—including the environment, the physical structure of communities, nutrition and food options, educational attainment and health literacy, employment, race, ethnicity, immigration status, geography, and language preference—that directly and indirectly affect the health, health care, and wellness of individuals and communities.

(4) Integrally involving and fully supporting the communities most affected by health inequities in the assessment, planning, launch, and evaluation of health disparity elimination efforts are among the leading recommendations made to adequately address and ultimately reduce health disparities.

(5) Recommendations also include supporting the efforts of community stakeholders from a broad cross section—including, but not limited to local businesses, local departments of commerce, education, labor, urban planning, and transportation, and community-based and other nonprofit organizations, including national and regional intermediaries with demonstrated capacity to serve low-income urban communities—to find areas of common ground around health disparity elimination and collaborate to improve the overall health and wellness of a community and its residents.

SEC. 453. DESIGNATION OF HEALTH EMPOWERMENT ZONES.

(a) IN GENERAL.—At the request of an eligible community partnership, the Secretary may designate an eligible area as a health empowerment zone.

(b) ELIGIBILITY CRITERIA.—

1 (1) ELIGIBLE COMMUNITY PARTNERSHIP.—A
2 community partnership is eligible to submit a re-
3 quest under this section if the partnership—
4 (A) demonstrates widespread public sup-
5 port from key individuals and entities in the eli-
6 gible area, including members of the target
7 community, State and local governments, non-
8 profit organizations including national and re-
9 gional intermediaries with demonstrated capac-
10 ity to serve low-income urban communities, and
11 community and industry leaders, for designa-
12 tion of the eligible area as a health empower-
13 ment zone; and
14 (B) includes representatives of—
15 (i) a broad cross section of stake-
16 holders and residents from communities in
17 the eligible area experiencing dispropor-
18 tionate disparities in health status and
19 health care; and
20 (ii) organizations, facilities, and insti-
21 tutions that have a history of working
22 within and serving such communities.
23 (2) ELIGIBLE AREA.—An area is eligible to be
24 designated as a health empowerment zone under this
25 section if one or more communities in the area expe-

1 rience disproportionate disparities in health status
2 and health care. In determining whether a commu-
3 nity experiences such disparities, the Secretary shall
4 consider the data collected by the Department of
5 Health and Human Services focusing on the fol-
6 lowing areas:
7 (A) Access to affordable, high-quality
8 health services.
9 (B) The prevalence of disproportionate
10 rates of certain illnesses or diseases including
11 the following:
12 (i) Arthritis, osteoporosis, chronic
13 back conditions, and other musculoskeletal
14 diseases.
15 (ii) Cancer.
16 (iii) Chronic kidney disease.
17 (iv) Diabetes.
18 (v) Injury (intentional and uninten-
19 tional).
20 (vi) Violence (intimate and non-
21 intimate).
22 (vii) Maternal and paternal illnesses
23 and diseases.
24 (viii) Infant mortality.

(ix) Mental illness and other disabilities.

(x) Substance abuse treatment and prevention, including underage drinking.

(xi) Nutrition, obesity, and overweight conditions.

(xii) Heart disease.

(xiii) Hypertension.

(xiv) Cerebrovascular disease or stroke.

(xv) Tuberculosis.

(xvi) HIV/AIDS and other sexually transmitted infections.

(xvii) Viral hepatitis.

(xviii) Asthma.

(xix) Tooth decay and other oral health issues.

(C) Within the target community, the historical and persistent presence of conditions that have been found to contribute to health disparities including any such conditions respecting the following:

(i) Poverty.

(ii) Educational status and the quality of community schools.

(iii) Income.

(iv) Access to high-quality affordable health care.

(v) Work and work environment.

(vi) Environmental conditions in the community, including with respect to clean water, clean air, and the presence or absence of pollutants.

(vii) Language and English proficiency.

(viii) Access to affordable healthy food.

(ix) Access to ethnically and culturally diverse health and human service providers and practitioners.

(x) Access to culturally and linguistically competent health and human services and health and human service providers.

(xi) Health-supporting infrastructure.

(xii) Health insurance that is adequate and affordable.

(xiii) Race, racism, and bigotry (conscious and unconscious).

(xiv) Sexual orientation.

(xv) Health literacy.

(xvi) Place of residence (such as urban areas, rural areas, and Tribal reservations).

(xvii) Stress.

(c) PROCEDURE.—

(1) REQUEST.—A request under subsection (a) shall—

(A) describe the bounds of the area to be designated as a health empowerment zone and the process used to select those bounds;

(B) demonstrate that the partnership submitting the request is an eligible community partnership described in subsection (b)(1);

(C) demonstrate that the area is an eligible area described in subsection (b)(2);

(D) include a comprehensive assessment of disparities in health status and health care experience by one or more communities in the area;

(E) set forth—

(i) a vision and a set of values for the area; and

(ii) a comprehensive and holistic set of goals to be achieved in the area through

1 designation as a health empowerment zone;
2 and
3 (F) include a strategic plan and an action
4 plan for achieving the goals described in sub-
5 paragraph (E)(ii).
6 (2) APPROVAL.—Not later than 60 days after
7 the receipt of a request for designation of an area
8 as a health empowerment zone under this section,
9 the Secretary shall approve or disapprove the re-
10 quest.
11 (d) MINIMUM NUMBER.—The Secretary—
12 (1) shall designate not more than 110 health
13 empowerment zones under this section; and
14 (2) shall designate at least one health empower-
15 ment zone in each of the several States, the District
16 of Columbia, and each territory or possession of the
17 United States.
18 **SEC. 454. ASSISTANCE TO THOSE SEEKING DESIGNATION.**
19 At the request of any organization or entity seeking
20 to submit a request under section 453(a), the Secretary
21 shall provide technical assistance, and may award a grant,
22 to assist such organization or entity—
23 (1) to form an eligible community partnership
24 described in section 453(b)(1);

(2) to complete a health assessment, including an assessment of health disparities under section 453(c)(1)(D); or

(3) to prepare and submit a request, including a strategic plan, in accordance with section 453.

SEC. 455. BENEFITS OF DESIGNATION.

(a) PRIORITY.—In awarding any competitive grant, a Federal official shall give priority to any applicant that—

(1) meets the eligibility criteria for the grant;

(2) proposes to use the grant for activities in a health empowerment zone; and

(3) demonstrates that such activities will directly and significantly further the goals of the strategic plan approved for such zone under section 453.

(b) GRANTS FOR INITIAL IMPLEMENTATION OF STRATEGIC PLAN.—

(1) IN GENERAL.—Upon designating an eligible area as a health empowerment zone at the request of an eligible community partnership, the Secretary shall, subject to the availability of appropriations, make a grant to the community partnership for implementation of the strategic plan for such zone.

(2) GRANT PERIOD.—A grant under paragraph (1) for a health empowerment zone shall be for a pe-

riod of 2 years and may be renewed, except that the total period of grants under paragraph (1) for such zone may not exceed 10 years.

(3) LIMITATION.—In awarding grants under this subsection, the Secretary shall not give less priority to an applicant or reduce the amount of a grant because the Secretary rendered technical assistance or made a grant to the same applicant under section 454.

(4) REPORTING.—The Secretary shall establish metrics for measuring the progress of grantees under this subsection and, based on such metrics, require each such grantee to report to the Secretary not less than every 6 months on the progress in implementing the strategic plan for the health empowerment zone.

SEC. 456. DEFINITION.

In this subtitle, the term ''Secretary'' means the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration and the Deputy Assistant Secretary for Minority Health, and in cooperation with the Director of the Office of Community Services and the Director of the National Institute for Minority Health and Health Disparities.

SEC. 457. AUTHORIZATION OF APPROPRIATIONS.

To carry out this subtitle, there is authorized to be appropriated $100,000,000 for fiscal year 2019.

Subtitle E—At-Risk Community Coverage

SEC. 461. MEDICAID COVERAGE FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) IN GENERAL.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following new subparagraph:

"(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in 1 of the 50 States or the District of Columbia in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and shall not apply, at the option of the Governor of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana

Islands, or American Samoa as communicated to the Secretary of Health and Human Services in writing, to any individual who lawfully resides in the respective territory in accordance with such Compacts.''.

(b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—Section 403(d) of such Act (8 U.S.C. 1613(d)) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

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

''(3) an individual described in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C).''.

(c) DEFINITION OF QUALIFIED ALIEN.—Section 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking ''; or'' at the end and inserting a comma;

(2) in paragraph (7), by striking the period at the end and inserting '', or''; and

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

''(8) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G), but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program).''.

(d) CONFORMING AMENDMENTS.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter preceding paragraph (1), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)''; and

(2) by adding at the end the following:

''(h) Expenditures for medical assistance provided to an individual described in section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not be taken into account for purposes of applying payment limits under subsections (f) and (g).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for items and services furnished on or after the date of the enactment of this Act.

SEC. 462. AT-RISK YOUTH MEDICAID PROTECTION.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (82);

(B) by striking the period at the end of paragraph (83) and inserting ''; and''; and

(C) by inserting after paragraph (83) the following new paragraph:

''(84) provide that—

''(A) the State shall not terminate eligibility for medical assistance under a State plan for an individual who is an eligible juvenile (as defined in subsection (nn)(2)) because the juvenile is an inmate of a public institution (as defined in subsection (nn)(3)), but may suspend coverage during the period the juvenile is such an inmate;

''(B) the State shall restore coverage for such medical assistance to such an individual upon the individual's release from any such public institution, without requiring a new application from the individual, unless (and until such date as) there is a determination that the

individual no longer meets the eligibility requirements for such medical assistance; and

"(C) the State shall process any application for medical assistance submitted by, or on behalf of, a juvenile who is an inmate of a public institution notwithstanding that the juvenile is such an inmate."; and

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

"(nn) JUVENILE; ELIGIBLE JUVENILE; PUBLIC INSTITUTION.—For purposes of subsection (a)(84) and this subsection:

"(1) JUVENILE.—The term 'juvenile' means an individual who is—

"(A) under 21 years of age; or

"(B) is described in subsection (a)(10)(A)(i)(IX).

"(2) ELIGIBLE JUVENILE.—The term 'eligible juvenile' means a juvenile who is an inmate of a public institution and was eligible for medical assistance under the State plan immediately before becoming an inmate of such a public institution or who becomes eligible for such medical assistance while an inmate of a public institution.

"(3) INMATE OF A PUBLIC INSTITUTION.—The term 'inmate of a public institution' has the meaning given such term for purposes of applying the subdivision (A) following paragraph (29) of section 1905(a), taking into account the exception in such subdivision for a patient of a medical institution.".

(b) NO CHANGE IN EXCLUSION FROM MEDICAL ASSISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.—Nothing in this section shall be construed as changing the exclusion from medical assistance under the subdivision (A) following paragraph (29) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), including any applicable restrictions on a State submitting claims for Federal financial participation under title XIX of such Act for such assistance.

(c) NO CHANGE IN CONTINUITY OF ELIGIBILITY BEFORE ADJUDICATION OR SENTENCING.—Nothing in this section shall be construed to mandate, encourage, or suggest that a State suspend or terminate coverage for individuals before they have been adjudicated or sentenced.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to eligibility of juveniles who become in-

mates of public institutions on or after the date that is 1 year after the date of the enactment of this Act.

(2) RULE FOR CHANGES REQUIRING STATE LEGISLATION.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE V—IMPROVING HEALTH OUTCOMES FOR WOMEN, CHILDREN, AND FAMILIES

Subtitle A—In General

SEC. 501. GRANTS TO PROMOTE HEALTH FOR UNDERSERVED COMMUNITIES.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399Z–3. GRANTS TO PROMOTE HEALTH FOR UNDERSERVED COMMUNITIES.

''(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Administrator of the Health Resources and Services Administration and other Federal officials determined appropriate by the Secretary, is authorized to award grants to eligible entities—

''(1) to promote health for underserved communities, with preference given to projects that benefit racial and ethnic minority women, racial and ethnic minority children, adolescents, and lesbian, gay, bisexual, transgender, queer, or questioning communities; and

''(2) to strengthen health outreach initiatives in medically underserved communities, including linguistically isolated populations.

1 "(b) USE OF FUNDS.—Grants awarded pursuant to
2 subsection (a) may be used to support the activities of
3 community health workers, including such activities—
4 "(1) to educate and provide outreach regarding
5 enrollment in health insurance including the State
6 Children's Health Insurance Program under title
7 XXI of the Social Security Act, Medicare under title
8 XVIII of such Act, and Medicaid under title XIX of
9 such Act;
10 "(2) to educate and provide outreach in a com-
11 munity setting regarding health problems prevalent
12 among underserved communities, and especially
13 among racial and ethnic minority women, racial and
14 ethnic minority children, adolescents, and lesbian,
15 gay, bisexual, transgender, queer, or questioning
16 communities;
17 "(3) to educate and provide experiential learn-
18 ing opportunities and target risk factors and healthy
19 behaviors that impede or contribute to achieving
20 positive health outcomes, including—
21 "(A) healthy nutrition;
22 "(B) physical activity;
23 "(C) overweight or obesity;
24 "(D) tobacco use;
25 "(E) alcohol and substance use;

1 ''(F) injury and violence;
2 ''(G) sexual health;
3 ''(H) mental health;
4 ''(I) musculoskeletal health and arthritis;
5 ''(J) dental and oral health;
6 ''(K) understanding informed consent; and
7 ''(L) stigma;
8 ''(4) to promote community wellness and aware-
9 ness; and
10 ''(5) to educate and refer target populations to
11 appropriate health care agencies and community-
12 based programs and organizations in order to in-
13 crease access to quality health care services, includ-
14 ing preventive health services.
15 ''(c) APPLICATION.—
16 ''(1) IN GENERAL.—Each eligible entity that
17 desires to receive a grant under subsection (a) shall
18 submit an application to the Secretary, at such time,
19 in such manner, and accompanied by such additional
20 information as the Secretary may require.
21 ''(2) CONTENTS.—Each application submitted
22 pursuant to paragraph (1) shall—
23 ''(A) describe the activities for which as-
24 sistance under this section is sought;

"(B) contain an assurance that, with respect to each community health worker program receiving funds under the grant awarded, such program provides in-language training and supervision to community health workers to enable such workers to provide authorized program activities in (at least) the most commonly used languages within a particular geographic region;

"(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

"(D) contain an assurance that each community health worker program receiving funds under the grant will provide culturally competent services in the linguistic context most appropriate for the individuals served by the program;

"(E) contain a plan to document and disseminate project descriptions and results to other States and organizations as identified by the Secretary; and

"(F) describe plans to enhance the capacity of individuals to utilize health services and

1 health-related social services under Federal,
2 State, and local programs by—
3 "(i) assisting individuals in estab-
4 lishing eligibility under the programs and
5 in receiving the services or other benefits
6 of the programs; and
7 "(ii) providing other services, as the
8 Secretary determines to be appropriate,
9 which may include transportation and
10 translation services.
11 "(d) PRIORITY.—In awarding grants under sub-
12 section (a), the Secretary shall give priority to those appli-
13 cants—
14 "(1) who propose to target geographic areas
15 that—
16 "(A)(i) have a high percentage of residents
17 who are uninsured or underinsured (if the tar-
18 geted geographic area is located in a State that
19 has elected to make medical assistance available
20 under section 1902(a)(10)(A)(i)(VIII) of the
21 Social Security Act to individuals described in
22 such section);
23 "(ii) have a high percentage of under-
24 insured residents in a particular geographic

area (if the targeted geographic area is located in a State that has not so elected); or

"(iii) have a high number of households experiencing extreme poverty; and

"(B) have a high percentage of families for whom English is not their primary language or including smaller limited-English-proficient communities within the region that are not otherwise reached by linguistically appropriate health services;

"(2) with experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

"(3) with documented community activity and experience with community health workers.

"(e) COLLABORATION WITH ACADEMIC INSTITUTIONS.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions, including minority-serving institutions. Nothing in this section shall be construed to require such collaboration.

"(f) QUALITY ASSURANCE AND COST EFFECTIVENESS.—The Secretary shall establish guidelines for ensuring the quality of the training and supervision of community health workers under the programs funded under this

1 section and for ensuring the cost effectiveness of such pro-
2 grams.

3 "(g) MONITORING.—The Secretary shall monitor
4 community health worker programs identified in approved
5 applications and shall determine whether such programs
6 are in compliance with the guidelines established under
7 subsection (f).

8 "(h) TECHNICAL ASSISTANCE.—The Secretary may
9 provide technical assistance to community health worker
10 programs identified in approved applications with respect
11 to planning, developing, and operating programs under the
12 grant.

13 "(i) REPORT TO CONGRESS.—

14 "(1) IN GENERAL.—Not later than 4 years
15 after the date on which the Secretary first awards
16 grants under subsection (a), the Secretary shall sub-
17 mit to Congress a report regarding the grant
18 project.

19 "(2) CONTENTS.—The report required under
20 paragraph (1) shall include the following:

21 "(A) A description of the programs for
22 which grant funds were used.

23 "(B) The number of individuals served.

24 "(C) An evaluation of—

1 "(i) the effectiveness of these pro-
2 grams;
3 "(ii) the cost of these programs; and
4 "(iii) the impact of the project on the
5 health outcomes of the community resi-
6 dents.
7 "(D) Recommendations for sustaining the
8 community health worker programs developed
9 or assisted under this section.
10 "(E) Recommendations regarding training
11 to enhance career opportunities for community
12 health workers.
13 "(j) DEFINITIONS.—In this section:
14 "(1) COMMUNITY HEALTH WORKER.—The term
15 'community health worker' means an individual who
16 promotes health or nutrition within the community
17 in which the individual resides—
18 "(A) by serving as a liaison between com-
19 munities and health care agencies;
20 "(B) by providing guidance and social as-
21 sistance to community residents;
22 "(C) by enhancing community residents'
23 ability to effectively communicate with health
24 care providers;

1 "(D) by providing culturally and linguis-
2 tically appropriate health or nutrition edu-
3 cation;
4 "(E) by advocating for individual and com-
5 munity health, including dental, oral, mental,
6 and environmental health, or nutrition needs;
7 "(F) by taking into consideration the
8 needs of the communities served, including the
9 prevalence rates of risk factors that impede
10 achieving positive healthy outcomes among
11 women and children, especially among racial
12 and ethnic minority women and children; and
13 "(G) by providing referral and followup
14 services.
15 "(2) COMMUNITY SETTING.—The term 'commu-
16 nity setting' means a home or a community organi-
17 zation that serves a population.
18 "(3) ELIGIBLE ENTITY.—The term 'eligible en-
19 tity' means—
20 "(A) a unit of State, territorial, local, or
21 Tribal government (including a federally recog-
22 nized Tribe or Alaska Native village); or
23 "(B) a community-based organization.

"(4) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means a community—

"(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3);

"(B) a significant portion of which is a health professional shortage area as designated under section 332; and

"(C) that includes populations that are linguistically isolated, such as geographic areas with a shortage of health professionals able to provide linguistically appropriate services.

"(5) SUPPORT.—The term 'support' means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

"(6) TARGET POPULATION.—The term 'target population means' women of reproductive age, persons who identify as lesbian, gay, bisexual, transgender, and/or queer, and people under age 25.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2019 through 2023.".

SEC. 502. REMOVING BARRIERS TO HEALTH CARE AND NUTRITION ASSISTANCE FOR CHILDREN, PREGNANT PERSONS, AND LAWFULLY PRESENT INDIVIDUALS.

(a) MEDICAID.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4)(A) Notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and paragraph (1), payment shall be made to a State under this section for medical assistance furnished to an alien under this title (including an alien described in such paragraph) who meets any of the following conditions:

"(i) The alien is otherwise eligible for such assistance under the State plan approved under this title (other than the requirement of the receipt of aid or assistance under title IV, supplemental security income benefits under title XVI, or a State supplementary payment) within either or both of the following eligibility categories:

"(I) Children under 21 years of age, including any optional targeted low-income child (as such term is defined in section 1905(u)(2)(B)).

"(II) Pregnant persons during pregnancy and during the 60-day period beginning on the last day of the pregnancy.

"(ii) The alien is lawfully present in the United States.

"(B) No debt shall accrue under an affidavit of support against any sponsor of an alien who meets the conditions specified in subparagraph (A) on the basis of the provision of medical assistance to such alien under this paragraph and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) SCHIP.—Subparagraph (J) of section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

"(J) Paragraph (4) of section 1903(v) (relating to coverage of categories of children, pregnant persons, and other lawfully present individuals).".

(c) SUPPLEMENTAL NUTRITION ASSISTANCE.—Notwithstanding sections 401(a), 402(a), and 403(a) of the Personal Responsibility and Work Opportunity Reconcili-

ation Act of 1996 (8 U.S.C. 1611(a); 1612(a); 1613(a)) and section 6(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(f)), persons who are lawfully present in the United States shall be not be ineligible for benefits under the supplemental nutrition assistance program on the basis of their immigration status or date of entry into the United States.

(d) ELIGIBILITY FOR FAMILIES WITH CHILDREN.—Section 421(d)(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(d)(3)) is amended by striking ''to the extent that a qualified alien is eligible under section 402(a)(2)(J)'' and inserting, ''to the extent that a child is a member of a household under the supplemental nutrition assistance program''.

(e) ENSURING PROPER SCREENING.—Section 11(e)(2)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(2)(B)) is amended—

(1) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii); and

(2) by inserting after clause (v) the following:

''(vi) shall provide a method for implementing section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631)

that does not require any unnecessary information from persons who may be exempt from that provision;''.

SEC. 503. REPEAL OF DENIAL OF BENEFITS.

Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a) is amended—

(1) in subsection (a), by striking paragraph (2);

(2) in subsection (b), by striking paragraph (2); and

(3) in subsection (e), by striking paragraph (2).

SEC. 504. BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS.

(a) IN GENERAL.—The Secretary shall establish and implement a birth defects prevention and public awareness program, consisting of the activities described in subsections (c) and (d).

(b) DEFINITIONS.—In this section:

(1) The term ''maternal'' refers to persons who are pregnant or breastfeeding of all gender identities.

(2) The term ''pregnancy and breastfeeding information services'' includes only—

(A) information services to provide accurate, evidence-based, clinical information re-

1 garding maternal exposures during pregnancy
2 that may be associated with birth defects or
3 other health risks, such as exposures to medica-
4 tions, chemicals, infections, foodborne patho-
5 gens, illnesses, nutrition, or lifestyle factors;
6 (B) information services to provide accu-
7 rate, evidence-based, clinical information re-
8 garding maternal exposures during breast-
9 feeding that may be associated with health risks
10 to a breast-fed infant, such as exposures to
11 medications, chemicals, infections, foodborne
12 pathogens, illnesses, nutrition, or lifestyle fac-
13 tors;
14 (C) the provision of accurate, evidence-
15 based information weighing risks of exposures
16 during breastfeeding against the benefits of
17 breastfeeding; and
18 (D) the provision of information described
19 in subparagraph (A), (B), or (C) through coun-
20 selors, Web sites, fact sheets, telephonic or elec-
21 tronic communication, community outreach ef-
22 forts, or other appropriate means.
23 (3) The term ''Secretary'' means the Secretary
24 of Health and Human Services, acting through the

1 Director of the Centers for Disease Control and Pre-
2 vention.
3 (c) NATIONWIDE MEDIA CAMPAIGN.—In carrying out
4 subsection (a), the Secretary shall conduct or support a
5 nationwide media campaign to increase awareness among
6 health care providers and at-risk populations about preg-
7 nancy and breastfeeding information services.
8 (d) GRANTS FOR PREGNANCY AND BREASTFEEDING
9 INFORMATION SERVICES.—
10 (1) IN GENERAL.—In carrying out subsection
11 (a), the Secretary shall award grants to State or re-
12 gional agencies or organizations for any of the fol-
13 lowing:
14 (A) INFORMATION SERVICES.—The provi-
15 sion of, or campaigns to increase awareness
16 about, pregnancy and breastfeeding information
17 services.
18 (B) SURVEILLANCE AND RESEARCH.—The
19 conduct or support of—
20 (i) surveillance of or research on—
21 (I) maternal exposures and ma-
22 ternal health conditions that may in-
23 fluence the risk of birth defects, pre-
24 maturity, or other adverse pregnancy
25 outcomes; and

(II) maternal exposures that may influence health risks to a breastfed infant; or

(ii) networking to facilitate surveillance or research described in this subparagraph.

(2) PREFERENCE FOR CERTAIN STATES.—The Secretary, in making any grant under this subsection, shall give preference to States, otherwise equally qualified, that have a pregnancy and breastfeeding information service in place.

(3) MATCHING FUNDS.—The Secretary may only award a grant under this subsection to a State or regional agency or organization that agrees, with respect to the costs to be incurred in carrying out the grant activities, to make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(4) COORDINATION.—The Secretary shall ensure that activities funded through a grant under this subsection are coordinated, to the maximum extent practicable, with other birth defects prevention and environmental health activities of the Federal

Government, including with respect to pediatric environmental health specialty units and children's environmental health centers.

(e) EVALUATION.—In furtherance of the program under subsection (a), the Secretary shall provide for an evaluation of pregnancy and breastfeeding information services to identify efficient and effective models of—

(1) providing information;

(2) raising awareness and increasing knowledge about birth defects prevention measures and targeting education to at-risk groups;

(3) modifying risk behaviors; or

(4) other outcome measures as determined appropriate by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2019, $6,000,000 for fiscal year 2020, $7,000,000 for fiscal year 2021, $8,000,000 for fiscal year 2022, and $9,000,000 for fiscal year 2023.

SEC. 505. PREVENTING MATERNAL DEATHS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Health and Human Services, through the Director of the Centers for Disease Control and Prevention, shall estab-

lish a grant program under which the Secretary may make grants to States for the purpose of—

(A) carrying out the activities described in subsection (b)(1);

(B) establishing and sustaining a State maternal mortality review committee, in accordance with subsection (b)(2);

(C) ensuring that the State department of health carries out the activities described in subsection (b)(3);

(D) disseminating the case abstraction form developed under subsection (c); and

(E) providing for the public disclosure of information, in accordance with subsection (d).

(2) CRITERIA.—The Secretary shall establish criteria for determining eligibility for, and the amount of a grant awarded to, a State under paragraph (1). Such criteria shall provide that in the case of a State that receives a grant under paragraph (1) for a fiscal year and is determined by the Secretary to have not used such grant in accordance with this section, such State may not be eligible for such a grant for any subsequent fiscal year.

(b) USE OF FUNDS.—

1 (1) REVIEW OF PREGNANCY-RELATED AND
2 PREGNANCY-ASSOCIATED DEATHS.—With respect to
3 a State that receives a grant under subsection
4 (a)(1), the following shall apply:
5 (A) PROCESS FOR MANDATORY REPORTING
6 OF PREGNANCY-RELATED AND PREGNANCY-AS-
7 SOCIATED DEATHS.—
8 (i) IN GENERAL.—The State, through
9 the State maternal mortality review com-
10 mittee established under subsection (a)(1),
11 shall develop a process that provides for
12 mandatory and confidential case reporting
13 to the State department of health by indi-
14 viduals and entities described in clause (ii)
15 with respect to pregnancy-related and
16 pregnancy-associated deaths.
17 (ii) INDIVIDUALS AND ENTITIES DE-
18 SCRIBED.—Individuals and entities de-
19 scribed in this clause include each of the
20 following:
21 (I) Health care professionals.
22 (II) Medical examiners.
23 (III) Medical coroners.
24 (IV) Hospitals.
25 (V) Birth centers.

(VI) Other health care facilities.

(VII) Other individuals responsible for completing death records.

(VIII) Other appropriate individuals or entities specified by the Secretary.

(B) PROCESS FOR VOLUNTARY REPORTING OF PREGNANCY-RELATED AND PREGNANCY-ASSOCIATED DEATHS.—The State, through the State maternal mortality review committee established under subsection (a)(1), shall develop a process that provides for voluntary and confidential case reporting to the State department of health by family members of the deceased and other individuals on possible pregnancy-related and pregnancy-associated deaths. Such process shall include—

(i) making publicly available on the website of the State department of health a telephone number, Internet web link, and email address for such reporting; and

(ii) publicizing to local professional organizations, community organizations, and social services agencies the availability of the telephone number, Internet web link,

and email address made available under clause (i).

(C) IDENTIFICATION OF PREGNANCY-RELATED AND PREGNANCY-ASSOCIATED DEATHS BY STATE VITAL STATISTICS UNIT.—The State, through the vital statistics unit of the State, shall annually identify pregnancy-related and pregnancy-associated deaths occurring in such State in the year involved by—

(i) matching each death record of a person in such year to a live birth certificate or an infant death record for the purpose of identifying deaths of persons that occurred during pregnancy and within one year after the end of a pregnancy;

(ii) identifying each death of a person reported during such year as having an underlying or contributing cause of death related to pregnancy, regardless of the time that has passed between the end of the pregnancy and the death;

(iii) collecting data from medical examiner and coroner reports; and

(iv) using any other method the State may devise to identify maternal deaths

1 such as reviewing a random sample of re-
2 ported deaths of persons who could have
3 been pregnant to ascertain cases of preg-
4 nancy-related and pregnancy-associated
5 deaths that are not discernable from a re-
6 view of death records alone.
7 For purposes of effectively collecting and ob-
8 taining data on pregnancy-related and preg-
9 nancy-associated deaths, the State shall adopt
10 the most recent standardized birth and death
11 records, as issued by the National Center for
12 Vital Health Statistics, including the rec-
13 ommended checkbox section for pregnancy on
14 each death record.
15 (D) CASE INVESTIGATION AND DEVELOP-
16 MENT OF CASE SUMMARIES.—
17 (i) IN GENERAL.—Following the re-
18 ceipt of reports by the State department of
19 health pursuant to subparagraph (A) or
20 (B) and the collection of cases of preg-
21 nancy-related and pregnancy-associated
22 deaths by the vital statistics unit of the
23 State under subparagraph (C), the State,
24 through the State maternal mortality re-
25 view committee established under sub-

1 section (a)(1), shall investigate each case,
2 using the case abstraction form described
3 in subsection (c), and prepare a de-identi-
4 fied case summary for each case, which
5 shall be reviewed by the committee and in-
6 cluded in applicable reports. The State de-
7 partment of health or vital statistics unit
8 of the State, as the case may be, shall pro-
9 vide the State maternal mortality review
10 committee with access to the information
11 collected pursuant to subparagraph (A) or
12 (B), or under subparagraph (C), as nec-
13 essary to carry out this subparagraph.
14 (ii) MANDATORY DATA AND INFORMA-
15 TION.—Each case investigation under this
16 subparagraph shall, subject to availability,
17 include data and information obtained
18 through—
19 (I) medical examiner and autopsy
20 reports of the person involved;
21 (II) medical records of the per-
22 son, including such records related to
23 health care prior to pregnancy, pre-
24 natal and postnatal care, labor and
25 delivery care, emergency room care,

hospital discharge records, and any care delivered up until the time of death of the person;

(III) oral and written interviews of individuals directly involved in the maternal care of the person during and immediately following the pregnancy of the person, including health care, mental health, and social service providers, as applicable;

(IV) socioeconomic and other relevant background information about the person;

(V) any information collected under subparagraph (C)(i); and

(VI) any other information on the cause of death of the person, such as social services and child welfare reports.

(iii) DISCRETIONARY DATA AND INFORMATION.—Each case investigation under this subparagraph may include data and information obtained through oral or written interviews of the family of the person.

(2) STATE MATERNAL MORTALITY REVIEW COMMITTEES.—

(A) MANDATORY ACTIVITIES.—A State maternal mortality review committee established under subsection (a)(1) shall carry out the following activities:

(i) Develop the processes described in subparagraphs (A) and (B) of paragraph (1).

(ii) Review the data and information collected by the vital statistics unit of the State under paragraph (1)(C) regarding pregnancy-related and pregnancy-associated deaths to identify trends, patterns, and disparities in adverse outcomes and address medical, non-medical, and system-related factors that may have contributed to such pregnancy-related and pregnancy-associated deaths and disparities.

(iii) Carry out the activities described in paragraph (1)(D).

(iv) Develop recommendations, based on the case summaries prepared under paragraph (1)(D) and the data and information collected under paragraph (1)(C),

to improve maternal care, social and health services, and public health policy and institutions, including improving access to maternal care and social and health services and identifying disparities in maternal care and outcomes.

(B) DISCRETIONARY ACTIVITIES.—

(i) IN GENERAL.—A State maternal mortality review committee established under subsection (a)(1) may, while subject to confidentiality requirements, present findings and recommendations based on the case summaries prepared under paragraph (1)(D) directly to a health care facility or its local or State professional organization for the purpose of—

(I) instituting policy changes, educational activities, and improvements in the quality of care provided by the facility; and

(II) exploring and forming regional collaborations.

(ii) INVESTIGATION OF CASES OF SEVERE MATERNAL MORBIDITY.—A State maternal mortality review committee may

1 investigate cases of severe maternal mor-
2 bidity and any such investigation may in-
3 clude data and information obtained
4 through—
5 (I) identified patient registries;
6 or
7 (II) oral or written interviews of
8 the person concerned and the family
9 of such person.
10 (C) COMPOSITION OF STATE MATERNAL
11 MORTALITY REVIEW COMMITTEES.—
12 (i) IN GENERAL.—A State maternal
13 mortality review committee established
14 under subsection (a)(1) shall be multidisci-
15 plinary and diverse. Membership on the
16 State maternal mortality review committee
17 shall be reviewed annually by the State de-
18 partment of health to ensure that member-
19 ship representation requirements are being
20 fulfilled in accordance with this subpara-
21 graph.
22 (ii) REQUIRED MEMBERSHIP.—Each
23 State maternal mortality review committee
24 shall include—

(I) representatives from medical specialties providing care to pregnant and postpartum patients, including obstetricians (including generalists and maternal fetal medicine specialists) and family practice physicians;

(II) certified nurse midwives, certified midwives, and advanced practice nurses;

(III) hospital-based registered nurses;

(IV) representatives of the maternal and child health department of the State department of health;

(V) social service providers or social workers, including those with experience working with communities diverse with respect to race, ethnicity, and limited-English proficiency;

(VI) chief medical examiners or designees;

(VII) facility representatives, such as from hospitals or birth centers;

(VIII) patient advocates, community maternal health organizations, and minority advocacy groups that represent those diverse racial and ethnic communities within the State that are the most affected by pregnancy-related or pregnancy-associated deaths and by a lack of access to maternal health care services; and

(IX) representatives of the departments of health or public health of major cities in the State.

(iii) DISCRETIONARY MEMBERSHIP.—Each State maternal mortality review committee may also include representatives from other relevant academic, health, social service, or policy professions or community organizations on an ongoing basis, or as needed, as determined beneficial by the committee, including—

(I) anesthesiologists;

(II) emergency physicians;

(III) pathologists;

(IV) epidemiologists;

(V) intensivists;

(VI) nutritionists;

(VII) mental health professionals;

(VIII) substance use disorder treatment specialists;

(IX) representatives of relevant patient and provider advocacy groups;

(X) academics;

(XI) paramedics; and

(XII) risk management specialists.

(iv) STAFF.—Staff of each State maternal mortality review committee shall include—

(I) vital health statisticians, maternal child health statisticians, or epidemiologists;

(II) a coordinator of the State maternal mortality review committee, to be designated by the State; and

(III) administrative staff.

(D) OPTION FOR STATES TO ESTABLISH REGIONAL MATERNAL MORTALITY REVIEW COMMITTEES.—States may choose to partner with one or more neighboring States to carry out the activities required of a State maternal mortality

review committee under this section. In such a case, with respect to the States in such a partnership, any requirement under this section relating to the reporting of information related to such activities shall be deemed to be fulfilled by each such State if a single such report is submitted for the partnership.

(E) TREATMENT AS PUBLIC HEALTH AUTHORITY FOR PURPOSES OF HIPAA.—For purposes of applying HIPAA privacy and security law (as defined in section 3009(a)(2) of the Public Health Service Act (42 U.S.C. 300jj–19)), each State maternal mortality review committee and regional maternal mortality review committee established under subsection (a)(1) or subsection (b)(2)(D), as the case may be, shall be deemed to be a public health authority described in section 164.501 (and referenced in section 164.512(b)(1)(i)) of title 45, Code of Federal Regulations (or any successor regulation), carrying out public health activities and purposes described in such section 164.512(b)(1)(i) (or any such successor regulation).

(3) STATE DEPARTMENT OF HEALTH ACTIVITIES.—With respect to a State that receives a grant under subsection (a)(1), the State department of health shall—

(A) in consultation with the State maternal mortality review committee and in conjunction with relevant professional organizations and patient advocacy organizations, develop a plan for ongoing health care provider education, based on the findings and recommendations of the committee, in order to improve the quality of maternal care; and

(B) take steps to widely disseminate the findings and recommendations of the State maternal mortality review committee and implement the recommendations of the committee.

(c) CASE ABSTRACTION FORM.—

(1) DISSEMINATION.—The Director of the Centers for Disease Control and Prevention shall disseminate a uniform case abstraction form to States and State maternal mortality review committees for the purpose of—

(A) ensuring that the data and information collected and reviewed by such committees can be pooled for review by the Department of

Health and Human Services and its agencies; and

(B) preserving the uniformity of the information collected for Federal public health purposes.

(2) PERMISSIBLE STATE MODIFICATION.—Each State may modify the form developed under paragraph (1) for implementation and use by such State or by the State maternal mortality review committee of such State by including on such form additional information to be collected, but may not alter the standard questions on such form, in order to ensure that the information can be collected and reviewed centrally at the Federal level.

(d) PUBLIC DISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—For fiscal year 2019, or a subsequent fiscal year, each State receiving a grant under this section for such year shall, subject to paragraph (3), provide for the public disclosure, and submission to the information clearinghouse established under paragraph (2), of the information included in the report of the State under subsection (f)(1) for such year.

(2) INFORMATION CLEARINGHOUSE.—The Secretary shall establish an information clearinghouse,

to be administered by the Director of the Centers for Disease Control and Prevention, that will maintain findings and recommendations submitted pursuant to paragraph (1) and provide such findings and recommendations for public review and research purposes by State departments of health, State maternal mortality review committees, health providers and institutions, and national patient and provider advocacy groups.

(3) CONFIDENTIALITY OF INFORMATION.—In no case may any individually identifiable health information be provided to the public, or submitted to the information clearinghouse, under this subsection.

(e) CONFIDENTIALITY OF PROCEEDINGS OF STATE MATERNAL MORTALITY REVIEW COMMITTEES.—

(1) IN GENERAL.—All proceedings and activities of a State maternal mortality review committee established under subsection (a)(1), opinions of members of such a committee formed as a result of such proceedings and activities, and records obtained, created, or maintained pursuant to this section, including records of interviews, written reports, and statements procured by the Department of Health and Human Services or by any other person, agency, or organization acting jointly with the De-

1 partment, in connection with morbidity and mor-
2 tality reviews under this section, shall be confidential
3 and may not be subject to discovery, subpoena, or
4 introduction into evidence in any civil, criminal, leg-
5 islative, or other proceeding. Such records shall not
6 be open to public inspection.

7 (2) TESTIMONY OF MEMBERS OF COM-
8 MITTEE.—

9 (A) IN GENERAL.—Members of a State
10 maternal mortality review committee established
11 under subsection (a)(1) may not be questioned
12 in any civil, criminal, legislative, or other pro-
13 ceeding regarding information presented in, or
14 opinions formed as a result of, a meeting or
15 communication of the committee.

16 (B) CLARIFICATION.—Nothing in this sub-
17 section may be construed to prevent a member
18 of a State maternal mortality review committee
19 established under subsection (a)(1) from testi-
20 fying regarding information that was obtained
21 independent of such member's participation on
22 the committee, or public information.

23 (3) AVAILABILITY OF INFORMATION FOR RE-
24 SEARCH PURPOSES.—Nothing in this subsection may
25 prohibit a State maternal mortality review com-

1 mittee established under subsection (a)(1) or the De-
2 partment of Health and Human Services from pub-
3 lishing statistical compilations and research reports
4 that—
5 (A) are based on confidential information,
6 relating to morbidity and mortality reviews
7 under this section; and
8 (B) do not contain identifying information
9 or any other information that could be used to
10 ultimately identify the individuals concerned.
11 (f) REPORTS.—
12 (1) STATE REPORTS.—Not later than one year
13 after the end of fiscal year 2019, and each subse-
14 quent fiscal year, each State maternal mortality re-
15 view committee established under subsection (a)(1)
16 and receiving a grant under this section for such
17 year, shall submit to the Director of the Centers for
18 Disease Control and Prevention a report on the find-
19 ings and recommendations of such committee and
20 information on the implementation of such rec-
21 ommendations during such year.
22 (2) ANNUAL REPORTS TO CONGRESS.—Not
23 later than 60 days after the deadline for State re-
24 ports under paragraph (1) for fiscal year 2019, and
25 each subsequent fiscal year, the Secretary of Health

1 and Human Services shall submit to Congress a re-
2 port on—
3 (A) the findings, recommendations, and
4 implementation information submitted by any
5 State pursuant to paragraph (1); and
6 (B) the status of pregnancy-related and
7 pregnancy-associated deaths in the United
8 States, including recommendations on methods
9 to prevent such deaths in the United States.
10 (g) DEFINITIONS.—In this section:
11 (1) The term ''pregnancy-associated death''
12 means the death of a person while pregnant or dur-
13 ing the one-year period following the date of the end
14 of pregnancy, irrespective of the cause of such death.
15 (2) The term ''pregnancy-related death'' means
16 the death of a person while pregnant or during the
17 one-year period following the date of the end of
18 pregnancy, irrespective of the duration of the preg-
19 nancy, from any cause related to, or aggravated by,
20 the pregnancy or its management, excluding any ac-
21 cidental or incidental cause.
22 (3) The term ''severe maternal morbidity''
23 means the physical and psychological conditions that
24 result from, or are aggravated by, pregnancy and
25 have an adverse effect on the health of a person.

(4) The term ''State'' means each of the 50 States, the District of Columbia, and each of the territories.

(5) The term ''vital statistics unit'' means the entity that is responsible for maintaining vital records for a State, including official records of live births, deaths, fetal deaths, marriages, divorces, and annulments.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2019 through 2023.

SEC. 506. ELIMINATING DISPARITIES IN MATERNITY HEALTH OUTCOMES.

Part B of title III of the Public Health Service Act is amended by inserting after section 317V of such Act, as added, the following new section:

''SEC. 317W. ELIMINATING DISPARITIES IN MATERNAL HEALTH OUTCOMES.

''(a) IN GENERAL.—The Secretary shall, in consultation with relevant national stakeholder organizations, such as national medical specialty organizations, national maternal child health organizations, national patient advocacy organizations, and national health disparity organizations, carry out the following activities to eliminate disparities in maternal health outcomes:

1 "(1) Conduct research into the determinants
2 and the distribution of disparities in maternal care,
3 health risks, and health outcomes, and improve the
4 capacity of the performance measurement infrastruc-
5 ture to measure such disparities.
6 "(2) Expand access to health care services, re-
7 sources, and information that have been dem-
8 onstrated to improve the quality and outcomes of
9 maternity care for vulnerable populations.
10 "(3) Establish a demonstration project to com-
11 pare the effectiveness of interventions to reduce dis-
12 parities in maternity services and outcomes and to
13 implement and assess effective interventions.
14 "(b) SCOPE AND SELECTION OF STATES FOR DEM-
15 ONSTRATION PROJECT.—The demonstration project
16 under subsection (a)(3) shall be conducted in no more
17 than 8 States, which shall be selected by the Secretary
18 based on—
19 "(1) applications submitted by States, which
20 specify which regions and populations the State in-
21 volved will serve under the demonstration project;
22 "(2) criteria designed by the Secretary to en-
23 sure that, as a whole, the demonstration project is,
24 to the greatest extent possible, representative of the

1 demographic and geographic composition of commu-
2 nities most affected by disparities;
3 "(3) criteria designed by the Secretary to en-
4 sure that a variety of models are tested through the
5 demonstration project and that such models include
6 interventions that have an existing evidence base for
7 effectiveness; and
8 "(4) criteria designed by the Secretary to en-
9 sure that the demonstration projects and models will
10 be carried out in consultation with local and regional
11 provider organizations, such as community health
12 centers, hospital systems, and medical societies rep-
13 resenting providers of maternity services.
14 "(c) DURATION OF DEMONSTRATION PROJECT.—
15 The demonstration project under subsection (a)(3) shall
16 begin on January 1, 2019, and end on December 31,
17 2022.
18 "(d) GRANTS FOR EVALUATION AND MONITORING.—
19 The Secretary may make grants to States and health care
20 providers participating in the demonstration project under
21 subsection (a)(3) for the purpose of collecting data nec-
22 essary for the evaluation and monitoring of such project.
23 "(e) REPORTS.—
24 "(1) STATE REPORTS.—Each State that par-
25 ticipates in the demonstration project under sub-

1 section (a)(3) shall report to the Secretary, in a
2 time, form, and manner specified by the Secretary,
3 the data necessary to—
4 "(A) monitor the—
5 "(i) outcomes of the project;
6 "(ii) costs of the project; and
7 "(iii) quality of maternity care pro-
8 vided under the project; and
9 "(B) evaluate the rationale for the selec-
10 tion of the items and services included in any
11 bundled payment made by the State under the
12 project.
13 "(2) FINAL REPORT.—Not later than December
14 31, 2022, the Secretary shall submit to Congress a
15 report on the results of the demonstration project
16 under subsection (a)(3).".

17 **SEC. 507. DECREASING THE RISK FACTORS FOR SUDDEN**
18 **UNEXPECTED INFANT DEATH AND SUDDEN**
19 **UNEXPLAINED DEATH IN CHILDHOOD.**

20 (a) ESTABLISHMENT.—The Secretary of Health and
21 Human Services, acting through the Administrator of the
22 Health Resources and Services Administration and in con-
23 sultation with the Director of the Centers for Disease Con-
24 trol and Prevention and the Director of the National Insti-
25 tutes of Health (in this section referred to as the "Sec-

1 retary''), shall establish and implement a culturally and
2 linguistically competent public health awareness and edu-
3 cation campaign to provide information that is focused on
4 decreasing the risk factors for sudden unexpected infant
5 death and sudden unexplained death in childhood, includ-
6 ing educating individuals about safe sleep environments,
7 sleep positions, and reducing exposure to smoking during
8 pregnancy and after birth.

9 (b) TARGETED POPULATIONS.—The campaign under
10 subsection (a) shall be designed to reduce health dispari-
11 ties through the targeting of populations with high rates
12 of sudden unexpected infant death and sudden unex-
13 plained death in childhood.

14 (c) CONSULTATION.—In establishing and imple-
15 menting the campaign under subsection (a), the Secretary
16 shall consult with national organizations representing
17 health care providers, including nurses and physicians,
18 parents, child care providers, children's advocacy and safe-
19 ty organizations, maternal and child health programs, nu-
20 trition professionals focusing on women, infants, and chil-
21 dren, and other individuals and groups determined nec-
22 essary by the Secretary for such establishment and imple-
23 mentation.

24 (d) GRANTS.—

(1) IN GENERAL.—In carrying out the campaign under subsection (a), the Secretary shall award grants to national organizations, State and local health departments, and community-based organizations for the conduct of education and outreach programs for nurses, parents, child care providers, public health agencies, and community organizations.

(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 508. REDUCING UNINTENDED TEENAGE PREGNANCIES.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART W—YOUTH ACCESS TO SEXUAL HEALTH SERVICES

"SEC. 399OO. AUTHORIZATION OF GRANTS TO SUPPORT THE ACCESS OF MARGINALIZED YOUTH TO SEXUAL HEALTH SERVICES.

''(a) GRANTS.—The Secretary of Health and Human Services may award grants on a competitive basis to eligible entities to support the access of marginalized youth to sexual health services.

''(b) USE OF FUNDS.—An eligible entity that is awarded a grant under subsection (a) may use the funds to—

''(1) provide medically accurate and complete and age-, developmentally, and culturally appropriate sexual health information to marginalized youth, including information on how to access sexual health services;

''(2) promote effective communication regarding sexual health among marginalized youth;

''(3) promote and support better health, education, and economic opportunities for school-age parents; and

''(4) train individuals who work with marginalized youth to promote—

''(A) the prevention of unintended pregnancy;

1 "(B) the prevention of sexually transmitted
2 infections, including the human immuno-
3 deficiency virus (HIV);
4 "(C) healthy relationships; and
5 "(D) the development of safe and sup-
6 portive environments.
7 "(c) APPLICATION.—To be awarded a grant under
8 subsection (a), an eligible entity shall submit an applica-
9 tion to the Secretary at such time, in such manner, and
10 containing such information as the Secretary may require.
11 "(d) PRIORITY.—In awarding grants under sub-
12 section (a), the Secretary shall give priority to eligible enti-
13 ties—
14 "(1) with a history of supporting the access of
15 marginalized youth to sexuality education or sexual
16 health services; and
17 "(2) that plan to serve marginalized youth that
18 are not served by Federal adolescent programs for
19 the prevention of pregnancy, HIV, and other sexu-
20 ally transmitted infections.
21 "(e) REQUIREMENTS.—The Secretary may not award
22 a grant under subsection (a) to an eligible entity unless—
23 "(1) such eligible entity has formed a partner-
24 ship with a community organization; and
25 "(2) such eligible entity agrees—

"(A) to employ a scientifically effective strategy;

"(B) that all information provided to marginalized youth will be—

"(i) age- and developmentally appropriate;

"(ii) medically accurate and complete;

"(iii) scientifically based; and

"(iv) provided in the language and cultural context that is most appropriate for the individuals served by the eligible entity; and

"(C) that for each year the eligible entity receives grant funds under subsection (a), the eligible entity will submit to the Secretary an annual report that includes—

"(i) the use of grant funds by the eligible entity;

"(ii) how the use of grant funds has increased the access of marginalized youth to sexual health services; and

"(iii) such other information as the Secretary may require.

"(f) PUBLICATION AND EVALUATIONS.—

1 "(1) EVALUATIONS.—Not less than once every
2 two years after the date of the enactment of this
3 Act, the Secretary shall evaluate the effectiveness of
4 whichever of the following is greater:
5 "(A) Eight grants awarded under sub-
6 section (a).
7 "(B) Ten percent of the grants awarded
8 under subsection (a).
9 "(2) PUBLICATION.—The Secretary shall make
10 available to the public—
11 "(A) the evaluations required under para-
12 graph (1); and
13 "(B) the reports required under subsection
14 (e)(2)(C).
15 "(g) LIMITATIONS.—No funds made available to an
16 eligible entity under this section may be used by such enti-
17 ty to provide access to sexual health services that—
18 "(1) withhold sexual health-promoting or life-
19 saving information;
20 "(2) are medically inaccurate or have been sci-
21 entifically shown to be ineffective;
22 "(3) promote gender stereotypes;
23 "(4) are insensitive or unresponsive to the
24 needs of young people, including—

1 "(A) youth with varying gender identities,
2 gender expressions, and sexual orientations;
3 "(B) sexually active youth;
4 "(C) pregnant or parenting youth;
5 "(D) survivors of sexual abuse or assault;
6 and
7 "(E) youth of all physical, developmental,
8 and mental abilities; or
9 "(5) are inconsistent with the ethical impera-
10 tives of medicine and public health.
11 "(h) TRANSFER OF FUNDS.—Any unobligated bal-
12 ance of funds made available under section 510(d) of the
13 Social Security Act (42 U.S.C. 710(d)) (as in effect on
14 the day before the date of the enactment of this Act) are
15 hereby transferred and made available to the Secretary to
16 carry out this Act. The amounts transferred and made
17 available to carry out this Act shall remain available until
18 expended.
19 "(i) DEFINITIONS.—In this section:
20 "(1) COMMUNITY ORGANIZATION.—The term
21 'community organization' includes a State or local
22 health or education agency, public school, youth-fo-
23 cused organization that is faith-based and commu-
24 nity-based, juvenile justice entity, or other organiza-
25 tion that provides confidential and appropriate sexu-

1 ality education or sexual health services to
2 marginalized youth.
3 "(2) ELIGIBLE ENTITY.—The term 'eligible en-
4 tity' includes a State or local health or education
5 agency, public school, nonprofit organization, hos-
6 pital, or an Indian Tribe or Tribal organization (as
7 such terms are defined in section 4 of the Indian
8 Self-Determination and Education Assistance Act
9 (25 U.S.C. 5304)).
10 "(3) MARGINALIZED YOUTH.—The term
11 'marginalized youth' means a person under the age
12 of 26 that is disadvantaged by underlying structural
13 barriers and social inequity.
14 "(4) MEDICALLY ACCURATE AND COMPLETE.—
15 The term 'medically accurate and complete', when
16 used with respect to information, means information
17 that—
18 "(A) is supported by research and recog-
19 nized as accurate, objective, and complete by
20 leading medical, psychological, psychiatric, or
21 public health organizations and agencies; and
22 "(B) does not withhold any information re-
23 lating to the effectiveness and benefits of cor-
24 rect and consistent use of condoms or other

contraceptives and pregnancy prevention methods.

"(5) SCIENTIFICALLY EFFECTIVE STRATEGY.—The term 'scientifically effective strategy' means a strategy that—

"(A) is widely recognized by leading medical and public health agencies as effective in promoting sexual health awareness and healthy behavior; and

"(B) either—

"(i) has been demonstrated to be effective on the basis of rigorous scientific research; or

"(ii) incorporates characteristics of effective programs.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(7) SEXUAL HEALTH SERVICES.—The term 'sexual health services' includes—

"(A) sexual health information, education, and counseling;

"(B) contraception;

"(C) emergency contraception;

"(D) condoms and other barrier methods to prevent pregnancy or sexually transmitted infections;

"(E) routine gynecological care, including human papillomavirus (HPV) vaccines and cancer screenings;

"(F) pre-exposure prophylaxis or post-exposure prophylaxis;

"(G) mental health services;

"(H) sexual assault survivor services; and

"(I) other prevention, care, or treatment.".

SEC. 509. GESTATIONAL DIABETES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding after section 317H the following:

"SEC. 317H–1. GESTATIONAL DIABETES.

"(a) UNDERSTANDING AND MONITORING GESTATIONAL DIABETES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, in consultation with the Diabetes Mellitus Interagency Coordinating Committee established under section 429 and representatives of appropriate national health organizations, shall develop a multisite gestational diabetes research

1 project within the diabetes program of the Centers
2 for Disease Control and Prevention to expand and
3 enhance surveillance data and public health research
4 on gestational diabetes.

5 "(2) AREAS TO BE ADDRESSED.—The research
6 project developed under paragraph (1) shall ad-
7 dress—

8 "(A) procedures to establish accurate and
9 efficient systems for the collection of gestational
10 diabetes data within each State and common-
11 wealth, territory, or possession of the United
12 States;

13 "(B) the progress of collaborative activities
14 with the National Vital Statistics System, the
15 National Center for Health Statistics, and
16 State health departments with respect to the
17 standard birth certificate, in order to improve
18 surveillance of gestational diabetes;

19 "(C) postpartum methods of tracking indi-
20 viduals with gestational diabetes after delivery
21 as well as targeted interventions proven to
22 lower the incidence of type 2 diabetes in that
23 population;

24 "(D) variations in the distribution of diag-
25 nosed and undiagnosed gestational diabetes,

and of impaired fasting glucose tolerance and impaired fasting glucose, within and among groups of pregnant individuals; and

"(E) factors and culturally sensitive interventions that influence risks and reduce the incidence of gestational diabetes and related complications during childbirth, including cultural, behavioral, racial, ethnic, geographic, demographic, socioeconomic, and genetic factors.

"(3) REPORT.—Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Secretary shall generate a report on the findings and recommendations of the research project including prevalence of gestational diabetes in the multisite area and disseminate the report to the appropriate Federal and non-Federal agencies.

"(b) EXPANSION OF GESTATIONAL DIABETES RESEARCH.—

"(1) IN GENERAL.—The Secretary shall expand and intensify public health research regarding gestational diabetes. Such research may include—

"(A) developing and testing novel approaches for improving postpartum diabetes testing or screening and for preventing type 2

diabetes in individuals who can become pregnant with a history of gestational diabetes; and

"(B) conducting public health research to further understanding of the epidemiologic, socioenvironmental, behavioral, translation, and biomedical factors and health systems that influence the risk of gestational diabetes and the development of type 2 diabetes in individuals who can become pregnant with a history of gestational diabetes.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2019 through 2023.

"(c) DEMONSTRATION GRANTS TO LOWER THE RATE OF GESTATIONAL DIABETES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants, on a competitive basis, to eligible entities for demonstration projects that implement evidence-based interventions to reduce the incidence of gestational diabetes, the recurrence of gestational diabetes in subsequent pregnancies, and the development of type 2 di-

1 abetes in individuals who can become pregnant with
2 a history of gestational diabetes.
3 ''(2) PRIORITY.—In making grants under this
4 subsection, the Secretary shall give priority to
5 projects focusing on—
6 ''(A) helping individuals who can become
7 pregnant who have 1 or more risk factors for
8 developing gestational diabetes;
9 ''(B) working with individuals who can be-
10 come pregnant with a history of gestational dia-
11 betes during a previous pregnancy;
12 ''(C) providing postpartum care for indi-
13 viduals who can become pregnant with gesta-
14 tional diabetes;
15 ''(D) tracking cases where individuals who
16 can become pregnant with a history of gesta-
17 tional diabetes developed type 2 diabetes;
18 ''(E) educating mothers with a history of
19 gestational diabetes about the increased risk of
20 their child developing diabetes;
21 ''(F) working to prevent gestational diabe-
22 tes and prevent or delay the development of
23 type 2 diabetes in individuals who can become
24 pregnant with a history of gestational diabetes;
25 and

"(G) achieving outcomes designed to assess the efficacy and cost-effectiveness of interventions that can inform decisions on long-term sustainability, including third-party reimbursement.

"(3) APPLICATION.—An eligible entity desiring to receive a grant under this subsection shall submit to the Secretary—

"(A) an application at such time, in such manner, and containing such information as the Secretary may require; and

"(B) a plan to—

"(i) lower the rate of gestational diabetes during pregnancy; or

"(ii) develop methods of tracking individuals who can become pregnant with a history of gestational diabetes and develop effective interventions to lower the incidence of the recurrence of gestational diabetes in subsequent pregnancies and the development of type 2 diabetes.

"(4) USES OF FUNDS.—An eligible entity receiving a grant under this subsection shall use the grant funds to carry out demonstration projects described in paragraph (1), including—

1 "(A) expanding community-based health
2 promotion education, activities, and incentives
3 focused on the prevention of gestational diabe-
4 tes and development of type 2 diabetes in indi-
5 viduals who can become pregnant with a history
6 of gestational diabetes;
7 "(B) aiding State- and Tribal-based diabe-
8 tes prevention and control programs to collect,
9 analyze, disseminate, and report surveillance
10 data on individuals who can become pregnant
11 with, and at risk for, gestational diabetes, the
12 recurrence of gestational diabetes in subsequent
13 pregnancies, and, for individuals who can be-
14 come pregnant with a history of gestational dia-
15 betes, the development of type 2 diabetes; and
16 "(C) training and encouraging health care
17 providers—
18 "(i) to promote risk assessment, high-
19 quality care, and self-management for ges-
20 tational diabetes and the recurrence of ges-
21 tational diabetes in subsequent preg-
22 nancies; and
23 "(ii) to prevent the development of
24 type 2 diabetes in individuals who can be-
25 come pregnant with a history of gesta-

1 tional diabetes, and its complications in the
2 practice settings of the health care pro-
3 viders.

4 "(5) REPORT.—Not later than 4 years after the
5 date of the enactment of this section, the Secretary
6 shall prepare and submit to the Congress a report
7 concerning the results of the demonstration projects
8 conducted through the grants awarded under this
9 subsection.

10 "(6) DEFINITION OF ELIGIBLE ENTITY.—In
11 this subsection, the term 'eligible entity' means a
12 nonprofit organization (such as a nonprofit academic
13 center or community health center) or a State, Trib-
14 al, or local health agency.

15 "(7) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to carry out
17 this subsection $5,000,000 for each of fiscal years
18 2019 through 2023.

19 "(d) POSTPARTUM FOLLOWUP REGARDING GESTA-
20 TIONAL DIABETES.—The Secretary, acting through the
21 Director of the Centers for Disease Control and Preven-
22 tion, shall work with the State- and Tribal-based diabetes
23 prevention and control programs assisted by the Centers
24 to encourage postpartum followup after gestational diabe-
25 tes, as medically appropriate, for the purpose of reducing

1 the incidence of gestational diabetes, the recurrence of
2 gestational diabetes in subsequent pregnancies, the devel-
3 opment of type 2 diabetes in individuals with a history
4 of gestational diabetes, and related complications.''.

5 **SEC. 510. EMERGENCY CONTRACEPTION EDUCATION AND**
6 **INFORMATION PROGRAMS.**

7 (a) EMERGENCY CONTRACEPTION PUBLIC EDU-
8 CATION PROGRAM.—

9 (1) IN GENERAL.—The Secretary, acting
10 through the Director of the Centers for Disease
11 Control and Prevention, shall develop and dissemi-
12 nate to the public medically accurate and complete
13 information on emergency contraception.

14 (2) DISSEMINATION.—The Secretary may dis-
15 seminate medically accurate and complete informa-
16 tion under paragraph (1) directly or through ar-
17 rangements with nonprofit organizations, community
18 health workers including promotoras, consumer
19 groups, institutions of higher education, clinics, the
20 media, and Federal, State, and local agencies.

21 (3) INFORMATION.—The information dissemi-
22 nated under paragraph (1) shall—

23 (A) include, at a minimum, a description
24 of emergency contraception and an explanation
25 of the use, safety, efficacy, and availability of

1 such contraception and options for no-copay ac-
2 cess through insurance; and
3 (B) be pilot tested for consumer com-
4 prehension, cultural and linguistic appropriate-
5 ness, and acceptance of the messages across
6 geographically, racially, ethnically, and linguis-
7 tically diverse populations.
8 (b) EMERGENCY CONTRACEPTION INFORMATION
9 PROGRAM FOR HEALTH CARE PROVIDERS.—
10 (1) IN GENERAL.—The Secretary, acting
11 through the Administrator of the Health Resources
12 and Services Administration and in consultation
13 with major medical and public health organizations,
14 shall develop and disseminate to health care pro-
15 viders information on emergency contraception.
16 (2) INFORMATION.—The information dissemi-
17 nated under paragraph (1) shall include, at a min-
18 imum—
19 (A) information describing the use, safety,
20 efficacy, availability of emergency contraception,
21 and options for no-copay access through insur-
22 ance;
23 (B) a recommendation regarding the use of
24 such contraception; and

(C) information explaining how to obtain copies of the information developed under subsection (a) for distribution to the patients of the providers.

(c) DEFINITIONS.—In this section:

(1) EMERGENCY CONTRACEPTION.—The term ''emergency contraception'' means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that—

(A) is used postcoitally;

(B) prevents pregnancy primarily by preventing or delaying ovulation, and does not terminate an established pregnancy; and

(C) is approved by the Food and Drug Administration.

(2) HEALTH CARE PROVIDER.—The term ''health care provider'' means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license. Such term shall include a pharmacist.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the same

meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) MEDICALLY ACCURATE AND COMPLETE.—The term ''medically accurate and complete'' means, with respect to information, activities, or services verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(A) published in peer-reviewed journals, where applicable; or

(B) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2019 through 2023.

SEC. 511. COMPREHENSIVE SEX EDUCATION PROGRAMS.

(a) PURPOSES; FINDING; SENSE OF CONGRESS.—

(1) PURPOSES.—The purposes of this Act are to provide young people with comprehensive sex education programs that—

(A) promote and uphold the rights of young people to information in order to make healthy decisions about their sexual health;

(B) provide the information and skills all young people need to make informed, responsible, and healthy decisions in order to become sexually healthy adults and have healthy relationships;

(C) provide information about the prevention of unintended pregnancy, sexually transmitted infections, including HIV, dating violence, sexual assault, bullying, and harassment; and

(D) provide resources and information on topics ranging from gender stereotyping and gender roles and stigma and socio-cultural influences surrounding sex and sexuality.

(2) FINDING ON REQUIRED RESOURCES.—In order to provide the comprehensive sex education described in paragraph (1), Congress finds that increased resources are required for sex education programs that—

(A) substantially incorporate elements of evidence-based programs or characteristics of effective programs;

(B) cover a broad range of topics, including medically accurate and complete information that is age and developmentally appropriate about all the aspects of sex, sexual health, and sexuality;

(C) are gender and gender identity-sensitive, emphasizing the importance of equality and the social environment for achieving sexual and reproductive health and overall well-being;

(D) promote educational achievement, critical thinking, decisionmaking, self-esteem, and self-efficacy;

(E) help develop healthy attitudes and insights necessary for understanding relationships between oneself and others and society;

(F) foster leadership skills and community engagement by—

(i) promoting principles of fairness, human dignity, and respect; and

(ii) engaging young people as partners in their communities; and

(G) are culturally and linguistically appropriate, reflecting the diverse circumstances and realities of young people.

1 (3) SENSE OF CONGRESS.—It is the sense of
2 Congress that—
3 (A) federally funded sex education pro-
4 grams should aim to—
5 (i) provide information about a range
6 of human sexuality topics, including—
7 (I) human development, healthy
8 relationships, personal skills;
9 (II) sexual behavior including ab-
10 stinence;
11 (III) sexual health including pre-
12 venting unintended pregnancy;
13 (IV) sexually transmitted infec-
14 tions including HIV; and
15 (V) society and culture;
16 (ii) promote safe and healthy relation-
17 ships;
18 (iii) promote gender equity;
19 (iv) use, and be informed by, the best
20 scientific information available;
21 (v) be culturally appropriate and in-
22 clusive of youth with varying gender identi-
23 ties, gender expressions, and sexual ori-
24 entations;

(vi) be built on characteristics of effective programs;

(vii) expand the existing body of research on comprehensive sex education programs through program evaluation;

(viii) expand training programs for teachers of comprehensive sex education;

(ix) build on programs funded under section 513 of the Social Security Act (42 U.S.C. 713) and the Office of Adolescent Health's Teen Pregnancy Prevention Program, funded under title II of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat.), and on programs supported through the Centers for Disease Control and Prevention (CDC); and

(x) promote and uphold the rights of young people to information in order to make healthy and autonomous decisions about their sexual health; and

(B) no Federal funds should be used for health education programs that—

(i) withhold health-promoting or life-saving information about sexuality-related topics, including HIV;

(ii) are medically inaccurate or have been scientifically shown to be ineffective;

(iii) promote gender or racial stereotypes;

(iv) are insensitive and unresponsive to the needs of sexually active young people;

(v) are insensitive and unresponsive to the needs of survivors of sexual violence;

(vi) are insensitive and unresponsive to the needs of youth of all physical, developmental, and mental abilities;

(vii) are insensitive and unresponsive to the needs of youth with varying gender identities, gender expressions, and sexual orientations; or

(viii) are inconsistent with the ethical imperatives of medicine and public health.

(b) GRANTS FOR COMPREHENSIVE SEX EDUCATION FOR ADOLESCENTS.—

(1) PROGRAM AUTHORIZED.—The Secretary of Health and Human Services, in coordination with

the Associate Commissioner of the Family and Youth Services Bureau of the Administration on Children, Youth, and Families of the Department of Health and Human Services, the Director of the Office of Adolescent Health, the Director of the Division of Adolescent and School Health within the Centers for Disease Control and Prevention and the Secretary of Education, shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out programs that provide adolescents with comprehensive sex education, as described in paragraph (6).

(2) DURATION.—Grants awarded under this section shall be for a period of 5 years.

(3) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a public or private entity that focuses on adolescent health and education or has experience working with adolescents.

(4) APPLICATIONS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including an assurance to participate in the evaluation described in subsection (e).

(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(A) are State or local public entities;

(B) are entities not currently receiving funds under—

(i) section 513 of the Social Security Act (42 U.S.C. 713);

(ii) the Office of Adolescent Health's Teen Pregnancy Prevention Program, funded under title II of the Consolidated Appropriations Act, 2010 (Public Law–117; 123 Stat. 3253), or any substantially similar successive program; or

(iii) the Centers for Disease Control and Prevention's Division of Adolescent and School Health; and

(C) address health inequities among young people that face systemic barriers resulting in disproportionate rates of not less than one of the following:

(i) Unintended pregnancies.

(ii) Sexually transmitted infections, including HIV.

(iii) Dating violence and sexual violence.

(6) USE OF FUNDS.—

(A) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out an education program that provides adolescents with comprehensive sex education that—

(i) is age and developmentally appropriate;

(ii) is medically accurate and complete;

(iii) substantially incorporates elements of evidence-based sex education instruction; or

(iv) creates a demonstration project based on characteristics of effective programs.

(B) CONTENTS OF COMPREHENSIVE SEX EDUCATION PROGRAMS.—The comprehensive sex education programs funded under this section shall include instruction and materials that address—

(i) the physical, social, and emotional changes of human development including,

1 human anatomy, reproduction, and sexual
2 development;
3 (ii) healthy relationships, including
4 friendships, within families, and society,
5 that are based on mutual respect, and the
6 ability to distinguish between healthy and
7 unhealthy relationships, including—
8 (I) effective communication, ne-
9 gotiation and refusal skills, including
10 the skills to recognize and report in-
11 appropriate or abusive sexual ad-
12 vances;
13 (II) bodily autonomy, setting and
14 respecting personal boundaries, prac-
15 ticing personal safety, and consent;
16 and
17 (III) the limitations and harm of
18 gender-role stereotypes, violence, coer-
19 cion, bullying, harassment, and intimi-
20 dation in relationships;
21 (iii) healthy decisionmaking skills
22 about sexuality and relationships that in-
23 clude—

(I) critical thinking, problem solving, self-efficacy, stress-management, self-care, and decisionmaking;

(II) individual values and attitudes;

(III) the promotion of positive body images;

(IV) developing an understanding that there are a range of body types and encouraging positive feeling about students' own body types;

(V) information on how to respect others and ensure safety on the internet and when using other forms of digital communication;

(VI) information on local services and resources where students can obtain additional information related to bullying, harassment, dating violence and sexual assault, suicide prevention, and other related care;

(VII) encouragement for youth to communicate with their parents or guardians, health and social service professionals, and other trusted adults

about sexuality and intimate relationships;

(VIII) information on how to create a safe environment for all students and others in society;

(IX) examples of varying types of relationships, couples, and family structures; and

(X) affirmative representation of varying gender identities, gender expressions, and sexual orientations, including individuals and relationships between same sex couples and their families;

(iv) abstinence, delaying age of first sexual activity, the use of condoms, preventive medication, vaccination, birth control, and other sexually transmitted infection prevention measures, and the options for pregnancy, including parenting, adoption, and abortion, including—

(I) the importance of effectively using condoms, preventive medication, and applicable vaccinations to protect

against sexually transmitted infections, including HIV;

(II) the benefits of effective contraceptive and condom use in avoiding unintended pregnancy;

(III) the relationship between substance use and sexual health and behaviors; and

(IV) information about local health services where students can obtain additional information and services related to sexual and reproductive health and other related care;

(v) through affirmative recognition, the roles that traditions, values, religion, norms, gender roles, acculturation, family structure, health beliefs, and political power play in how students make decisions that affect their sexual health, using examples of various types of races, ethnicities, cultures, and families, including single-parent households and young families;

(vi) information about gender identity, gender expression, and sexual orientation for all students, including—

(I) affirmative recognition that people have different gender identities, gender expressions, and sexual orientations; and

(II) community resources that can provide additional support for individuals with varying gender identities, gender expressions, and sexual orientations; and

(vii) opportunities to explore the roles that race, ethnicity, immigration status, disability status, economic status, homelessness, foster care status, and language within different communities affect sexual attitudes in society and culture and how this may impact student sexual health.

(c) GRANTS FOR COMPREHENSIVE SEX EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION.—

(1) PROGRAM AUTHORIZED.—The Secretary, in coordination with the Secretary of Education, shall award grants, on a competitive basis, to institutions of higher education or consortia of such institutions to enable such institutions to provide young people with comprehensive sex education, described in paragraph (5)(B).

(2) DURATION.—Grants awarded under this section shall be for a period of 5 years.

(3) APPLICATIONS.—An institution of higher education or consortia of such institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including an assurance to participate in the evaluation described in subsection (e).

(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an institution of higher education that—

(A) has an enrollment of needy students as defined in section 318(b) of the Higher Education Act of 1965 (20 U.S.C. 1059e(b));

(B) is a Hispanic-serving institution, as defined in section 502(a) of such Act (20 U.S.C. 1101a(a));

(C) is a Tribal College or University, as defined in section 316(b) of such Act (20 U.S.C. 1059c(b));

(D) is an Alaska Native-serving institution, as defined in section 317(b) of such Act (20 U.S.C. 1059d(b));

(E) is a Native Hawaiian-serving institution, as defined in section 317(b) of such Act (20 U.S.C. 1059d(b));

(F) is a Predominately Black Institution, as defined in section 318(b) of such Act (20 U.S.C. 1059e(b));

(G) is a Native American-serving, non-tribal institution, as defined in section 319(b) of such Act (20 U.S.C. 1059f(b));

(H) is an Asian American and Native American Pacific Islander-serving institution, as defined in section 320(b) of such Act (20 U.S.C. 1059g(b)); or

(I) is a minority institution, as defined in section 365 of such Act (20 U.S.C. 1067k), with an enrollment of needy students, as defined in section 312 of such Act (20 U.S.C. 1058).

(5) USES OF FUNDS.—

(A) IN GENERAL.—An institution of higher education receiving a grant under this section shall use grant funds to integrate issues relating to comprehensive sex education into institution of higher education in order to reach a

large number of students, by carrying out one or more of the following activities:

(i) Developing or adopting educational content for issues relating to comprehensive sex education that will be incorporated into student orientation, general education, or core courses.

(ii) Developing or adopting, and implementing schoolwide educational programming outside of class that delivers elements of comprehensive sex education programs to students, faculty, and staff.

(iii) Developing or adopting innovative technology-based approaches to deliver sex education to students, faculty, and staff.

(iv) Developing or adopting, and implementing peer-outreach and education programs to generate discussion, educate, and raise awareness among students about issues relating to comprehensive sex education.

(B) CONTENTS OF SEX EDUCATION PROGRAMS.—Each institution of higher education's program of comprehensive sex education funded under this section shall include instruction and

materials that address the requirements under paragraph 6.

(d) GRANTS FOR PRE-SERVICE AND IN-SERVICE TEACHER TRAINING.—

(1) PROGRAM AUTHORIZED.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention and the Secretary of Education, shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out the activities described in paragraph (5).

(2) DURATION.—Grants awarded under this section shall be for a period of 5 years.

(3) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means—

(A) a State educational agency, as defined in section 8101 of the Elementary and Secondary Education of 1965 (20 U.S.C. 7801);

(B) a local educational agency, as defined in section 8101 of the Elementary and Secondary Education of 1965 (20 U.S.C. 7801);

(C) a Tribe or Tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304);

(D) a State or local department of health;

(E) a State or local department of education;

(F) an educational service agency, as defined in section 8101 of the Elementary and Secondary Education of 1965 (20 U.S.C. 7801);

(G) a nonprofit institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(H) a national or statewide nonprofit organization that has as its primary purpose the improvement of provision of comprehensive sex education through training and effective teaching of comprehensive sex education; or

(I) a consortium of nonprofit organizations that has as its primary purpose the improvement of provision of comprehensive sex education through training and effective teaching of comprehensive sex education.

(4) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may

1 require, including an assurance to participate in the
2 evaluation described in subsection (e).
3 (5) AUTHORIZED ACTIVITIES.—
4 (A) REQUIRED ACTIVITY.—Each eligible
5 entity receiving a grant under this section shall
6 use grant funds for professional development
7 and training of relevant faculty, school adminis-
8 trators, teachers, and staff, in order to increase
9 effective teaching of comprehensive sex edu-
10 cation students.
11 (B) PERMISSIBLE ACTIVITIES.—Each eligi-
12 ble entity receiving a grant under this section
13 may use grant funds to—
14 (i) provide research-based training of
15 teachers for comprehensive sex education
16 for adolescents as a means of broadening
17 student knowledge about issues related to
18 human development, healthy relationships,
19 personal skills, and sexual behavior, includ-
20 ing abstinence, sexual health, and society
21 and culture;
22 (ii) support the dissemination of infor-
23 mation on effective practices and research
24 findings concerning the teaching of com-
25 prehensive sex education;

(iii) support research on—

(I) effective comprehensive sex education teaching practices; and

(II) the development of assessment instruments and strategies to document—

(aa) student understanding of comprehensive sex education; and

(bb) the effects of comprehensive sex education;

(iv) convene national conferences on comprehensive sex education, in order to effectively train teachers in the provision of comprehensive sex education; and

(v) develop and disseminate appropriate research-based materials to foster comprehensive sex education.

(C) SUBGRANTS.—Each eligible entity receiving a grant under this section may award subgrants to nonprofit organizations that possess a demonstrated record of providing training to faculty, school administrators, teachers, and staff on comprehensive sex education to—

(i) train teachers in comprehensive sex education;

(ii) support Internet or distance learning related to comprehensive sex education;

(iii) promote rigorous academic standards and assessment techniques to guide and measure student performance in comprehensive sex education;

(iv) encourage replication of best practices and model programs to promote comprehensive sex education;

(v) develop and disseminate effective, research-based comprehensive sex education learning materials;

(vi) develop academic courses on the pedagogy of sex education at institutions of higher education; or

(vii) convene State-based conferences to train teachers in comprehensive sex education and to identify strategies for improvement.

(e) IMPACT EVALUATION AND REPORTING.—

(1) MULTI-YEAR EVALUATION.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this

1 Act, the Secretary shall enter into a contract
2 with a nonprofit organization with experience in
3 conducting impact evaluations, to conduct a
4 multi-year evaluation on the impact of the
5 grants under subsections (b), (c), and (d), and
6 to report to Congress and the Secretary on the
7 findings of such evaluation.
8 (B) EVALUATION.—The evaluation con-
9 ducted under this subsection shall—
10 (i) be conducted in a manner con-
11 sistent with relevant, nationally recognized
12 professional and technical evaluation
13 standards;
14 (ii) use sound statistical methods and
15 techniques relating to the behavioral
16 sciences, including quasi-experimental de-
17 signs, inferential statistics, and other
18 methodologies and techniques that allow
19 for conclusions to be reached;
20 (iii) be carried out by an independent
21 organization that has not received a grant
22 under subsection (b), (c), or (d); and
23 (iv) be designed to provide informa-
24 tion on—

(I) output measures, such as the number of individuals served under the grant and the number of hours of instruction;

(II) outcome measures, including measures relating to—

(aa) the knowledge that individuals participating in the grant program have gained in each of the following age and developmentally appropriate areas—

(AA) growth and development;

(BB) relationship dynamics;

(CC) ways to prevent unintended pregnancy and sexually transmitted infections, including HIV; and

(DD) sexual health;

(bb) the age and developmentally appropriate skills that individuals participating in the

grant program have gained regarding—

(AA) negotiation and communication;

(BB) decisionmaking and goal-setting;

(CC) interpersonal skills and healthy relationships; and

(DD) condom use; and

(cc) the behaviors of adolescents participating in the grant program, including data about—

(AA) age of first intercourse;

(BB) condom and contraceptive use at first intercourse;

(CC) recent condom and contraceptive use;

(DD) substance use;

(EE) dating abuse and lifetime history of sexual assault, dating violence, bul-

lying, harassment, stalking; and

(FF) academic performance; and

(III) other measures necessary to evaluate the impact of the grant program.

(C) REPORT.—Not later than 6 years after the date of enactment of this Act, the organization conducting the evaluation under this subsection shall prepare and submit to the appropriate committees of Congress and the Secretary an evaluation report. Such report shall be made publicly available, including on the website of the Department of Health and Human Services.

(2) SECRETARY'S REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for a period of 5 years, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the activities to provide adolescents and young people with comprehensive sex education and pre-service and in-service teacher training funded under this

Act. The Secretary's report to Congress shall include—

(A) a statement of how grants awarded by the Secretary meet the purposes described in subsection (a)(1); and

(B) information about—

(i) the number of eligible entities and institutions of higher education that are receiving grant funds under subsections (b), (c), and (d);

(ii) the specific activities supported by grant funds awarded under subsections (b), (c), and (d);

(iii) the number of adolescents served by grant programs funded under subsection (b);

(iv) the number of young people served by grant programs funded under subsection (c);

(v) the number of faculty, school administrators, teachers, and staff trained under subsection (d); and

(vi) the status of the evaluation required under paragraph (1).

(f) NONDISCRIMINATION.—Programs funded under this Act shall not discriminate on the basis of actual or perceived sex, race, color, ethnicity, national origin, disability, sexual orientation, gender identity, or religion. Nothing in this Act shall be construed to invalidate or limit rights, remedies, procedures, or legal standards available under any other Federal law or any law of a State or a political subdivision of a State, including the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116).

(g) LIMITATION.—No Federal funds provided under this Act may be used for health education programs that—

(1) withhold health-promoting or life-saving information about sexuality-related topics, including HIV;

(2) are medically inaccurate or have been scientifically shown to be ineffective;

(3) promote gender or racial stereotypes;

(4) are insensitive and unresponsive to the needs of sexually active young people;

(5) are insensitive and unresponsive to the needs of pregnant or parenting young people;

(6) are insensitive and unresponsive to the needs of survivors of sexual abuse or assault;

(7) are insensitive and unresponsive to the needs of youth of all physical, developmental, or mental abilities;

(8) are insensitive and unresponsive to individuals with varying gender identities, gender expressions, and sexual orientations; or

(9) are inconsistent with the ethical imperatives of medicine and public health.

(h) AMENDMENTS TO OTHER LAWS.—

(1) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2500 of the Public Health Service Act (42 U.S.C. 300ee) is amended by striking subsections (b) through (d) and inserting the following:

''(b) CONTENTS OF PROGRAMS.—All programs of education and information receiving funds under this subchapter shall include information about the potential effects of intravenous substance abuse.''.

(2) AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 8526

of the Elementary and Secondary Education Act of (20 U.S.C. 7906) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(C) in paragraph (4), by inserting ''or'' after the semicolon;

(D) in paragraph (5), by striking ''; or'' and inserting a period; and

(E) by striking paragraph (6).

(i) DEFINITIONS.—In this section:

(1) ADOLESCENTS.—The term ''adolescents'' means individuals who are ages 10 through 19 at the time of commencement of participation in a program supported under this section.

(2) AGE AND DEVELOPMENTALLY APPROPRIATE.—The term ''age and developmentally appropriate'' means topics, messages, and teaching methods suitable to particular age, age group of children and adolescents, or developmental levels, based on cognitive, emotional, social, and behavioral capacity of most students at that age level.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Health, Education,

Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(4) CHARACTERISTICS OF EFFECTIVE PROGRAMS.—The term ''characteristics of effective programs'' means the aspects of evidence-based programs, including development, content, and implementation of such programs, that—

(A) have been shown to be effective in terms of increasing knowledge, clarifying values and attitudes, increasing skills, and impacting upon behavior; and

(B) are widely recognized by leading medical and public health agencies to be effective in changing sexual behaviors that lead to sexually transmitted infections, including HIV, unintended pregnancy, and dating violence and sexual assault among young people.

(5) COMPREHENSIVE SEX EDUCATION.—The term ''comprehensive sex education'' means instructional part of a comprehensive school health edu-

cation approach which addresses the physical, mental, emotional, and social dimensions of human sexuality; designed to motivate and assist students to maintain and improve their sexual health, prevent disease and reduce sexual health-related risk behaviors; and enable and empower students to develop and demonstrate age and developmentally appropriate sexuality and sexual health-related knowledge, attitudes, skills, and practices.

(6) CONSENT.—The term ''consent'' means affirmative, conscious, and voluntary agreement to engage in interpersonal, physical, or sexual activity.

(7) CULTURALLY APPROPRIATE.—The term ''culturally appropriate'' means materials and instruction that respond to culturally diverse individuals, families and communities in an inclusive, respectful and effective manner; including materials and instruction that are inclusive of race, ethnicity, languages, cultural background, religion, sex, gender identity, sexual orientation, and different abilities.

(8) EVIDENCE-BASED.—The term ''evidence-based'', when used with respect to sex education instruction means a sex education program that has been proven through rigorous evaluation to be effective in changing sexual behavior or incorporates ele-

ments of other programs that have been proven to be effective in changing sexual behavior.

(9) GENDER EXPRESSION.—The term ''gender expression'', when used with respect to a sex education program, means the expression of one's gender, such as through behavior, clothing, haircut, or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

(10) GENDER IDENTITY.—Except with respect to section 7, the term ''gender identity'', when used with respect to a sex education program, means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth including a person's deeply held sense or knowledge of their own gender; such as male, female, both or neither.

(11) INCLUSIVE.—The term ''inclusive'', when used with respect to a sex education program, means curriculum that ensures that students from historically marginalized communities are reflected in classroom materials and lessons.

(12) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the

1 meaning given the term in section 101 of the Higher
2 Education Act of 1965 (20 U.S.C. 1001).
3 (13) MEDICALLY ACCURATE AND COMPLETE.—
4 The term ''medically accurate and complete'', when
5 used with respect to a sex education program, means
6 that—
7 (A) the information provided through the
8 program is verified or supported by the weight
9 of research conducted in compliance with ac-
10 cepted scientific methods and is published in
11 peer-reviewed journals, where applicable; or
12 (B)(i) the program contains information
13 that leading professional organizations and
14 agencies with relevant expertise in the field rec-
15 ognize as accurate, objective, and complete; and
16 (ii) the program does not withhold infor-
17 mation about the effectiveness and benefits of
18 correct and consistent use of condoms and
19 other contraceptives.
20 (14) SECRETARY.—The term ''Secretary''
21 means the Secretary of Health and Human Services.
22 (15) SEXUAL DEVELOPMENT.—The term ''sex-
23 ual development'' means the lifelong process of phys-
24 ical, behavioral, cognitive, and emotional growth and
25 change as it relates to an individual's sexuality and

sexual maturation, including puberty, identity development, socio-cultural influences, and sexual behaviors.

(16) SEXUAL ORIENTATION.—Except with respect to subsection (g), the term ''sexual orientation'', when used with respect to a sex education program, means an individual's attraction, including physical or emotional, to the same or different gender.

(17) YOUNG PEOPLE.—The term ''young people'' means individuals who are ages 10 through 24 at the time of commencement of participation in a program supported under this Act.

(j) FUNDING.—

(1) APPROPRIATION.—For the purpose of carrying out this Act, there is appropriated $75,000,000 for each of fiscal years 2019 through 2024. Amounts appropriated under this subsection shall remain available until expended.

(2) RESERVATIONS OF FUNDS.—

(A) The Secretary shall reserve 50 percent of the amount appropriated under paragraph (1) for the purposes of awarding grants for comprehensive sex education for adolescents under subsection (c).

(B) The Secretary shall reserve 25 percent of the amount appropriated under paragraph (1) for the purposes of awarding grants for comprehensive sex education at institutes of higher education under subsection (d).

(C) The Secretary shall reserve 20 percent of the amount appropriated under paragraph (1) for the purposes of awarding grants for pre-service and in-service teacher training under subsection (e).

(D) The Secretary shall reserve 2 percent of the amount appropriated under paragraph (1) for the purpose of carrying out the impact evaluation and reporting required under subsection (a).

(3) SECRETARIAL RESPONSIBILITIES.—The Secretary shall reserve 3 percent of the amount appropriated under subsection (a) for each fiscal year for expenditures by the Secretary to provide, directly or through a competitive grant process, research, training, and technical assistance, including dissemination of research and information regarding effective and promising practices, providing consultation and resources, and developing resources and materials to support the activities of recipients of grants.

In carrying out such functions, the Secretary shall collaborate with a variety of entities that have expertise in adolescent sexual health development, education, and promotion.

(4) REPROGRAMMING OF ABSTINENCE ONLY UNTIL MARRIAGE PROGRAM FUNDING.—The unobligated balance of funds made available to carry out section 510 of the Social Security Act (42 U.S.C. 710) (as in effect on the day before the date of enactment of this Act) are hereby transferred and shall be used by the Secretary to carry out this Act. The amounts transferred and made available to carry out this Act shall remain available until expended.

(5) REPEAL OF ABSTINENCE ONLY UNTIL MARRIAGE PROGRAM.—Section 510 of the Social Security Act (42 U.S.C. 710 et seq.) is repealed.

SEC. 512. COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES.

(a) MEDICARE.—

(1) LIMITATION ON PAYMENT.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(A) in the subparagraph (W) added by section 3005(1)(C) of Public Law 111–148—

(i) by striking the period at the end and inserting a comma;

(ii) by moving the indentation 2 ems to the left; and

(iii) by moving such subparagraph to immediately follow subparagraph (V);

(B) in the subparagraph (W) added by section 6406(b)(3) of Public Law 111–148—

(i) by striking the period at the end and inserting ‘‘, and’’;

(ii) by moving the indentation 2 ems to the left;

(iii) by redesignating such subparagraph as subparagraph (X); and

(iv) by moving such subparagraph to immediately follow subparagraph (W), as moved under paragraph (2)(C); and

(C) by inserting after the subparagraph (X), as redesignated and moved under paragraph (3), the following:

‘‘(Y) in the case of a hospital or critical access hospital, to adopt and enforce a policy to ensure compliance with the requirements of subsection (l) and to meet the requirements of such subsection.’’.

1 (2) ASSISTANCE TO VICTIMS.—Section 1866 of
2 the Social Security Act (42 U.S.C. 1395cc) is
3 amended by adding at the end the following new
4 subsection:
5 "(l) COMPASSIONATE ASSISTANCE FOR RAPE EMER-
6 GENCIES.—
7 "(1) IN GENERAL.—For purposes of section
8 1866(a)(1)(Y), a hospital meets the requirements of
9 this subsection if the hospital provides each of the
10 services described in paragraph (2) to each indi-
11 vidual, whether or not eligible for benefits under this
12 title or under any other form of health insurance.
13 who comes to the hospital on or after January 1,
14 2019, and—
15 "(A) who states to hospital personnel that
16 they are victims of sexual assault;
17 "(B) who is accompanied by an individual
18 who states to hospital personnel that the indi-
19 vidual is a victim of sexual assault; or
20 "(C) whom hospital personnel, during the
21 course of treatment and care for the individual,
22 have reason to believe is a victim of sexual as-
23 sault.

1 "(2) REQUIRED SERVICES DESCRIBED.—For
2 purposes of paragraph (1), the services described in
3 this subparagraph are the following:
4 "(A) Provision of medically and factually
5 accurate and unbiased written and oral infor-
6 mation about emergency contraception that—
7 "(i) is written in clear and concise
8 language;
9 "(ii) is readily comprehensible;
10 "(iii) includes an explanation that—
11 "(I) emergency contraception has
12 been approved by the Food and Drug
13 Administration as an over-the-counter
14 or prescription medication for individ-
15 uals, and is a safe and effective way
16 to prevent pregnancy after unpro-
17 tected intercourse or contraceptive
18 failure if taken in a timely manner;
19 "(II) emergency contraception is
20 more effective the sooner it is taken;
21 and
22 "(III) emergency contraception
23 does not cause an abortion and cannot
24 interrupt an established pregnancy;

"(iv) meets such conditions regarding the provision of such information in languages other than English as the Secretary may establish; and

"(v) is provided without regard to the ability of the individual or their family to pay costs associated with the provision of such information to the individual.

"(B) Immediate offer to provide emergency contraception to the individual at the hospital and, in the case that the individual accepts such offer, immediate provision to the individual of such contraception on the same day it is requested without regard to the inability of the individual or their family to pay costs associated with the offer and provision of such contraception.

"(C) Development and implementation of a written policy to ensure that an individual is present at the hospital, or on-call, who—

"(i) has authority to dispense or prescribe emergency contraception, independently, or under a protocol prepared by a physician for the administration of emer-

1 gency contraception at the hospital to a
2 victim of sexual assault; and
3 "(ii) is trained to comply with the re-
4 quirements of this section.
5 "(D) Provision of medically and factually
6 accurate and unbiased written and oral infor-
7 mation and counseling about post-exposure pro-
8 phylaxis (PEP) protocol for the prevention of
9 HIV.
10 "(E) Immediately offer to begin PEP to
11 the individual at the hospital except in cases
12 where the medical professional's best judgement
13 is that further evaluation is required or that
14 such a regimen will be substantially detrimental
15 to the individual's health. Such provision shall
16 be offered regardless of the individual's ability
17 to pay. Hospitals shall be responsible for ensur-
18 ing adequate supply of PEP medications to pro-
19 vide to patients.
20 "(3) DEFINITIONS.—For purposes of this para-
21 graph:
22 "(A) The term 'emergency contraception'
23 means a drug or device (as such terms are de-
24 fined in section 201 of the Federal Food, Drug,

and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that—

"(i) is used postcoitally;

"(ii) prevents pregnancy primarily by preventing or delaying ovulation, and does not terminate an established pregnancy; and

"(iii) is approved by the Food and Drug Administration.

"(B) The term 'hospital' includes a critical access hospital, as defined in section 1861(mm)(1).

"(C) The term 'sexual assault' means coitus in which the individual involved does not consent or lacks the legal capacity to consent.".

(b) LIMITATION ON PAYMENT UNDER MEDICAID.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended by inserting after paragraph (11) the following new paragraph:

"(12) with respect to any amount expended for care or services furnished under the plan by a hospital on or after January 1, 2017, unless such hospital meets the requirements specified in section 1866(l) for purposes of title XVIII.".

SEC. 513. ACCESS TO BIRTH CONTROL DUTIES OF PHARMACIES TO ENSURE PROVISION OF FDA-APPROVED CONTRACEPTION.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

"SEC. 249. DUTIES OF PHARMACIES TO ENSURE PROVISION OF FDA-APPROVED CONTRACEPTION.

"(a) IN GENERAL.—Subject to subsection (c), a pharmacy that receives Food and Drug Administration-approved drugs or devices in interstate commerce shall maintain compliance with the following:

"(1) If a customer requests a contraceptive, including emergency contraception, that is in stock, the pharmacy shall ensure that the contraceptive is provided to the customer—

"(A) without delay;

"(B) without regard to the customer's age, gender, gender identity, or sexual orientation;

"(C) without a requirement that identification be presented; and

"(D) despite any conflicts of employees to filling a prescription and dispensing a particular prescription drug or device due to sincerely held moral, philosophical, or religious beliefs.

1 "(2) If a customer requests a contraceptive that
2 is not in stock and the pharmacy in the normal
3 course of business stocks contraception, the phar-
4 macy shall immediately inform the customer that the
5 contraceptive is not in stock and without delay offer
6 the customer the following options:
7 "(A) If the customer prefers to obtain the
8 contraceptive through a referral or transfer, the
9 pharmacy shall—
10 "(i) locate a pharmacy of the cus-
11 tomer's choice or the closest pharmacy
12 confirmed to have the contraceptive in
13 stock; and
14 "(ii) refer the customer or transfer
15 the prescription to that pharmacy.
16 "(B) If the customer prefers for the phar-
17 macy to order the contraceptive, the pharmacy
18 shall obtain the contraceptive under the phar-
19 macy's standard procedure for expedited order-
20 ing of medication and notify the customer when
21 the contraceptive arrives.
22 "(3) The pharmacy shall ensure that its em-
23 ployees do not—

"(A) intimidate, threaten, or harass customers in the delivery of services relating to a request for contraception;

"(B) interfere with or obstruct the delivery of services relating to a request for contraception;

"(C) intentionally misrepresent or deceive customers about the availability of contraception or its mechanism of action;

"(D) breach medical confidentiality with respect to a request for contraception or threaten to breach such confidentiality; or

"(E) refuse to return a valid, lawful prescription for contraception upon customer request.

"(b) CONTRACEPTIVES NOT ORDINARILY STOCKED.—Nothing in subsection (a)(2) shall be construed to require any pharmacy to comply with such subsection if the pharmacy does not ordinarily stock contraceptives in the normal course of business.

"(c) REFUSALS PURSUANT TO STANDARD PHARMACY PRACTICE.—This section does not prohibit a pharmacy from refusing to provide a contraceptive to a customer in accordance with any of the following:

1 "(1) If it is unlawful to dispense the contracep-
2 tive to the customer without a valid, lawful prescrip-
3 tion and no such prescription is presented.
4 "(2) If the customer is unable to pay for the
5 contraceptive.
6 "(3) If the employee of the pharmacy refuses to
7 provide the contraceptive on the basis of a profes-
8 sional clinical judgment.
9 "(d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to invalidate or limit rights, rem-
11 edies, procedures, or legal standards under title VII of the
12 Civil Rights Act of 1964.
13 "(e) PREEMPTION.—This section does not preempt
14 any provision of State law or any professional obligation
15 made applicable by a State board or other entity respon-
16 sible for licensing or discipline of pharmacies or phar-
17 macists, to the extent that such State law or professional
18 obligation provides protections for customers that are
19 greater than the protections provided by this section.
20 "(f) ENFORCEMENT.—
21 "(1) CIVIL PENALTY.—A pharmacy that vio-
22 lates a requirement of subsection (a) is liable to the
23 United States for a civil penalty in an amount not
24 exceeding $1,000 per day of violation, not to exceed

1 $100,000 for all violations adjudicated in a single
2 proceeding.
3 ''(2) PRIVATE CAUSE OF ACTION.—Any person
4 aggrieved as a result of a violation of a requirement
5 of subsection (a) may, in any court of competent ju-
6 risdiction, commence a civil action against the phar-
7 macy involved to obtain appropriate relief, including
8 actual and punitive damages, injunctive relief, and a
9 reasonable attorney's fee and cost.
10 ''(3) LIMITATIONS.—A civil action under para-
11 graph (1) or (2) may not be commenced against a
12 pharmacy after the expiration of the 5-year period
13 beginning on the date on which the pharmacy alleg-
14 edly engaged in the violation involved.
15 ''(g) DEFINITIONS.—In this section:
16 ''(1) The term 'contraception' or 'contraceptive'
17 means any drug or device approved by the Food and
18 Drug Administration to prevent pregnancy.
19 ''(2) The term 'employee' means a person hired,
20 by contract or any other form of an agreement, by
21 a pharmacy.
22 ''(3) The term 'pharmacy' means an entity
23 that—

1 "(A) is authorized by a State to engage in
2 the business of selling prescription drugs at re-
3 tail; and
4 "(B) employs one or more employees.
5 "(4) The term 'product' means a Food and
6 Drug Administration-approved drug or device.
7 "(5) The term 'professional clinical judgment'
8 means the use of professional knowledge and skills
9 to form a clinical judgment, in accordance with pre-
10 vailing medical standards.
11 "(6) The term 'without delay', with respect to
12 a pharmacy providing, providing a referral for, or
13 ordering contraception, or transferring the prescrip-
14 tion for contraception, means within the usual and
15 customary timeframe at the pharmacy for providing,
16 providing a referral for, or ordering other products,
17 or transferring the prescription for other products,
18 respectively.
19 "(h) EFFECTIVE DATE.—This section shall take ef-
20 fect on the 31st day after the date of the enactment of
21 this section, without regard to whether the Secretary has
22 issued any guidance or final rule regarding this section.".

SEC. 514. ADDITIONAL FOCUS AREA FOR THE OFFICE ON WOMEN'S HEALTH.

Section 229(b) of the Public Health Service Act (42 U.S.C. 237a(b)) is amended—

(1) in paragraph (6), at the end, by striking ''and'';

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

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

''(8) facilitate policymakers, health system leaders and providers, consumers, and other stakeholders in understanding optimal maternity care and support for the provision of such care, including the priorities of—

''(A) protecting, promoting, and supporting the innate capacities of childbearing individuals and their newborns for childbirth, breastfeeding, and attachment;

''(B) using obstetric interventions only when such interventions are supported by strong, high-quality evidence, and minimizing overuse of maternity practices that have been shown to have benefit in limited situations and that can expose women, infants, or both to risk of harm if used routinely and indiscriminately,

1 including continuous electronic fetal monitoring,
2 labor induction, epidural analgesia, primary ce-
3 sarean section, and routine repeat cesarean
4 birth;

5 ''(C) reliably incorporating noninvasive,
6 evidence-based practices that have documented
7 correlation with considerable improvement in
8 outcomes with no detrimental side effects, such
9 as smoking cessation programs in pregnancy
10 and proven models of group prenatal care that
11 integrate health assessment, education, and
12 support into a unified program and supporting
13 evidence-based breastfeeding promotion efforts
14 with respect for a breastfeeding individual's
15 personal decisionmaking;

16 ''(D) a shared understanding of the quali-
17 fications of licensed providers of maternity care
18 and the best evidence about the safety, satisfac-
19 tion, outcomes, and costs of their care, and ap-
20 propriate deployment of such caregivers within
21 the maternity care workforce to address the
22 needs of childbearing individuals and newborns
23 and the growing shortage of maternity care-
24 givers;

"(E) a shared understanding of the results of the best available research comparing hospital, birth center, and planned home births, including information about each setting's safety, satisfaction, outcomes, and costs; and

"(F) high-quality, evidence-based childbirth education that promotes a natural, healthy, and safe approach to pregnancy, childbirth, and early parenting; is taught by certified educators, peer counselors, and health professionals; and promotes informed decisionmaking by childbearing individual;".

SEC. 515. INTERAGENCY COORDINATING COMMITTEE ON THE PROMOTION OF OPTIMAL MATERNITY OUTCOMES.

(a) IN GENERAL.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following new section:

"SEC. 229A. INTERAGENCY COORDINATING COMMITTEE ON THE PROMOTION OF OPTIMAL MATERNITY OUTCOMES.

"(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Deputy Assistant Secretary for Women's Health under section 229 and in collaboration with the Federal officials specified in sub-

1 section (b), shall establish the Interagency Coordinating
2 Committee on the Promotion of Optimal Maternity Out-
3 comes (referred to in this subsection as the 'ICCPOM').
4 "(b) OTHER AGENCIES.—The officials specified in
5 this subsection are the Secretary of Labor, the Secretary
6 of Defense, the Secretary of Veterans Affairs, the Surgeon
7 General, the Director of the Centers for Disease Control
8 and Prevention, the Administrator of the Health Re-
9 sources and Services Agency, the Administrator of the
10 Centers for Medicare & Medicaid Services, the Director
11 of the Indian Health Service, the Administrator of the
12 Substance Abuse and Mental Health Services Administra-
13 tion, the Director of the National Institute on Child
14 Health and Development, the Director of the Agency for
15 Healthcare Research and Quality, the Assistant Secretary
16 for Children and Families, the Deputy Assistant Secretary
17 for Minority Health, the Director of the Office of Per-
18 sonnel Management, and such other Federal officials as
19 the Secretary of Health and Human Services determines
20 to be appropriate.
21 "(c) CHAIR.—The Deputy Assistant Secretary for
22 Women's Health shall serve as the chair of the ICCPOM.
23 "(d) DUTIES.—The ICCPOM shall guide policy and
24 program development across the Federal Government with
25 respect to promotion of optimal maternity care, provided,

however, that nothing in this section shall be construed as transferring regulatory or program authority from an agency to the ICCPOM.

"(e) CONSULTATIONS.—The ICCPOM shall actively seek the input of, and shall consult with, all appropriate and interested stakeholders, including State health departments, public health research and interest groups, foundations, childbearing individuals and their advocates, and maternity care professional associations and organizations, reflecting racially, ethnically, demographically, and geographically diverse communities.

"(f) ANNUAL REPORT.—

"(1) IN GENERAL.—The Secretary, on behalf of the ICCPOM, shall annually submit to Congress a report that summarizes—

"(A) all programs and policies of Federal agencies (including the Medicare Program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act) designed to promote optimal maternity care, focusing particularly on programs and policies that support the adoption of evidence based maternity care, as defined by timely, scientifically sound systematic reviews;

"(B) all programs and policies of Federal agencies (including the Medicare Program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act) designed to address the problems of maternal mortality and morbidity, infant mortality, prematurity, and low birth weight, including such programs and policies designed to address racial and ethnic disparities with respect to each of such problems;

"(C) the extent of progress in reducing maternal mortality and infant mortality, low birth weight, and prematurity at State and national levels; and

"(D) such other information regarding optimal maternity care as the Secretary determines to be appropriate.

The information specified in subparagraph (C) shall be included in each such report in a manner that disaggregates such information by race, ethnicity, and indigenous status in order to determine the extent of progress in reducing racial and ethnic disparities and disparities related to indigenous status.

"(2) CERTAIN INFORMATION.—Each report under paragraph (1) shall include information

(disaggregated by race, ethnicity, and indigenous status, as applicable) on the following rates and costs by State:

"(A) The rate of primary cesarean deliveries and repeat cesarean deliveries.

"(B) The rate of vaginal births after cesarean.

"(C) The rate of vaginal breech births.

"(D) The rate of induction of labor.

"(E) The rate of freestanding birth center births.

"(F) The rate of planned and unplanned home birth.

"(G) The rate of attended births by provider, including by an obstetrician-gynecologist, family practice physician, obstetrician-gynecologist physician assistant, certified nurse-midwife, certified midwife, and certified professional midwife.

"(H) The cost of maternity care disaggregated by place of birth and provider of care, including—

"(i) uncomplicated vaginal birth;

"(ii) complicated vaginal birth;

"(iii) uncomplicated cesarean birth; and

"(iv) complicated cesarean birth.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, in addition to amounts authorized to be appropriated under section 229(e), to carry out this section $1,000,000 for each of the fiscal years 2019 through 2023.".

(b) CONFORMING AMENDMENTS.—

(1) INCLUSION AS DUTY OF HHS OFFICE ON WOMEN'S HEALTH.—Section 229(b) of such Act (42 U.S.C. 237a(b)), as amended by section 514, is further amended by adding at the end the following new paragraph:

"(9) establish the Interagency Coordinating Committee on the Promotion of Optimal Maternity Outcomes in accordance with section 229A; and".

(2) TREATMENT OF BIENNIAL REPORTS.—Section 229(d) of such Act (42 U.S.C. 237a(d)) is amended by inserting "(other than under subsection (b)(9))" after "under this section".

SEC. 516. CONSUMER EDUCATION CAMPAIGN.

Section 229(b) of the Public Health Service Act (42 U.S.C. 237a(b)), as amended, is further amended by adding at the end the following new paragraph:

"(10) not later than one year after the date of the enactment of the Health Equity and Accountability Act of 2018, develop and implement a 4-year culturally and linguistically appropriate multimedia consumer education campaign that is designed to promote understanding and acceptance of evidence-based maternity practices and models of care for optimal maternity outcomes among individuals of childbearing ages and families of such individuals and that—

"(A) highlights the importance of protecting, promoting, and supporting the innate capacities of childbearing individuals and their newborns for childbirth, breastfeeding, and attachment;

"(B) promotes understanding of the importance of using obstetric interventions when medically necessary and when supported by strong, high-quality evidence;

"(C) highlights the widespread overuse of maternity practices that have been shown to have benefit when used appropriately in situations of medical necessity, but which can expose pregnant individuals, infants, or both to risk of harm if used routinely and indiscriminately, in-

1 cluding continuous fetal monitoring, labor in-
2 duction, epidural anesthesia, elective primary
3 cesarean section, and repeat cesarean delivery;
4 "(D) emphasizes the noninvasive maternity
5 practices that have strong proven correlation or
6 may be associated with considerable improve-
7 ment in outcomes with no detrimental side ef-
8 fects, and are significantly underused in the
9 United States, including smoking cessation pro-
10 grams in pregnancy, group model prenatal care,
11 continuous labor support, nonsupine positions
12 for birth, and external version to turn breech
13 babies at term;
14 "(E) educates consumers about the quali-
15 fications of licensed providers of maternity care
16 and the best evidence about their safety, satis-
17 faction, outcomes, and costs;
18 "(F) informs consumers about the best
19 available research comparing birth center
20 births, planned home births, and hospital
21 births, including information about each set-
22 ting's safety, satisfaction, outcomes, and costs;
23 "(G) fosters participation in high-quality,
24 evidence-based childbirth education that pro-
25 motes a natural, healthy, and safe approach to

pregnancy, childbirth, and early parenting; is taught by certified educators, peer counselors, and health professionals; and promotes informed decisionmaking by childbearing individuals; and

"(H) is pilot tested for consumer comprehension, cultural sensitivity, and acceptance of the messages across geographically, racially, ethnically, and linguistically diverse populations.".

SEC. 517. BIBLIOGRAPHIC DATABASE OF SYSTEMATIC REVIEWS FOR CARE OF CHILDBEARING INDIVIDUALS AND NEWBORNS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Agency for Healthcare Research and Quality, shall—

(1) make publicly available an online bibliographic database identifying systematic reviews, including an explanation of the level and quality of evidence, for care of childbearing individuals and newborns; and

(2) initiate regular updates that incorporate newly issued and updated systematic reviews.

1 (b) SOURCES.—To aim for a comprehensive inventory
2 of systematic reviews relevant to maternal and newborn
3 care, the database shall identify reviews from diverse
4 sources, including—
5 (1) scientific peer-reviewed journals;
6 (2) databases, including Cochrane Database of
7 Systematic Reviews, Clinical Evidence, and Data-
8 base of Abstracts of Reviews of Effects; and
9 (3) Internet Web sites of agencies and organi-
10 zations throughout the world that produce such sys-
11 tematic reviews.
12 (c) FEATURES.—The database shall—
13 (1) provide bibliographic citations for each
14 record within the database, and for each such cita-
15 tion include an explanation of the level and quality
16 of evidence;
17 (2) include abstracts, as available;
18 (3) provide reference to companion documents
19 as may exist for each review, such as evidence tables
20 and guidelines or consumer educational materials de-
21 veloped from the review;
22 (4) provide links to the source of the full review
23 and to any companion documents;
24 (5) provide links to the source of a previous
25 version or update of the review;

(6) be searchable by intervention or other topic of the review, reported outcomes, author, title, and source; and

(7) offer to users periodic electronic notification of database updates relating to users' topics of interest.

(d) OUTREACH.—Not later than the first date the database is made publicly available and periodically thereafter, the Secretary of Health and Human Services shall publicize the availability, features, and uses of the database under this section to the stakeholders described in subsection (e).

(e) CONSULTATION.—For purposes of developing the database under this section and maintaining and updating such database, the Secretary of Health and Human Services shall convene and consult with an advisory committee composed of relevant stakeholders, including—

(1) Federal Medicaid administrators and State agencies administrating State plans under title XIX of the Social Security Act pursuant to section 1902(a)(5) of such Act (42 U.S.C. 1396a(a)(5));

(2) providers of maternity and newborn care from both academic and community-based settings, including obstetrician-gynecologists, family physicians, certified nurse midwives, certified midwives,

1 certified professional midwives, physician assistants,
2 perinatal nurses, pediatricians, and nurse practi-
3 tioners;
4 (3) maternal-fetal medicine specialists;
5 (4) neonatologists;
6 (5) childbearing individuals and advocates for
7 such individuals, including childbirth educators cer-
8 tified by a nationally accredited program, rep-
9 resenting communities that are diverse in terms of
10 race, ethnicity, indigenous status, and geographic
11 area;
12 (6) employers and purchasers;
13 (7) health facility and system leaders, including
14 both hospital and birth center facilities;
15 (8) journalists; and
16 (9) bibliographic informatics specialists.
17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated $2,500,000 for each of the
19 fiscal years 2019 through 2021 for the purpose of devel-
20 oping the database and such sums as may be necessary
21 for each subsequent fiscal year for updating the database
22 and providing outreach and notification to users, as de-
23 scribed in this section.

SEC. 518. MATERNITY CARE HEALTH PROFESSIONAL SHORTAGE AREAS.

Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following new subsection:

''(k)(1) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall designate maternity care health professional shortage areas in the States, publish a descriptive list of the area's population groups, medical facilities, and other public facilities so designated, and at least annually review and, as necessary, revise such designations.

''(2) For purposes of paragraph (1), a complete descriptive list shall be published in the Federal Register not later than one year after the date of the enactment of the Health Equity and Accountability Act of 2018 and annually thereafter.

''(3) The provisions of subsections (b), (c), (e), (f), (g), (h), (i), and (j) (other than (j)(1)(B)) of this section shall apply to the designation of a maternity care health professional shortage area in a similar manner and extent as such provisions apply to the designation of health professional shortage areas, except in applying subsection (b)(3), the reference in such subsection to 'physicians' shall be deemed to be a reference to nationally certified and State licensed obstetricians, family practice physicians

1 who practice full-scope maternity care, certified nurse
2 midwives, certified midwives, certified professional mid-
3 wives, and physician's assistants who practice full scope
4 maternity care.

5 "(4) For purposes of this subsection, the term 'ma-
6 ternity care health professional shortage area' means—

7 "(A) an area in an urban or rural area (which
8 need not conform to the geographic boundaries of a
9 political subdivision and which is a rational area for
10 the delivery of health services) which the Secretary
11 determines has a shortage of providers of maternity
12 care health services including those referenced in
13 paragraph (3) or an urban or rural area that the
14 Secretary determines has lost a significant number
15 of such providers during the 10-year period begin-
16 ning with 2004 or has no obstetrical providers li-
17 censed to provide operative obstetrical services;

18 "(B) an area in an urban or rural area (which
19 need not conform to the geographic boundaries of a
20 political subdivision and which is a rational area for
21 the delivery of health services) which the Secretary
22 determines has a shortage of hospital or labor and
23 delivery units, hospital birth center units, or free-
24 standing birth centers or an area that lost a signifi-

cant number of these units during the 10-year period beginning with 2004; or

"(C) a population group which the Secretary determines has such a shortage of providers or facilities.".

SEC. 519. EXPANSION OF CDC PREVENTION RESEARCH CENTERS PROGRAM TO INCLUDE CENTERS ON OPTIMAL MATERNITY OUTCOMES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, shall support the establishment of additional Prevention Research Centers under the Prevention Research Center Program administered by the Centers for Disease Control and Prevention. Such additional centers shall each be known as a Center for Excellence on Optimal Maternity Outcomes.

(b) RESEARCH.—Each Center for Excellence on Optimal Maternity Outcomes shall—

(1) conduct at least one focused program of research to improve maternity outcomes, including the reduction of cesarean birth rates, elective inductions, prematurity rates, and low birth weight rates within an underserved population that has a disproportionately large burden of suboptimal maternity out-

comes, including maternal mortality and morbidity, infant mortality, prematurity, or low birth weight;

(2) work with partners on special interest projects, as specified by the Centers for Disease Control and Prevention and other relevant agencies within the Department of Health and Human Services, and on projects funded by other sources; and

(3) involve a minimum of two distinct birth setting models, such as a hospital labor and delivery model and freestanding birth center model; or a hospital labor and delivery model and planned home birth model.

(c) INTERDISCIPLINARY PROVIDERS.—Each Center for Excellence on Optimal Maternity Outcomes shall include the following interdisciplinary providers of maternity care:

(1) Obstetrician-gynecologists.

(2) At least two of the following providers:

(A) Family practice physicians.

(B) Nurse practitioners.

(C) Physician assistants.

(D) Certified professional midwives.

(d) SERVICES.—Research conducted by each Center for Excellence on Optimal Maternity Outcomes shall in-

1 clude at least 2 (and preferably more) of the following sup-
2 portive provider services:
3 (1) Mental health.
4 (2) Doula labor support.
5 (3) Nutrition education.
6 (4) Childbirth education.
7 (5) Social work.
8 (6) Physical therapy or occupation therapy.
9 (7) Substance abuse services.
10 (8) Home visiting.
11 (e) COORDINATION.—The programs of research at
12 each of the two Centers of Excellence on Optimal Mater-
13 nity Outcomes shall compliment and not replicate the
14 work of the other.
15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 $2,000,000 for each of the fiscal years 2019 through
18 2023.

19 **SEC. 520. EXPANDING MODELS ALLOWED TO BE TESTED BY**
20 **CENTER FOR MEDICARE & MEDICAID INNO-**
21 **VATION TO INCLUDE MATERNITY CARE MOD-**
22 **ELS.**

23 Section 1115A(b)(2)(B) of the Social Security Act
24 (42 U.S.C. 1315a(b)(2)(B)) is amended by adding at the
25 end the following new clause:

"(xxv) Promoting evidence-based models of care that have been associated with reductions in maternal and infant health disparities, including incorporating the use of doula and promotoras support for pregnant and childbearing individuals into evidence-based models of prenatal care, labor and delivery, and postpartum care, and supporting the appropriate use of out-of-hospital birth models, including births at home and in freestanding birth centers.".

SEC. 521. DEVELOPMENT OF INTERPROFESSIONAL MATERNITY CARE EDUCATIONAL MODELS AND TOOLS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, acting in conjunction with the Administrator of Health Resources and Services Administration, shall convene, for a 1-year period, an Interprofessional Maternity Provider Education Commission to discuss and make recommendations for—

(1) a consensus standard physiologic maternity care curriculum that takes into account the core competencies for basic midwifery practice such as those developed by the American College of Nurse

1 Midwives and the North American Registry of Mid-
2 wives, and the educational objectives for physicians
3 practicing in obstetrics and gynecology as deter-
4 mined by the Council on Resident Education in Ob-
5 stetrics and Gynecology;
6 (2) suggestions for multidisciplinary use of the
7 consensus physiologic curriculum;
8 (3) strategies to integrate and coordinate edu-
9 cation across maternity care disciplines, including
10 recommendations to increase medical and midwifery
11 student exposure to out-of-hospital birth; and
12 (4) pilot demonstrations of interprofessional
13 educational models.
14 (b) PARTICIPANTS.—The Commission shall include
15 maternity care educators, curriculum developers, service
16 leaders, certification leaders, and accreditation leaders
17 from the various professions that provide maternity care
18 in this country. Such professions shall include obstetrician
19 gynecologists, certified nurse midwives or certified mid-
20 wives, family practice physicians, nurse practitioners, phy-
21 sician assistants, certified professional midwives, and
22 perinatal nurses. Additionally, the Commission shall in-
23 clude representation from maternity care consumer advo-
24 cates.

(c) CURRICULUM.—The consensus standard physiologic maternity care curriculum described in subsection (a)(1) shall—

(1) have a public health focus with a foundation in health promotion and disease prevention;

(2) foster physiologic childbearing and woman and family centered care;

(3) integrate strategies to reduce maternal and infant morbidity and mortality;

(4) incorporate recommendations to ensure respectful, safe, and seamless consultation, referral, transport, and transfer of care when necessary; and

(5) include cultural sensitivity and strategies to decrease disparities in maternity outcomes.

(d) REPORT.—Not later than 6 months after the final meeting of the Commission, the Secretary of Health and Human Services shall—

(1) submit to Congress a report containing the recommendations made by the Commission under this section; and

(2) make such report publicly available.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 2019 and 2020,

and such sums as are necessary for each of the fiscal years 2021 through 2023.

SEC. 522. INCLUDING WITHIN INPATIENT HOSPITAL SERVICES UNDER MEDICARE SERVICES FURNISHED BY CERTAIN STUDENTS, INTERNS, AND RESIDENTS SUPERVISED BY CERTIFIED NURSE MIDWIVES.

(a) IN GENERAL.—Section 1861(b) of the Social Security Act (42 U.S.C. 1395x(b)) is amended—

(1) in paragraph (6), by striking ''; or'' and inserting '', or in the case of services in a hospital or osteopathic hospital by a student midwife or an intern or resident-in-training under a teaching program previously described in this paragraph who is in the field of obstetrics and gynecology, if such student midwife, intern, or resident-in-training is supervised by a certified nurse-midwife to the extent permitted under applicable State law and as may be authorized by the hospital;'';

(2) in paragraph (7), by striking the period at the end and inserting ''; or''; and

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

"(8) a certified nurse-midwife where the hospital has a teaching program approved as specified in paragraph (6), if—

"(A) the hospital elects to receive any payment due under this title for reasonable costs of such services; and

"(B) all certified nurse-midwives in such hospital agree not to bill charges for professional services rendered in such hospital to individuals covered under the insurance program established by this title.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

SEC. 523. GRANTS TO PROFESSIONAL ORGANIZATIONS TO INCREASE DIVERSITY IN MATERNAL, REPRODUCTIVE, AND SEXUAL HEALTH PROFESSIONALS.

(a) IN GENERAL.—The Secretary of Health and Human Services, through the Administrator of the Health Resources and Services Administration, shall carry out a grant program under which the Secretary may make to eligible health professional organizations—

(1) for fiscal year 2019, planning grants described in subsection (b); and

(2) for the subsequent 4-year period, implementation grants described in subsection (c).

(b) PLANNING GRANTS.—

(1) IN GENERAL.—Planning grants described in this subsection are grants for the following purposes:

(A) To collect data and identify any workforce disparities, with respect to a health profession, at each of the following areas along the health professional continuum:

(i) Pipeline availability with respect to students at the high school and college or university levels considering and working toward entrance in the profession.

(ii) Entrance into the training program for the profession.

(iii) Graduation from such training program.

(iv) Entrance into practice.

(v) Retention in practice for more than a 5-year period.

(B) To develop one or more strategies to address the workforce disparities within the health profession, as identified under (and in response to the findings pursuant to) subparagraph (A).

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible health professional organization shall submit to the Secretary of Health and Human Services an application in such form and manner and containing such information as specified by the Secretary.

(3) AMOUNT.—Each grant awarded under this subsection shall be for an amount not to exceed $300,000.

(4) REPORT.—Each recipient of a grant under this subsection shall submit to the Secretary of Health and Human Services a report containing—

(A) information on the extent and distribution of workforce disparities identified through the grant; and

(B) reasonable objectives and strategies developed to address such disparities within a 5-, 10-, and 25-year period.

(c) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—Implementation grants described in this subsection are grants to implement one or more of the strategies developed pursuant to a planning grant awarded under subsection (b).

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible health pro-

fessional organization shall submit to the Secretary of Health and Human Services an application in such form and manner as specified by the Secretary. Each such application shall contain information on the capability of the organization to carry out a strategy described in paragraph (1), involvement of partners or coalitions, plans for developing sustainability of the efforts after the culmination of the grant cycle, and any other information specified by the Secretary.

(3) AMOUNT.—Each grant awarded under this subsection shall be for an amount not to exceed $500,000 each year during the 4-year period of the grant.

(4) REPORTS.—For each of the first 3 years for which an eligible health professional organization is awarded a grant under this subsection, the organization shall submit to the Secretary of Health and Human Services a report on the activities carried out by such organization through the grant during such year and objectives for the subsequent year. For the fourth year for which an eligible health professional organization is awarded a grant under this subsection, the organization shall submit to the Secretary a report that includes an analysis of all the

activities carried out by the organization through the grant and a detailed plan for continuation of outreach efforts.

(d) ELIGIBLE HEALTH PROFESSIONAL ORGANIZATION DEFINED.—For purposes of this section, the term ''eligible health professional organization'' means a professional organization representing obstetrician-gynecologists, certified nurse midwives, certified midwives, family practice physicians, nurse practitioners whose scope of practice includes maternity or sexual and reproductive health care, physician assistants whose scope of practice includes obstetrical or sexual and reproductive health care, or certified professional midwives adolescent medicine specialists, and pediatricians who provide sexual and reproductive health care.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2019 and $3,000,000 for each of the fiscal years 2020 through 2023.

SEC. 524. INTERAGENCY UPDATE TO THE QUALITY FAMILY PLANNING GUIDELINES.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention and the Office

of Population Affairs shall review and expand the 2014 Quality Family Planning Guidelines to address—

(1) health disparities; and

(2) the importance of patient-directed contraceptive decisionmaking.

(b) CONSULTATION.—In carrying out subsection (a), the Director of the Centers for Disease Control and Prevention and the Office of Population Affairs shall convene a meeting, and solicit the views of, stakeholders including experts on health disparities, experts on reproductive coercion, representatives of provider organizations, patient advocates, reproductive justice organizations, organizations that represent racial and ethnic minority communities, organizations that represent people with disabilities, organizations that represent LGBTQ persons, and organizations that represent people with limited-English proficiency.

SEC. 525. DISSEMINATION OF THE QUALITY FAMILY PLANNING GUIDELINES.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention shall—

(1) develop a plan for outreach to publicly funded health care providers, including federally qualified health centers and branches of the Indian Health

Service, about the quality family planning guidelines referred to in section 524; and

(2) award grants to eligible entities to implement these guidelines for all patients seeking family planning services.

(b) DEFINITION.—In this section, the term ''eligible entity'' means a publicly funded health care provider that serves persons of reproductive age.

Subtitle B—Pregnancy Screening

SEC. 531. PREGNANCY INTENTION SCREENING INITIATIVE DEMONSTRATION PROGRAM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new sections:

''SEC. 399V–7. PREGNANCY INTENTION SCREENING INITIATIVE DEMONSTRATION PROGRAM.

''(a) PROGRAM ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a demonstration program to facilitate the clinical adoption of pregnancy intention screening initiatives by health care providers.

''(b) GRANTS.—The Secretary may carry out the demonstration program through awarding grants to eligible entities to implement pregnancy intention screening initiatives, collect data, and evaluate such initiatives.

1 "(c) ELIGIBLE ENTITIES.—

2 "(1) IN GENERAL.—An eligible entity under
3 this section is an entity described in paragraph (2)
4 that provides non-directive, comprehensive, medically
5 accurate information.

6 "(2) ENTITIES DESCRIBED.—For purposes of
7 paragraph (1), an entity described in this paragraph
8 is a community-based organization, voluntary health
9 organization, public health department, community
10 health center, or other interested public or private
11 health care provider or organization.

12 "(d) PREGNANCY INTENTION SCREENING INITIA-
13 TIVE.—For purposes of this section, the term 'pregnancy
14 intention screening initiative' means any initiative by a
15 health care provider to routinely screen women with re-
16 spect to their pregnancy intentions and goals to either pre-
17 vent unintended pregnancies or improve the likelihood of
18 healthy pregnancies, in order to better provide health care
19 that meets the contraceptive or pre-pregnancy needs of
20 such women.

21 "(e) EVALUATION.—

22 "(1) IN GENERAL.—The Secretary, acting
23 through the Director of the Centers for Disease
24 Control and Prevention, shall, by grant or contract,
25 and after consultation as described in paragraph (2),

1 conduct an evaluation of the demonstration pro-
2 gram, with respect to pregnancy intention screening
3 initiatives, conducted under this section. The evalua-
4 tion shall include:

5 "(A) Assessment of the implementation of
6 pregnancy intention screening protocols among
7 a diverse group of patients and providers, in-
8 cluding collecting data on the experiences and
9 outcomes for diverse patient populations in a
10 variety of clinical settings.

11 "(B) Analysis of outcome measures that
12 will facilitate effective and widespread adoption
13 of such protocols by health care providers for
14 inquiring about and responding to pregnancy
15 intentions of women with both contraceptive
16 and pre-pregnancy care.

17 "(C) Consideration of health disparities
18 among the population served.

19 "(D) Assessment of the equitable and vol-
20 untary application of such initiatives to minor-
21 ity and medically underserved communities.

22 "(E) Assessment of the training, capacity,
23 and ongoing technical assistance needed for
24 providers to effectively implement such preg-
25 nancy intention screening protocols.

"(F) Assessment of whether referral systems for selected protocols follow evidence-based standards that ensure access to comprehensive health services and appropriate follow-up care.

"(2) INDEPENDENT, EXPERT ADVISORY PANEL.—In conducting the evaluation under paragraph (1), the Director of the Centers for Disease Control and Prevention shall consult with physicians, physician assistants, and nurses who specialize in women's health, and other experts in clinical practice, program evaluation, and research.

"(3) REPORT.—Not later than one year after the last day of the demonstration program under this section, the Director of the Centers for Disease Control and Prevention shall submit to Congress a report on the results of the evaluation conducted under paragraph (1) and shall make the report publicly available.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $5,000,000 for each of fiscal years 2019 through 2021.

"(2) LIMITATION.—Not more than 25 percent of funds appropriated to carry out this section pur-

suant to paragraph (1) for a fiscal year may be used for purposes of the evaluation under subsection (e).''.

TITLE VI—MENTAL HEALTH

SEC. 601. MENTAL HEALTH FINDINGS.

Congress finds the following:

(1) Despite the existence of effective treatments, disparities lie in the availability, accessibility, and quality of mental health services for racial and ethnic minorities.

(2) These disparities have powerful significance for minority groups and for society as a whole.

(3) Racial and ethnic minorities bear a greater burden from unmet mental health needs and thus suffer a greater loss to their overall health and productivity.

(4) The foremost barriers include the cost of care, societal stigma, and the fragmented organization of services.

(5) African American attitudes toward mental illness are another barrier to seeking mental health care.

(6) Mental illness retains considerable stigma, and seeking treatment is not always encouraged.

(7) Mental illness is highly stigmatizing in many Asian cultures.

(8) Addressing mental health stigma in communities will help increase utilization of mental health services and reduce the burden of mental illness

SEC. 602. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES, MENTAL HEALTH COUNSELOR SERVICES, AND SUBSTANCE ABUSE COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 450, is amended—

(A) in subparagraph (FF), by striking ''and'' at the end;

(B) in subparagraph (GG), by inserting ''and'' at the end; and

(C) by adding at the end the following new subparagraph:

''(HH) marriage and family therapist services (as defined in subsection (lll)(1)) and mental health counselor services (as defined in subsection (lll)(3)) and substance abuse counselor services (as defined in subsection (lll)(5));''.

1 (2) DEFINITIONS.—Section 1861 of such Act
2 (42 U.S.C. 1395x), as amended by sections 413(a)
3 and 470(a), is amended by adding at the end the
4 following new subsection:
5 ''Marriage and Family Therapist Services; Marriage and
6 Family Therapist; Mental Health Counselor Serv-
7 ices; Mental Health Counselor
8 ''(lll)(1) The term 'marriage and family therapist
9 services' means services performed by a marriage and
10 family therapist (as defined in paragraph (2)) for the diag-
11 nosis and treatment of mental illnesses, which the mar-
12 riage and family therapist is legally authorized to perform
13 under State law (or the State regulatory mechanism pro-
14 vided by State law) of the State in which such services
15 are performed, as would otherwise be covered if furnished
16 by a physician or as an incident to a physician's profes-
17 sional service, but only if no facility or other provider
18 charges or is paid any amounts with respect to the fur-
19 nishing of such services.
20 ''(2) The term 'marriage and family therapist' means
21 an individual who—
22 ''(A) possesses a master's or doctoral degree
23 which qualifies for licensure or certification as a
24 marriage and family therapist pursuant to State
25 law;

1 "(B) after obtaining such degree has performed
2 at least 2 years of clinical supervised experience in
3 marriage and family therapy; and
4 "(C) in the case of an individual performing
5 services in a State that provides for licensure or cer-
6 tification of marriage and family therapists, is li-
7 censed or certified as a marriage and family thera-
8 pist in such State.
9 "(3) The term 'mental health counselor services'
10 means services performed by a mental health counselor (as
11 defined in paragraph (4)) for the diagnosis and treatment
12 of mental illnesses which the mental health counselor is
13 legally authorized to perform under State law (or the
14 State regulatory mechanism provided by the State law) of
15 the State in which such services are performed, as would
16 otherwise be covered if furnished by a physician or as inci-
17 dent to a physician's professional service, but only if no
18 facility or other provider charges or is paid any amounts
19 with respect to the furnishing of such services.
20 "(4) The term 'mental health counselor' means an
21 individual who—
22 "(A) possesses a master's or doctor's degree in
23 mental health counseling or a related field;

1 "(B) after obtaining such a degree has per-
2 formed at least 2 years of supervised mental health
3 counselor practice; and
4 "(C) in the case of an individual performing
5 services in a State that provides for licensure or cer-
6 tification of mental health counselors or professional
7 counselors, is licensed or certified as a mental health
8 counselor or professional counselor in such State.
9 "(5) The term 'substance abuse counselor services'
10 means services performed by a substance abuse counselor
11 (as defined in paragraph (6)) for the diagnosis and treat-
12 ment of substance abuse and addiction which the sub-
13 stance abuse counselor is legally authorized to perform
14 under State law (or the State regulatory mechanism pro-
15 vided by the State law) of the State in which such services
16 are performed, as would otherwise be covered if furnished
17 by a physician or as incident to a physician's professional
18 service, but only if no facility or other provider charges
19 or is paid any amounts with respect to the furnishing of
20 such services.
21 "(6) The term 'substance abuse counselor' means an
22 individual who—
23 "(A) has performed at least 2 years of super-
24 vised substance abuse counselor practice;

"(B) in the case of an individual performing services in a State that provides for licensure or certification of substance abuse counselors or professional counselors, is licensed or certified as a substance abuse counselor or professional counselor in such State; or

"(C) is a drug and alcohol counselor as defined in section 40.281 of title 49, Code of Federal Regulations.".

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of such Act (42 U.S.C. 1395k(a)(2)(B)) is amended—

(A) by striking "and" at the end of clause (iv); and

(B) by adding at the end the following new clause:

"(v) marriage and family therapist services, mental health counselor services, and substance abuse counselor services; and".

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)), as amended by section 431(c)(3), is amended—

(A) by striking "and (AA)" and inserting "(AA)"; and

(B) by inserting before the semicolon at the end the following: ", and (BB) with respect to marriage and family therapist services, mental health counselor services, and substance abuse counselor services under section 1861(s)(2)(HH), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of such Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "marriage and family therapist services (as defined in section 1861(lll)(1)), mental health counselor services (as defined in section 1861(lll)(3)),'' after "qualified psychologist services,''.

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS, MENTAL HEALTH COUNSELORS, AND SUBSTANCE ABUSE COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of such Act (42 U.S.C.

1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

"(vii) A marriage and family therapist (as defined in section 1861(lll)(2)).

"(viii) A mental health counselor (as defined in section 1861(lll)(4)).

"(ix) A substance abuse counselor (as defined in section 1861 (lll)(6)).".

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1))," and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (lll)(2)), or by a mental health counselor (as defined in subsection (lll)(4)), or by a substance abuse counselor (as defined in section 1861 (lll)(6)).".

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) of such Act (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by inserting "or

one marriage and family therapist (as defined in subsection (lll)(2))'' after ''social worker''.

(c) AUTHORIZATION OF MARRIAGE AND FAMILY THERAPISTS TO DEVELOP DISCHARGE PLANS FOR POSTHOSPITAL SERVICES.—Section 1861(ee)(2)(G) of the Social Security Act (42 U.S.C. 1395x(ee)(2)(G)) is amended by inserting ''marriage and family therapist (as defined in subsection (lll)(2)),'' after ''social worker,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2019.

SEC. 603. INTEGRATED HEALTH CARE DEMONSTRATION PROGRAM.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following:

''SEC. 550. INTERPROFESSIONAL HEALTH CARE TEAMS FOR PROVISION OF BEHAVIORAL HEALTH CARE IN PRIMARY CARE SETTINGS.

''(a) GRANTS.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Abuse, shall award grants to eligible entities for the purpose of establishing interprofessional health care teams that provide behavioral health care.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a federally qualified health center (as defined in section 1861(aa) of the Social Security Act), rural health clinic, or behavioral health program, serving a high proportion of individuals from racial and ethnic minority groups (as defined in section 1707(g)).

"(c) SCIENTIFICALLY BASED.—Integrated health care funded through this section shall be scientifically based, taking into consideration the results of the most recent peer-reviewed research available.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $20,000,000 for each of fiscal years 2019 through 2024.".

SEC. 604. ADDRESSING RACIAL AND ETHNIC MINORITY MENTAL HEALTH DISPARITIES RESEARCH GAPS.

Not later than 6 months after the date of the enactment of this Act, the Director of the National Institute on Minority Health and Health Disparities shall enter into an arrangement with the National Academy of Sciences (or, if the National Academy of Sciences declines to enter into such an arrangement, an arrangement with the Institute of Medicine, the Patient Centered Outcomes Research

Institute, the Agency for Healthcare Quality, or another appropriate entity)—

(1) to conduct a study with respect to mental health disparities in racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g)); and

(2) to submit to the Congress a report on the results of such study, including—

(A) a compilation of information on the dynamics of mental disorders in such racial and ethnic minority groups; and

(B) a compilation of information on the impact of exposure to community violence, adverse childhood experiences, and other psychological traumas on mental disorders in such racial and minority groups.

SEC. 605. HEALTH PROFESSIONS COMPETENCIES TO ADDRESS RACIAL AND ETHNIC MINORITY MENTAL HEALTH DISPARITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, shall award grants to qualified national organizations for the purposes of—

(1) developing, and disseminating to health professional educational programs curricula or core

1 competencies addressing mental health disparities
2 among racial and ethnic minority groups for use in
3 the training of students in the professions of social
4 work, psychology, psychiatry, marriage and family
5 therapy, mental health counseling, and substance
6 abuse counseling; and
7 (2) certifying community health workers and
8 peer wellness specialists with respect to such cur-
9 ricula and core competencies and integrating and ex-
10 panding the use of such workers and specialists into
11 health care to address mental health disparities
12 among racial and ethnic minority groups.
13 (b) CURRICULA; CORE COMPETENCIES.—Organiza-
14 tions receiving funds under subsection (a) may use the
15 funds to engage in the following activities related to the
16 development and dissemination of curricula or core com-
17 petencies described in subsection (a)(1):
18 (1) Formation of committees or working groups
19 comprised of experts from accredited health profes-
20 sions schools to identify core competencies relating
21 to mental health disparities among racial and ethnic
22 minority groups.
23 (2) Planning of workshops in national fora to
24 allow for public input into the educational needs as-

1 sociated with mental health disparities among racial
2 and ethnic minority groups.
3 (3) Dissemination and promotion of the use of
4 curricula or core competencies in undergraduate and
5 graduate health professions training programs na-
6 tionwide.
7 (4) Establishing external stakeholder advisory
8 boards to provide meaningful input into policy and
9 program development and best practices to reduce
10 mental health disparities among racial and ethnic
11 minority groups.
12 (c) DEFINITIONS.—In this section:
13 (1) QUALIFIED NATIONAL ORGANIZATION.—The
14 term ''qualified national organization'' means a na-
15 tional organization that focuses on the education of
16 students in programs of social work, psychology,
17 psychiatry, and marriage and family therapy.
18 (2) RACIAL AND ETHNIC MINORITY GROUP.—
19 The term ''racial and ethnic minority group'' has the
20 meaning given to such term in section 1707(g) of
21 the Public Health Service Act (42 U.S.C. 300u–
22 6(g)).
23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section

such sums as may be necessary for each of fiscal years 2019 through 2024.

SEC. 606. ASIAN AMERICAN, NATIVE HAWAIIAN, AND PACIFIC ISLANDER BEHAVIORAL AND MENTAL HEALTH OUTREACH AND EDUCATION STRATEGIES.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following new section:

"SEC. 544. BEHAVIORAL AND MENTAL HEALTH OUTREACH AND EDUCATION STRATEGIES.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall, in coordination with advocacy and behavioral and mental health organizations serving populations of Asian American, Native Hawaiian, and Pacific Islander individuals or communities, develop and implement an outreach and education strategy to promote behavioral and mental health and reduce stigma associated with mental health conditions and substance abuse among the Asian American, Native Hawaiian, and Pacific Islander populations. Such strategy shall—

''(1) be designed to—

''(A) meet the diverse cultural and language needs of the various Asian American,

1 Native Hawaiian, and Pacific Islander popu-
2 lations; and
3 "(B) ensure such strategies are develop-
4 mentally and age appropriate;
5 "(2) increase awareness of symptoms of mental
6 illnesses common among such populations, taking
7 into account differences within subgroups, such as
8 gender, gender identity, age, sexual orientation, or
9 ethnicity, of such populations;
10 "(3) provide information on evidence-based, cul-
11 turally and linguistically appropriate and adapted
12 interventions and treatments;
13 "(4) ensure full participation of, and engage,
14 both consumers and community members in the de-
15 velopment and implementation of materials; and
16 "(5) seek to broaden the perspective among
17 both individuals in these communities and stake-
18 holders serving these communities to use a com-
19 prehensive public health approach to promoting be-
20 havioral health that addresses a holistic view of
21 health by focusing on the intersection between be-
22 havioral and physical health.
23 "(b) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section
25 $300,000 for fiscal year 2019.".

SEC. 607. MENTAL HEALTH IN SCHOOLS.

(a) PURPOSE.—It is the purpose of this section to—

(1) revise, increase funding for, and expand the scope of the Project AWARE State Educational Agency Grant Program carried out by the Secretary of Health and Human Services, in order to provide access to more comprehensive school-based mental health services and supports;

(2) provide for comprehensive staff development for school and community service personnel working in the school; and

(3) provide for comprehensive training for children with mental health disorders, for parents, siblings, and other family members of such children, and for concerned members of the community.

(b) TECHNICAL AMENDMENTS.—The second part G (relating to services provided through religious organizations) of title V of the Public Health Service Act (42 U.S.C. 290kk et seq.) is amended—

(1) by redesignating such part as part J; and

(2) by redesignating sections 581 through 584 as sections 596 through 596C, respectively.

(c) SCHOOL-BASED MENTAL HEALTH AND CHILDREN AND VIOLENCE.—Section 581 of the Public Health Service Act (42 U.S.C. 290hh) is amended to read as follows:

"SEC. 581. SCHOOL-BASED MENTAL HEALTH AND CHILDREN AND VIOLENCE.

"(a) IN GENERAL.—The Secretary, in collaboration with the Secretary of Education and in consultation with the Attorney General, shall, directly or through grants, contracts, or cooperative agreements awarded to eligible entities described in subsection (c), assist local communities and schools (including schools funded by the Bureau of Indian Education) in applying a public health approach to mental health services both in schools and in the community. Such approach should provide comprehensive age appropriate services and supports, be linguistically and culturally appropriate, be trauma-informed, and incorporate age appropriate strategies of positive behavioral interventions and supports. A comprehensive school mental health program funded under this section shall assist children in dealing with trauma and violence.

"(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

"(1) provide financial support to enable local communities to implement a comprehensive culturally and linguistically appropriate, trauma-informed, and age-appropriate, school-based mental health program that—

"(A) builds awareness of trauma;

"(B) trains appropriate staff to identify signs of trauma or mental health disorders; and

"(C) incorporates positive behavioral interventions, family engagement, student treatment, and multi-generational supports to foster the health and development of children;

"(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

"(3) provide assistance to local communities in the development of policies to address child and adolescent trauma and mental health issues and violence when and if it occurs;

"(4) facilitate community partnerships among families, students, law enforcement agencies, education systems, mental health and substance use disorder service systems, family-based mental health service systems, child welfare agencies, health care service systems (including primary care physicians), faith-based programs, trauma networks, and other community-based systems; and

"(5) establish mechanisms for children and adolescents to report incidents of violence or plans by other children, adolescents, or adults to commit violence.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under subsection (a), an entity shall—

"(A) be a partnership that—

"(i) shall include a State educational agency and one or more local educational agencies, with a local educational agency serving as the lead partner; and

"(ii) may include, in accordance with paragraph (2)(A)(i), appropriate public or private entities that use evidence-based interventions, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

"(B) submit an application, that is endorsed by all members of the partnership, that contains the assurances described in paragraph (2).

"(2) REQUIRED ASSURANCES.—An application under paragraph (1) shall contain assurances as follows:

"(A) That the eligible entity will ensure that, in carrying out activities under this sec-

1 tion, the eligible entity will enter into a memo-
2 randum of understanding—
3 ''(i) with at least 1 public or private
4 mental health entity, health care entity,
5 law enforcement or juvenile justice entity,
6 child welfare agency, family-based mental
7 health entity, trauma network, or other
8 community-based entity; and
9 ''(ii) that clearly states—
10 ''(I) the responsibilities of each
11 partner with respect to the activities
12 to be carried out, including how fam-
13 ily engagement will be incorporated in
14 the activities;
15 ''(II) how school-employed and
16 school-based mental health profes-
17 sionals will be utilized for carrying out
18 such responsibilities;
19 ''(III) how each such partner will
20 be accountable for carrying out such
21 responsibilities; and
22 ''(IV) the amount of non-Federal
23 funding or in-kind contributions that
24 each such partner will contribute in
25 order to sustain the program.

"(B) That the comprehensive school-based mental health program carried out under this section supports the flexible use of funds to address—

"(i) the promotion of the social, emotional, and behavioral health of all students in an environment that is conducive to learning;

"(ii) the reduction in the likelihood of at risk students developing social, emotional, behavioral health problems, or substance use disorders;

"(iii) the early identification of social, emotional, behavioral problems, or substance use disorders and the provision of early intervention services;

"(iv) the treatment or referral for treatment of students with existing social, emotional, behavioral health problems, or substance use disorders; and

"(v) the development and implementation of programs to assist children in dealing with trauma and violence, including program curricula, school supports, and after-school programs.

1 "(C) That the comprehensive school-based
2 mental health program carried out under this
3 section will provide for in-service training of all
4 school personnel, including ancillary staff and
5 volunteers, in—
6 "(i) the techniques and supports need-
7 ed to identify early children with trauma
8 histories and children with, or at risk of,
9 mental illness;
10 "(ii) the use of referral mechanisms
11 that effectively link such children to appro-
12 priate treatment and intervention services
13 in the school and in the community and to
14 follow-up when services are not available;
15 "(iii) strategies that promote a school-
16 wide positive environment;
17 "(iv) strategies for promoting the so-
18 cial, emotional, mental, and behavioral
19 health of all students; and
20 "(v) strategies to increase the knowl-
21 edge and skills of school and community
22 leaders about the impact of trauma and vi-
23 olence and on the application of a public
24 health approach to comprehensive school-
25 based mental health programs.

"(D) That the comprehensive school-based mental health program carried out under this section will include comprehensive training for parents, siblings, and other family members of children with mental health disorders, and for concerned members of the community in—

"(i) the techniques and supports needed to identify early children with trauma histories, and children with, or at risk of, mental illness;

"(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community and follow-up when such services are not available; and

"(iii) strategies that promote a school-wide positive environment.

"(E) That the comprehensive school-based mental health program carried out under this section will demonstrate the measures to be taken to sustain the program after funding under this section terminates (which may include seeking funding for the program under a State Medicaid plan under title XIX of the So-

1 cial Security Act (42 U.S.C. 1396 et seq.) or a
2 waiver of such a plan).
3 "(F) That the eligible entity is supported
4 by the State agency with primary responsibility
5 for behavioral health to ensure that the sustain-
6 ability of the programs is established after
7 funding under this section terminates.
8 "(G) That the comprehensive school-based
9 mental health program carried out under this
10 section will be based on trauma-informed and
11 evidence-based practices.
12 "(H) That the comprehensive school-based
13 mental health program carried out under this
14 section will be coordinated with early inter-
15 vening activities carried out under the Individ-
16 uals with Disabilities Education Act.
17 "(I) That the comprehensive school-based
18 mental health program carried out under this
19 section will be trauma-informed and culturally
20 and linguistically appropriate.
21 "(J) That the comprehensive school-based
22 mental health program carried out under this
23 section will include a broad needs assessment of
24 youth who drop out of school due to policies of
25 'zero tolerance' with respect to drugs, alcohol,

or weapons and an inability to obtain appropriate services.

"(K) That the mental health services provided through the comprehensive school-based mental health program carried out under this section will be provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise.

"(3) COORDINATOR.—Any entity that is a member of a partnership described in paragraph (1)(A) may serve as the coordinator of funding and activities under the grant if all members of the partnership agree.

"(4) COMPLIANCE WITH HIPAA.—A grantee under this section shall be deemed to be a covered entity for purposes of compliance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 with respect to any patient records developed through activities under the grant.

"(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) will be distributed equitably

among the regions of the country and among urban and rural areas.

"(e) DURATION OF AWARDS.—With respect to a grant, contract, or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient shall be 5 years. An eligible entity described in subsection (c) may receive only one award under this section, except that an eligible entity that is providing services and supports on a regional basis may receive additional funding after the expiration of the preceding grant period.

"(f) EVALUATION AND MEASURES OF OUTCOMES.—

"(1) DEVELOPMENT OF PROCESS.—The Administrator shall develop a fiscally appropriate process for evaluating activities carried out under this section. Such process shall include—

"(A) the development of guidelines for the submission of program data by grant, contract, or cooperative agreement recipients;

"(B) the development of measures of outcomes (in accordance with paragraph (2)) to be applied by such recipients in evaluating programs carried out under this section; and

"(C) the submission of annual reports by such recipients concerning the effectiveness of programs carried out under this section.

"(2) MEASURES OF OUTCOMES.—

"(A) IN GENERAL.—The Administrator shall develop measures of outcomes to be applied by recipients of assistance under this section, and the Administrator, in evaluating the effectiveness of programs carried out under this section. Such measures shall include student and family measures as provided for in subparagraph (B) and local educational measures as provided for under subparagraph (C).

"(B) STUDENT AND FAMILY MEASURES OF OUTCOMES.—The measures of outcomes developed under paragraph (1)(B) relating to students and families shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate whether the program is effective in—

"(i) increasing social and emotional competency;

"(ii) increasing academic competency (as defined by the Secretary);

"(iii) reducing disruptive and aggressive behaviors;

"(iv) improving child functioning;

"(v) reducing substance use disorders;

"(vi) reducing suspensions, truancy, expulsions, and violence;

"(vii) increasing high school graduation rates, calculated using the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

"(viii) improving access to care for mental health disorders.

"(C) LOCAL EDUCATIONAL OUTCOMES.—The outcome measures developed under paragraph (1)(B) relating to local educational systems shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate—

"(i) the effectiveness of comprehensive school mental health programs established under this section;

1 ''(ii) the effectiveness of formal part-
2 nership linkages among child and family
3 serving institutions, community support
4 systems, and the educational system;
5 ''(iii) the progress made in sustaining
6 the program once funding under the grant
7 has expired;
8 ''(iv) the effectiveness of training and
9 professional development programs for all
10 school personnel that incorporate indica-
11 tors that measure cultural and linguistic
12 competencies under the program in a man-
13 ner that incorporates appropriate cultural
14 and linguistic training;
15 ''(v) the improvement in perception of
16 a safe and supportive learning environment
17 among school staff, students, and parents;
18 ''(vi) the improvement in case-finding
19 of students in need of more intensive serv-
20 ices and referral of identified students to
21 early intervention and clinical services;
22 ''(vii) the improvement in the imme-
23 diate availability of clinical assessment and
24 treatment services within the context of

the local community to students posing a danger to themselves or others;

"(viii) the increased successful matriculation to postsecondary school; and

"(ix) reduced referrals to juvenile justice.

"(3) SUBMISSION OF ANNUAL DATA.—An eligible entity described in subsection (c) that receives a grant, contract, or cooperative agreement under this section shall annually submit to the Administrator a report that includes data to evaluate the success of the program carried out by the entity based on whether such program is achieving the purposes of the program. Such reports shall utilize the measures of outcomes under paragraph (2) in a reasonable manner to demonstrate the progress of the program in achieving such purposes.

"(4) EVALUATION BY ADMINISTRATOR.—Based on the data submitted under paragraph (3), the Administrator shall annually submit to Congress a report concerning the results and effectiveness of the programs carried out with assistance received under this section.

"(5) LIMITATION.—An eligible entity shall use not more than 10 percent of amounts received under

a grant under this section to carry out evaluation activities under this subsection.

"(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

"(h) AMOUNT OF GRANTS AND AUTHORIZATION OF APPROPRIATIONS.—

"(1) AMOUNT OF GRANTS.—A grant under this section shall be in an amount that is not more than $2,000,000 for each of fiscal years 2019 through 2023. The Secretary shall determine the amount of each such grant based on the population of children up to age 21 of the area to be served under the grant.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for each of fiscal years 2019 through 2023.".

(d) CONFORMING AMENDMENT.—Part G of title V of the Public Health Service Act (42 U.S.C. 290hh et seq.), as amended by this section, is further amended by striking the part heading and inserting the following:

"PART G—SCHOOL-BASED MENTAL HEALTH".

SEC. 608. GEO-ACCESS STUDY.

The Administrator of the Substance Abuse and Mental Health Services Administration shall—

(1) conduct a study to—

(A) determine which geographic areas of the United States have shortages of specialty mental health providers; and

(B) assess the preparedness of speciality mental health providers to deliver culturally and linguistically appropriate, affordable, and accessible services; and

(2) submit a report to the Congress on the results of such study.

TITLE VII—ADDRESSING HIGH IMPACT MINORITY DISEASES

Subtitle A—Cancer

SEC. 701. LUNG CANCER MORTALITY REDUCTION.

(a) SHORT TITLE.—This section may be cited as the ''Lung Cancer Mortality Reduction Act of 2018''.

(b) FINDINGS.—Congress makes the following findings:

(1) Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

(2) Lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined.

(3) Since the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), coordinated and comprehensive research has raised the 5-year survival rates for breast cancer to 88 percent, for prostate cancer to 99 percent, and for colon cancer to 64 percent.

(4) The 5-year survival rate for lung cancer is still only 15 percent, and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates.

(5) Sixty percent of lung cancer cases are now diagnosed as nonsmokers or former smokers.

(6) Two-thirds of nonsmokers diagnosed with lung cancer are women.

(7) Certain minority populations, such as African American males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their similar smoking rate.

(8) Members of the baby boomer generation are entering their sixties, the most common age at which people develop lung cancer.

(9) Tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans.

(10) Significant and rapid improvements in lung cancer mortality can be expected through greater use and access to lung cancer screening tests for at-risk individuals.

(11) Recent research has shown that screening with low-dose computed tomography (CT) scan improved lung cancer death mortality by 20 percent for those with a high risk of lung cancer through early detection. The Centers for Medicare & Medicaid Services supports annual lung cancer screening for high-risk patients with low-dose computed tomography.

(12) Additional strategies are necessary to further enhance the existing tests and therapies available to diagnose and treat lung cancer in the future.

(13) The August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was ''far below the levels characterized for

other common malignancies and far out of proportion to its massive health impact''.

(14) The Report of the Lung Cancer Progress Review Group identified as its ''highest priority'' the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines.

(15) The United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group, and this can be accomplished through the establishment of a coordinated effort designed to reduce the lung cancer mortality rate by 50 percent by 2020 and targeted funding to support this coordinated effort.

(c) SENSE OF CONGRESS CONCERNING INVESTMENT IN LUNG CANCER RESEARCH.—It is the sense of the Congress that—

(1) lung cancer mortality reduction should be made a national public health priority; and

(2) a comprehensive mortality reduction program coordinated by the Secretary of Health and Human Services is justified and necessary to adequately address and reduce lung cancer mortality.

1 (d) LUNG CANCER MORTALITY REDUCTION PRO-
2 GRAM.—
3 (1) IN GENERAL.—Subpart 1 of part C of title
4 IV of the Public Health Service Act (42 U.S.C. 285
5 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **"SEC. 417H. LUNG CANCER MORTALITY REDUCTION PRO-**
8 **GRAM.**

9 "(a) IN GENERAL.—Not later than 6 months after
10 the date of the enactment of this section, the Secretary,
11 in consultation with the Secretary of Defense, the Sec-
12 retary of Veterans Affairs, the Director of the National
13 Institutes of Health, the Director of the Centers for Dis-
14 ease Control and Prevention, the Commissioner of Food
15 and Drugs, the Administrator of the Centers for Medicare
16 & Medicaid Services, the Director of the National Institute
17 on Minority Health and Health Disparities, and other
18 members of the Lung Cancer Advisory Board established
19 under section 701 of the Health Equity and Accountability
20 Act of 2018, shall implement a comprehensive program,
21 to be known as the Lung Cancer Mortality Reduction Pro-
22 gram, to achieve a reduction of at least 25 percent in the
23 mortality rate of lung cancer by 2020.

24 "(b) REQUIREMENTS.—The Program shall include at
25 least the following:

"(1) With respect to the National Institutes of Health—

"(A) a strategic review and prioritization by the National Cancer Institute of research grants to achieve the goal of the Lung Cancer Mortality Reduction Program in reducing lung cancer mortality;

"(B) the provision of funds to enable the Airway Biology and Disease Branch of the National Heart, Lung, and Blood Institute to expand its research programs to include predispositions to lung cancer, the interrelationship between lung cancer and other pulmonary and cardiac disease, and the diagnosis and treatment of these interrelationships;

"(C) the provision of funds to enable the National Institute of Biomedical Imaging and Bioengineering to expedite the development of computer-assisted diagnostic, surgical, treatment, and drug-testing innovations to reduce lung cancer mortality, such as through expansion of the Institute's Quantum Grant Program and Image-Guided Interventions programs; and

"(D) the provision of funds to enable the National Institute of Environmental Health

Sciences to implement research programs relative to the lung cancer incidence.

"(2) With respect to the Food and Drug Administration—

"(A) activities under section 530 of the Federal Food, Drug, and Cosmetic Act; and

"(B) activities under section 561 of the Federal Food, Drug, and Cosmetic Act to expand access to investigational drugs and devices for the diagnosis, monitoring, or treatment of lung cancer.

"(3) With respect to the Centers for Disease Control and Prevention, the establishment of an early disease research and management program under section 1511.

"(4) With respect to the Agency for Healthcare Research and Quality, the conduct of a biannual review of lung cancer screening, diagnostic, and treatment protocols, and the issuance of updated guidelines.

"(5) The promotion (including education) of lung cancer screening within minority and rural populations and the study of the effectiveness of efforts to increase such screening.

"(6) The cooperation and coordination of all minority and health disparity programs within the Department of Health and Human Services to ensure that all aspects of the Lung Cancer Mortality Reduction Program under this section adequately address the burden of lung cancer on minority and rural populations.

"(7) The cooperation and coordination of all tobacco control and cessation programs within agencies of the Department of Health and Human Services to achieve the goals of the Lung Cancer Mortality Reduction Program under this section with particular emphasis on the coordination of drug and other cessation treatments with early detection protocols.".

(2) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Subchapter B of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aaa et seq.) is amended by adding at the end the following:

"DRUGS RELATING TO LUNG CANCER

"SEC. 530. (a) IN GENERAL.—The provisions of this subchapter shall apply to a drug described in subsection (b) to the same extent and in the same manner as such provisions apply to a drug for a rare disease or condition.

"(b) QUALIFIED DRUGS.—A drug described in this subsection is—

1 "(1) a chemoprevention drug for precancerous
2 conditions of the lung;
3 "(2) a drug for targeted therapeutic treat-
4 ments, including any vaccine, for lung cancer; and
5 "(3) a drug to curtail or prevent nicotine addic-
6 tion.
7 "(c) BOARD.—The Board established under the
8 Health Equity and Accountability Act of 2018 shall mon-
9 itor the program implemented under this section.".
10 (3) ACCESS TO UNAPPROVED THERAPIES.—Sec-
11 tion 561(e) of the Federal Food, Drug, and Cos-
12 metic Act (21 U.S.C. 360bbb(e)) is amended by in-
13 serting before the period the following: "and shall
14 include expanding access to drugs under section
15 530, with substantial consideration being given to
16 whether the totality of information available to the
17 Secretary regarding the safety and effectiveness of
18 an investigational drug, as compared to the risk of
19 morbidity and death from the disease, indicates that
20 a patient may obtain more benefit than risk if treat-
21 ed with the drug".
22 (4) CDC.—Title XV of the Public Health Serv-
23 ice Act (42 U.S.C. 300k et seq.) is amended by add-
24 ing at the end the following:

"SEC. 1511. EARLY DISEASE RESEARCH AND MANAGEMENT PROGRAM.

''The Secretary shall establish and implement an early disease research and management program targeted at the high incidence and mortality rates of lung cancer among minority and low-income populations.''.

(e) DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Defense and the Secretary of Veterans Affairs shall coordinate with the Secretary of Health and Human Services—

(1) in the development of the Lung Cancer Mortality Reduction Program under section 417H;

(2) in the implementation within the Department of Defense and the Department of Veterans Affairs of an early detection and disease management research program for military personnel and veterans whose smoking history and exposure to carcinogens during active duty service has increased their risk for lung cancer; and

(3) in the implementation of coordinated care programs for military personnel and veterans diagnosed with lung cancer.

(f) LUNG CANCER ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall convene a Lung Cancer Advi-

sory Board (referred to in this section as the "Board")—

(A) to monitor the programs established under this section (and the amendments made by this section); and

(B) to provide annual reports to the Congress concerning benchmarks, expenditures, lung cancer statistics, and the public health impact of such programs.

(2) COMPOSITION.—The Board shall be composed of—

(A) the Secretary of Health and Human Services;

(B) the Secretary of Defense;

(C) the Secretary of Veterans Affairs; and

(D) two representatives each from the fields of clinical medicine focused on lung cancer, lung cancer research, imaging, drug development, and lung cancer advocacy, to be appointed by the Secretary of Health and Human Services.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out this section (and the amendments made by this section), there are authorized to be appropriated such sums as may

be necessary for each of fiscal years 2019 through 2023.

(2) LUNG CANCER MORTALITY REDUCTION PROGRAM.—Of the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated—

(A) $25,000,000 for fiscal year 2019, and such sums as may be necessary for each of fiscal years 2020 through 2023, for the activities described in section 417H(b)(1)(B) of the Public Health Service Act, as added by subsection (d)(1);

(B) $25,000,000 for fiscal year 2019, and such sums as may be necessary for each of fiscal years 2020 through 2023, for the activities described in section 417H(b)(1)(C) of such Act;

(C) $10,000,000 for fiscal year 2019, and such sums as may be necessary for each of fiscal years 2020 through 2023, for the activities described in section 417H(b)(1)(D) of such Act; and

(D) $15,000,000 for fiscal year 2019, and such sums as may be necessary for each of fiscal years 2020 through 2023, for the activities described in section 417H(b)(3) of such Act.

SEC. 702. EXPANDING PROSTATE CANCER RESEARCH, OUTREACH, SCREENING, TESTING, ACCESS, AND TREATMENT EFFECTIVENESS.

(a) SHORT TITLE.—This section may be cited as the "Prostate Research, Outreach, Screening, Testing, Access, and Treatment Effectiveness Act of 2018" or the "PROSTATE Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Prostate cancer is the second leading cause of cancer death among men.

(2) In 2010, more than 217,730 new patients were diagnosed with prostate cancer and more than 32,000 men died from this disease.

(3) Roughly 2,000,000 Americans are living with a diagnosis of prostate cancer and its consequences.

(4) While prostate cancer generally affects older individuals, younger men are also at risk for the disease, and when prostate cancer appears in early middle age, it frequently takes on a more aggressive form.

(5) There are significant racial and ethnic disparities that demand attention, namely African Americans have prostate cancer mortality rates that are more than double those in the White population.

(6) Underserved rural populations have higher rates of mortality compared to their urban counterparts, and innovative and cost-efficient methods to improve rural access to high-quality care should take advantage of advances in telehealth to diagnose and treat prostate cancer when appropriate.

(7) Certain veterans populations may have nearly twice the incidence of prostate cancer as the general population of the United States.

(8) Urologists may constitute the specialists who diagnose and treat the vast majority of prostate cancer patients.

(9) Although much basic and translational research has been completed and much is currently known, there are still many unanswered questions. For example, it is not fully understood how much of known disparities are attributable to disease etiology, access to care, or education and awareness in the community.

(10) Causes of prostate cancer are not known. There is not good information regarding how to differentiate accurately, early on, between aggressive and indolent forms of the disease. As a result, there is significant overtreatment in prostate cancer. There are no treatments that can durably arrest

1 growth or cure prostate cancer once it has metasta-
2 sized.
3 (11) A significant proportion (roughly 23 to 54
4 percent) of cases may be clinically indolent and
5 ''overdiagnosed'', resulting in significant overtreat-
6 ment. More accurate tests will allow men and their
7 families to face less physical, psychological, financial,
8 and emotional trauma, and billions of dollars could
9 be saved in private and public health care systems
10 in an area that has been identified by the Medicare
11 Program as one of eight high-volume, high-cost
12 areas in the Resource Utilization Report Program
13 authorized by Congress under the Medicare Im-
14 provements for Patients and Providers Act of 2008.
15 (12) Prostate cancer research and health care
16 programs across Federal agencies should be coordi-
17 nated to improve accountability and actively encour-
18 age the translation of research into practice, to iden-
19 tify and implement best practices, in order to foster
20 an integrated and consistent focus on effective pre-
21 vention, diagnosis, and treatment of this disease.
22 (c) PROSTATE CANCER COORDINATION AND EDU-
23 CATION.—
24 (1) INTERAGENCY PROSTATE CANCER COORDI-
25 NATION AND EDUCATION TASK FORCE.—Not later

than 180 days after the date of the enactment of this section, the Secretary of Veterans Affairs, in cooperation with the Secretary of Defense and the Secretary of Health and Human Services, shall establish an Interagency Prostate Cancer Coordination and Education Task Force (in this section referred to as the ''Prostate Cancer Task Force'').

(2) DUTIES.—The Prostate Cancer Task Force shall—

(A) develop a summary of advances in prostate cancer research supported or conducted by Federal agencies relevant to the diagnosis, prevention, and treatment of prostate cancer, including psychosocial impairments related to prostate cancer treatment, and compile a list of best practices that warrant broader adoption in health care programs;

(B) consider establishing, and advocating for, a guidance to enable physicians to allow screening of men who are over age 74, on a case-by-case basis, taking into account quality of life and family history of prostate cancer;

(C) share and coordinate information on Federal research and health care program activities, including activities related to—

(i) determining how to improve research and health care programs, including psychosocial impairments related to prostate cancer treatment;

(ii) identifying any gaps in the overall research inventory and in health care programs;

(iii) identifying opportunities to promote translation of research into practice; and

(iv) maximizing the effects of Federal efforts by identifying opportunities for collaboration and leveraging of resources in research and health care programs that serve those susceptible to or diagnosed with prostate cancer;

(D) develop a comprehensive interagency strategy and advise relevant Federal agencies in the solicitation of proposals for collaborative, multidisciplinary research and health care programs, including proposals to evaluate factors that may be related to the etiology of prostate cancer, that would—

(i) result in innovative approaches to study emerging scientific opportunities or

1 eliminate knowledge gaps in research to
2 improve the prostate cancer research port-
3 folio of the Federal Government;
4 (ii) outline key research questions,
5 methodologies, and knowledge gaps; and
6 (iii) ensure consistent action, as out-
7 lined by section 402(b) of the Public
8 Health Service Act;
9 (E) develop a coordinated message related
10 to screening and treatment for prostate cancer
11 to be reflected in educational and beneficiary
12 materials for Federal health programs as such
13 documents are updated; and
14 (F) not later than 2 years after the date
15 of the establishment of the Prostate Cancer
16 Task Force, submit to the Expert Advisory
17 Panel to be reviewed and returned within 30
18 days, and then within 90 days submitted to
19 Congress recommendations—
20 (i) regarding any appropriate changes
21 to research and health care programs, in-
22 cluding recommendations to improve the
23 research portfolio of the Department of
24 Veterans Affairs, the Department of De-
25 fense, National Institutes of Health, and

other Federal agencies to ensure that scientifically based strategic planning is implemented in support of research and health care program priorities;

(ii) designed to ensure that the research and health care programs and activities of the Department of Veterans Affairs, the Department of Defense, the Department of Health and Human Services, and other Federal agencies are free of unnecessary duplication;

(iii) regarding public participation in decisions relating to prostate cancer research and health care programs to increase the involvement of patient advocates, community organizations, and medical associations representing a broad geographical area;

(iv) on how to best disseminate information on prostate cancer research and progress achieved by health care programs;

(v) about how to expand partnerships between public entities, including Federal agencies, and private entities to encourage

collaborative, cross-cutting research and health care delivery;

(vi) assessing any cost savings and efficiencies realized through the efforts identified and supported in this section and recommending expansion of those efforts that have proved most promising while also ensuring against any conflicts in directives from other congressional or statutory mandates or enabling statutes;

(vii) identifying key priority action items from among the recommendations; and

(viii) with respect to the level of funding needed by each agency to implement the recommendations contained in the report.

(3) MEMBERS OF THE PROSTATE CANCER TASK FORCE.—The Prostate Cancer Task Force described in this subsection shall be composed of representatives from such Federal agencies, as each Secretary determines necessary, to coordinate a uniform message relating to prostate cancer screening and treatment where appropriate, including representatives of the following:

(A) The Department of Veterans Affairs, including representatives of each relevant program area of the Department of Veterans Affairs.

(B) The Prostate Cancer Research Program of the Congressionally Directed Medical Research Program of the Department of Defense.

(C) The Department of Health and Human Services, including at a minimum representatives of the following:

(i) The National Institutes of Health.

(ii) National research institutes and centers, including the National Cancer Institute, the National Institute of Allergy and Infectious Diseases, and the Office of Minority Health.

(iii) The Centers for Medicare & Medicaid Services.

(iv) The Food and Drug Administration.

(v) The Centers for Disease Control and Prevention.

(vi) The Agency for Healthcare Research and Quality.

(vii) The Health Resources and Services Administration.

(4) APPOINTING EXPERT ADVISORY PANELS.—The Prostate Cancer Task Force shall appoint expert advisory panels, as determined appropriate, to provide input and concurrence from individuals and organizations from the medical, prostate cancer patient and advocate, research, and delivery communities with expertise in prostate cancer diagnosis, treatment, and research, including practicing urologists, primary care providers, and others and individuals with expertise in education and outreach to underserved populations affected by prostate cancer.

(5) MEETINGS.—The Prostate Cancer Task Force shall convene not less than twice a year, or more frequently as the Secretary determines to be appropriate.

(6) FEDERAL ADVISORY COMMITTEE ACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Prostate Cancer Task Force.

(B) EXCEPTION.—Section 14(a)(2)(B) of such Act (relating to the termination of advi-

sory committees) shall not apply to the Prostate Cancer Task Force.

(7) SUNSET DATE.—The Prostate Cancer Task Force shall terminate at the end of fiscal year 2021.

(d) PROSTATE CANCER RESEARCH.—

(1) RESEARCH COORDINATION.—The Secretary of Veterans Affairs, in coordination with the Secretaries of Defense and of Health and Human Services, shall establish and carry out a program to coordinate and intensify prostate cancer research as needed. Specifically, such research program shall—

(A) develop advances in diagnostic and prognostic methods and tests, including biomarkers and an improved prostate cancer screening blood test, including improvements or alternatives to the prostate specific antigen test and additional tests to distinguish indolent from aggressive disease;

(B) better understand the etiology of the disease (including an analysis of lifestyle factors proven to be involved in higher rates of prostate cancer, such as obesity and diet, and in different ethnic, racial, and socioeconomic groups, such as the African-American, Latino or Hispanic, and American Indian populations and

men with a family history of prostate cancer) to improve prevention efforts;

(C) expand basic research into prostate cancer, including studies of fundamental molecular and cellular mechanisms;

(D) identify and provide clinical testing of novel agents for the prevention and treatment of prostate cancer;

(E) establish clinical registries for prostate cancer;

(F) use the National Institute of Biomedical Imaging and Bioengineering and the National Cancer Institute for assessment of appropriate imaging modalities; and

(G) address such other matters relating to prostate cancer research as may be identified by the Federal agencies participating in the program under this section.

(2) PROSTATE CANCER ADVISORY BOARD.—There is established in the Office of the Chief Scientist of the Food and Drug Administration a Prostate Cancer Scientific Advisory Board. Such board shall be responsible for accelerating real-time sharing of the latest research data and accelerating movement of new medicines to patients.

(3) UNDERSERVED MINORITY GRANT PROGRAM.—In carrying out such program, the Secretary shall—

(A) award grants to eligible entities to carry out components of the research outlined in paragraph (1);

(B) integrate and build upon existing knowledge gained from comparative effectiveness research; and

(C) recognize and address—

(i) the racial and ethnic disparities in the incidence and mortality rates of prostate cancer and men with a family history of prostate cancer;

(ii) any barriers in access to care and participation in clinical trials that are specific to racial, ethnic, and other underserved minorities and men with a family history of prostate cancer;

(iii) needed outreach and educational efforts to raise awareness in these communities; and

(iv) appropriate access and utilization of imaging modalities.

(e) TELEHEALTH AND RURAL ACCESS PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Health and Human Services (in this section referred to as the ''Secretaries'') shall establish 4-year telehealth pilot projects for the purpose of analyzing the clinical outcomes and cost-effectiveness associated with telehealth services in a variety of geographic areas that contain high proportions of medically underserved populations, including African Americans, Latinos or Hispanics, American Indians or Alaska Natives, and those in rural areas. Such projects shall promote efficient use of specialist care through better coordination of primary care and physician extender teams in underserved areas and more effectively employ tumor boards to better counsel patients.

(2) ELIGIBLE ENTITIES.—

(A) IN GENERAL.—The Secretaries shall select eligible entities to participate in the pilot projects under this section.

(B) PRIORITY.—In selecting eligible entities to participate in the pilot projects under this section, the Secretaries shall give priority

1 to such entities located in medically under-
2 served areas, particularly those that include Af-
3 rican Americans, Latinos and Hispanics, and
4 facilities of the Indian Health Service, including
5 Indian Health Service-operated facilities, trib-
6 ally operated facilities, and Urban Indian Clin-
7 ics, and those in rural areas.
8 (3) EVALUATION.—The Secretaries shall,
9 through the pilot projects, evaluate—
10 (A) the effective and economic delivery of
11 care in diagnosing and treating prostate cancer
12 with the use of telehealth services in medically
13 underserved and Tribal areas including collabo-
14 rative uses of health professionals and integra-
15 tion of the range of telehealth and other tech-
16 nologies;
17 (B) the effectiveness of improving the ca-
18 pacity of nonmedical providers and nonspecial-
19 ized medical providers to provide health services
20 for prostate cancer in medically underserved
21 and Tribal areas, including the exploration of
22 innovative medical home models with collabora-
23 tion between urologists, other relevant medical
24 specialists, including oncologists, radiologists,
25 and primary care teams and coordination of

care through the efficient use of primary care teams and physician extenders; and

(C) the effectiveness of using telehealth services to provide prostate cancer treatment in medically underserved areas, including the use of tumor boards to facilitate better patient counseling.

(4) REPORT.—Not later than 12 months after the completion of the pilot projects under this subsection, the Secretaries shall submit to Congress a report describing the outcomes of such pilot projects, including any cost savings and efficiencies realized, and providing recommendations, if any, for expanding the use of telehealth services.

(f) EDUCATION AND AWARENESS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop a national education campaign for prostate cancer. Such campaign shall involve the use of written educational materials and public service announcements consistent with the findings of the Prostate Cancer Task Force under subsection (c), that are intended to encourage men to seek prostate cancer screening when appropriate.

(2) RACIAL DISPARITIES AND THE POPULATION OF MEN WITH A FAMILY HISTORY OF PROSTATE

CANCER.—In developing the national campaign under paragraph (1), the Secretary shall ensure that such educational materials and public service announcements are more readily available in communities experiencing racial disparities in the incidence and mortality rates of prostate cancer and by men of any race classification with a family history of prostate cancer.

(3) GRANTS.—In carrying out the national campaign under this section, the Secretary shall award grants to nonprofit private entities to enable such entities to test alternative outreach and education strategies.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section for the period of fiscal years 2019 through 2023 an amount equal to the savings described in paragraph (2).

(2) CORRESPONDING REDUCTION.—The amount authorized to be appropriated by provisions of law other than this section for the period of fiscal years 2019 through 2023 for Federal research and health care program activities related to prostate cancer is reduced by the amount of Federal savings

projected to be achieved over such period by implementation of this section.

SEC. 703. IMPROVED MEDICAID COVERAGE FOR CERTAIN BREAST AND CERVICAL CANCER PATIENTS IN THE TERRITORIES.

(a) ELIMINATION OF FUNDING LIMITATIONS.—

(1) IN GENERAL.—Section 1108(g)(4) of the Social Security Act (42 U.S.C. 1308(g)(4)) is amended by adding at the end the following: ''With respect to fiscal years beginning with fiscal year 2019, payment for medical assistance for individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII) shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), (3), and (5) of this subsection) to such commonwealth or territory for such fiscal year.''.

(2) TECHNICAL AMENDMENT.—Such section is further amended by striking ''(3), and (4)'' and inserting ''(3), and (5)''.

(b) APPLICATION OF ENHANCED FMAP FOR HIGHEST STATE.—Section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following: ''Notwithstanding the first sentence of this subsection, with respect to medical assistance described in clause (4)

of such sentence that is furnished in Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa in a fiscal year, the Federal medical assistance percentage is equal to the highest such percentage applied under such clause for such fiscal year for any of the 50 States or the District of Columbia that provides such medical assistance for any portion of such fiscal year.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payment for medical assistance for items and services furnished on or after October 1, 2016.

SEC. 704. CANCER PREVENTION AND TREATMENT DEMONSTRATION FOR ETHNIC AND RACIAL MINORITIES.

(a) DEMONSTRATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct demonstration projects (in this section referred to as ''demonstration projects'') for the purpose of developing models and evaluating methods that—

(A) improve the quality of items and services provided to target individuals in order to

1 facilitate reduced disparities in early detection
2 and treatment of cancer;
3 (B) improve clinical outcomes, satisfaction,
4 quality of life, appropriate use of items and
5 services covered under the Medicare Program
6 under title XVIII of the Social Security Act (42
7 U.S.C. 1395 et seq.), and referral patterns with
8 respect to target individuals with cancer;
9 (C) eliminate disparities in the rate of pre-
10 ventive cancer screening measures, such as Pap
11 smears, prostate cancer screenings, colon cancer
12 screenings, breast cancer screenings, and com-
13 puted tomography (CT) scans, for lung cancer
14 among target individuals;
15 (D) promote collaboration with community-
16 based organizations to ensure cultural com-
17 petency of health care professionals and lin-
18 guistic access for target individuals who are
19 persons with limited-English proficiency; and
20 (E) encourage the incorporation of commu-
21 nity health workers to increase the efficiency
22 and appropriateness of cancer screening pro-
23 grams.
24 (2) COMMUNITY HEALTH WORKER DEFINED.—
25 In this section, the term ''community health worker''

includes a community health advocate, a lay health worker, a community health representative, a peer health promoter, a community health outreach worker, and a promotore de salud, who promotes health or nutrition within the community in which the individual resides.

(3) TARGET INDIVIDUAL DEFINED.—In this section, the term ''target individual'' means an individual of a racial and ethnic minority group, as defined in section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6(g)(1)), who is entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act.

(b) PROGRAM DESIGN.—

(1) INITIAL DESIGN.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall evaluate best practices in the private sector, community programs, and academic research of methods that reduce disparities among individuals of racial and ethnic minority groups in the prevention and treatment of cancer and shall design the demonstration projects based on such evaluation.

(2) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of the enactment of this

Act, the Secretary shall implement at least nine demonstration projects, including the following:

(A) Two projects, each of which shall target different ethnic subpopulations, for each of the four following major racial and ethnic minority groups:

(i) American Indians and Alaska Natives, Eskimos and Aleuts.

(ii) Asian Americans.

(iii) Blacks/African Americans.

(iv) Latinos or Hispanics.

(v) Native Hawaiians and other Pacific Islanders.

(B) One project within the Pacific Islands or United States insular areas.

(C) At least one project each in a rural area and inner-city area.

(3) EXPANSION OF PROJECTS; IMPLEMENTATION OF DEMONSTRATION PROJECT RESULTS.—If the initial report under subsection (c) contains an evaluation that demonstration projects—

(A) reduce expenditures under the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

(B) do not increase expenditures under the Medicare Program and reduce racial and ethnic health disparities in the quality of health care services provided to target individuals and increase satisfaction of Medicare beneficiaries and health care providers;

the Secretary shall continue the existing demonstration projects and may expand the number of demonstration projects.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date the Secretary implements the initial demonstration projects, and biannually thereafter, the Secretary shall submit to Congress a report regarding the demonstration projects.

(2) CONTENTS OF REPORT.—Each report under paragraph (1) shall include the following:

(A) A description of the demonstration projects.

(B) An evaluation of—

(i) the cost-effectiveness of the demonstration projects;

(ii) the quality of the health care services provided to target individuals under the demonstration projects; and

(iii) beneficiary and health care provider satisfaction under the demonstration projects.

(C) Any other information regarding the demonstration projects that the Secretary determines to be appropriate.

(d) WAIVER AUTHORITY.—The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to such extent and for such period as the Secretary determines is necessary to conduct demonstration projects.

SEC. 705. REDUCING CANCER DISPARITIES WITHIN MEDICARE.

(a) DEVELOPMENT OF MEASURES OF DISPARITIES IN QUALITY OF CANCER CARE.—

(1) DEVELOPMENT OF MEASURES.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall enter into an agreement with an entity that specializes in developing quality measures for cancer care under which the entity shall develop a uniform set of measures to evaluate disparities in the quality of cancer care and annually update such set of measures.

(2) MEASURES TO BE INCLUDED.—Such set of measures shall include, with respect to the treatment

of cancer, measures of patient outcomes, the process for delivering medical care related to such treatment, patient counseling and engagement in decisionmaking, patient experience of care, resource use, and practice capabilities, such as care coordination.

(b) ESTABLISHMENT OF REPORTING PROCESS.—

(1) IN GENERAL.—The Secretary shall establish a reporting process that requires and provides for a method for health care providers specified under paragraph (2) to submit to the Secretary and make public data on the performance of such providers during each reporting period through use of the measures developed pursuant to subsection (a). Such data shall be submitted in a form and manner and at a time specified by the Secretary.

(2) SPECIFICATION OF PROVIDERS TO REPORT ON MEASURES.—The Secretary shall specify the classes of Medicare providers of services and suppliers, including hospitals, cancer centers, physicians, primary care providers, and specialty providers, that will be required under such process to publicly report on the measures specified under subsection (a).

(3) ASSESSMENT OF CHANGES.—Under such reporting process, the Secretary shall establish a for-

mat that assesses changes in both the absolute and relative disparities in cancer care over time. These measures shall be presented in an easily comprehensible format, such as those presented in the final publications relating to Healthy People 2010 or the National Healthcare Disparities Report.

(4) INITIAL IMPLEMENTATION.—The Secretary shall implement the reporting process under this subsection for reporting periods beginning not later than 6 months after the date that measures are first established under subsection (a).

Subtitle B—Viral Hepatitis and Liver Cancer Control and Prevention

SEC. 711. VIRAL HEPATITIS AND LIVER CANCER CONTROL AND PREVENTION.

(a) SHORT TITLE.—This subtitle may be cited as the ''Viral Hepatitis and Liver Cancer Control and Prevention Act of 2018''.

(b) FINDINGS.—Congress finds the following:

(1) In the United States, as many as 4,400,000 persons are living with the hepatitis B virus (referred to in this section as ''HBV'') or the hepatitis C virus (referred to in this section as ''HCV'').

(2) In the United States, chronic HBV and HCV are the most common cause of liver cancer, one of the most lethal and fastest growing cancers in this country. It is the most common cause of chronic liver disease, liver cirrhosis, and the most common indication for liver transplantation. At least 21,000 deaths per year in the United States can be attributed to chronic HBV and HCV. Chronic HCV is also a leading cause of death in Americans living with HIV/AIDS; many of those living with HIV/AIDS are coinfected with chronic HBV, chronic HCV, or both.

(3) According to the Centers for Disease Control and Prevention (referred to in this section as the ''CDC''), approximately 2 percent of the population of the United States is living with chronic HBV, chronic HCV, or both. The CDC has recognized HCV as the Nation's most common chronic bloodborne virus infection and HBV as the deadliest vaccine-preventable disease.

(4) HBV is easily transmitted and is 100 times more infectious than HIV. According to the CDC, HBV is transmitted through contact with infectious blood, semen, or other body fluids. HCV is transmitted by contact with infectious blood, particularly

through percutaneous exposures (i.e. puncture through the skin).

(5) The CDC estimates that in 2015, approximately 33,900 Americans were newly infected with HCV and approximately 21,900 Americans were newly infected with HBV. These estimates could be much higher due to many reasons, including lack of screening education and awareness, and perceived marginalization of the populations at risk.

(6) In 2012, CDC released new guidelines recommending every person born between 1945 and 1965 receive a one-time test. Among the estimated 102 million (1.6 million chronically HCV-infected) eligible for screening, birth-cohort screening leads to 84,000 fewer cases of decompensated cirrhosis, 46,000 fewer cases of hepatocellular carcinoma, 10,000 fewer liver transplants, and 78,000 fewer HCV-related deaths gained versus risk-based screening.

(7) In 2013, the United States Preventive Services Task Force (USPSTF) issued a Grade B rating for screening for the hepatitis C virus (HCV) infection in persons at high risk for infection and adults born between 1945 and 1965. In 2014, the USPSTF issued a Grade B for screening for the

hepatitis B virus (HBV) in persons at high-risk of hepatitis B infection. In 2009, the USPSTF issued a Grade A for screening pregnant women for the hepatitis B virus (HBV) during their first prenatal visit.

(8) There were 59 outbreaks (24 of HBV and 36 of HCV, including one of both HBV and HCV) reported to CDC for investigation from 2008 through 2016 related to healthcare-associated infection of HBV and HCV, 56 of which occurred in non-hospital settings. There were more than 115,983 patients potentially exposed to one of the viruses.

(9) Chronic HBV and chronic HCV usually do not cause symptoms early in the course of the disease, but after many years of a clinically ''silent'' phase, CDC estimates show more than 33 percent of infected individuals will develop cirrhosis, end-stage liver disease, or liver cancer. Since most individuals with chronic HBV, HCV, or both are unaware of their infection, they do not know to take precautions to prevent the spread of their infection and can unknowingly exacerbate their own disease progression.

(10) HBV and HCV disproportionately affect certain populations in the United States. Although representing only about 5 percent of the population,

Asian Americans and Pacific Islanders account for over half of all chronic HBV cases in the United States. Baby boomers (those born between 1945 and 1965) account for approximately 75 percent of domestic chronic hepatitis C cases. In addition, African Americans, Latinos (Latinas), and American Indian/Native Alaskans are among the groups which have disproportionately high rates of HBV and/or HCV infections in the United States.

(11) For both chronic HBV and chronic HCV, behavioral changes can slow disease progression if diagnosis is made early. Early diagnosis, which is determined through simple blood tests, can reduce the risk of transmission and disease progression through education and vaccination of household members and other susceptible persons at risk.

(12) Advancements have led to the development of improved diagnostic tests for viral hepatitis. These tests, including rapid, point of care testing and others in development, can facilitate testing, notification of results and post-test counseling, and referral to care at the time of the testing visit. In particular, these tests are also advantageous because they can be used simultaneously with HIV rapid

testing for persons at risk for both HCV and HIV infections.

(13) For those chronically infected with HBV or HCV, regular monitoring can lead to the early detection of liver cancer at a stage where a cure is still possible. Liver cancer is the second deadliest cancer in the United States; however, liver cancer has received little funding for research, prevention, or treatment.

(14) Treatment for chronic HCV can eradicate the disease in approximately 90 percent of those currently treated. The treatment of chronic HBV can effectively suppress viral replication in the overwhelming majority (over 80 percent) of those treated, thereby reducing the risk of transmission and progression to liver scarring or liver cancer, even though a complete cure is much less common than for HCV.

(15) To combat the viral hepatitis epidemic in the United States, in February 2017, the Department of Health and Human Services released its ''National Viral Hepatitis Action Plan 2017–2020'' (hereafter referred to as the ''HHS Action Plan''). In March 2017, the National Academies of Sciences, Engineering, and Medicine (NASEM) released ''A

National Strategy for the Elimination of Hepatitis B and C: Phase Two Report'', recommending specific actions to eliminate viral hepatitis as public health problems in the United States by 2030.

(16) The annual health care costs attributable to HBV and HCV in the United States are significant. For HBV, it is estimated to be approximately $2,500,000,000 ($2,000 per infected person). In 2000, the lifetime cost of HBV—before the availability of most current therapies—was approximately $80,000 per chronically infected person, totaling more than $100,000,000,000. For HCV, medical costs for patients are expected to increase from $30,000,000,000 in 2009 to over $85,000,000,000 in 2024. Avoiding these costs by screening and diagnosing individuals earlier—and connecting them to appropriate treatment and care, will save lives and critical health care dollars. Currently, without a comprehensive screening, testing, and diagnosis program, most patients are diagnosed too late when they need a liver transplant costing at least $314,000 for uncomplicated cases or when they have liver cancer or end-stage liver disease which costs $30,980 to $110,576 per hospital admission. As health care costs continue to grow, it is critical that

the Federal Government invests in effective mechanisms to avoid documented cost drivers.

(17) According to the IOM report in 2010, chronic HBV and HCV infections cause substantial morbidity and mortality despite being preventable and treatable. Deficiencies in the implementation of established guidelines for the prevention, diagnosis, and medical management of chronic HBV and HCV infections perpetuate personal and economic burdens. Existing grants are not sufficient for the scale of the health burden presented by HBV and HCV.

(18) Screening and testing for HBV and HCV is aligned with the Healthy People 2020 goal to increase immunization rates and reduce preventable infectious diseases. Awareness of disease and access to prevention and treatment remain essential components for reducing infectious disease transmission.

(19) Federal support is necessary to increase knowledge and awareness of HBV and HCV and to assist State and local prevention and control efforts in reducing the morbidity and mortality of these epidemics.

(20) The Secretary of Health and Human Services has the discretion to carry out this Act directly and through whichever of the agencies of the Public

Health Service the Secretary determines to be appropriate, which may (in the Secretary's discretion) include the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the National Institutes of Health (including the National Institute on Minority Health and Health Disparities), and other agencies of such Service.

(21) The Centers for Disease Control and Prevention reported a 151 percent increase in hepatitis C cases from 2010–2013, stemming from the opioid, heroin, and overdose epidemics affecting communities nationwide. For the first time since 2006, the number of reported cases of acute hepatitis B infection in the United States is rising; it increased by 20.7 percent in 2015 alone, which is also largely due to the opioid epidemic.

(c) BIENNIAL ASSESSMENT OF HHS HEPATITIS B AND HEPATITIS C PREVENTION, EDUCATION, RESEARCH, AND MEDICAL MANAGEMENT PLAN.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) by striking section 317N (42 U.S.C. 247b–15); and

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

2 **"PART X—BIENNIAL ASSESSMENT OF HHS HEPA-**
3 **TITIS B AND HEPATITIS C PREVENTION, EDU-**
4 **CATION, RESEARCH, AND MEDICAL MANAGE-**
5 **MENT PLAN**

6 **"SEC. 399PP. BIENNIAL UPDATE OF THE PLAN.**

7 ''(a) IN GENERAL.—The Secretary shall conduct a bi-
8 ennial assessment of the Secretary's plan for the preven-
9 tion, control, and medical management of, and education
10 and research relating to, hepatitis B and hepatitis C, for
11 the purposes of—

12 ''(1) incorporating into such plan new knowl-
13 edge or observations relating to hepatitis B and hep-
14 atitis C (such as knowledge and observations that
15 may be derived from clinical, laboratory, and epide-
16 miological research and disease detection, preven-
17 tion, and surveillance outcomes);

18 ''(2) addressing gaps in the coverage or effec-
19 tiveness of the plan; and

20 ''(3) evaluating and, if appropriate, updating
21 recommendations, guidelines, or educational mate-
22 rials of the Centers for Disease Control and Preven-
23 tion or the National Institutes of Health for health
24 care providers or the public on viral hepatitis in
25 order to be consistent with the plan.

1 "(b) PUBLICATION OF NOTICE OF ASSESSMENTS.—
2 Not later than October 1 of the first even-numbered year
3 beginning after the date of the enactment of this part,
4 and October 1 of each even-numbered year thereafter, the
5 Secretary shall publish in the Federal Register a notice
6 of the results of the assessments conducted under para-
7 graph (1). Such notice shall include—
8 "(1) a description of any revisions to the plan
9 referred to in subsection (a) as a result of the as-
10 sessment;
11 "(2) an explanation of the basis for any such
12 revisions, including the ways in which such revisions
13 can reasonably be expected to further promote the
14 original goals and objectives of the plan; and
15 "(3) in the case of a determination by the Sec-
16 retary that the plan does not need revision, an expla-
17 nation of the basis for such determination.
18 **"SEC. 399PP–1. ELEMENTS OF PROGRAM.**
19 "(a) EDUCATION AND AWARENESS PROGRAMS.—The
20 Secretary, acting through the Director of the Centers for
21 Disease Control and Prevention, the Administrator of the
22 Health Resources and Services Administration, and the
23 Administrator of the Substance Abuse and Mental Health
24 Services Administration, and in accordance with the plan
25 referred to in section 399PP(a), shall implement programs

1 to increase awareness and enhance knowledge and under-
2 standing of hepatitis B and hepatitis C. Such programs
3 shall include—

4 "(1) the conduct of culturally and language ap-
5 propriate health education in primary and secondary
6 schools, college campuses, public awareness cam-
7 paigns, and community outreach activities (especially
8 to the ethnic communities with high rates of chronic
9 hepatitis B and chronic hepatitis C and other high-
10 risk groups) to promote public awareness and knowl-
11 edge about the value of hepatitis A and hepatitis B
12 immunization, risk factors, the transmission and
13 prevention of hepatitis B and hepatitis C, the value
14 of screening for the early detection of hepatitis B
15 and hepatitis C, and options available for the treat-
16 ment of chronic hepatitis B and chronic hepatitis C;

17 "(2) the promotion of immunization programs
18 that increase awareness and access to hepatitis A
19 and hepatitis B vaccines for susceptible adults and
20 children;

21 "(3) the training of health care professionals
22 regarding the importance of vaccinating individuals
23 infected with hepatitis C and individuals who are at
24 risk for hepatitis C infection against hepatitis A and
25 hepatitis B;

"(4) the training of health care professionals regarding the importance of vaccinating individuals chronically infected with hepatitis B and individuals who are at risk for chronic hepatitis B infection against the hepatitis A virus;

"(5) the training of health care professionals and health educators to make them aware of the high rates of chronic hepatitis B and chronic hepatitis C in certain adult ethnic populations, and the importance of prevention, detection, and medical management of hepatitis B and hepatitis C and of liver cancer screening;

"(6) the development and distribution of health education curricula (including information relating to the special needs of individuals infected with hepatitis B and hepatitis C, such as the importance of prevention and early intervention, regular monitoring, the recognition of psychosocial needs, appropriate treatment, and liver cancer screening) for individuals providing hepatitis B and hepatitis C counseling; and

"(7) support for the implementation curricula described in paragraph (6) by State and local public health agencies.

1 "(b) IMMUNIZATION, PREVENTION, AND CONTROL
2 PROGRAMS.—
3 "(1) IN GENERAL.—The Secretary, acting
4 through the Director of the Centers for Disease
5 Control and Prevention, shall support the integra-
6 tion of activities described in paragraph (3) into ex-
7 isting clinical and public health programs at State,
8 local, territorial, and Tribal levels (including commu-
9 nity health clinics, programs for the prevention and
10 treatment of HIV/AIDS, sexually transmitted infec-
11 tions, and substance abuse, and programs for indi-
12 viduals in correctional settings).
13 "(2) COORDINATION OF DEVELOPMENT OF
14 FEDERAL SCREENING GUIDELINES.—
15 "(A) REFERENCES.—For purposes of this
16 subsection, the term 'CDC Director' means the
17 Director of the Centers for Disease Control and
18 Prevention, and the term 'AHRQ Director'
19 means the Director of the Agency for
20 Healthcare Research and Quality.
21 "(B) AGENCY FOR HEALTHCARE RE-
22 SEARCH AND QUALITY.—Due to the rapidly
23 evolving standard of care associated with diag-
24 nosing and treating viral hepatitis infection, the
25 AHRQ Director shall convene the Preventive

1 Services Task Force under section 915(a) of
2 the Public Health Service Act to review its rec-
3 ommendation for screening for HBV and HCV
4 infection every 3 years.
5 ''(3) ACTIVITIES.—
6 ''(A) VOLUNTARY TESTING PROGRAMS.—
7 ''(i) IN GENERAL.—The Secretary
8 shall establish a mechanism by which to
9 support and promote the development of
10 State, local, territorial, and Tribal vol-
11 untary hepatitis B and hepatitis C testing
12 programs to screen the high-prevalence
13 populations to aid in the early identifica-
14 tion of chronically infected individuals.
15 ''(ii) CONFIDENTIALITY OF THE TEST
16 RESULTS.—The Secretary shall prohibit
17 the use of the results of a hepatitis B or
18 hepatitis C test conducted by a testing pro-
19 gram developed or supported under this
20 subparagraph for any of the following:
21 ''(I) Issues relating to health in-
22 surance.
23 ''(II) To screen or determine
24 suitability for employment.

1 "(III) To discharge a person
2 from employment.
3 "(B) COUNSELING REGARDING VIRAL HEP-
4 ATITIS.—The Secretary shall support State,
5 local, territorial, and Tribal programs in a wide
6 variety of settings, including those providing
7 primary and specialty health care services in
8 nonprofit private and public sectors, to—
9 "(i) provide individuals with ongoing
10 risk factors for hepatitis B and hepatitis C
11 infection with client-centered education
12 and counseling which concentrates on—
13 "(I) promoting testing of individ-
14 uals that have been exposed to their
15 blood, family members, and their sex-
16 ual partners; and
17 "(II) changing behaviors that
18 place individuals at risk for infection;
19 "(ii) provide individuals chronically in-
20 fected with hepatitis B or hepatitis C with
21 education, health information, and coun-
22 seling to reduce their risk of—
23 "(I) dying from end-stage liver
24 disease and liver cancer; and

1 "(II) transmitting viral hepatitis
2 to others; and
3 "(iii) provide women chronically in-
4 fected with hepatitis B or hepatitis C who
5 are pregnant or of childbearing age with
6 culturally and linguistically appropriate
7 health information, such as how to prevent
8 hepatitis B perinatal infection, and to al-
9 leviate fears associated with pregnancy or
10 raising a family.
11 "(C) IMMUNIZATION.—The Secretary shall
12 support State, local, territorial, and Tribal ef-
13 forts to expand the current vaccination pro-
14 grams to protect every child in the country and
15 all susceptible adults, particularly those infected
16 with hepatitis C and high-prevalence ethnic
17 populations and other high-risk groups, from
18 the risks of acute and chronic hepatitis B infec-
19 tion by—
20 "(i) ensuring continued funding for
21 hepatitis B vaccination for all children 19
22 years of age or younger through the Vac-
23 cines for Children Program;
24 "(ii) ensuring that the recommenda-
25 tions of the Advisory Committee on Immu-

nization Practices are followed regarding the birth dose of hepatitis B vaccinations for newborns;

"(iii) requiring proof of hepatitis B vaccination for entry into public or private daycare, preschool, elementary school, secondary school, and institutions of higher education;

"(iv) expanding the availability of hepatitis B vaccination for all susceptible adults to protect them from becoming acutely or chronically infected, including ethnic and other populations with high prevalence rates of chronic hepatitis B infection;

"(v) expanding the availability of hepatitis B vaccination for all susceptible adults, particularly those in their reproductive age (women and men less than 45 years of age), to protect them from the risk of hepatitis B infection;

"(vi) ensuring the vaccination of individuals infected, or at risk for infection, with hepatitis C against hepatitis A, hepatitis B, and other infectious diseases, as

appropriate, for which such individuals may be at increased risk; and

"(vii) ensuring the vaccination of individuals infected, or at risk for infection, with hepatitis B against hepatitis A virus and other infectious diseases, as appropriate, for which such individuals may be at increased risk.

"(D) MEDICAL REFERRAL.—The Secretary shall support State, local, territorial, and Tribal programs that support—

"(i) referral of persons chronically infected with hepatitis B or hepatitis C—

"(I) for medical evaluation to determine the appropriateness for antiviral treatment to reduce the risk of progression to cirrhosis and liver cancer; and

"(II) for ongoing medical management including regular monitoring of liver function and screening for liver cancer; and

"(ii) referral of persons infected with acute or chronic hepatitis B infection or acute or chronic hepatitis C infection for

1 drug and alcohol abuse treatment where
2 appropriate.
3 "(4) INCREASED SUPPORT FOR ADULT VIRAL
4 HEPATITIS PREVENTION COORDINATORS.—The Sec-
5 retary, acting through the Director of the Centers
6 for Disease Control and Prevention, shall provide in-
7 creased support to adult viral hepatitis prevention
8 coordinators in State, local, territorial, and Tribal
9 health departments in order to enhance the addi-
10 tional management, networking, and technical exper-
11 tise needed to ensure successful integration of hepa-
12 titis B and hepatitis C prevention and control activi-
13 ties into existing public health programs.
14 "(c) EPIDEMIOLOGICAL SURVEILLANCE.—
15 "(1) IN GENERAL.—The Secretary, acting
16 through the Director of the Centers for Disease
17 Control and Prevention, shall support the establish-
18 ment and maintenance of a national chronic and
19 acute hepatitis B and hepatitis C surveillance pro-
20 gram, in order to identify—
21 "(A) trends in the incidence of acute and
22 chronic hepatitis B and acute and chronic hepa-
23 titis C;
24 "(B) trends in the prevalence of acute and
25 chronic hepatitis B and acute and chronic hepa-

1 titis C infection among groups that may be dis-
2 proportionately affected; and
3 "(C) trends in liver cancer and end-stage
4 liver disease incidence and deaths, caused by
5 chronic hepatitis B and chronic hepatitis C in
6 the high-risk ethnic populations.
7 "(2) SEROPREVALENCE AND LIVER CANCER
8 STUDIES.—The Secretary, acting through the Direc-
9 tor of the Centers for Disease Control and Preven-
10 tion, shall prepare a report outlining the population-
11 based seroprevalence studies currently underway, fu-
12 ture planned studies, the criteria involved in deter-
13 mining which seroprevalence studies to conduct,
14 defer, or suspend, and the scope of those studies, the
15 economic and clinical impact of hepatitis B and hep-
16 atitis C, and the impact of chronic hepatitis B and
17 chronic hepatitis C infections on the quality of life.
18 Not later than one year after the date of the enact-
19 ment of this part, the Secretary shall submit the re-
20 port to the Committee on Energy and Commerce of
21 the House of Representatives and the Committee on
22 Health, Education, Labor, and Pensions of the Sen-
23 ate.
24 "(3) CONFIDENTIALITY.—The Secretary shall
25 not disclose any individually identifiable information

1 identified under paragraph (1) or derived through
2 studies under paragraph (2).
3 "(d) RESEARCH.—The Secretary, acting through the
4 Director of the Centers for Disease Control and Preven-
5 tion, the Director of the National Cancer Institute, and
6 the Director of the National Institutes of Health, shall—
7 "(1) conduct epidemiologic and community-
8 based research to develop, implement, and evaluate
9 best practices for hepatitis B and hepatitis C pre-
10 vention especially in the ethnic populations with high
11 rates of chronic hepatitis B and chronic hepatitis C
12 and other high-risk groups;
13 "(2) conduct research on hepatitis B and hepa-
14 titis C natural history, pathophysiology, improved
15 treatments and prevention (such as the hepatitis C
16 vaccine), and noninvasive tests that help to predict
17 the risk of progression to liver cirrhosis and liver
18 cancer;
19 "(3) conduct research that will lead to better
20 noninvasive or blood tests to screen for liver cancer,
21 and more effective treatments of liver cancer caused
22 by chronic hepatitis B and chronic hepatitis C; and
23 "(4) conduct research comparing the effective-
24 ness of screening, diagnostic, management, and
25 treatment approaches for chronic hepatitis B, chron-

ic hepatitis C, and liver cancer in the affected communities.

"(e) UNDERSERVED AND DISPROPORTIONATELY AFFECTED POPULATIONS.—In carrying out this section, the Secretary shall provide expanded support for individuals with limited access to health education, testing, and health care services and groups that may be disproportionately affected by hepatitis B and hepatitis C.

"(f) EVALUATION OF PROGRAM.—The Secretary shall develop benchmarks for evaluating the effectiveness of the programs and activities conducted under this section and make determinations as to whether such benchmarks have been achieved.

"SEC. 399PP–2. GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, States, political subdivisions of States, territories, Indian Tribes, or nonprofit entities that have special expertise relating to hepatitis B, hepatitis C, or both, to carry out activities under this part.

"(b) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 399PP–3. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $90,000,000 for fiscal year 2019, $90,000,000 for fiscal year 2020, $110,000,000 for fiscal year 2021, $130,000,000 for fiscal year 2022, and $150,000,000 for fiscal year 2023.''.

Subtitle C—Acquired Bone Marrow Failure Diseases

SEC. 721. ACQUIRED BONE MARROW FAILURE DISEASES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Bone Marrow Failure Disease Research and Treatment Act of 2018''.

(b) FINDINGS.—The Congress finds the following:

(1) Between 20,000 and 30,000 Americans are diagnosed each year with myelodysplastic syndromes, aplastic anemia, paroxysmal nocturnal hemoglobinuria, and other acquired bone marrow failure diseases.

(2) Acquired bone marrow failure diseases have a debilitating and often fatal impact on those diagnosed with these diseases.

(3) While some treatments for acquired bone marrow failure diseases can prolong and improve the quality of patients' lives, there is no single cure for these diseases.

(4) The prevalence of acquired bone marrow failure diseases in the United States will continue to grow as the general public ages.

(5) Evidence exists suggesting that acquired bone marrow failure diseases occur more often in minority populations, particularly in Asian-American and Latino or Hispanic populations.

(6) The National Heart, Lung, and Blood Institute and the National Cancer Institute have conducted important research into the causes of and treatments for acquired bone marrow failure diseases.

(7) The National Marrow Donor Program Registry has made significant contributions to the fight against bone marrow failure diseases by connecting millions of potential marrow donors with individuals and families suffering from these conditions.

(8) Despite these advances, a more comprehensive Federal strategic effort among numerous Federal agencies is needed to discover a cure for acquired bone marrow failure disorders.

(9) Greater Federal surveillance of acquired bone marrow failure diseases is needed to gain a better understanding of the causes of acquired bone marrow failure diseases.

(10) The Federal Government should increase its research support for and engage with public and private organizations in developing a comprehensive approach to combat and cure acquired bone marrow failure diseases.

(c) NATIONAL ACQUIRED BONE MARROW FAILURE DISEASE REGISTRY.—Part B of the Public Health Service Act (42 U.S.C. 311 et seq.) is amended by inserting after section 317W, as added, the following:

"SEC. 317X. NATIONAL ACQUIRED BONE MARROW FAILURE DISEASE REGISTRY.

''(a) ESTABLISHMENT OF REGISTRY.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) develop a system to collect data on acquired bone marrow failure diseases; and

''(B) establish and maintain a national and publicly available registry, to be known as the National Acquired Bone Marrow Failure Disease Registry, in accordance with paragraph (3).

''(2) RECOMMENDATIONS OF ADVISORY COMMITTEE.—In carrying out this subsection, the Sec-

retary shall take into consideration the recommendations of the Advisory Committee on Acquired Bone Marrow Failure Diseases established under subsection (b).

"(3) PURPOSES OF REGISTRY.—The National Acquired Bone Marrow Failure Disease Registry—

"(A) shall identify the incidence and prevalence of acquired bone marrow failure diseases in the United States;

"(B) shall be used to collect and store data on acquired bone marrow failure diseases, including data concerning—

"(i) the age, race or ethnicity, general geographic location, sex, and family history of individuals who are diagnosed with acquired bone marrow failure diseases, and any other characteristics of such individuals determined appropriate by the Secretary;

"(ii) the genetic and environmental factors that may be associated with developing acquired bone marrow failure diseases;

"(iii) treatment approaches for dealing with acquired bone marrow failure diseases;

"(iv) outcomes for individuals treated for acquired bone marrow failure diseases, including outcomes for recipients of stem cell therapeutic products as contained in the database established pursuant to section 379A; and

"(v) any other factors pertaining to acquired bone marrow failure diseases determined appropriate by the Secretary; and

"(C) shall be made available—

"(i) to the general public; and

"(ii) to researchers to facilitate further research into the causes of, and treatments for, acquired bone marrow failure diseases in accordance with standard practices of the Centers for Disease Control and Preventions.

"(b) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention,

shall establish an advisory committee, to be known as the Advisory Committee on Acquired Bone Marrow Failure Diseases.

"(2) MEMBERS.—The members of the Advisory Committee on Acquired Bone Marrow Failure Diseases shall be appointed by the Secretary, acting through the Director of the Centers for Disease Control and Prevention, and shall include at least one representative from each of the following:

"(A) A national patient advocacy organization with experience advocating on behalf of patients suffering from acquired bone marrow failure diseases.

"(B) The National Institutes of Health, including at least one representative from each of—

"(i) the National Cancer Institute;

"(ii) the National Heart, Lung, and Blood Institute; and

"(iii) the Office of Rare Diseases.

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

"(D) Clinicians with experience in—

"(i) diagnosing or treating acquired bone marrow failure diseases; and

1 "(ii) medical data registries.

2 "(E) Epidemiologists who have experience
3 with data registries.

4 "(F) Publicly or privately funded research-
5 ers who have experience researching acquired
6 bone marrow failure diseases.

7 "(G) The entity operating the C.W. Bill
8 Young Cell Transplantation Program estab-
9 lished pursuant to section 379 and the entity
10 operating the C.W. Bill Young Cell Transplan-
11 tation Program Outcomes Database.

12 "(3) RESPONSIBILITIES.—The Advisory Com-
13 mittee on Acquired Bone Marrow Failure Diseases
14 shall provide recommendations to the Secretary on
15 the establishment and maintenance of the National
16 Acquired Bone Marrow Failure Disease Registry, in-
17 cluding recommendations on the collection, mainte-
18 nance, and dissemination of data.

19 "(4) PUBLIC AVAILABILITY.—The Secretary
20 shall make the recommendations of the Advisory
21 Committee on Acquired Bone Marrow Failure Dis-
22 ease publicly available.

23 "(c) GRANTS.—The Secretary, acting through the
24 Director of the Centers for Disease Control and Preven-
25 tion, may award grants to, and enter into contracts and

1 cooperative agreements with, public or private nonprofit
2 entities for the management of, as well as the collection,
3 analysis, and reporting of data to be included in, the Na-
4 tional Acquired Bone Marrow Failure Disease Registry.
5 "(d) DEFINITION.—In this section, the term 'ac-
6 quired bone marrow failure disease' means—
7 "(1) myelodysplastic syndromes (MDS);
8 "(2) aplastic anemia;
9 "(3) paroxysmal nocturnal hemoglobinuria
10 (PNH);
11 "(4) pure red cell aplasia;
12 "(5) acute myeloid leukemia that has pro-
13 gressed from myelodysplastic syndromes; or
14 "(6) large granular lymphocytic leukemia.
15 "(e) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to carry out this section
17 $3,000,000 for each of fiscal years 2019 through 2023.".
18 (d) PILOT STUDIES THROUGH THE AGENCY FOR
19 TOXIC SUBSTANCES AND DISEASE REGISTRY.—
20 (1) PILOT STUDIES.—The Secretary of Health
21 and Human Services, acting through the Adminis-
22 trator of the Agency for Toxic Substances and Dis-
23 ease Registry, shall conduct pilot studies to deter-
24 mine which environmental factors, including expo-

sure to toxins, may cause acquired bone marrow failure diseases.

(2) COLLABORATION WITH THE RADIATION INJURY TREATMENT NETWORK.—In carrying out the directives of this section, the Secretary may collaborate with the Radiation Injury Treatment Network of the C.W. Bill Young Cell Transplantation Program established pursuant to section 379 of the Public Health Service Act (42 U.S.C. 274j) to—

(A) augment data for the pilot studies authorized by this section;

(B) access technical assistance that may be provided by the Radiation Injury Treatment Network; or

(C) perform joint research projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2019 through 2023.

(e) MINORITY-FOCUSED PROGRAMS ON ACQUIRED BONE MARROW FAILURE DISEASES.—Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707A the following:

"MINORITY-FOCUSED PROGRAMS ON ACQUIRED BONE MARROW FAILURE DISEASES

"SEC. 1707B. (a) INFORMATION AND REFERRAL SERVICES.—

"(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall establish and coordinate outreach and informational programs targeted to minority populations affected by acquired bone marrow failure diseases.

"(2) PROGRAM REQUIREMENTS.—Minority-focused outreach and informational programs authorized by this section—

"(A) shall make information about treatment options and clinical trials for acquired bone marrow failure diseases publicly available; and

"(B) shall provide referral services for treatment options and clinical trials;

at the National Minority Health Resource Center supported under section 1707(b)(8) (including by means of the Center's website, through appropriate locations such as the Center's knowledge center, and through appropriate programs such as the Center's

resource persons network) and through minority health consultants located at each Department of Health and Human Services regional office.

"(b) HISPANIC AND ASIAN-AMERICAN AND PACIFIC ISLANDER OUTREACH.—

"(1) IN GENERAL.—The Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall undertake a coordinated outreach effort to connect Hispanic, Asian-American, and Pacific Islander communities with comprehensive services focused on treatment of, and information about, acquired bone marrow failure diseases.

"(2) COLLABORATION.—In carrying out this subsection, the Secretary may collaborate with public health agencies, nonprofit organizations, community groups, and online entities to disseminate information about treatment options and clinical trials for acquired bone marrow failure diseases.

"(c) GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall award grants to, or enter into cooperative agreements with, entities to

1 perform research on acquired bone marrow failure
2 diseases.
3 ''(2) REQUIREMENT.—Grants and cooperative
4 agreements authorized by this subsection shall be
5 awarded or entered into on a competitive, peer-re-
6 viewed basis.
7 ''(3) SCOPE OF RESEARCH.—Research funded
8 under this section shall examine factors affecting the
9 incidence of acquired bone marrow failure diseases
10 in minority populations.
11 ''(d) DEFINITION.—In this section, the term 'ac-
12 quired bone marrow failure disease' has the meaning given
13 to such term in section 317X(d).
14 ''(e) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to carry out this section
16 $2,000,000 for each of fiscal years 2019 through 2023.''.
17 (f) DIAGNOSIS AND QUALITY OF CARE FOR AC-
18 QUIRED BONE MARROW FAILURE DISEASES.—
19 (1) GRANTS.—The Secretary of Health and
20 Human Services, acting through the Director of the
21 Agency for Healthcare Research and Quality, shall
22 award grants to entities to improve diagnostic prac-
23 tices and quality of care with respect to patients
24 with acquired bone marrow failure diseases.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2019 through 2023.

(g) DEFINITION.—In this section, the term ''acquired bone marrow failure disease'' means—

(1) myelodysplastic syndromes (MDS);

(2) aplastic anemia;

(3) paroxysmal nocturnal hemoglobinuria (PNH);

(4) pure red cell aplasia;

(5) acute myeloid leukemia that progressed from myelodysplastic syndromes; or

(6) large granular lymphocytic leukemia.

Subtitle D—Cardiovascular Disease, Chronic Disease, and Other Disease Issues

SEC. 731. GUIDELINES FOR DISEASE SCREENING FOR MINORITY PATIENTS.

(a) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall convene a series of meetings to develop guidelines for disease screening for minority patient populations which have a higher than average risk for many chronic diseases and cancers.

1 (b) PARTICIPANTS.—In convening meetings under
2 subsection (a), the Secretary shall ensure that meeting
3 participants include representatives of—
4 (1) professional societies and associations;
5 (2) minority health organizations;
6 (3) health care researchers and providers, in-
7 cluding those with expertise in minority health;
8 (4) Federal health agencies, including the Of-
9 fice of Minority Health, the National Institute on
10 Minority Health and Health Disparities, and the
11 National Institutes of Health; and
12 (5) other experts determined appropriate by the
13 Secretary.
14 (c) DISEASES.—Screening guidelines for minority
15 populations shall be developed as appropriate under sub-
16 section (a) for—
17 (1) hypertension;
18 (2) hypercholesterolemia;
19 (3) diabetes;
20 (4) cardiovascular disease;
21 (5) cancers, including breast, prostate, colon,
22 cervical, and lung cancer;
23 (6) other pulmonary problems including sleep
24 apnea;
25 (7) asthma;

(8) diabetes;

(9) kidney diseases;

(10) eye diseases and disorders, including glaucoma;

(11) HIV/AIDS and sexually transmitted infections;

(12) uterine fibroids;

(13) autoimmune disease;

(14) mental health conditions;

(15) dental health conditions and oral diseases, including oral cancer;

(16) environmental and related health illnesses and conditions;

(17) sickle cell disease and sickle cell trait;

(18) violence and injury prevention and control;

(19) genetic and related conditions;

(20) heart disease and stroke;

(21) tuberculosis;

(22) chronic obstructive pulmonary disease;

(23) musculoskeletal diseases, arthritis, and obesity; and

(24) other diseases determined appropriate by the Secretary.

(d) DISSEMINATION.—Not later than 24 months after the date of enactment of this title, the Secretary

shall publish and disseminate to health care provider organizations the guidelines developed under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 732. CDC WISEWOMAN SCREENING PROGRAM.

Section 1509 of the Public Health Service Act (42 U.S.C. 300n–4a) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting "IN GENERAL.—"; and

(B) in the matter preceding paragraph (1), by striking "may make grants" and all that follows through "purpose" and inserting the following: "may make grants to such States for the purpose"; and

(2) in subsection (d)(1), by striking "there are authorized" and all that follows through the period and inserting "there are authorized to be appropriated $23,000,000 for fiscal year 2019, $25,300,000 for fiscal year 2020, $27,800,000 for fiscal year 2021, $30,800,000 for fiscal year 2022, and $34,000,000 for fiscal year 2023.".

SEC. 733. REPORT ON CARDIOVASCULAR CARE FOR WOMEN AND MINORITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended, is further amended by adding at the end the following:

"SEC. 399V–8. REPORT ON CARDIOVASCULAR CARE FOR WOMEN AND MINORITIES.

"Not later than September 30, 2019, and annually thereafter, the Secretary shall prepare and submit to the Congress a report on the quality of and access to care for women and minorities with heart disease, stroke, and other cardiovascular diseases. The report shall contain recommendations for eliminating disparities in, and improving the treatment of, heart disease, stroke, and other cardiovascular diseases in women, racial and ethnic minorities, those for whom English is not their primary language, and individuals with disabilities.".

SEC. 734. COVERAGE OF COMPREHENSIVE TOBACCO CESSATION SERVICES IN MEDICAID AND PRIVATE HEALTH INSURANCE.

(a) REQUIRING MEDICAID COVERAGE OF COUNSELING AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO USE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)(4)(D), by striking "by pregnant women"; and

(2) in subsection (bb)—

(A) by striking ''by pregnant women'' each place it appears;

(B) in paragraph (1), in the matter before subparagraph (A), by inserting ''by individuals'' before ''who use tobacco''; and

(C) in paragraph (2)(A), by striking ''with respect to pregnant women''.

(b) EXCEPTION FROM OPTIONAL RESTRICTION UNDER MEDICAID PRESCRIPTION DRUG COVERAGE.—Section 1927(d)(2)(F) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)(F)) is amended—

(1) by striking ''in the case of pregnant women''; and

(2) by striking ''under the over-the-counter monograph process''.

(c) STATE MONITORING AND PROMOTING OF COMPREHENSIVE TOBACCO CESSATION SERVICES UNDER MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 450(c), is amended—

(1) by striking ''and'' at the end of paragraph (82);

(2) by striking the period at the end of paragraph (83) and inserting ''; and''; and

(3) by inserting after paragraph (83) the following new paragraph:

"(84) provide for the State to monitor and promote the use of comprehensive tobacco cessation services under the State plan, including conducting an outreach campaign to increase awareness of, and the benefits of using, such services among—

"(A) individuals entitled to medical assistance under the State plan who use tobacco products; and

"(B) clinicians and others who provide services to individuals entitled to medical assistance under the State plan.".

(d) FEDERAL REIMBURSEMENT FOR MEDICAID OUTREACH CAMPAIGN TO INCREASE AWARENESS.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) by striking the period at the end of paragraph (7) and inserting "; plus"; and

(2) by inserting after paragraph (7) the following new paragraph:

"(8) an amount equal to 90 percent of the sums expended during each quarter which are attributable to the development, implementation, and evaluation of an outreach campaign to—

"(A) increase awareness of comprehensive tobacco cessation services covered in the State plan among—

"(i) individuals who are likely to be eligible for medical assistance under the State plan; and

"(ii) clinicians and others who provide services to individuals who are likely to be eligible for medical assistance under the State plan; and

"(B) increase awareness of the benefits of using comprehensive tobacco cessation services covered in the State plan among—

"(i) individuals who are likely to be eligible for medical assistance under the State plan; and

"(ii) clinicians and others who provide services to individuals who are likely to be eligible for medical assistance under the State plan about the benefits of using comprehensive tobacco cessation services.".

(e) REMOVAL OF COST SHARING FOR COUNSELING AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO USE UNDER MEDICAID.—

(1) GENERAL COST SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsections (a)(2)(B) and (b)(2)(B), by striking ''and counseling and pharmacotherapy for cessation of tobacco use by pregnant women (as defined in section 1396d(bb) of this title) and covered outpatient drugs (as defined in subsection (k)(2) of section 1396r–8 of this title and including nonprescription drugs described in subsection (d)(2) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation by pregnant women in accordance with the Guideline referred to in section 1396d(bb)(2)(A) of this title'' each place it appears; and

(B) in each of subsections (a)(2)(D) and (b)(2)(D) by inserting ''and counseling and pharmacotherapy for cessation of tobacco use (as defined in section 1396d(bb) of this title) and covered outpatient drugs (as defined in subsection (k)(2) of section 1396r–8 of this title and including nonprescription drugs described in subsection (d)(2) of such section)

that are prescribed for purposes of promoting, and when used to promote, tobacco cessation in accordance with the Guideline referred to in section 1396d(bb)(2)(A) of this title,'' after ''(or at the option of the State, any services furnished to pregnant women''.

(2) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of such Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended—

(A) in clause (iii), by striking '', and counseling and pharmacotherapy for cessation of tobacco use by pregnant women (as defined in section 1396d of this title)''; and

(B) by adding at the end the following:

''(xi) Counseling and pharmacotherapy for cessation of tobacco use (as defined in section 1905(bb)) and covered outpatient drugs (as defined in subsection (k)(2) of section 1396r–8 of this title and including nonprescription drugs described in subsection (d)(2) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation in accordance with

the Guideline referred to in section 1396d (bb)(2)(A) of this title.''.

(f) NO PRIOR AUTHORIZATION FOR TOBACCO CESSATION DRUGS UNDER MEDICAID.—Section 1927(d) of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) by striking in paragraph (1)(A) ''A State'' and inserting ''Except as otherwise provided in paragraph (6), a State'';

(2) by inserting after paragraph (5) the following new paragraph:

''(6) NO PRIOR AUTHORIZATION PROGRAMS FOR TOBACCO CESSATION DRUGS.—A State plan under this subchapter shall not require, as a condition of coverage or payment for a covered outpatient drug for which Federal financial participation is available in accordance with this section, the approval of an agent when used to promote smoking cessation, including agents approved by the Food and Drug Administration for the purposes of promoting, and when used to promote, tobacco cessation.''.

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8).

(g) COMPREHENSIVE COVERAGE OF TOBACCO CESSATION COVERAGE IN PRIVATE HEALTH INSURANCE.—

1 (1) NO PRIOR AUTHORIZATION FOR TOBACCO
2 CESSATION COVERAGE.—Section 2713 of the Public
3 Health Service Act (42 U.S.C. 300gg–3) is amended
4 by inserting after subsection (c) a new subsection:
5 "(d) NO PRIOR AUTHORIZATION.—A group health
6 plan and a health insurance issuer offering group or indi-
7 vidual health insurance coverage shall not impose any
8 prior authorization requirement for tobacco cessation
9 counseling and pharmacotherapy that has in effect a rat-
10 ing of 'A' or 'B' in the current recommendations of the
11 United States Preventive Services Task Force.".
12 (2) NO COST SHARING.—Section 1302(c) of the
13 Patient Protection and Affordable Care Act (42
14 U.S.C. 18022(c)) is amended by inserting after
15 paragraph (1) the following new paragraph:
16 "(2) NO COST SHARING OR PRIOR AUTHORIZA-
17 TION FOR COMPREHENSIVE TOBACCO CESSATION
18 COVERAGE.—There shall be no cost sharing or prior
19 authorization requirement imposed with respect to
20 services described in subsection (b)(1)(K).".
21 (h) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to items and services furnished on
23 or after January 1, 2019.

SEC. 735. CLINICAL RESEARCH FUNDING FOR ORAL HEALTH.

(a) IN GENERAL.—The Secretary of Health and Human Services shall expand and intensify the conduct and support of the research activities of the National Institutes of Health and the National Institute of Dental and Craniofacial Research to improve the oral health of the population through the prevention and management of oral diseases and conditions.

(b) INCLUDED RESEARCH ACTIVITIES.—Research activities under subsection (a) shall include—

(1) comparative effectiveness research and clinical disease management research addressing early childhood caries and oral cancer; and

(2) awarding of grants and contracts to support the training and development of health services researchers, comparative effectiveness researchers, and clinical researchers whose research improves the oral health of the population.

SEC. 736. PARTICIPATION BY MEDICAID BENEFICIARIES IN APPROVED CLINICAL TRIALS.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1943 the following new section:

1 **"SEC. 1944. PARTICIPATION IN AN APPROVED CLINICAL**
2 **TRIAL.**

3 "(a) COVERAGE OF ROUTINE PATIENT COSTS ASSO-
4 CIATED WITH APPROVED CLINICAL TRIALS.—

5 "(1) INCLUSION.—Subject to paragraph (2),
6 routine patient costs shall include all items and serv-
7 ices consistent with the medical assistance provided
8 under the State plan that would otherwise be pro-
9 vided to the individual under such State plan if such
10 individual was not enrolled in an approved clinical
11 trial, including any items or services related to the
12 prevention, detection, and treatment of any medical
13 complications that arise as a result of participation
14 in the approved clinical trial.

15 "(2) EXCLUSION.—For purposes of paragraph
16 (1), routine patient costs does not include—

17 "(A) the investigational item, device, or
18 service itself;

19 "(B) items and services that are provided
20 solely to satisfy data collection and analysis
21 needs and that are not used in the direct clin-
22 ical management of the patient; or

23 "(C) a service that is clearly inconsistent
24 with widely accepted and established standards
25 of care for a particular diagnosis.

1 "(3) INFORMATION CONCERNING CLINICAL
2 TRIALS.—
3 "(A) IN GENERAL.—Subject to subpara-
4 graph (B), the Secretary, in consultation with
5 relevant stakeholders, shall develop a single
6 standardized electronic form for use by the indi-
7 vidual or the referring health care provider to
8 submit to the State agency administering the
9 State plan in order to verify that the clinical
10 trial meets the conditions established for an ap-
11 proved clinical trial (as defined in subsection
12 (c)).
13 "(B) EXCLUDED INFORMATION.—For pur-
14 poses of subparagraph (A) or any such request
15 by the State agency for information regarding
16 a clinical trial, an individual or referring health
17 care provider shall not be required to submit—
18 "(i) the clinical protocol document for
19 the clinical trial; or
20 "(ii) subject to subparagraph (C), any
21 additional information other than such in-
22 formation as is required pursuant to the
23 form described in subparagraph (A).
24 "(C) OPTIONAL INFORMATION.—For pur-
25 poses of subparagraphs (A) and (B)(ii), the

form may include a requirement that the referring health care provider attest that the individual is eligible to participate in the clinical trial pursuant to the trial protocol and that individual participation in such trial would be appropriate.

"(D) REVIEW OF INFORMATION.—

"(i) IN GENERAL.—A State plan under this title shall establish a process for timely review by the State agency of the form and information submitted pursuant to subparagraph (A) and, not later than 48 hours after receipt of such form, confirmation that the information provided in such form satisfies the requirements established under such subparagraph, with such process to include establishment and operation of a 24-hour, toll-free telephone number and email address to provide for expedited communication.

"(ii) FAILURE TO RESPOND.—If an individual or the referring health care provider does not receive a response or request for additional information from the State agency following the 48-hour period

1 described in clause (i), the information
2 provided in the form may be presumed to
3 satisfy the requirements established under
4 this paragraph.
5 "(b) ENCOURAGEMENT OF PARTICIPATION IN AP-
6 PROVED CLINICAL TRIALS.—
7 "(1) REASONABLY ACCESSIBLE PROVIDER.—
8 For purposes of participation in an approved clinical
9 trial by an individual eligible for medical assistance
10 under this title, the State agency administering the
11 State plan shall make reasonable efforts to ensure
12 that the individual is provided with access to a pro-
13 vider who is—
14 "(A) participating in the approved clinical
15 trial;
16 "(B) located not more than 25 miles from
17 the residence of the individual (or, if no such
18 provider is available, as close as possible to the
19 residence of the individual); and
20 "(C) a participating provider under the
21 State plan or has been deemed to be a partici-
22 pating provider under the State plan for pur-
23 poses of providing medical assistance to the in-
24 dividual during their participation in the ap-
25 proved clinical trial.

1 "(2) INFORMATIONAL MATERIALS.—The State
2 agency administering the plan approved under this
3 title shall develop informational materials and pro-
4 grams to encourage participating providers to make
5 appropriate referrals to physicians and other appro-
6 priate health care professionals who can provide in-
7 dividuals with access to approved clinical trials.
8 "(c) DEFINITION OF APPROVED CLINICAL TRIAL.—
9 The term 'approved clinical trial' has the same meaning
10 as provided under section 2709(d) of the Public Health
11 Service Act.".
12 (b) CONFORMING AMENDMENT.—Section 1902(a) of
13 the Social Security Act (42 U.S.C. 1396a(a)) is amended
14 by inserting after paragraph (77) the following new para-
15 graph:
16 "(78) provide that participation in an approved
17 clinical trial and coverage of routine patient costs
18 associated with such trial for an individual eligible
19 for medical assistance under this title is conducted
20 in accordance with the requirements under section
21 1944;".
22 (c) EFFECTIVE DATE.—
23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the amendments made by this section

shall apply to calendar quarters beginning on or after October 1, 2018.

(2) DELAY PERMITTED FOR STATE PLAN AMENDMENT.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Subtitle E—HIV/AIDS

SEC. 741. STATEMENT OF POLICY.

It is the policy of the United States to achieve an AIDS-free generation, and to—

(1) expand access to lifesaving antiretroviral therapy for people living with HIV/AIDS and immediately link people to continuous and coordinated high-quality care when they learn they are infected with HIV;

(2) expand targeted efforts to prevent HIV infection using a combination of effective, evidence-based approaches, including routine HIV screening, and universal access to HIV prevention tools in the communities where HIV/AIDS is most heavily concentrated, particularly communities of color;

(3) ensure laws, policies, and regulations do not impede access to prevention, treatment, and care for people living with HIV/AIDS or at risk for acquiring HIV;

(4) accelerate research for more efficacious HIV prevention and treatments tools, a cure, and a vaccine; and

(5) respect the human rights and dignity of persons living with HIV/AIDS.

SEC. 742. FINDINGS.

The Congress finds the following:

(1) Over one million people are estimated to be living with HIV in the United States according to the Centers for Disease Control and Prevention, 15

1 percent of whom are unaware of their HIV-positive
2 status.
3 (2) Annually there are about 37,600 new HIV
4 infections and 20,000 deaths in people with an HIV
5 diagnoses in 50 States and 6 dependent areas of the
6 United States.
7 (3) The Centers for Disease Control and Pre-
8 vention estimates that, in 2015, there were approxi-
9 mately 37,600 people newly diagnosed with HIV.
10 The estimated number of annual new HIV infections
11 declined 10 percent from 2010 to 2014. However,
12 the number of new infections is increasing among
13 certain populations, such as Latino gay and bisexual
14 men, where annual infections increase 14 percent.
15 New infections among Black gay or bisexual men
16 are remaining stable.
17 (4) HIV disproportionately affects certain popu-
18 lations in the United States. Though African Ameri-
19 cans represent approximately 12 percent of the pop-
20 ulation, African Americans account for almost half
21 (45 percent) of all people living with HIV in the
22 United States. Men who have sex with men (MSM)
23 account for 67 percent of all new HIV infections and
24 are the only risk group in which HIV infections con-
25 tinue to increase.

(5) Disparities exist among Latinos/Hispanics; they make up 18 percent of the United States population and 24 percent of new infections (2015).

(6) Though the rate of new infections among American Indians/Alaska Native (AI/AN) is proportional to their population size, from 2005 to 2014, the annual number of HIV diagnoses increased 19 percent among AIs/ANs overall and 63 percent among AI/AN gay and bisexual men.

(7) Asian Americans account for about 2 percent of new HIV infections, but in 2013, 22 percent were undiagnosed, the highest rate of undiagnosed HIV among any race/ethnicity.

(8) The latest data from the CDC (2015) indicate that new infections among women declined 20 percent.

(9) The history of HIV shows that culturally relevant and gender-responsive supportive services, including psychosocial support, treatment literacy, case management, and transportation are necessary strategies to reach and engage women and girls in medical care.

(10) The limited data available on transgender individuals point to a disproportionate burden of HIV infection.

(11) Stigma and discrimination contribute to these disparities.

(12) The Centers for Disease Control and Prevention has determined that increasing the proportion of people who know their HIV status is an essential component of comprehensive HIV/AIDS treatment and prevention efforts and that early diagnosis is critical in order for people with HIV/AIDS to receive life-extending therapy. Additionally, the Centers for Disease Control and Prevention recommend routine HIV screening in health care settings for all patients aged 13 to 64, regardless of risk.

(13) In 1998, Congress created the National Minority AIDS Initiative to provide technical assistance, build capacity, and strengthen outreach efforts among local institutions and community-based organizations that serve racial and ethnic minorities living with or vulnerable to HIV/AIDS.

(14) To combat the HIV epidemic in the United States, the National HIV/AIDS Strategy (NHAS) provides a framework of increasing access to care, reducing new infections, and eliminating HIV-related health disparities. The vision of NHAS is "The United States will become a place where new HIV

1 infections are rare and when they do occur, every
2 person, regardless of age, gender, race/ethnicity,
3 gender identity, or socioeconomic circumstance, will
4 have unfettered access to high quality, life-extending
5 care, free from stigma and discrimination.''.

6 (15) At present, many States and United
7 States territories have criminal statutes based on
8 ''exposure'' to HIV. Most of these laws were adopted
9 before the availability of effective antiretroviral
10 treatment for HIV/AIDS.

11 (16) Research shows that stable housing leads
12 to better health outcomes for those living with HIV.
13 Inadequate or unstable housing is not only a barrier
14 to effective treatment, but also increases the likeli-
15 hood of engaging in risky behaviors leading to HIV
16 infection. Insecure housing puts people with HIV/
17 AIDS at risk of premature death from exposure to
18 other diseases, poor nutrition, and lack of medical
19 care.

20 (17) Due to advances in treatment, many peo-
21 ple living with HIV/AIDS (PLWHA) today are liv-
22 ing healthy lives and have the ability and desire to
23 fully participate in all aspects of community life, in-
24 cluding employment. Research associates being em-

ployed with tremendous economic, social, and health benefits for many people living with HIV/AIDS.

(18) The common benefits associated with employment include income, autonomy, productivity, and status within society, daily structure, making a contribution to one's community, and increased skills and self-esteem. Research also indicates that many people with disabilities, including PLWHA, report perceiving themselves as being less disabled or not disabled at all, when working. Furthermore, some studies link working with better physical and mental health outcomes for PLWHA when compared to those who are not working. Preliminary data also suggest that transitioning to employment is associated with reduced HIV-related health risk behavior for many people.

(19) On July 16, 2012, the Food and Drug Administration approved the first drug to reduce the risk of HIV infection in uninfected individuals who are at high risk of HIV infection and who may engage in sexual activity with HIV-infected partners.

(20) Syringe service programs (SSPs) have been associated with lowered HIV infections, lower hepatitis C infections, and increased linkage to substance use treatment.

(21) There is now conclusive scientific evidence that a person living with HIV who is on antiretroviral therapy (ART) and is durably virally suppressed (defined as having a consistent viral load of less than 200 copies/ml) does not sexually transmit HIV. The conclusive evidence about the highly effective preventative benefits of ART provides an unprecedented opportunity to improve the lives of people living with HIV, improve treatment uptake and adherence, and advocate for expanded access to treatment and care.

SEC. 743. ADDITIONAL FUNDING FOR AIDS DRUG ASSISTANCE PROGRAM TREATMENTS.

Section 2623 of the Public Health Service Act (42 U.S.C. 300ff–31b) is amended by adding at the end the following:

"(c) ADDITIONAL FUNDING FOR AIDS DRUG ASSISTANCE PROGRAM TREATMENTS.—In addition to amounts otherwise authorized to be appropriated for carrying out this subpart, there are authorized to be appropriated such sums as may be necessary to carry out sections 2612(b)(3)(B) and 2616 for each of fiscal years 2019 through 2022.".

1 **SEC. 744. ENHANCING THE NATIONAL HIV SURVEILLANCE**
2 **SYSTEM.**

3 (a) GRANTS.—The Secretary of Health and Human
4 Services, acting through the Director of the Centers for
5 Disease Control and Prevention, shall make grants to
6 States to support integration of public health surveillance
7 systems into all electronic health records in order to allow
8 rapid communications between the clinical setting and
9 health departments, by means that include—

10 (1) providing technical assistance and policy
11 guidance to State and local health departments, clin-
12 ical providers, and other agencies serving individuals
13 with HIV to improve the interoperability of data sys-
14 tems relevant to monitoring HIV care and sup-
15 portive services;

16 (2) capturing longitudinal data pertaining to
17 the initiation and ongoing prescription or dispensing
18 of antiretroviral therapy for individuals diagnosed
19 with HIV (such as through pharmacy-based report-
20 ing);

21 (3) obtaining information—

22 (A) on a voluntary basis, on sexual orienta-
23 tion and gender identity; and

24 (B) on sources of coverage (or the lack
25 thereof) for medical treatment (including cov-
26 erage through Medicaid, Medicare, the program

under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; commonly referred to as the ''Ryan White HIV/AIDS Program''), other public funding, private insurance, and health maintenance organizations); and

(4) obtaining and using current geographic markers of residence (such as current address, zip code, partial zip code, and census block).

(b) PRIVACY AND SECURITY SAFEGUARDS.—In carrying out this section, the Secretary of Health and Human Services shall ensure that appropriate privacy and security safeguards are met to prevent unauthorized disclosure of protected health information and compliance with the HIPAA privacy and security law (as defined in section 3009 of the Public Health Service Act (42 U.S.C. 300jj–19)) and other relevant laws and regulations.

(c) PROHIBITION AGAINST IMPROPER USE OF DATA.—No grant under this section may be used to allow or facilitate the collection or use of surveillance or clinical data or records—

(1) for punitive measures of any kind, civil or criminal, against the subject of such data or records; or

(2) for imposing any requirement or restriction with respect to an individual without the individual's written consent.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 745. EVIDENCE-BASED STRATEGIES FOR IMPROVING LINKAGE TO AND RETENTION IN APPROPRIATE CARE.

(a) STRATEGIES.—The Secretary of Health and Human Services, in collaboration with the Director of the Centers for Disease Control and Prevention, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Office of AIDS Research, the Administrator of the Health Resources and Services Administration, and the Administrator of the Centers for Medicare & Medicaid Services, shall—

(1) identify evidence-based strategies most effective at addressing the multifaceted issues that impede disease status awareness and linkage to and retention in appropriate care, taking into consideration health care systems issues, clinic and provider issues, and individual psychosocial, environmental, and other contextual factors;

(2) support the wide-scale implementation of the evidence-based strategies identified pursuant to paragraph (1), including through incorporating such strategies into health care coverage supported by the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the program under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; commonly referred to as the "Ryan White HIV/AIDS Program"), and health plans purchased through an American Health Benefit Exchange established pursuant to section 1311 of the Patient Protection and Affordable Care Act (42 U.S.C. 18031); and

(3) not later than 12 months after the date of the enactment of this Act, submit a report to the Congress on the status of activities under paragraphs (1) and (2).

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2019 through 2023.

SEC. 746. IMPROVING ENTRY INTO AND RETENTION IN CARE AND ANTIRETROVIRAL ADHERENCE FOR PERSONS WITH HIV.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that AIDS research has led to scientific advancements that have—

(1) saved the lives of millions of people with HIV/AIDS;

(2) prevented millions of people from being infected; and

(3) had broad benefits that extend far beyond helping people at risk for or living with HIV.

(b) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall expand, intensify, and coordinate operational and translational research and other activities of the National Institutes of Health regarding methods—

(1) to increase adoption of evidence-based adherence strategies within HIV care and treatment programs;

(2) to increase HIV testing and case detection rates;

(3) to reduce HIV-related health disparities;

(4) to ensure that research to improve adherence to HIV care and treatment programs address the unique concerns of women;

(5) to integrate HIV/AIDS prevention and care services with mental health and substance use prevention and treatment delivery systems;

(6) to increase knowledge on the implementation of preexposure prophylaxis (PrEP), including with respect to—

(A) who can benefit most from PrEP;

(B) how to provide PrEP safely and efficiently;

(C) how to integrate PrEP with other essential prevention methods such as condoms; and

(D) how to ensure high levels of adherence; and

(7) to increase knowledge of Undetectable = Untransmittable (U=U) a person living with HIV who is on antiretroviral therapy (ART) and is durably virally suppressed (defined as having a consistent viral load of less than 200 copies/ml) cannot sexually transmit HIV.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated

such sums as may be necessary for fiscal years 2019 through 2023.

SEC. 747. SERVICES TO REDUCE HIV/AIDS IN RACIAL AND ETHNIC MINORITY COMMUNITIES.

(a) IN GENERAL.—For the purpose of reducing HIV/AIDS in racial and ethnic minority communities, the Secretary, acting through the Deputy Assistant Secretary for Minority Health, may make grants to public health agencies and faith-based organizations to conduct—

(1) outreach activities related to HIV/AIDS prevention and testing activities;

(2) HIV/AIDS prevention activities; and

(3) HIV/AIDS testing activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2019 through 2023.

SEC. 748. MINORITY AIDS INITIATIVE.

(a) EXPANDED FUNDING.—The Secretary, in collaboration with the Deputy Assistant Secretary for Minority Health, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, and the Administrator of the Substance Abuse and Mental Health Services

1 Administration, shall provide funds and carry out activi-
2 ties to expand the Minority HIV/AIDS Initiative.

3 (b) USE OF FUNDS.—The additional funds made
4 available under this section may be used, through the Mi-
5 nority AIDS Initiative, to support the following activities:

6 (1) Providing technical assistance and infra-
7 structure support to reduce HIV/AIDS in minority
8 populations.

9 (2) Increasing minority populations' access to
10 HIV/AIDS prevention and care services.

11 (3) Building strong community programs and
12 partnerships to address HIV prevention and the
13 health care needs of specific racial and ethnic minor-
14 ity populations.

15 (c) PRIORITY INTERVENTIONS.—Within the racial
16 and ethnic minority populations referred to in subsection
17 (b), priority in conducting intervention services shall be
18 given to—

19 (1) men who have sex with men;

20 (2) youth;

21 (3) persons who engage in intravenous drug
22 abuse;

23 (4) women;

24 (5) homeless individuals; and

(6) individuals incarcerated or in the penal system.

(d) AUTHORIZATION OF APPROPRIATIONS.—For carrying out this section, there are authorized to be appropriated $610,000,000 for fiscal year 2019 and such sums as may be necessary for each of fiscal years 2020 through 2023.

SEC. 749. HEALTH CARE PROFESSIONALS TREATING INDIVIDUALS WITH HIV/AIDS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall expand, intensify, and coordinate workforce initiatives of the Health Resources and Services Administration to increase the capacity of the health workforce focusing primarily on HIV/AIDS to meet the demand for culturally competent care, and may award grants for any of the following:

(1) Development of curricula for training primary care providers in HIV/AIDS prevention and care, including routine HIV testing.

(2) Support to expand access to culturally and linguistically accessible benefits counselors, trained peer navigators, and mental and behavioral health professionals with expertise in HIV/AIDS.

(3) Training health care professionals to provide care to individuals with HIV/AIDS.

(4) Development by grant recipients under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; commonly referred to as the ''Ryan White HIV/AIDS Program'') and other persons, of policies for providing culturally relevant and sensitive treatment to individuals with HIV/AIDS, with particular emphasis on treatment to racial and ethnic minorities, men who have sex with men, and women, young people, and children with HIV/AIDS.

(5) Development and implementation of programs to increase the use of telehealth to respond to HIV/AIDS-specific health care needs in rural and minority communities, with particular emphasis given to medically underserved communities and insular areas.

(6) Evaluating interdisciplinary medical provider care team models that promote high-quality care, with particular emphasis on care to racial and ethnic minorities.

(7) Training health care professionals to make them aware of the high rates of chronic hepatitis B and chronic hepatitis C in adult racial and ethnic populations, and the importance of prevention, de-

tection, and medical management of hepatitis B and hepatitis C and of liver cancer screening.

(8) Development of curricula for training primary care providers that HIV/AIDS and tuberculosis are significant mutual comorbidities, and that a patient who tests positive for one disease should be offered and encouraged to receive testing for the other.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2019 through 2023.

SEC. 750. HIV/AIDS PROVIDER LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—The Secretary may enter into an agreement with any physician, nurse practitioner, or physician assistant under which—

(1) the physician, nurse practitioner, or physician assistant agrees to serve as a medical provider for a period of not less than 2 years—

(A) at a Ryan White-funded or title X-funded facility with a critical shortage of doctors (as determined by the Secretary); or

(B) in an area with a high incidence of HIV/AIDS; and

(2) the Secretary agrees to make payments in accordance with subsection (b) on the professional education loans of the physician, nurse practitioner, or physician assistant.

(b) MANNER OF PAYMENTS.—The payments described in subsection (a) shall be made by the Secretary as follows:

(1) Upon completion by the physician, nurse practitioner, or physician assistant for whom the payments are to be made of the first year of the service specified in the agreement entered into with the Secretary under subsection (a), the Secretary shall pay 30 percent of the principal of and the interest on the individual's professional education loans.

(2) Upon completion by the physician, nurse practitioner, or physician assistant of the second year of such service, the Secretary shall pay another 30 percent of the principal of and the interest on such loans.

(3) Upon completion by that individual of a third year of such service, the Secretary shall pay another 25 percent of the principal of and the interest on such loans.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) shall, except as inconsistent with this section, apply to the program carried out under this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

(d) REPORTS.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the Congress a report describing the program carried out under this section, including statements regarding the following:

(1) The number of physicians, nurse practitioners, and physician assistants enrolled in the program.

(2) The number and amount of loan repayments.

(3) The placement location of loan repayment recipients at facilities described in subsection (a)(1).

(4) The default rate and actions required.

(5) The amount of outstanding default funds.

(6) To the extent that it can be determined, the reason for the default.

(7) The demographics of individuals participating in the program.

(8) An evaluation of the overall costs and benefits of the program.

(e) DEFINITIONS.—In this section:

(1) HIV/AIDS.—The term ''HIV/AIDS'' means human immunodeficiency virus and acquired immune deficiency syndrome.

(2) NURSE PRACTITIONER.—The term ''nurse practitioner'' means a registered nurse who has completed an accredited graduate degree program in advanced nurse practice and has successfully passed a national certification exam.

(3) PHYSICIAN.—The term ''physician'' means a graduate of a school of medicine who has completed postgraduate training in general or pediatric medicine.

(4) PHYSICIAN ASSISTANT.—The term ''physician assistant'' means a medical provider who completed an accredited physician assistant training program and successfully passed the Physician Assistant National Certifying Examination.

(5) PROFESSIONAL EDUCATION LOAN.—The term ''professional education loan''—

(A) means a loan that is incurred for the cost of attendance (including tuition, other reasonable educational expenses, and reasonable

living costs) at a school of medicine, nursing, or physician assistant training program; and

(B) includes only the portion of the loan that is outstanding on the date the physician, nurse practitioner, or physician assistant involved begins the service specified in the agreement under subsection (a).

(6) RYAN WHITE-FUNDED.—The term ''Ryan White-funded'' means, with respect to a facility, receiving funds under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(8) SCHOOL OF MEDICINE.—The term ''school of medicine'' has the meaning given to that term in section 799B of the Public Health Service Act (42 U.S.C. 295p).

(9) TITLE X-FUNDED.—The term ''title X-funded'' means, with respect to a facility, receiving funds under title X of the Public Health Service Act (42 U.S.C. 300 et seq.).

(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2019 through 2023.

SEC. 751. DENTAL EDUCATION LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services may enter into an agreement with any dentist under which—

(1) the dentist agrees to serve as a dentist for a period of not less than 2 years at a facility with a critical shortage of dentists (as determined by the Secretary) in an area with a high incidence of HIV/AIDS; and

(2) the Secretary agrees to make payments in accordance with subsection (b) on the dental education loans of the dentist.

(b) MANNER OF PAYMENTS.—The payments described in subsection (a) shall be made by the Secretary as follows:

(1) Upon completion by the dentist for whom the payments are to be made of the first year of the service specified in the agreement entered into with the Secretary under subsection (a), the Secretary shall pay 30 percent of the principal of and the interest on the dental education loans of the dentist.

(2) Upon completion by the dentist of the second year of such service, the Secretary shall pay another 30 percent of the principal of and the interest on such loans.

(3) Upon completion by that individual of a third year of such service, the Secretary shall pay another 25 percent of the principal of and the interest on such loans.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) shall, except as inconsistent with this section, apply to the program carried out under this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

(d) REPORTS.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the Congress a report describing the program carried out under this section, including statements regarding the following:

(1) The number of dentists enrolled in the program.

(2) The number and amount of loan repayments.

(3) The placement location of loan repayment recipients at facilities described in subsection (a)(1).

(4) The default rate and actions required.

(5) The amount of outstanding default funds.

(6) To the extent that it can be determined, the reason for the default.

(7) The demographics of individuals participating in the program.

(8) An evaluation of the overall costs and benefits of the program.

(e) DEFINITIONS.—In this section:

(1) DENTAL EDUCATION LOAN.—The term ''dental education loan''—

(A) means a loan that is incurred for the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) at a school of dentistry; and

(B) includes only the portion of the loan that is outstanding on the date the dentist involved begins the service specified in the agreement under subsection (a).

(2) DENTIST.—The term ''dentist'' means a graduate of a school of dentistry who has completed postgraduate training in general or pediatric dentistry.

(3) HIV/AIDS.—The term ''HIV/AIDS'' means human immunodeficiency virus and acquired immune deficiency syndrome.

(4) SCHOOL OF DENTISTRY.—The term ''school of dentistry'' has the meaning given to that term in section 799B of the Public Health Service Act (42 U.S.C. 295p).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 752. REDUCING NEW HIV INFECTIONS AMONG INJECTING DRUG USERS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that providing sterile syringes and sterilized equipment to injecting drug users substantially reduces risk of HIV infection, increases the probability that they will initiate drug treatment, and does not increase drug use.

(b) IN GENERAL.—The Secretary of Health and Human Services may provide grants and technical assistance for the purpose of reducing the rate of HIV infections among injecting drug users through a comprehensive package of services for such users, including the provision of sterile syringes, education and outreach, access to infectious disease testing, overdose prevention, and treatment for drug dependence.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2019 through 2023.

SEC. 753. REPORT ON IMPACT OF HIV/AIDS IN VULNERABLE POPULATIONS.

(a) IN GENERAL.—The Secretary shall submit to the Congress and the President an annual report on the impact of HIV/AIDS for racial and ethnic minority communities, women, and youth aged 24 and younger.

(b) CONTENTS.—The report under subsection (a) shall include information on the—

(1) progress that has been made in reducing the impact of HIV/AIDS in such communities;

(2) opportunities that exist to make additional progress in reducing the impact of HIV/AIDS in such communities;

(3) challenges that may impede such additional progress; and

(4) Federal funding necessary to achieve substantial reductions in HIV/AIDS in racial and ethnic minority communities.

SEC. 754. NATIONAL HIV/AIDS OBSERVANCE DAYS.

(a) NATIONAL OBSERVANCE DAYS.—It is the sense of the Congress that national observance days highlighting

the impact of HIV/AIDS on communities of color include the following:

(1) National Black HIV/AIDS Awareness Day.

(2) National Latino AIDS Awareness Day.

(3) National Asian and Pacific Islander HIV/AIDS Awareness Day.

(4) National Native American HIV/AIDS Awareness Day.

(5) National Youth HIV/AIDS Awareness Day.

(b) CALL TO ACTION.—It is the sense of the Congress that the President should call on members of communities of color—

(1) to become involved at the local community level in HIV/AIDS testing, policy, and advocacy;

(2) to become aware, engaged, and empowered on the HIV/AIDS epidemic within their communities; and

(3) to urge members of their communities to reduce risk factors, practice safe sex and other preventive measures, be tested for HIV/AIDS, and seek care when appropriate.

SEC. 755. REVIEW OF ALL FEDERAL AND STATE LAWS, POLICIES, AND REGULATIONS REGARDING THE CRIMINAL PROSECUTION OF INDIVIDUALS FOR HIV-RELATED OFFENSES.

(a) DEFINITIONS.—

(1) HIV AND HIV/AIDS.—The terms ''HIV'' and ''HIV/AIDS'' have the meanings given to such terms in section 2689 of the Public Health Service Act (42 U.S.C. 300ff–88).

(2) STATE.—The term ''State'' includes the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.

(b) SENSE OF CONGRESS REGARDING LAWS OR REGULATIONS DIRECTED AT PEOPLE LIVING WITH HIV/AIDS.—It is the sense of the Congress that Federal and State laws, policies, and regulations regarding people living with HIV/AIDS—

(1) should not place unique or additional burdens on such individuals solely as a result of their HIV status; and

(2) should instead demonstrate a public health-oriented, evidence-based, medically accurate, and contemporary understanding of—

(A) the multiple factors that lead to HIV transmission;

(B) the relative risk of HIV transmission routes;

(C) the current health implications of living with HIV;

(D) the associated benefits of treatment and support services for people living with HIV; and

(E) the impact of punitive HIV-specific laws and policies on public health, on people living with or affected by HIV, and on their families and communities.

(c) REVIEW OF ALL FEDERAL AND STATE LAWS, POLICIES, AND REGULATIONS REGARDING THE CRIMINAL PROSECUTION OF INDIVIDUALS FOR HIV-RELATED OFFENSES.—

(1) REVIEW OF FEDERAL AND STATE LAWS.—

(A) IN GENERAL.—No later than 90 days after the date of the enactment of this Act, the Attorney General, the Secretary of Health and Human Services, and the Secretary of Defense acting jointly (in this paragraph and paragraph (2) referred to as the ''designated officials'') shall initiate a national review of Federal and State laws, policies, regulations, and judicial precedents and decisions regarding criminal and

1 related civil commitment cases involving people
2 living with HIV/AIDS, including in regards to
3 the Uniform Code of Military Justice.
4 (B) CONSULTATION.—In carrying out the
5 review under subparagraph (A), the designated
6 officials shall ensure diverse participation and
7 consultation from each State, including with—
8 (i) State attorneys general (or their
9 representatives);
10 (ii) State public health officials (or
11 their representatives);
12 (iii) State judicial and court system
13 officers, including judges, district attor-
14 neys, prosecutors, defense attorneys, law
15 enforcement, and correctional officers;
16 (iv) members of the United States
17 Armed Forces, including members of other
18 Federal services subject to the Uniform
19 Code of Military Justice;
20 (v) people living with HIV/AIDS, par-
21 ticularly those who have been subject to
22 HIV-related prosecution or who are from
23 communities whose members have been
24 disproportionately subject to HIV-specific
25 arrests and prosecutions;

(vi) legal advocacy and HIV/AIDS service organizations that work with people living with HIV/AIDS;

(vii) nongovernmental health organizations that work on behalf of people living with HIV/AIDS; and

(viii) trade organizations or associations representing persons or entities described in clauses (i) through (vii).

(C) RELATION TO OTHER REVIEWS.—In carrying out the review under subparagraph (A), the designated officials may utilize other existing reviews of criminal and related civil commitment cases involving people living with HIV/AIDS, including any such review conducted by any Federal or State agency or any public health, legal advocacy, or trade organization or association if the designated officials determine that such reviews were conducted in accordance with the principles set forth in subsection (b).

(2) REPORT.—No later than 180 days after initiating the review required by paragraph (1), the Attorney General shall transmit to the Congress and

make publicly available a report containing the results of the review, which includes the following:

(A) For each State and for the Uniform Code of Military Justice, a summary of the relevant laws, policies, regulations, and judicial precedents and decisions regarding criminal cases involving people living with HIV/AIDS, including, if applicable, the following:

(i) A determination of whether such laws, policies, regulations, and judicial precedents and decisions place any unique or additional burdens upon people living with HIV/AIDS.

(ii) A determination of whether such laws, policies, regulations, and judicial precedents and decisions demonstrate a public health-oriented, evidence-based, medically accurate, and contemporary understanding of—

(I) the multiple factors that lead to HIV transmission;

(II) the relative risk of HIV transmission routes;

(III) the current health implications of living with HIV;

(IV) the associated benefits of treatment and support services for people living with HIV; and

(V) the impact of punitive HIV-specific laws and policies on public health, on people living with or affected by HIV, and on their families and communities.

(iii) An analysis of the public health and legal implications of such laws, policies, regulations, and judicial precedents, including an analysis of the consequences of having a similar penal scheme applied to comparable situations involving other communicable diseases.

(iv) An analysis of the proportionality of punishments imposed under HIV-specific laws, policies, regulations, and judicial precedents, taking into consideration penalties attached to violation of State laws against similar degrees of endangerment or harm, such as driving while intoxicated (DWI) or transmission of other communicable diseases, or more serious harms, such as vehicular manslaughter offenses.

(B) An analysis of common elements shared among State laws, policies, regulations, and judicial precedents.

(C) A set of best practice recommendations directed to State governments, including State attorneys general, public health officials, and judicial officers, in order to ensure that laws, policies, regulations, and judicial precedents regarding people living with HIV/AIDS are in accordance with the principles set forth in subsection (b).

(D) Recommendations for adjustments to the Uniform Code of Military Justice, as may be necessary, in order to ensure that laws, policies, regulations, and judicial precedents regarding people living with HIV/AIDS are in accordance with the principles set forth in subsection (b).

(3) GUIDANCE.—Within 90 days of the release of the report required by paragraph (2), the Attorney General and the Secretary of Health and Human Services, acting jointly, shall develop and publicly release updated guidance for States based on the set of best practice recommendations required by paragraph (2)(C) in order to assist States dealing

with criminal and related civil commitment cases regarding people living with HIV/AIDS.

(4) MONITORING AND EVALUATION SYSTEM.—Within 60 days of the release of the guidance required by paragraph (3), the Attorney General and the Secretary of Health and Human Services, acting jointly, shall establish an integrated monitoring and evaluation system which includes, where appropriate, objective and quantifiable performance goals and indicators to measure progress toward statewide implementation in each State of the best practice recommendations required in paragraph (2)(C), including to monitor, track, and evaluate the effectiveness of assistance provided pursuant to subsection (d).

(5) ADJUSTMENTS TO FEDERAL LAWS, POLICIES, OR REGULATIONS.—Within 90 days of the release of the report required by paragraph (2), the Attorney General, the Secretary of Health and Human Services, and the Secretary of Defense, acting jointly, shall develop and transmit to the President and the Congress, and make publicly available, such proposals as may be necessary to implement adjustments to Federal laws, policies, or regulations, including to the Uniform Code of Military Justice, based on the recommendations required by para-

graph (2)(D), either through Executive order or through changes to statutory law.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this subsection. Amounts authorized to be appropriated by the preceding sentence are in addition to amounts otherwise authorized to be appropriated for such purpose.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) are authorized to remain available until expended.

(d) AUTHORIZATION TO PROVIDE GRANTS.—

(1) GRANTS BY ATTORNEY GENERAL.—

(A) IN GENERAL.—The Attorney General may provide assistance to eligible State and local entities and eligible nongovernmental organizations for the purpose of incorporating the best practice recommendations developed under subsection (c)(2)(C) within relevant State laws, policies, regulations, and judicial decisions regarding people living with HIV/AIDS.

(B) AUTHORIZED ACTIVITIES.—The assistance authorized by subparagraph (A) may include—

(i) direct technical assistance to eligible State and local entities in order to develop, disseminate, or implement State laws, policies, regulations, or judicial decisions that conform with the best practice recommendations developed under subsection (c)(2)(C);

(ii) direct technical assistance to eligible nongovernmental organizations in order to provide education and training, including through classes, conferences, meetings, and other educational activities, to eligible State and local entities; and

(iii) subcontracting authority to allow eligible State and local entities and eligible nongovernmental organizations to seek technical assistance from legal and public health experts with a demonstrated understanding of the principles underlying the best practice recommendations developed under subsection (c)(2)(C).

(2) GRANTS BY SECRETARY OF HEALTH AND HUMAN SERVICES.—

(A) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may provide assistance to State and local public health departments and eligible nongovernmental organizations for the purpose of supporting eligible State and local entities to incorporate the best practice recommendations developed under subsection (c)(2)(C) within relevant State laws, policies, regulations, and judicial decisions regarding people living with HIV/AIDS.

(B) AUTHORIZED ACTIVITIES.—The assistance authorized by subparagraph (A) may include—

(i) direct technical assistance to State and local public health departments in order to support the development, dissemination, or implementation of State laws, policies, regulations, or judicial decisions that conform with the set of best practice recommendations developed under subsection (c)(2)(C);

(ii) direct technical assistance to eligible nongovernmental organizations in order to provide education and training, including through classes, conferences, meetings, and other educational activities, to State and local public health departments; and

(iii) subcontracting authority to allow State and local public health departments and eligible nongovernmental organizations to seek technical assistance from legal and public health experts with a demonstrated understanding of the principles underlying the best practice recommendations developed under subsection (c)(2)(C).

(3) LIMITATION.—As a condition of receiving assistance through this subsection, eligible State and local entities, State and local public health departments, and eligible nongovernmental organizations shall agree—

(A) not to place any unique or additional burdens on people living with HIV/AIDS solely as a result of their HIV status; and

(B) that if the entity, department, or organization promulgates any laws, policies, regulations, or judicial decisions regarding people liv-

ing with HIV/AIDS, such actions shall demonstrate a public health-oriented, evidence-based, medically accurate, and contemporary understanding of—

(i) the multiple factors that lead to HIV transmission;

(ii) the relative risk of HIV transmission routes;

(iii) the current health implications of living with HIV;

(iv) the associated benefits of treatment and support services for people living with HIV; and

(v) the impact of punitive HIV-specific laws and policies on public health, on people living with or affected by HIV, and on their families and communities.

(4) REPORT.—No later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General and the Secretary of Health and Human Services, acting jointly, shall transmit to Congress and make publicly available a report describing, for each State, the impact and effectiveness of the assistance provided through this Act. Each such report shall include—

(A) a detailed description of the progress each State has made, if any, in implementing the best practice recommendations developed under subsection (c)(2)(C) as a result of the assistance provided under this subsection, and based on the performance goals and indicators established as part of the monitoring and evaluation system in subsection (c)(4);

(B) a brief summary of any outreach efforts undertaken during the prior year by the Attorney General and the Secretary of Health and Human Services to encourage States to seek assistance under this subsection in order to implement the best practice recommendations developed under subsection (c)(2)(C);

(C) a summary of how assistance provided through this subsection is being utilized by eligible State and local entities, State and local public health departments, and eligible nongovernmental organizations and, if applicable, any contractors, including with respect to nongovernmental organizations, the type of technical assistance provided, and an evaluation of the impact of such assistance on eligible State and local entities; and

(D) a summary and description of eligible State and local entities, State and local public health departments, and eligible nongovernmental organizations receiving assistance through this subsection, including if applicable, a summary and description of any contractors selected to assist in implementing such assistance.

(5) DEFINITIONS.—For the purposes of this subsection:

(A) ELIGIBLE STATE AND LOCAL ENTITIES.—The term ''eligible State and local entities'' means the relevant individuals, offices, or organizations that directly participate in the development, dissemination, or implementation of State laws, policies, regulations, or judicial decisions, including—

(i) State governments, including State attorneys general, State departments of justice, and State National Guards, or their equivalents;

(ii) State judicial and court systems, including trial courts, appellate courts, State supreme courts and courts of appeal,

and State correctional facilities, or their equivalents; and

(iii) local governments, including city and county governments, district attorneys, and local law enforcement departments, or their equivalents.

(B) STATE AND LOCAL PUBLIC HEALTH DEPARTMENTS.—The term ''State and local public health departments'' means the following:

(i) State public health departments, or their equivalents, including the chief officer of such departments and infectious disease and communicable disease specialists within such departments.

(ii) Local public health departments, or their equivalents, including city and county public health departments, the chief officer of such departments, and infectious disease and communicable disease specialists within such departments.

(iii) Public health departments or officials, or their equivalents, within State or local correctional facilities.

(iv) Public health departments or officials, or their equivalents, within State National Guards.

(v) Any other recognized State or local public health organization or entity charged with carrying out official State or local public health duties.

(C) ELIGIBLE NONGOVERNMENTAL ORGANIZATIONS.—The term ''eligible nongovernmental organizations'' means the following:

(i) Nongovernmental organizations, including trade organizations or associations that represent—

(I) State attorneys general, or their equivalents;

(II) State public health officials, or their equivalents;

(III) State judicial and court officers, including judges, district attorneys, prosecutors, defense attorneys, law enforcement, and correctional officers;

(IV) State National Guards;

(V) people living with HIV/AIDS;

(VI) legal advocacy and HIV/AIDS service organizations that work with people living with HIV/AIDS; and

(VII) nongovernmental health organizations that work on behalf of people living with HIV/AIDS.

(ii) Nongovernmental organizations, including trade organizations or associations that demonstrate a public-health oriented, evidence-based, medically accurate, and contemporary understanding of—

(I) the multiple factors that lead to HIV transmission;

(II) the relative risk of HIV transmission routes;

(III) the current health implications of living with HIV;

(IV) the associated benefits of treatment and support services for people living with HIV; and

(V) the impact of punitive HIV-specific laws and policies on public health, on people living with or af-

fected by HIV, and on their families and communities.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts otherwise made available, there are authorized to be appropriated to the Attorney General and the Secretary of Health and Human Services such sums as may be necessary to carry out this subsection for each of the fiscal years 2019 through 2023.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorizations of appropriations in subparagraph (A) are authorized to remain available until expended.

SEC. 756. EXPANDING SUPPORT FOR CONDOMS IN PRISONS.

(a) AUTHORITY TO ALLOW COMMUNITY ORGANIZATIONS TO PROVIDE STI COUNSELING, STI PREVENTION EDUCATION, AND SEXUAL BARRIER PROTECTION DEVICES IN FEDERAL CORRECTIONAL FACILITIES.—

(1) DIRECTIVE TO ATTORNEY GENERAL.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall direct the Bureau of Prisons to allow community organizations to distribute sexual barrier protection devices and to

engage in STI counseling and STI prevention education in Federal correctional facilities. These activities shall be subject to all relevant Federal laws and regulations which govern visitation in correctional facilities.

(2) INFORMATION REQUIREMENT.—Any community organization permitted to distribute sexual barrier protection devices under paragraph (1) shall ensure that the persons to whom the devices are distributed are informed about the proper use and disposal of sexual barrier protection devices in accordance with established public health practices. Any community organization conducting STI counseling or STI prevention education under paragraph (1) shall offer comprehensive sexuality education.

(3) POSSESSION OF DEVICE PROTECTED.—No Federal correctional facility may, because of the possession or use of a sexual barrier protection device—

(A) take adverse action against an incarcerated person; or

(B) consider possession or use as evidence of prohibited activity for the purpose of any Federal correctional facility administrative proceeding.

(4) IMPLEMENTATION.—The Attorney General and Bureau of Prisons shall implement this section according to established public health practices in a manner that protects the health, safety, and privacy of incarcerated persons and of correctional facility staff.

(b) SENSE OF CONGRESS REGARDING DISTRIBUTION OF SEXUAL BARRIER PROTECTION DEVICES IN STATE PRISON SYSTEMS.—It is the sense of the Congress that States should allow for the legal distribution of sexual barrier protection devices in State correctional facilities to reduce the prevalence and spread of STIs in those facilities.

(c) SURVEY OF AND REPORT ON CORRECTIONAL FACILITY PROGRAMS AIMED AT REDUCING THE SPREAD OF STIS.—

(1) SURVEY.—The Attorney General, after consulting with the Secretary of Health and Human Services, State officials, and community organizations, shall, to the maximum extent practicable, conduct a survey of all Federal and State correctional facilities, not later than 180 days after the date of enactment of this Act and annually thereafter for 5 years, to determine the following:

(A) COUNSELING, TREATMENT, AND SUPPORTIVE SERVICES.—Whether the correctional

1 facility requires incarcerated persons to partici-
2 pate in counseling, treatment, and supportive
3 services related to STIs, or whether it offers
4 such programs to incarcerated persons.

5 (B) ACCESS TO SEXUAL BARRIER PROTEC-
6 TION DEVICES.—Whether incarcerated persons
7 can—

8 (i) possess sexual barrier protection
9 devices;

10 (ii) purchase sexual barrier protection
11 devices;

12 (iii) purchase sexual barrier protection
13 devices at a reduced cost; and

14 (iv) obtain sexual barrier protection
15 devices without cost.

16 (C) INCIDENCE OF SEXUAL VIOLENCE.—
17 The incidence of sexual violence and assault
18 committed by incarcerated persons and by cor-
19 rectional facility staff.

20 (D) PREVENTION EDUCATION OFFERED.—
21 The type of prevention education, information,
22 or training offered to incarcerated persons and
23 correctional facility staff regarding sexual vio-
24 lence and the spread of STIs, including whether
25 such education, information, or training—

(i) constitutes comprehensive sexuality education;

(ii) is compulsory for new incarcerated persons and for new staff; and

(iii) is offered on an ongoing basis.

(E) STI TESTING.—Whether the correctional facility tests incarcerated persons for STIs or gives them the option to undergo such testing—

(i) at intake;

(ii) on a regular basis; and

(iii) prior to release.

(F) STI TEST RESULTS.—The number of incarcerated persons who are tested for STIs and the outcome of such tests at each correctional facility, disaggregated to include results for—

(i) the type of sexually transmitted infection tested for;

(ii) the race and/or ethnicity of individuals tested;

(iii) the age of individuals tested; and

(iv) the gender of individuals tested.

(G) PRERELEASE REFERRAL POLICY.—Whether incarcerated persons are informed

prior to release about STI-related services or other health services in their communities, including free and low-cost counseling and treatment options.

(H) PRERELEASE REFERRALS MADE.—The number of referrals to community-based organizations or public health facilities offering STI-related or other health services provided to incarcerated persons prior to release, and the type of counseling or treatment for which the referral was made.

(I) REINSTATEMENT OF MEDICAID BENEFITS.—Whether the correctional facility assists incarcerated persons that were enrolled in the State Medicaid program prior to their incarceration, in reinstating their enrollment upon release and whether such individuals receive referrals as provided by subparagraph (G) to entities that accept the State Medicaid program, including if applicable—

(i) the number of such individuals, including those diagnosed with the human immunodeficiency virus, that have been reinstated;

(ii) a list of obstacles to reinstating enrollment or to making determinations of eligibility for reinstatement, if any; and

(iii) the number of individuals denied enrollment.

(J) OTHER ACTIONS TAKEN.—Whether the correctional facility has taken any other action, in conjunction with community organizations or otherwise, to reduce the prevalence and spread of STIs in that facility.

(2) PRIVACY.—In conducting the survey, the Attorney General shall not request or retain the identity of any person who has sought or been offered counseling, treatment, testing, or prevention education information regarding an STI (including information about sexual barrier protection devices), or who has tested positive for an STI.

(3) REPORT.—The Attorney General shall transmit to Congress and make publicly available the results of the survey required under paragraph (1), both for the Nation as a whole and disaggregated as to each State and each correctional facility. To the maximum extent possible, the Attorney General shall issue the first report no later than

1 year after the date of enactment of this Act and shall issue reports annually thereafter for 5 years.

(d) STRATEGY.—

(1) DIRECTIVE TO ATTORNEY GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, State officials, and community organizations, shall develop and implement a 5-year strategy to reduce the prevalence and spread of STIs in Federal and State correctional facilities. To the maximum extent possible, the strategy shall be developed, transmitted to Congress, and made publicly available no later than 180 days after the transmission of the first report required under subsection (c)(3).

(2) CONTENTS OF STRATEGY.—The strategy shall include the following:

(A) PREVENTION EDUCATION.—A plan for improving prevention education, information, and training offered to incarcerated persons and correctional facility staff, including information and training on sexual violence and the spread of STIs, and comprehensive sexuality education.

(B) SEXUAL BARRIER PROTECTION DEVICE ACCESS.—A plan for expanding access to sexual

1 barrier protection devices in correctional facili-
2 ties.

3 (C) SEXUAL VIOLENCE REDUCTION.—A
4 plan for reducing the incidence of sexual vio-
5 lence among incarcerated persons and correc-
6 tional facility staff, developed in consultation
7 with the National Prison Rape Elimination
8 Commission.

9 (D) COUNSELING AND SUPPORTIVE SERV-
10 ICES.—A plan for expanding access to coun-
11 seling and supportive services related to STIs in
12 correctional facilities.

13 (E) TESTING.—A plan for testing incarcer-
14 ated persons for STIs during intake, during
15 regular health exams, and prior to release, and
16 that—

17 (i) is conducted in accordance with
18 guidelines established by the Centers for
19 Disease Control and Prevention;

20 (ii) includes pretest counseling;

21 (iii) requires that incarcerated persons
22 are notified of their option to decline test-
23 ing at any time;

(iv) requires that incarcerated persons are confidentially notified of their test results in a timely manner; and

(v) ensures that incarcerated persons testing positive for STIs receive post-test counseling, care, treatment, and supportive services.

(F) TREATMENT.—A plan for ensuring that correctional facilities have the necessary medicine and equipment to treat and monitor STIs and for ensuring that incarcerated persons living with or testing positive for STIs receive and have access to care and treatment services.

(G) STRATEGIES FOR DEMOGRAPHIC GROUPS.—A plan for developing and implementing culturally appropriate, sensitive, and specific strategies to reduce the spread of STIs among demographic groups heavily impacted by STIs.

(H) LINKAGES WITH COMMUNITIES AND FACILITIES.—A plan for establishing and strengthening linkages to local communities and health facilities that—

(i) provide counseling, testing, care, and treatment services;

(ii) may receive persons recently released from incarceration who are living with STIs; and

(iii) accept payment through the State Medicaid program.

(I) ENROLLMENT IN STATE MEDICAID PROGRAMS.—Plans to ensure that incarcerated persons who were—

(i) enrolled in their State Medicaid program prior to incarceration in a correctional facility are automatically reenrolled in such program upon their release; and

(ii) not enrolled in their State Medicaid program prior to incarceration, but who are diagnosed with the human immunodeficiency virus while incarcerated in a correctional facility, are automatically enrolled in such program upon their release.

(J) OTHER PLANS.—Any other plans developed by the Attorney General for reducing the spread of STIs or improving the quality of health care in correctional facilities.

(K) MONITORING SYSTEM.—A monitoring system that establishes performance goals related to reducing the prevalence and spread of STIs in correctional facilities and which, where feasible, expresses such goals in quantifiable form.

(L) MONITORING SYSTEM PERFORMANCE INDICATORS.—Performance indicators that measure or assess the achievement of the performance goals described in subparagraph (K).

(M) COST ESTIMATE.—A detailed estimate of the funding necessary to implement the strategy at the Federal and State levels for all 5 years, including the amount of funds required by community organizations to implement the parts of the strategy in which they take part.

(3) REPORT.—The Attorney General shall transmit to Congress and make publicly available an annual progress report regarding the implementation and effectiveness of the strategy described in paragraph (1). The progress report shall include an evaluation of the implementation of the strategy using the monitoring system and performance indicators provided for in subparagraphs (K) and (L) of paragraph (2).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2019 through 2023.

(2) AVAILABILITY OF FUNDS.—Amounts made available under paragraph (1) are authorized to remain available until expended.

(f) DEFINITIONS.—For the purposes of this section:

(1) COMMUNITY ORGANIZATION.—The term ''community organization'' means a public health care facility or a nonprofit organization which provides health- or STI-related services according to established public health standards.

(2) COMPREHENSIVE SEXUALITY EDUCATION.—The term ''comprehensive sexuality education'' means sexuality education that includes information about abstinence and about the proper use and disposal of sexual barrier protection devices and which is—

(A) evidence-based;

(B) medically accurate;

(C) age and developmentally appropriate;

(D) gender and identity sensitive;

(E) culturally and linguistically appropriate; and

(F) structured to promote critical thinking, self-esteem, respect for others, and the development of healthy attitudes and relationships.

(3) CORRECTIONAL FACILITY.—The term ''correctional facility'' means any prison, penitentiary, adult detention facility, juvenile detention facility, jail, or other facility to which persons may be sent after conviction of a crime or act of juvenile delinquency within the United States.

(4) INCARCERATED PERSON.—The term ''incarcerated person'' means any person who is serving a sentence in a correctional facility after conviction of a crime.

(5) SEXUALLY TRANSMITTED INFECTION.—The term ''sexually transmitted infection'' or ''STI'' means any disease or infection that is commonly transmitted through sexual activity, including HIV/AIDS, gonorrhea, chlamydia, syphilis, genital herpes, viral hepatitis, and human papillomavirus.

(6) SEXUAL BARRIER PROTECTION DEVICE.—The term ''sexual barrier protection device'' means any FDA-approved physical device which has not been tampered with and which reduces the prob-

ability of STI transmission or infection between sexual partners, including female condoms, male condoms, and dental dams.

(7) STATE.—The term ''State'' includes the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.

SEC. 757. AUTOMATIC REINSTATEMENT OR ENROLLMENT IN MEDICAID FOR PEOPLE WHO TEST POSITIVE FOR HIV BEFORE REENTERING COMMUNITIES.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(15) ENROLLMENT OF EX-OFFENDERS.—

''(A) AUTOMATIC ENROLLMENT OR REINSTATEMENT.—

''(i) IN GENERAL.—The State plan shall provide for the automatic enrollment or reinstatement of enrollment of an eligible individual—

''(I) if such individual is scheduled to be released from a public institution due to the completion of sen-

tence, not less than 30 days prior to the scheduled date of the release; and

"(II) if such individual is to be released from a public institution on parole or on probation, as soon as possible after the date on which the determination to release such individual was made, and before the date such individual is released.

"(ii) EXCEPTION.—If a State makes a determination that an individual is not eligible to be enrolled under the State plan—

"(I) on or before the date by which the individual would be enrolled under clause (i), such clause shall not apply to such individual; or

"(II) after such date, the State may terminate the enrollment of such individual.

"(B) RELATIONSHIP OF ENROLLMENT TO PAYMENT FOR SERVICES.—

"(i) IN GENERAL.—Subject to subparagraph (A)(ii), an eligible individual who is enrolled, or whose enrollment is reinstated, under subparagraph (A) shall be

1 eligible for medical assistance that is pro-
2 vided after the date that the eligible indi-
3 vidual is released from the public institu-
4 tion.

5 "(ii) RELATIONSHIP TO PAYMENT
6 PROHIBITION FOR INMATES.—No provision
7 of this paragraph may be construed to per-
8 mit payment for care or services for which
9 payment is excluded under section
10 1905(a)(3)(A).

11 "(C) TREATMENT OF CONTINUOUS ELIGI-
12 BILITY.—

13 "(i) SUSPENSION FOR INMATES.—Any
14 period of continuous eligibility under this
15 title shall be suspended on the date an in-
16 dividual enrolled under this title becomes
17 an inmate of a public institution (except as
18 a patient of a medical institution).

19 "(ii) DETERMINATION OF REMAINING
20 PERIOD.—Notwithstanding any changes to
21 State law related to continuous eligibility
22 during the time that an individual is an in-
23 mate of a public institution (except as a
24 patient of a medical institution), subject to
25 clause (iii), with respect to an eligible indi-

vidual who was subject to a suspension under clause (i), on the date that such individual is released from a public institution the suspension of continuous eligibility under such clause shall be lifted for a period that is equal to the time remaining in the period of continuous eligibility for such individual on the date that such period was suspended under such clause.

"(iii) EXCEPTION.—If a State makes a determination that an individual is not eligible to be enrolled under the State plan—

"(I) on or before the date that the suspension of continuous eligibility is lifted under clause (ii), such clause shall not apply to such individual; or

"(II) after such date, the State may terminate the enrollment of such individual.

"(D) AUTOMATIC ENROLLMENT OR REINSTATEMENT OF ENROLLMENT DEFINED.—For purposes of this paragraph, the term 'automatic enrollment or reinstatement of enrollment' means that the State determines eligibility for

medical assistance under the State plan without a program application from, or on behalf of, the eligible individual, but an individual can only be automatically enrolled in the State Medicaid plan if the individual affirmatively consents to being enrolled through affirmation in writing, by telephone, orally, through electronic signature, or through any other means specified by the Secretary.

"(E) ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this paragraph, the term 'eligible individual' means an individual who is an inmate of a public institution (except as a patient in a medical institution)—

"(i) who was enrolled under the State plan for medical assistance immediately before becoming an inmate of such an institution; or

"(ii) who is diagnosed with human immunodeficiency virus.".

(b) SUPPLEMENTAL FUNDING FOR STATE IMPLEMENTATION OF AUTOMATIC REINSTATEMENT OF MEDICAID BENEFITS.—

(1) IN GENERAL.—Subject to paragraph (6), for each State for which the Secretary of Health and

1 Human Services has approved an application under
2 paragraph (3), the Federal matching payments (in-
3 cluding payments based on the Federal medical as-
4 sistance percentage) made to such State under sec-
5 tion 1903 of the Social Security Act (42 U.S.C.
6 1396b) shall be increased by 5.0 percentage points
7 for payments to the State for the activities per-
8 mitted under paragraph (2) or a period of one year.
9 (2) USE OF FUNDS.—A State may only use in-
10 creased matching payments authorized under para-
11 graph (1)—
12 (A) to strengthen the State's enrollment
13 and administrative resources for the purpose of
14 improving processes for enrolling (or reinstating
15 the enrollment of) eligible individuals (as such
16 term is defined in subparagraph (E) of para-
17 graph (15) of section 1902(e) of the Social Se-
18 curity Act (as amended by subsection (a))); and
19 (B) for medical assistance (as such term is
20 defined in section 1905(a) of the Social Secu-
21 rity Act) provided to such eligible individuals.
22 (3) APPLICATION AND AGREEMENT.—The Sec-
23 retary may only make payments to a State in the in-
24 creased amount if—

(A) the State has amended the State plan under section 1902(e) of the Social Security Act to incorporate the requirements of paragraph (15) of such section (as added by subsection (a));

(B) the State has submitted an application to the Secretary that includes a plan for implementing the requirements of section 1902(e)(15) of the Social Security Act under the State's amended State plan before the end of the 90-day period beginning on the date that the State receives increased matching payments under paragraph (1);

(C) the State's application meets the satisfaction of the Secretary; and

(D) the State enters an agreement with the Secretary that states that—

(i) the State will only use the increased matching funds for the uses permitted under paragraph (2); and

(ii) at the end of the period under paragraph (1), the State will submit to the Secretary, and make publicly available, a report that contains the information required under paragraph (4).

(4) REQUIRED REPORT INFORMATION.—The information that is required in the report under paragraph (3)(D)(ii) includes—

(A) the results of an evaluation of the impact of the implementation of the requirements of section 1902(e)(15) of the Social Security Act on improving the State's processes for enrolling of individuals who are released from public institutions into the Medicaid program;

(B) the number of individuals who were automatically enrolled (or whose enrollment is reinstated) under such section 1902(e)(15) during the period under paragraph (1); and

(C) any other information that is required by the Secretary.

(5) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to paragraph (6), the amounts otherwise determined for Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by the necessary amount to allow for the increase in the Federal matching payments under paragraph (1), but only for the period under such paragraph

for such State. In the case of such an increase for a territory, subsection (a)(1) of such section 1108 shall be applied without regard to any increase in payment made to the territory under part E of title IV of such Act that is attributable to the increase in Federal medical assistance percentage effected under paragraph (1) for the territory.

(6) LIMITATIONS.—

(A) TIMING.—With respect to a State, at the end of the period under paragraph (1), no increased matching payments may be made to such State under this subsection.

(B) MAINTENANCE OF ELIGIBILITY.—

(i) IN GENERAL.—Subject to clause (ii), a State is not eligible for an increase in its Federal matching payments under paragraph (1), or an increase in a cap amount under paragraph (5), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively,

1 under such plan (or waiver) as in effect on
2 the date of enactment of this Act.
3 (ii) STATE REINSTATEMENT OF ELIGI-
4 BILITY PERMITTED.—A State that has re-
5 stricted eligibility standards, methodolo-
6 gies, or procedures under its State plan
7 under title XIX of the Social Security Act
8 (including any waiver under such title or
9 under section 1115 of such Act (42 U.S.C.
10 1315)) after the date of enactment of this
11 Act, is no longer ineligible under subpara-
12 graph (A) beginning with the first calendar
13 quarter in which the State has reinstated
14 eligibility standards, methodologies, or pro-
15 cedures that are no more restrictive than
16 the eligibility standards, methodologies, or
17 procedures, respectively, under such plan
18 (or waiver) as in effect on such date.
19 (C) NO WAIVER AUTHORITY.—The Sec-
20 retary may not waive the application of this
21 subsection under section 1115 of the Social Se-
22 curity Act or otherwise.
23 (D) LIMITATION OF MATCHING PAYMENTS
24 TO 100 PERCENT.—In no case shall an increase
25 in Federal matching payments under this sub-

1 section result in Federal matching payments
2 that exceed 100 percent.
3 (c) EFFECTIVE DATE.—
4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the amendments made by subsection (a)
6 shall take effect 180 days after the date of the en-
7 actment of this Act and shall apply to services fur-
8 nished on or after such date.
9 (2) RULE FOR CHANGES REQUIRING STATE
10 LEGISLATION.—In the case of a State plan for med-
11 ical assistance under title XIX of the Social Security
12 Act which the Secretary of Health and Human Serv-
13 ices determines requires State legislation (other than
14 legislation appropriating funds) in order for the plan
15 to meet the additional requirement imposed by the
16 amendments made by this section, the State plan
17 shall not be regarded as failing to comply with the
18 requirements of such title solely on the basis of its
19 failure to meet this additional requirement before
20 the first day of the first calendar quarter beginning
21 after the close of the first regular session of the
22 State legislature that begins after the date of the en-
23 actment of this Act. For purposes of the previous
24 sentence, in the case of a State that has a 2-year
25 legislative session, each year of such session shall be

deemed to be a separate regular session of the State legislature.

SEC. 758. STOP AIDS IN PRISON.

(a) SHORT TITLE.—This section may be cited as the ''Stop AIDS in Prison Act''.

(b) IN GENERAL.—The Bureau of Prisons (hereinafter in this section referred to as the ''Bureau'') shall develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates within the correctional setting and upon reentry.

(c) PURPOSE.—The purposes of this policy shall be as follows:

(1) To stop the spread of HIV/AIDS among inmates.

(2) To protect prison guards and other personnel from HIV/AIDS infection.

(3) To provide comprehensive medical treatment to inmates who are living with HIV/AIDS.

(4) To promote HIV/AIDS awareness and prevention among inmates.

(5) To encourage inmates to take personal responsibility for their health.

(6) To reduce the risk that inmates will transmit HIV/AIDS to other persons in the community following their release from prison.

1 (d) CONSULTATION.—The Bureau shall consult with
2 appropriate officials of the Department of Health and
3 Human Services, the Office of National Drug Control Pol-
4 icy, the Office of National AIDS Policy, and the Centers
5 for Disease Control and Prevention regarding the develop-
6 ment of this policy.

7 (e) TIME LIMIT.—The Bureau shall draft appro-
8 priate regulations to implement this policy not later than
9 1 year after the date of the enactment of this Act.

10 (f) REQUIREMENTS FOR POLICY.—The policy created
11 under subsection (b) shall provide for the following:

12 (1) TESTING AND COUNSELING UPON IN-
13 TAKE.—

14 (A) Health care personnel shall provide
15 routine HIV testing to all inmates as a part of
16 a comprehensive medical examination imme-
17 diately following admission to a facility. Health
18 care personnel need not provide routine HIV
19 testing to an inmate who is transferred to a fa-
20 cility from another facility if the inmate's med-
21 ical records are transferred with the inmate and
22 indicate that the inmate has been tested pre-
23 viously.

24 (B) To all inmates admitted to a facility
25 prior to the effective date of this policy, health

care personnel shall provide routine HIV testing within no more than 6 months. HIV testing for these inmates may be performed in conjunction with other health services provided to these inmates by health care personnel.

(C) All HIV tests under this paragraph shall comply with the opt-out provision.

(2) PRE-TEST AND POST-TEST COUNSELING.—Health care personnel shall provide confidential pre-test and post-test counseling to all inmates who are tested for HIV. Counseling may be included with other general health counseling provided to inmates by health care personnel.

(3) HIV/AIDS PREVENTION EDUCATION.—

(A) Health care personnel shall improve HIV/AIDS awareness through frequent educational programs for all inmates. HIV/AIDS educational programs may be provided by community-based organizations, local health departments, and inmate peer educators.

(B) HIV/AIDS educational materials shall be made available to all inmates at orientation, at health care clinics, at regular educational programs, and prior to release. Both written

and audiovisual materials shall be made available to all inmates.

(C)(i) The HIV/AIDS educational programs and materials under this paragraph shall include information on—

(I) modes of transmission, including transmission through tattooing, sexual contact, and intravenous drug use;

(II) prevention methods;

(III) treatment; and

(IV) disease progression.

(ii) The programs and materials shall be culturally sensitive, written or designed for low-literacy levels, available in a variety of languages, and present scientifically accurate information in a clear and understandable manner.

(4) HIV TESTING UPON REQUEST.—

(A) Health care personnel shall allow inmates to obtain HIV tests upon request once per year or whenever an inmate has a reason to believe the inmate may have been exposed to HIV. Health care personnel shall, both orally and in writing, inform inmates, during orienta-

1 tion and periodically throughout incarceration,
2 of their right to obtain HIV tests.
3 (B) Health care personnel shall encourage
4 inmates to request HIV tests if the inmate is
5 sexually active, has been raped, uses intra-
6 venous drugs, receives a tattoo, or if the inmate
7 is concerned that the inmate may have been ex-
8 posed to HIV/AIDS.
9 (C) An inmate's request for an HIV test
10 shall not be considered an indication that the
11 inmate has put him/herself at risk of infection
12 and/or committed a violation of prison rules.
13 (5) HIV TESTING OF PREGNANT WOMAN.—
14 (A) Health care personnel shall provide
15 routine HIV testing to all inmates who become
16 pregnant.
17 (B) All HIV tests under this paragraph
18 shall comply with the opt-out provision.
19 (6) COMPREHENSIVE TREATMENT.—
20 (A) Health care personnel shall provide all
21 inmates who test positive for HIV—
22 (i) timely, comprehensive medical
23 treatment;
24 (ii) confidential counseling on man-
25 aging their medical condition and pre-

venting its transmission to other persons; and

(iii) voluntary partner notification services.

(B) Health care provided under this paragraph shall be consistent with current Department of Health and Human Services guidelines and standard medical practice. Health care personnel shall discuss treatment options, the importance of adherence to antiretroviral therapy, and the side effects of medications with inmates receiving treatment.

(C) Health care personnel and pharmacy personnel shall ensure that the facility formulary contains all Food and Drug Administration-approved medications necessary to provide comprehensive treatment for inmates living with HIV/AIDS, and that the facility maintains adequate supplies of such medications to meet inmates' medical needs. Health care personnel and pharmacy personnel shall also develop and implement automatic renewal systems for these medications to prevent interruptions in care.

(D) Correctional staff, health care personnel, and pharmacy personnel shall develop

and implement distribution procedures to ensure timely and confidential access to medications.

(7) PROTECTION OF CONFIDENTIALITY.—

(A) Health care personnel shall develop and implement procedures to ensure the confidentiality of inmate tests, diagnoses, and treatment. Health care personnel and correctional staff shall receive regular training on the implementation of these procedures. Penalties for violations of inmate confidentiality by health care personnel or correctional staff shall be specified and strictly enforced.

(B) HIV testing, counseling, and treatment shall be provided in a confidential setting where other routine health services are provided and in a manner that allows the inmate to request and obtain these services as routine medical services.

(8) TESTING, COUNSELING, AND REFERRAL PRIOR TO REENTRY.—

(A) Health care personnel shall provide routine HIV testing to all inmates no more than 3 months prior to their release and reentry into the community. Inmates who are al-

ready known to be infected need not be tested again. This requirement may be waived if an inmate's release occurs without sufficient notice to the Bureau to allow health care personnel to perform a routine HIV test and notify the inmate of the results.

(B) All HIV tests under this paragraph shall comply with the opt-out provision.

(C) To all inmates who test positive for HIV and all inmates who already are known to have HIV/AIDS, health care personnel shall provide—

(i) confidential prerelease counseling on managing their medical condition in the community, accessing appropriate treatment and services in the community, and preventing the transmission of their condition to family members and other persons in the community;

(ii) referrals to appropriate health care providers and social service agencies in the community that meet the inmate's individual needs, including voluntary partner notification services and prevention

1 counseling services for people living with
2 HIV/AIDS; and
3 (iii) a 30-day supply of any medically
4 necessary medications the inmate is cur-
5 rently receiving.
6 (9) OPT-OUT PROVISION.—Inmates shall have
7 the right to refuse routine HIV testing. Inmates
8 shall be informed both orally and in writing of this
9 right. Oral and written disclosure of this right may
10 be included with other general health information
11 and counseling provided to inmates by health care
12 personnel. If an inmate refuses a routine test for
13 HIV, health care personnel shall make a note of the
14 inmate's refusal in the inmate's confidential medical
15 records. However, the inmate's refusal shall not be
16 considered a violation of prison rules or result in dis-
17 ciplinary action. Any reference in this section to the
18 ''opt-out provision'' shall be deemed a reference to
19 the requirement of this paragraph.
20 (10) EXCLUSION OF TESTS PERFORMED UNDER
21 SECTION 4014(b) FROM THE DEFINITION OF ROU-
22 TINE HIV TESTING.—HIV testing of an inmate
23 under section 4014(b) of title 18, United States
24 Code, is not routine HIV testing for the purposes of
25 the opt-out provision. Health care personnel shall

1 document the reason for testing under section
2 4014(b) of title 18, United States Code, in the in-
3 mate's confidential medical records.
4 (11) TIMELY NOTIFICATION OF TEST RE-
5 SULTS.—Health care personnel shall provide timely
6 notification to inmates of the results of HIV tests.
7 (g) CHANGES IN EXISTING LAW.—
8 (1) SCREENING IN GENERAL.—Section 4014(a)
9 of title 18, United States Code, is amended—
10 (A) by striking ''for a period of 6 months
11 or more'';
12 (B) by striking '', as appropriate,''; and
13 (C) by striking ''if such individual is deter-
14 mined to be at risk for infection with such virus
15 in accordance with the guidelines issued by the
16 Bureau of Prisons relating to infectious disease
17 management'' and inserting ''unless the indi-
18 vidual declines. The Attorney General shall also
19 cause such individual to be so tested before re-
20 lease unless the individual declines.''.
21 (2) INADMISSIBILITY OF HIV TEST RESULTS IN
22 CIVIL AND CRIMINAL PROCEEDINGS.—Section
23 4014(d) of title 18, United States Code, is amended
24 by inserting ''or under the Stop AIDS in Prison
25 Act'' after ''under this section''.

(3) SCREENING AS PART OF ROUTINE SCREENING.—Section 4014(e) of title 18, United States Code, is amended by adding at the end the following: ''Such rules shall also provide that the initial test under this section be performed as part of the routine health screening conducted at intake.''.

(h) REPORTING REQUIREMENTS.—

(1) REPORT ON HEPATITIS, LIVER, AND OTHER DISEASES.—Not later than 1 year after the date of the enactment of this Act, the Bureau shall provide a report to the Congress on Bureau policies and procedures to provide testing, treatment, and prevention education programs for hepatitis, liver failure, and other liver-related diseases transmitted through sexual activity, intravenous drug use, or other means. The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, the Office of National AIDS Policy, and the Centers for Disease Control and Prevention regarding the development of this report.

(2) ANNUAL REPORTS.—

(A) GENERALLY.—Not later than 2 years after the date of the enactment of this Act, and then annually thereafter, the Bureau shall re-

port to Congress on the incidence among inmates of diseases transmitted through sexual activity and intravenous drug use.

(B) MATTERS PERTAINING TO VARIOUS DISEASES.—Reports under paragraph (1) shall discuss—

(i) the incidence among inmates of HIV/AIDS, hepatitis, and other diseases transmitted through sexual activity and intravenous drug use; and

(ii) updates on Bureau testing, treatment, and prevention education programs for these diseases.

(C) MATTERS PERTAINING TO HIV/AIDS ONLY.—Reports under paragraph (1) shall also include—

(i) the number of inmates who tested positive for HIV upon intake;

(ii) the number of inmates who tested positive prior to reentry;

(iii) the number of inmates who were not tested prior to reentry because they were released without sufficient notice;

(iv) the number of inmates who opted-out of taking the test;

(v) the number of inmates who were tested under section 4014(b) of title 18, United States Code; and

(vi) the number of inmates under treatment for HIV/AIDS.

(D) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, the Office of National AIDS Policy, and the Centers for Disease Control and Prevention regarding the development of reports under paragraph (1).

SEC. 759. SUPPORT DATA SYSTEM REVIEW AND INDICATORS FOR MONITORING HIV CARE.

The Secretary of Health and Human Services, in collaboration with the Assistant Secretary for Health, the Director of the Office of HIV/AIDS and Infectious Disease Policy, the Director of the Centers for Disease Control and Prevention, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Department of Housing and Urban Development, the Director of the Office of AIDS Research, the Administrator of the Health Resources and Services Administration, and the Administrator of the Centers for Medicare & Medicaid Services, shall expand and coordinate efforts

to align metrics across agencies and modify Federal data systems, to—

(1) adopt the Institute of Medicine's clinical HIV care indicators as the core metrics for monitoring the quality of HIV care, mental health, substance abuse, and supportive services;

(2) better enable assessment of the impact of the National HIV/AIDS Strategy and the Patient Protection and Affordable Care Act on improving HIV/AIDS care and access to supportive services for individuals with HIV;

(3) expand the demographic data elements to be captured by Federal data systems relevant to HIV care to permit calculation of the indicators for subgroups of the population of people with diagnosed HIV infection, including—

(A) age;

(B) race;

(C) ethnicity;

(D) sex (assigned at birth);

(E) gender identity;

(F) sexual orientation;

(G) current geographic marker of residence;

(H) income or poverty level; and

(I) primary means of reimbursement for medical services (including Medicaid, Medicare, the Ryan White HIV/AIDS Program, private insurance, health maintenance organizations, and no coverage); and

(4) streamline data collection and systematically review all existing reporting requirements for federally funded HIV/AIDS programs to ensure that only essential data are collected.

SEC. 760. TRANSFER OF FUNDS FOR IMPLEMENTATION OF NATIONAL HIV/AIDS STRATEGY.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 241 the following:

"SEC. 241A. TRANSFER OF FUNDS FOR IMPLEMENTATION OF NATIONAL HIV/AIDS STRATEGY.

''(a) TRANSFER AUTHORIZATION.—Of the discretionary appropriations made available to the Department of Health and Human Services for any fiscal year for programs and activities that, as determined by the Secretary of Health and Human Services, pertain to HIV/AIDS, the Secretary, in coordination with the Director of the Office of National HIV/AIDS Policy, may transfer up to 1 percent of such appropriations to the Office of the Assistant

Secretary for Health for implementation of the National HIV/AIDS Strategy.

"(b) CONGRESSIONAL NOTIFICATION.—Not less than 30 days before making any transfer under this section, the Secretary shall give notice of the transfer to the Congress.

"(c) DEFINITIONS.—In this section:

"(1) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given to such term in section 2689.

"(2) NATIONAL HIV/AIDS STRATEGY.—The term 'National HIV/AIDS Strategy' means the National HIV/AIDS Strategy for the United States issued by the President in July 2010 and includes any subsequent revisions to such Strategy.".

SEC. 761. REPORT ON THE IMPLEMENTATION OF GOAL 4 (IMPROVED COORDINATION) OF THE NATIONAL HIV/AIDS STRATEGY.

(a) REPORT REQUIRED.—The President, in consultation with the heads of all relevant Federal departments and agencies including the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, the Department of Labor, the Department of Veteran Affairs, and the Social Security Administration, shall transmit to the Congress and make publicly

available a report on the status of implementation of Goal 4 of the National HIV/AIDS Strategy.

(b) CONTENTS.—The report required by subsection (a) shall include a description, an analysis, and an evaluation of—

(1) the extent to which the National HIV/AIDS Strategy has improved coordination of efforts, enhanced capacity, and strengthened infrastructure in order to maximize the effective delivery of HIV/AIDS prevention, care, and treatment services at the community level, including coordination—

(A) within and among Federal agencies and departments;

(B) between the Federal Government and State and local governments and health departments;

(C) between the Federal Government and nonprofit foundations and civil society organizations, including community- and faith-based organizations focused on addressing the issue of HIV/AIDS; and

(D) between the Federal Government and private businesses; and

(2) efforts by the Federal Government to educate, involve, and establish and strengthen partner-

ships with civil society organizations, including community- and faith-based organizations, in order to implement the National HIV/AIDS Strategy and achieve its goals.

(c) DEFINITION.—In this section, the term ''National HIV/AIDS Strategy'' means the National HIV/AIDS Strategy for the United States issued by the President in July 2010, the revision to such Strategy issued in July 2015, and any subsequent revisions to such Strategy.

Subtitle F—Diabetes

SEC. 771. RESEARCH, TREATMENT, AND EDUCATION.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

''SEC. 434B. DIABETES IN MINORITY POPULATIONS.

''(a) IN GENERAL.—The Director of NIH shall expand, intensify, and support ongoing research and other activities with respect to prediabetes and diabetes, particularly type 2, in minority populations.

''(b) RESEARCH.—

''(1) DESCRIPTION.—Research under subsection (a) shall include investigation into—

''(A) the causes of diabetes, including socioeconomic, geographic, clinical, environmental, genetic, and other factors that may contribute

to increased rates of diabetes in minority populations; and

"(B) the causes of increased incidence of diabetes complications in minority populations, and possible interventions to decrease such incidence.

"(2) INCLUSION OF MINORITY PARTICIPANTS.—In conducting and supporting research described in subsection (a), the Director of NIH shall seek to include minority participants as study subjects in clinical trials.

"(c) REPORT; COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—The Diabetes Mellitus Interagency Coordinating Committee shall—

"(A) prepare and submit to the Congress, not later than 6 months after the date of enactment of this section, a report on Federal research and public health activities with respect to prediabetes and diabetes in minority populations; and

"(B) develop and submit to the Congress, not later than 1 year after the date of enactment of this section, an effective and comprehensive Federal plan (including all appropriate Federal health programs) to address

prediabetes and diabetes in minority populations.

"(2) CONTENTS.—The report under paragraph (1)(A) shall at minimum address each of the following:

"(A) Research on diabetes and prediabetes in minority populations, including such research on—

"(i) genetic, behavioral, and environmental factors; and

"(ii) prevention and complications among individuals within these populations who have already developed diabetes.

"(B) Surveillance and data collection on diabetes and prediabetes in minority populations, including with respect to—

"(i) efforts to better determine the prevalence of diabetes among Asian-American and Pacific Islander subgroups; and

"(ii) efforts to coordinate data collection on the American Indian population.

"(C) Community-based interventions to address diabetes and prediabetes targeting minority populations, including—

1 "(i) the evidence base for such inter-
2 ventions;
3 "(ii) the cultural appropriateness of
4 such interventions; and
5 "(iii) efforts to educate the public on
6 the causes and consequences of diabetes.
7 "(D) Education and training programs for
8 health professionals (including community
9 health workers) on the prevention and manage-
10 ment of diabetes and its related complications
11 that is supported by the Health Resources and
12 Services Administration, including such pro-
13 grams supported by—
14 "(i) the National Health Service
15 Corps; or
16 "(ii) the community health centers
17 program under section 330.
18 "(d) EDUCATION.—The Director of NIH shall—
19 "(1) through the National Institute on Minority
20 Health and Health Disparities and the National Di-
21 abetes Education Program—
22 "(A) make grants to programs funded
23 under section 464z–4 (relating to centers of ex-
24 cellence) for the purpose of establishing a men-
25 toring program for health care professionals to

be more involved in weight counseling, obesity research, and nutrition; and

"(B) provide for the participation of minority health professionals in diabetes-focused research programs; and

"(2) make grants for programs to establish a pipeline from high school to professional school that will increase minority representation in diabetes-focused health fields by expanding Minority Access to Research Careers (MARC) program internships and mentoring opportunities for recruitment.

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

"(1) DIABETES MELLITUS INTERAGENCY COORDINATING COMMITTEE.—The 'Diabetes Mellitus Interagency Coordinating Committee' means the Diabetes Mellitus Interagency Coordinating Committee established under section 429.

"(2) MINORITY POPULATION.—The term 'minority population' means a racial and ethnic minority group, as defined in section 1707.".

SEC. 772. RESEARCH, EDUCATION, AND OTHER ACTIVITIES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317X of such Act, as added, the following section:

"SEC. 317Y. DIABETES IN MINORITY POPULATIONS.

"(a) RESEARCH AND OTHER ACTIVITIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct and support research and public health activities with respect to diabetes in minority populations.

"(2) CERTAIN ACTIVITIES.—Activities under paragraph (1) regarding diabetes in minority populations shall include the following:

"(A) Further enhancing the National Health and Nutrition Examination Survey by oversampling Asian American, Native Hawaiian, and Pacific Islanders in appropriate geographic areas to better determine the prevalence of diabetes in such populations as well as to improve the data collection of diabetes penetration disaggregated into major ethnic groups within such populations. The Secretary shall ensure that any such oversampling does not reduce the oversampling of other minority populations including African-American and Latino populations.

"(B) Through the Division of Diabetes Translation—

"(i) providing for prevention research to better understand how to influence health care systems changes to improve quality of care being delivered to such populations;

"(ii) carrying out model demonstration projects to design, implement, and evaluate effective diabetes prevention and control interventions for minority populations, including culturally appropriate community-based interventions;

"(iii) developing and implementing a strategic plan to reduce diabetes in minority populations through applied research to reduce disparities and culturally and linguistically appropriate community-based interventions;

"(iv) supporting, through the national diabetes prevention program under section 399V–3, diabetes prevention program sites in underserved regions highly impacted by diabetes; and

"(v) implementing, through the national diabetes prevention program under section 399V–3, a demonstration program

1 developing new metrics measuring health
2 outcomes related to diabetes that can be
3 stratified by specific minority populations.
4 "(b) EDUCATION.—The Secretary, acting through
5 the Director of the Centers for Disease Control and Pre-
6 vention, shall direct the Division of Diabetes Translation
7 to conduct and support both programs to educate the pub-
8 lic on diabetes in minority populations and programs to
9 educate minority populations about the causes and effects
10 of diabetes.
11 "(c) DIABETES; HEALTH PROMOTION, PREVENTION
12 ACTIVITIES, AND ACCESS.—The Secretary, acting through
13 the Director of the Centers for Disease Control and Pre-
14 vention and the National Diabetes Education Program,
15 shall conduct and support programs to educate specific
16 minority populations through culturally appropriate and
17 linguistically appropriate information campaigns about
18 prevention of, and managing, diabetes.
19 "(d) DEFINITION.—For purposes of this section, the
20 term 'minority population' means a racial and ethnic mi-
21 nority group, as defined in section 1707.".
22 **SEC. 773. RESEARCH, EDUCATION, AND OTHER ACTIVITIES.**
23 Part P of title III of the Public Health Service Act
24 (42 U.S.C. 280g et seq.), as amended, is further amended
25 by adding at the end the following new section:

"SEC. 399V–9. PROGRAMS TO EDUCATE HEALTH PROVIDERS ON THE CAUSES AND EFFECTS OF DIABETES IN MINORITY POPULATIONS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall conduct and support programs described in subsection (b) to educate health professionals on the causes and effects of diabetes in minority populations.

"(b) PROGRAMS.—Programs described in this subsection, with respect to education on diabetes in minority populations, shall include the following:

"(1) Giving priority, under the primary care training and enhancement program under section 747—

"(A) to awarding grants to focus on or address diabetes; and

"(B) to adding minority populations to the list of vulnerable populations that should be served by such grants.

"(2) Providing additional funds for the Health Careers Opportunity Program, the Centers for Excellence, and the Minority Faculty Fellowship Program to partner with the Office of Minority Health under section 1707 and the National Institutes of Health to strengthen programs for career opportuni-

ties focused on diabetes treatment and care within underserved regions highly impacted by diabetes.

"(3) Developing a diabetes focus within, and providing additional funds for, the National Health Service Corps Scholarship Program—

"(A) to place individuals in areas that are disproportionately affected by diabetes and to provide diabetes treatment and care in such areas; and

"(B) to provide such individuals continuing medical education specific to diabetes care.".

SEC. 774. RESEARCH, EDUCATION, AND OTHER ACTIVITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended, is further amended by adding at the end the following section:

"SEC. 399V–10. RESEARCH, EDUCATION, AND OTHER ACTIVITIES REGARDING DIABETES IN AMERICAN INDIAN POPULATIONS.

"In addition to activities under sections 399V–6 and 434B, the Secretary, acting through the Indian Health Service and in collaboration with other appropriate Federal agencies, shall—

"(1) conduct and support research and other activities with respect to diabetes; and

"(2) coordinate the collection of data on clinically and culturally appropriate diabetes treatment, care, prevention, and services by health care professionals to the American Indian population.".

SEC. 775. UPDATED REPORT ON HEALTH DISPARITIES.

The Secretary of Health and Human Services shall seek to enter into an arrangement with the Institute of Medicine under which the Institute will—

(1) not later than 1 year after the date of enactment of this Act, submit to the Congress an updated version of the Institute's 2002 report entitled "Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care"; and

(2) in such updated version, address how racial and ethnic health disparities have changed since the publication of the original report.

Subtitle G—Lung Disease

SEC. 776. EXPANSION OF THE NATIONAL ASTHMA EDUCATION AND PREVENTION PROGRAM.

(a) FINDINGS.—The Congress finds as follows:

(1) The prevalence of asthma has increased since 1980 and affects 25 million Americans.

(2) Significant disparities in asthma morbidity and mortality exist for both adults and children par-

1 ticularly for low-income and minority populations,
2 particularly African Americans and Puerto Ricans.
3 (3) African-American children are twice as like-
4 ly to have asthma as White children.
5 (4) In 2010, almost 4.5 million non-Hispanic
6 African Americans reported having asthma. African
7 Americans with asthma are three times as likely to
8 visit the emergency department and twice as likely
9 to get hospitalized as White patients with asthma.
10 (5) Puerto Ricans are 3.4 times as likely to die
11 from asthma compared with all other Hispanic or
12 Latino groups. Overall Hispanic Americans are 30
13 percent more likely to be hospitalized for asthma
14 than non-Hispanic Whites.
15 (6) More than 65 percent of adults with asthma
16 are women.
17 (b) IN GENERAL.—Not later than 2 years after the
18 date of the enactment of this Act, the Secretary of Health
19 and Human Services shall convene a working group com-
20 prised of patient groups, nonprofit organizations, medical
21 societies, and other relevant governmental and nongovern-
22 mental entities, including those that participate in the Na-
23 tional Asthma Education and Prevention Program, to de-
24 velop a report to Congress that—

(1) catalogs, with respect to asthma prevention, management, and surveillance—

(A) the activities of the Federal Government, including identifying all Federal programs that carry out asthma-related activities, as well as assessment of the progress of the Federal Government and States, with respect to achieving the goals of the Healthy People 2020 initiative; and

(B) the activities of other entities that participate in the program, including nonprofit organizations, patient advocacy groups, and medical societies; and

(2) makes recommendations for the future direction of asthma activities, in consultation with researchers from the National Institutes of Health and other member bodies of the National Asthma Education and Prevention Program who are qualified to review and analyze data and evaluate interventions, including—

(A) a description of how the Federal Government may better coordinate and improve its response to asthma including identifying any barriers that may exist;

(B) a description of how the Federal Government may continue, expand, and improve its private-public partnerships with respect to asthma including identifying any barriers that may exist;

(C) identification of steps that may be taken to reduce the—

(i) morbidity, mortality, and overall prevalence of asthma;

(ii) financial burden of asthma on society;

(iii) burden of asthma on disproportionately affected areas, particularly those in medically underserved populations (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); and

(iv) burden of asthma as a chronic disease;

(D) identification of programs and policies that have achieved the steps described in subparagraph (C), and steps that may be taken to expand such programs and policies to benefit larger populations; and

(E) recommendations for future research and interventions.

(c) REPORT TO CONGRESS.—At the end of the 5-year period following the submission of the report under this section, the National Asthma Education and Prevention Program shall evaluate the analyses and recommendations under such report and determine whether a new report to the Congress is necessary, and make appropriate recommendations to the Congress.

SEC. 777. ASTHMA-RELATED ACTIVITIES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Section 317I of the Public Health Service Act (42 U.S.C. 247b–10) is amended to read as follows:

"SEC. 317I. ASTHMA-RELATED ACTIVITIES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

"(a) PROGRAM FOR PROVIDING INFORMATION AND EDUCATION TO THE PUBLIC.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall collaborate with State and local health departments to conduct activities, including the provision of information and education to the public regarding asthma including—

"(1) deterring the harmful consequences of uncontrolled asthma; and

1 "(2) disseminating health education and infor-
2 mation regarding prevention of asthma episodes and
3 strategies for managing asthma.
4 "(b) DEVELOPMENT OF STATE ASTHMA PLANS.—
5 The Secretary, acting through the Director of the Centers
6 for Disease Control and Prevention, shall collaborate with
7 State and local health departments to develop State plans
8 incorporating public health responses to reduce the burden
9 of asthma, particularly regarding disproportionately af-
10 fected populations.
11 "(c) COMPILATION OF DATA.—The Secretary, acting
12 through the Director of the Centers for Disease Control
13 and Prevention, shall, in cooperation with State and local
14 public health officials—
15 "(1) conduct asthma surveillance activities to
16 collect data on the prevalence and severity of asth-
17 ma, the effectiveness of public health asthma inter-
18 ventions, and the quality of asthma management, in-
19 cluding—
20 "(A) collection of household data on the
21 local burden of asthma;
22 "(B) surveillance of health care facilities;
23 and
24 "(C) collection of data not containing indi-
25 vidually identifiable information from electronic

health records or other electronic communications;

"(2) compile and annually publish data regarding the prevalence and incidence of childhood asthma, the child mortality rate, and the number of hospital admissions and emergency department visits by children associated with asthma nationally and in each State and at the county level by age, sex, race, and ethnicity, as well as lifetime and current prevalence; and

"(3) compile and annually publish data regarding the prevalence and incidence of adult asthma, the adult mortality rate, and the number of hospital admissions and emergency department visits by adults associated with asthma nationally and in each State and at the county level by age, sex, race, ethnicity, industry, and occupation, as well as lifetime and current prevalence.

"(d) COORDINATION OF DATA COLLECTION.—The Director of the Centers for Disease Control and Prevention, in conjunction with State and local health departments, shall coordinate data collection activities under subsection (c)(2) so as to maximize comparability of results.

"(e) COLLABORATION.—The Centers for Disease Control and Prevention are encouraged to collaborate with national, State, and local nonprofit organizations to provide information and education about asthma, and to strengthen such collaborations when possible.

"(f) ADDITIONAL FUNDING.—In addition to any other authorization of appropriations that is available to the Centers for Disease Control and Prevention for the purpose of carrying out this section, there are authorized to be appropriated to such Centers such sums as may be necessary for each of fiscal years 2019 through 2023 for the purpose of carrying out this section.".

SEC. 778. INFLUENZA AND PNEUMONIA VACCINATION CAMPAIGN.

(a) IN GENERAL.—The Secretary of Health and Human Services shall—

(1) enhance the annual campaign by the Department of Health and Human Services to increase the number of people vaccinated each year for influenza and pneumonia; and

(2) include in such campaign the use of written educational materials, public service announcements, physician education, and any other means which the Secretary deems effective.

(b) MATERIALS AND ANNOUNCEMENTS.—In carrying out the annual campaign described in subsection (a), the Secretary of Health and Human Services shall ensure that—

(1) educational materials and public service announcements are readily and widely available in communities experiencing disparities in the incidence and mortality rates of influenza and pneumonia; and

(2) the campaign uses targeted, culturally appropriate messages and messengers to reach underserved communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 779. CHRONIC OBSTRUCTIVE PULMONARY DISEASE ACTION PLAN.

(a) FINDINGS.—The Congress finds as follows:

(1) Chronic obstructive pulmonary disease (''COPD'') refers to chronic bronchitis and emphysema, incurable diseases that make it difficult to exhale all the air from one's lungs, and that can cause persistent coughing, shortness of breath, and sputum.

(2) COPD exacerbations—episodes of acute difficulty breathing and moderate to severe fatigue—are dangerous, and their treatment often requires hospitalization.

(3) While smoking is the primary risk factor for COPD, other risk factors include air pollution, occupational exposures, heredity, a history of childhood respiratory infections, and socioeconomic status.

(4) Over 13.5 million United States adults are estimated to have COPD.

(5) COPD is the third-leading cause of death in America, claiming over 134,000 lives in 2010.

(6) Since 2000, deaths for women with COPD have exceeded deaths in men.

(7) Although African Americans have a lower prevalence of COPD in the United States, researchers have shown that African Americans may be underdiagnosed. Furthermore, research has shown that African Americans develop COPD with less cumulative smoke exposure and at a younger age.

(b) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall conduct, support, and expand public health strategies, prevention, diagnosis, surveillance, and public and professional awareness activities regarding chronic obstructive pulmonary disease.

1 (c) NATIONAL ACTION PLAN.—

2 (1) DEVELOPMENT.—Not later than 2 years
3 after the date of the enactment of this Act, the Di-
4 rector of the National Heart, Lung, and Blood Insti-
5 tute, in consultation with the Director of the Centers
6 for Disease Control and Prevention, shall develop a
7 national action plan to address chronic obstructive
8 pulmonary disease in the United States with partici-
9 pation from patients, caregivers, health profes-
10 sionals, patient advocacy organizations, researchers,
11 providers, public health professionals, and other
12 stakeholders.

13 (2) CONTENTS.—At a minimum, such plan
14 shall include recommendations for—

15 (A) public health interventions for the pur-
16 pose of implementation of the national plan;

17 (B) biomedical, health services, and public
18 health research on chronic obstructive pul-
19 monary disease; and

20 (C) inclusion of chronic obstructive pul-
21 monary disease in the health data collections of
22 all Federal agencies.

23 (3) CONSIDERATION.—In developing such plan,
24 the Director of the National Heart, Lung, and Blood
25 Institute shall consider the recommendations and

1 findings of the Institute of Medicine in the report
2 entitled "A Nationwide Framework for Surveillance
3 of Cardiovascular and Chronic Lung Diseases" (July
4 22, 2011).

5 (d) CHRONIC DISEASE PREVENTION PROGRAMS.—
6 The Director of the National Heart, Lung, and Blood In-
7 stitute shall carry out the following:

8 (1) Conduct public education and awareness ac-
9 tivities with patient and professional organizations
10 to stimulate earlier diagnosis and improve patient
11 outcomes from treatment of chronic obstructive pul-
12 monary disease. To the extent known and relevant,
13 such public education and awareness activities shall
14 reflect differences in chronic obstructive pulmonary
15 disease by cause (tobacco, environmental, occupa-
16 tional, biological, and genetic) and include a focus
17 on outreach to undiagnosed and, as appropriate, mi-
18 nority populations.

19 (2) Supplement and expand upon the activities
20 of the National Heart, Lung, and Blood Institute by
21 making grants to nonprofit organizations, State and
22 local jurisdictions, and Indian Tribes for the purpose
23 of reducing the burden of chronic obstructive pul-
24 monary disease, especially in disproportionately im-

1 pacted communities, through public health interven-
2 tions and related activities.
3 (3) Coordinate with the Centers for Disease
4 Control and Prevention, the Indian Health Service,
5 the Health Resources and Services Administration,
6 and the Department of Veterans Affairs to develop
7 pilot programs to demonstrate best practices for the
8 diagnosis and management of chronic obstructive
9 pulmonary disease.
10 (4) Develop improved techniques and identify
11 best practices, in coordination with the Secretary of
12 Veterans Affairs, for assisting chronic obstructive
13 pulmonary disease patients to successfully stop
14 smoking, including identification of subpopulations
15 with different needs. Initiatives under this para-
16 graph may include research to determine whether
17 successful smoking cessation strategies are different
18 for chronic obstructive pulmonary disease patients
19 compared to such strategies for patients with other
20 chronic diseases.
21 (e) ENVIRONMENTAL AND OCCUPATIONAL HEALTH
22 PROGRAMS.—The Director of the Centers for Disease
23 Control and Prevention shall—
24 (1) support research into the environmental and
25 occupational causes and biological mechanisms that

contribute to chronic obstructive pulmonary disease; and

(2) develop and disseminate public health interventions that will lessen the impact of environmental and occupational causes of chronic obstructive pulmonary disease.

(f) DATA COLLECTION.—Not later than 180 days after the enactment of this Act, the Director of the National Heart, Lung, and Blood Institute and the Director of the Centers for Disease Control and Prevention, acting jointly, shall assess the depth and quality of information on chronic obstructive pulmonary disease that is collected in surveys and population studies conducted by the Centers for Disease Control and Prevention, including whether there are additional opportunities for information to be collected in the National Health and Nutrition Examination Survey, the National Health Interview Survey, and the Behavioral Risk Factors Surveillance System surveys. The Director of the National Heart, Lung, and Blood Institute shall include the results of such assessment in the national action plan under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2023.

Subtitle H—Tuberculosis

SEC. 781. ELIMINATION OF ALL FORMS OF TUBERCULOSIS.

(a) SHORT TITLE.—This subtitle be cited as the ''End Tuberculosis Act''.

(b) FINDINGS.—The Congress makes the following findings:

(1) In the United States, 9,272 people were diagnosed with tuberculosis (referred to in this section as ''TB'') in 2016.

(2) Disparities in TB exist and significantly impact minority communities in the United States. The Centers for Disease Control and Prevention (referred to in this section as ''CDC'') finds that 87 percent of people diagnosed with TB in 2016 self-identified as racial and ethnic minorities.

(3) African Americans comprised 21 percent of people diagnosed with TB during 2016. The population-adjusted rate of TB among African Americans is 1.7 times higher than the national total, and 8.2 times higher than among Whites.

(4) Asian Americans, Native Hawaiians, and other Pacific Islanders comprised 35 percent of people diagnosed with TB during 2016. The population-adjusted rate of TB among Asian Americans is 6.2 times higher than the national total, and 30 times

higher than among Whites. The population-adjusted rate of TB among Native Hawaiians and other Pacific Islanders is 4.8 times higher than the national total, and 23.2 times higher than among Whites.

(5) Hispanics and Latinos comprised 28 percent of people diagnosed with TB during 2016. The population-adjusted rate of TB among Hispanics and Latinos is 1.6 times higher than the national total, and 7.5 times higher than among Whites.

(6) TB is both preventable and curable, but the current rate of decline of TB in the United States remains too slow to achieve TB elimination in this century.

(7) TB is transmitted through the air when a person who has TB disease in their lungs coughs or sneezes. People who are in close proximity to the person with TB can breathe in the TB bacteria, and the bacteria will initially settle in their lungs. Without proper and timely diagnosis and access to treatment, the TB bacteria may grow and spread to other parts of their body.

(8) As many as 13,000,000 people in the United States may have Latent TB Infection (referred to in this section as ''LTBI''). People with LTBI have TB bacteria in their bodies, but their

immune system is containing the bacteria, and they are not sick, nor do they have any current risk of spreading TB to others. LTBI can activate into infectious, life-threatening TB if not treated. Modeling has shown that eliminating TB is not possible without addressing LTBI.

(9) Comorbidities associated with TB include cancer, diabetes mellitus, and HIV. People with these medical conditions and compromised immune systems are more likely to develop active TB disease and to have worse outcomes from TB.

(10) Forms of active TB that do not show drug resistance are classified as Drug-susceptible TB (referred to in this section as ''DS–TB''). Drug-resistant TB (referred to in this section as ''DR–TB'') is a rising threat to the public health of the United States. DR–TB that exhibits resistance to two or more first-line drugs is referred to as multi-drug resistant TB (referred to in this section as ''MDR–TB''). MDR–TB that also is resistant to at least one injectable second-line medication and at least one fluoroquinolone is classified as extensively drug-resistant TB (referred to in this section as ''XDR–TB'').

(11) Approximately 78 people in the United States were diagnosed with MDR–TB in 2016. One person was diagnosed with XDR–TB in the same year.

(12) In the United States, direct treatment costs average $17,000 to treat a patient with DS–TB, $150,000 to treat a patient with MDR–TB, and $482,000 to treat a patient with XDR–TB. When factoring in productivity losses during treatment, DS–TB averages $46,000, MDR–TB averages $294,000 and XDR–TB averages $694,000. Treatment is often difficult, with daily complex multi-pill regimens and injections, with side-effects ranging from hearing and vision loss to mental health issues.

(13) Recognizing the public health, economic and societal costs to the threat of MDR–TB, the National Action Plan to Combat MDR–TB (NAP) was developed by the White House to provide the United States with a comprehensive three-pronged strategy to address MDR–TB by strengthening domestic capacity to combat MDR–TB; improve international capacity and cooperation to combat MDR–TB; accelerate basic and applied research and development for new therapies, diagnostics and prevention strategies to combat MDR–TB.

(14) Additional Federal support is necessary to expand TB control efforts in case finding and treatment to address LTBI in a national prevention initiative. Key policy and research breakthroughs increase the success of a TB prevention initiative: the U.S. Preventative Services Task Force recommendation's ''B'' rating, screening for LTBI among high-risk adults as a covered service increases the likelihood that impacted racial and ethnic minority groups can get tested for TB; a new, shorter course treatment regimen (3HP) reduces the length of treatment for LTBI from every day for 6 to 9 months to one dose per week for 12 weeks, increasing likelihood of treatment completion; and the use of blood-based diagnostic tests, Interferon-gamma release assays or IGRAs, increases ability to detect LTBI among patients in affected communities.

SEC. 782. ADDITIONAL FUNDING FOR STATES IN COMBATING AND ELIMINATING TUBERCULOSIS.

Section 317E(f) of the Public Health Act (42 U.S.C. 247b6(f)) is amended by adding at the end the following:

''(3) ADDITIONAL FUNDING FOR STATES IN COMBATING AND ELIMINATING TUBERCULOSIS.—In addition to amounts otherwise authorized to be appropriated to carry out this section, there are au-

thorized to be appropriated such sums as may be necessary to carry out sections 247–b(1)(2)(3) for each of fiscal years 2019 through 2021.''.

SEC. 783. STRENGTHENING CLINICAL RESEARCH FUNDING FOR TUBERCULOSIS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall expand and intensify support for current and prospective research activities of the National Institutes of Health, the Biomedical Advanced Research and Development Authority, and the Centers for Disease Control and Prevention Division of Tuberculosis Elimination to develop new therapeutics, diagnostics, vaccines, and other prevention modalities in addressing all forms of tuberculosis (in this section referred to as ''TB'').

(b) INCLUDED RESEARCH ACTIVITIES.—Research activities under subsection (a) shall include—

(1) research to develop novel, safe drugs and drug regimens for the treatment of TB, including in adolescent and pediatric populations and in pregnant and lactating women;

(2) research to develop rapid diagnostic tests for all forms of TB, including diagnostics that can be used for pediatric populations and people living with HIV, diagnostics that can detect extra pul-

monary TB and drug resistance, and diagnostics that can be used at the point of care;

(3) research to advance basic knowledge of the pathogenesis of TB and its major comorbidities, including HIV and diabetes mellitus;

(4) research to improve knowledge and understandings of the role of latency in TB and the factors that increase the risk of latent TB infection progressing to active, symptomatic TB disease;

(5) awarding grants and contracts to specifically develop new and needed vaccines to address TB;

(6) awarding grants and contracts to support the training and development of clinical researchers whose research improves the landscape of tools to combat TB; and

(7) awarding grants and contracts to support capacity-building and develop clinical trial site infrastructure in the United States and in TB endemic countries to support the aforementioned research activities.

Subtitle I—Osteoarthritis and Musculoskeletal Diseases

SEC. 785. FINDINGS.

The Congress finds as follows:

(1) Eighty percent of African-American women and nearly 74 percent of Hispanic men are either overweight or obese, speeding the onset and progression of arthritis.

(2) Arthritis affects 46 million Americans, and that number will rise to 67 million by the year 2030.

(3) Twenty-seven million Americans suffer from osteoarthritis, the most common form of arthritis, making it the leading cause of disability in the United States. Osteoarthritis is sometimes referred to as degenerative joint disease.

(4) Obesity accelerates the onset of arthritis: 70 percent of obese adults with mild osteoarthritis of the knee at age 60 will develop advanced end-stage disease by age 80. In contrast, just 43 percent of nonobese adults will have end-stage disease over the same time period.

(5) Arthritis affects one in five Americans, and is the single greatest cause of chronic pain and disability in the United States.

(6) Women, African Americans, and Hispanics have more severe arthritis and functional limitations. These same individuals are more likely to be obese, diabetic, and have higher incidence of heart disease—medical conditions that can be improved with

physical activity. Instead of moving; however, these groups have an inactivity rate of 40 to 50 percent, which continues to increase.

(7) Arthritis costs $128 billion a year, including $81 billion in direct costs (medical) and $47 billion in indirect costs (lost earnings). Each year, $309 billion in direct and indirect costs is lost due to disparities in osteoarthritis and musculoskeletal diseases.

(8) Obesity and other chronic health conditions exacerbate the debilitating impact of arthritis, leading to inactivity, loss of independence, and a perpetual cycle of comorbid chronic conditions.

(9) Sixty-one percent of arthritis sufferers are women, and women represent 64 percent of an estimated 43 million annual visits to physicians' offices and outpatient clinics where arthritis was the primary diagnosis. Women also represented 60 percent of approximately 1 million hospitalizations that occurred in 2003 for which arthritis was the primary diagnosis.

(10) Women ages 65 and older have up to 2½ times more disabilities than men of the same age. Higher rates of obesity and arthritis among this group explained up to 48 percent of the gender gap

in disability, above all other common chronic health conditions.

(11) The primary indication for total knee arthroplasty (TKA), also known as knee replacement, is relief of significant, disabling pain caused by severe arthritis.

(12) Knee replacement is surgery for people with severe knee damage. Knee replacement can relieve pain and allow you to be more active. When you have a total knee replacement, the surgeon removes damaged cartilage and bone from the surface of your knee joint and replaces them with a man-made surface of metal and plastic. In a partial knee replacement, the surgeon only replaces one part of your knee joint.

(13) Total hip replacement, also called total hip arthroplasty (THA), is used if your hip pain interferes with daily activities and more conservative treatments have not helped. Arthritis damage is the most common reason to need hip replacement.

(14) The odds of a family practice physician recommending TKA to a male patient with moderate arthritis are twice that of a female patient, while the odds of an orthopaedic surgeon recommending TKA

to a male patient with moderate arthritis are 22 times that of a female patient.

(15) African Americans with doctor-diagnosed arthritis have a higher prevalence of severe pain attributable to arthritis, compared with Whites (34.0 percent versus 22.6 percent). African Americans, compared to Whites, report a higher proportion of work limitations (39.5 percent versus 28.0 percent) and a higher prevalence of arthritis-attributable work limitation (6.6 percent versus 4.6 percent).

(16) Hispanics are 50 percent more likely than non-Hispanic Whites to report needing assistance with at least one instrumental activity of daily living and to have difficulty walking.

(17) African Americans and Hispanics were 1.3 times more likely to have activity limitation, 1.6 times more likely to have work limitations, and 1.9 times more likely to have severe joint pain than Whites.

(18) In 2003, the Institute of Medicine reported that the rates of TKA and THA among African-American and Hispanic patients are significantly lower than for Whites—even for those with equitable health care coverage such as through Medicare or the Department of Veterans Affairs.

(19) According to the Centers for Disease Control and Prevention, in 2000, African-American Medicare enrollees were 37 percent less likely than White Medicare enrollees to undergo total knee replacements. In 2006, the disparity increased to 39 percent.

(20) Even after adjusting for insurance and health access, Hispanics and African Americans are almost 50 percent less likely to undergo total knee replacement than Whites.

SEC. 786. OSTEOARTHRITIS AND OTHER MUSCULOSKELETAL HEALTH-RELATED ACTIVITIES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) EDUCATION AND AWARENESS ACTIVITIES.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall direct the National Center for Chronic Disease Prevention and Health Promotion to conduct and expand the Health Community Program and Arthritis Program to educate the public on—

(1) the causes of, preventive health actions for, and effects of arthritis and other musculoskeletal conditions in minority patient populations; and

1 (2) the effects of such conditions on other
2 comorbidities including obesity, hypertension, and
3 cardiovascular disease.
4 (b) PROGRAMS ON ARTHRITIS AND MUSCULO-
5 SKELETAL CONDITIONS.—Education and awareness pro-
6 grams of the Centers for Disease Control and Prevention
7 on arthritis and other musculoskeletal conditions in minor-
8 ity communities shall—
9 (1) be culturally and linguistically appropriate
10 to minority patients, targeting musculoskeletal
11 health promotion and prevention programs of each
12 major ethnic group, including—
13 (A) Native Americans and Alaska Natives;
14 (B) Asian Americans;
15 (C) African Americans/Blacks;
16 (D) Hispanic/Latino Americans; and
17 (E) Native Hawaiians and Pacific Island-
18 ers; and
19 (2) include public awareness campaigns directed
20 toward these patient populations that emphasize the
21 importance of musculoskeletal health, physical activ-
22 ity, diet and healthy lifestyle, and weight reduction
23 for overweight and obese patients.
24 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
25 out this section, there are authorized to be appropriated

such sums as are necessary for fiscal year 2019 and each subsequent fiscal year.

SEC. 787. GRANTS FOR COMPREHENSIVE OSTEOARTHRITIS AND MUSCULOSKELETAL DISEASE HEALTH EDUCATION WITHIN HEALTH PROFESSIONS SCHOOLS.

(a) PROGRAM AUTHORIZED.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), in coordination with the Secretary of Education, shall award grants, on a competitive basis, to academic health science centers, health professions schools, and other institutions of higher education to enable such institutions to provide people with comprehensive education on arthritis and musculoskeletal health, particularly—

(1) obesity-related musculoskeletal diseases;

(2) arthritis and osteoarthritis;

(3) arthritis and musculoskeletal health disparities; and

(4) the relationship between arthritis and musculoskeletal diseases and metabolic activity, psychological health, and comorbidities such as diabetes, cardiovascular disease, and hypertension.

(b) DURATION.—Grants awarded under this section shall be for a period of 5 years.

(c) APPLICATIONS.—An academic health science center, health professions school, or other institution of higher education seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an institution of higher education that—

(1) has an enrollment of needy students, as defined in section 318(b) of the Higher Education Act of 1965 (20 U.S.C. 1059e(b));

(2) is a Hispanic-serving institution, as defined in section 502(a) of such Act (20 U.S.C. 1101a(a));

(3) is a Tribal College or University, as defined in section 316(b) of such Act (20 U.S.C. 1059c(b));

(4) is an Alaska Native-serving institution, as defined in section 317(b) of such Act (20 U.S.C. 1059d(b));

(5) is a Native Hawaiian-serving institution, as defined in section 317(b) of such Act (20 U.S.C. 1059d(b));

(6) is a Predominately Black Institution, as defined in section 318(b) of such Act (20 U.S.C. 1059e(b));

(7) is a Native American-serving, non-Tribal institution, as defined in section 319(b) of such Act (20 U.S.C. 1059f(b));

(8) is an Asian-American and Native American Pacific Islander-serving institution, as defined in section 320(b) of such Act (20 U.S.C. 1059g(b)); or

(9) is a minority institution, as defined in section 365 of such Act (20 U.S.C. 1067k), with an enrollment of needy students, as defined in section 312 of such Act (20 U.S.C. 1058).

(e) USES OF FUNDS.—An institution of higher education receiving a grant under this section may use grant funds to integrate issues relating to comprehensive arthritis and musculoskeletal health into the academic or support sectors of the institution in order to reach a large number of students, by carrying out 1 or more of the following activities:

(1) Developing educational content for issues relating to comprehensive arthritis and musculoskeletal health education that will be incorporated into first-year orientation or core courses.

(2) Creating innovative technology-based approaches to deliver arthritis and musculoskeletal health education to students, faculty, and staff.

(3) Developing and employing peer-outreach and education programs to generate discussion, educate, and raise awareness among students about issues relating to arthritis and musculoskeletal health disorders, and their relationship to diabetes, hypertension, cardiovascular disease, psychological health, and other comorbid conditions.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for a period of 5 years, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the activities to provide health professions students with comprehensive arthritis and musculoskeletal health education funded under this section.

(2) REPORT ELEMENTS.—The report described in paragraph (1) shall include information about—

(A) the number of entities that are receiving grant funds;

(B) the specific activities supported by grant funds;

(C) the number of students served by grant programs; and

(D) the status of program evaluations.

Subtitle J—Sleep and Circadian Rhythm Disorders

SEC. 791. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This subtitle may be cited as the "Sleep and Circadian Rhythm Disorders Health Disparities Act".

(b) FINDINGS.—The Congress finds the following:

(1) Decrements in sleep health such as sleep apnea, insufficient sleep time, and insomnia, affect 50–70 million United States adults. Twelve to eighteen million United States adults have sleep apnea, a chronic disorder characterized by one or more pauses in breathing which can last from a few seconds to minutes. They may occur 30 times or more an hour, disrupting sleep and resulting in excessive daytime sleepiness and loss in productivity.

(2) Seventy percent of high school students are not getting enough sleep on school nights, while 33 percent of Americans get fewer than 7 hours of sleep per night, and roughly 6,000 fatal motor vehicle crashes are caused by drowsy drivers.

(3) Insufficient sleep and insomnia are more prevalent in women. Women who are pregnant and have sleep apnea are at an increased risk of cardiovascular complications during pregnancy. The im-

pact of disparities in sleep health is associated with a growing number of health problems, including the following:

(A) Hypertension.

(B) Cancer.

(C) Stroke.

(D) Cardiac arrhythmia.

(E) Chronic heart failure and heart disease.

(F) Diabetes.

(G) Cognitive functioning and behavior.

(H) Depression and bipolar disorder.

(I) Substance abuse.

(4) A ''sleep disparity'' exists in that poor sleep quality is strongly associated with poverty and race. Factors such as employment, education, and health status, amongst others, significantly mediated this effect only in poor subjects, suggesting a differential vulnerability to these factors in poor relative to nonpoor individuals in the context of sleep quality.

(5) African Americans sleep worse than Caucasian Americans. African Americans take longer to fall asleep, report poorer sleep quality, have more light and less deep sleep, and nap more often and longer.

(6) African Americans and individuals in lower socioeconomic status groups may be at an increased risk for sleep disturbances and associated health consequences.

(7) Among young African Americans, the likelihood of having sleep disordered breathing and exhibiting risk factors for poor sleep is twice that in young Caucasians. Frequent snoring is more common among African American and Hispanic women and Hispanic men compared to non-Hispanic Caucasians, independent of other factors including obesity.

(8) African Americans with sleep-disordered breathing develop symptoms at a younger age than Caucasians but appear less likely to be diagnosed and treated in a timely manner. This delay may at least in part be due to reduced access to care.

(9) Sleep loss contributes to increased risk for chronic conditions such as obesity, diabetes, and hypertension, all of which have increased prevalence in underserved, underrepresented minorities. Racial and ethnic disparities related to obesity may also contribute to disparities in health outcomes related to sleep-disordered breathing.

(10) Non-Caucasian adults report an insomnia rate of 12.9 percent compared to only 6.6 percent for Caucasians.

(11) African-American women have a higher incidence of insomnia than African-American men, perhaps related in part to higher risk for chronic persisting symptoms.

SEC. 792. SLEEP AND CIRCADIAN RHYTHM DISORDERS RESEARCH ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—The Director of the National Institutes of Health, acting through the Director of the National Heart, Lung, and Blood Institute, shall—

(1) continue to expand research activities addressing sleep health disparities; and

(2) continue implementation of the ''NIH Sleep Disorders Research Plan'' across all institutes and centers of the National Institutes of Health to improve treatment and prevention of sleep health disparities.

(b) REQUIRED RESEARCH ACTIVITIES.—In conducting or supporting research relating to sleep and circadian rhythm, the Director of the National Heart, Lung, and Blood Institute shall—

(1) advance epidemiology and clinical research to achieve a more complete understanding of disparities in domains of sleep health and across population subgroups for which cardiovascular and metabolic health disparities exist, including—

(A) prevalence and severity of sleep apnea;

(B) habitual sleep duration;

(C) sleep timing and regularity; and

(D) insomnia;

(2) develop study designs and analytical approaches to explain and predict multilevel and life-course determinants of sleep health and to elucidate the sleep-related causes of cardiovascular and metabolic health disparities across the age spectrum, including such determinants and causes that are—

(A) environmental;

(B) biological or genetic;

(C) psychosocial;

(D) societal;

(E) political; or

(F) economic;

(3) determine the contribution of sleep impairments such as sleep apnea, insufficient sleep duration, irregular sleep schedules, and insomnia to un-

explained disparities in cardiovascular and metabolic risk and disease outcomes;

(4) develop study designs, data sampling and collection tools, and analytical approaches to optimize understanding of mediating and moderating factors, and feedback mechanisms coupling sleep to cardiovascular and metabolic health disparities;

(5) advance research to understand cultural and linguistic barriers (on the person, provider, or system level) to access to care, medical diagnosis, and treatment of sleep disorders in diverse population groups;

(6) develop and test multilevel interventions (including sleep health education in diverse communities) to reduce disparities in sleep health that will impact ability to improve disparities in cardiovascular and metabolic risk or disease;

(7) create opportunities to integrate sleep and health disparity science by strategically utilizing resources (existing or anticipated cohorts), exchanging scientific data and ideas (cross-over into scientific meetings), and develop multidisciplinary investigator-initiated grant applications; and

(8) enhance the diversity and foster career development of young investigators involved in sleep and health disparities science.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2019 and each subsequent fiscal year.

SEC. 793. SLEEP AND CIRCADIAN RHYTHM HEALTH DISPARITIES-RELATED ACTIVITIES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall conduct, support, and expand public health strategies and prevention, diagnosis, surveillance, and public and professional awareness activities regarding sleep and circadian rhythm disorders.

(b) FINDINGS.—The Congress finds as follows:

(1) Sleep disorders and sleep deficiency unrelated to a primary sleep disorder are underdiagnosed and are increasingly detrimental to health status.

(2) The consequences to society include additional diseases, motor vehicle accidents, decreased longevity, elevated direct medical costs, and indirect costs related to work absenteeism and property damage.

1 (c) REQUIRED SURVEILLANCE AND EDUCATION
2 AWARENESS ACTIVITIES.—In conducting or supporting
3 research relating to sleep and circadian rhythm disorders
4 surveillance and education awareness activities, the Direc-
5 tor of the Centers for Disease Control and Prevention
6 shall—
7 (1) ensure that such activities are culturally
8 and linguistically appropriate to minority patients,
9 targeting sleep and circadian rhythm health pro-
10 motion and prevention programs of each major eth-
11 nic group, including—
12 (A) Native Americans and Alaska Natives;
13 (B) Asian Americans;
14 (C) African Americans/Blacks;
15 (D) Hispanic/Latino-Americans; and
16 (E) Native Hawaiians and Pacific Island-
17 ers;
18 (2) collect and compile national and State sur-
19 veillance data on sleep disorders health disparities;
20 (3) continue to develop and implement new
21 sleep questions in public health surveillance systems
22 to increase public awareness of sleep health and
23 sleep disorders and their impact on health;
24 (4) publish monthly reports highlighting geo-
25 graphic, racial, and ethnic disparities in sleep health,

as well as relationships between insufficient sleep and chronic disease, health risk behaviors, and other outcomes as determined necessary by the Director; and

(5) include public awareness campaigns that inform patient populations from major ethnic groups about the prevalence of sleep and circadian rhythm disorders and emphasize the importance of sleep health.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2019 and each subsequent fiscal year.

SEC. 794. GRANTS FOR COMPREHENSIVE SLEEP AND CIRCADIAN HEALTH EDUCATION WITHIN HEALTH PROFESSIONS SCHOOLS.

(a) PROGRAM AUTHORIZED.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), in coordination with the Secretary of Education, shall award grants, on a competitive basis, to academic health science centers, health professions schools, and other institutions of higher education to enable such institutions to provide people with comprehensive education on sleep and circadian health, particularly—

(1) poor sleep health;

(2) sleep disorders;

(3) sleep health disparities; and

(4) the relationship between sleep and circadian health on metabolic activity, neurological activity, comorbidities, and other diseases.

(b) DURATION.—Grants awarded under this section shall be for a period of 5 years.

(c) APPLICATIONS.—Any academic health science center, health professions school, or other institutions of higher education seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an institution that—

(1) has an enrollment of needy students, as defined in section 318(b) of the Higher Education Act of 1965 (20 U.S.C. 1059e(b));

(2) is a Hispanic-serving institution, as defined in section 502(a) of such Act (20 U.S.C. 1101a(a));

(3) is a Tribal College or University, as defined in section 316(b) of such Act (20 U.S.C. 1059c(b));

(4) is an Alaska Native-serving institution, as defined in section 317(b) of such Act (20 U.S.C. 1059d(b));

(5) is a Native Hawaiian-serving institution, as defined in section 317(b) of such Act (20 U.S.C. 1059d(b));

(6) is a Predominately Black Institution, as defined in section 318(b) of such Act (20 U.S.C. 1059e(b));

(7) is a Native American-serving, nontribal institution, as defined in section 319(b) of such Act (20 U.S.C. 1059f(b));

(8) is an Asian-American and Native American Pacific Islander-serving institution, as defined in section 320(b) of such Act (20 U.S.C. 1059g(b)); or

(9) is a minority institution, as defined in section 365 of such Act (20 U.S.C. 1067k), with an enrollment of needy students, as defined in section 312 of such Act (20 U.S.C. 1058).

(e) USES OF FUNDS.—An institution of higher education receiving a grant under this section may use grant funds to integrate issues relating to comprehensive sleep and circadian health into the academic or support sectors of the institution in order to reach a large number of students, by carrying out 1 or more of the following activities:

(1) Developing educational content for issues relating to comprehensive sleep and circadian health education that will be incorporated into first-year orientation or core courses.

(2) Creating innovative technology-based approaches to deliver sleep health education to students, faculty, and staff.

(3) Developing and employing peer-outreach and education programs to generate discussion, educate, and raise awareness among students about issues relating to poor quality sleep, sleep and circadian disorders, and the role sleep health plays in other diseases and comorbidities.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for a period of 5 years, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the activities to provide health professions students with comprehensive sleep and circadian health education funded under this section.

(2) REPORT ELEMENTS.—The report described in paragraph (1) shall include information about—

(A) the number of eligible entities and institutions of higher education that are receiving grant funds;

(B) the specific activities supported by grant funds;

(C) the number of students served by grant programs; and

(D) the status of program evaluations.

SEC. 795. REPORT ON IMPACT OF SLEEP AND CIRCADIAN HEALTH DISORDERS IN VULNERABLE AND RACIAL/ETHNIC POPULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress and the President a report on the impact of sleep and circadian health disorders for racial and ethnic minority communities and other vulnerable populations.

(b) CONTENTS.—The report under subsection (a) shall include information on the—

(1) progress that has been made in reducing the impact of sleep and circadian health disorders in such communities and populations;

(2) opportunities that exist to make additional progress in reducing the impact of sleep and circa-

dian health disorders in such communities and populations;

(3) challenges that may impede such additional progress; and

(4) Federal funding necessary to achieve substantial reductions in sleep and circadian health disorders in racial and ethnic minority communities.

Subtitle K—Sickle Cell Disease Research, Surveillance, Prevention, and Treatment

SEC. 796. SHORT TITLE.

This subtitle may be cited as the ''Sickle Cell Disease Research, Surveillance, Prevention, and Treatment Act of 2018''.

SEC. 796A. SICKLE CELL DISEASE RESEARCH.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended, is further amended by adding at the end the following:

''SEC. 399V–11. NATIONAL SICKLE CELL DISEASE RESEARCH, SURVEILLANCE, PREVENTION, AND TREATMENT PROGRAM.

''(a) RESEARCH.—The Secretary may conduct or support research to expand the understanding of the cause of, and to find a cure for, sickle cell disease.''.

SEC. 796B. SICKLE CELL DISEASE SURVEILLANCE.

Section 399V–11 of the Public Health Service Act, as added by section 796A, is amended by adding at the end the following:

"(b) SURVEILLANCE.—

"(1) GRANTS.—The Secretary may, for each fiscal year for which appropriations are available to carry out this subsection, make grants—

"(A) to conduct surveillance and maintain data on the prevalence and distribution of sickle cell disease and its associated health outcomes, complications, and treatments;

"(B) to conduct public health initiatives with respect to sickle cell disease, including—

"(i) increasing efforts to improve access to, and receipt of, high-quality sickle cell disease-related health care, including the use of treatments approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act;

"(ii) working with partners to improve health outcomes of people with sickle cell disease over their lifespan by promoting guidelines for sickle cell disease screening, prevention, and treatment, including man-

agement of sickle cell disease complications;

"(iii) providing support to community-based organizations and State and local health departments in conducting sickle cell disease education and training activities for patients, communities, and health care providers; and

"(iv) supporting and training State health departments and regional laboratories in comprehensive testing to identify specific forms of sickle cell disease in people of all ages; and

"(C) to identify and evaluate promising strategies for prevention and treatment of sickle cell disease complications, including through—

"(i) improving estimates of the national incidence and prevalence of sickle cell disease, including estimates about the specific types of sickle cell disease;

"(ii) identifying health disparities related to sickle cell disease;

"(iii) assessing the utilization of therapies and strategies to prevent complications related to sickle cell disease; and

"(iv) evaluating the impact of genetic, environmental, behavioral, and other risk factors that may affect sickle cell disease health outcomes.

"(2) POPULATION INCLUDED.—The Secretary shall, to the extent practicable, award grants under this subsection to States, academic institutions, or nonprofit organizations across the United States so as to include data on the majority of the United States population with sickle cell disease.

"(3) APPLICATION.—To seek a grant under this subsection, a State, academic institution, or nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(4) DEFINITIONS.—In this subsection:

"(A) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the National Center on Birth Defects and Developmental Disabilities.

"(B) STATE.—The term 'State' includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United

States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.''.

SEC. 796C. SICKLE CELL DISEASE PREVENTION AND TREATMENT.

(a) REAUTHORIZATION.—Section 712(c) of the American Jobs Creation Act of 2004 (Public Law 108–357; 42 U.S.C. 300b–1 note) is amended—

(1) by striking ''Sickle Cell Disease'' each place it appears and inserting ''sickle cell disease'';

(2) in paragraph (1)(A), by striking ''grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease'' and inserting ''grants to up to 25 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of sickle cell disease in populations with a high density of sickle cell disease patients'';

(3) in paragraph (1)(B)—

(A) by striking clause (ii) (relating to priority); and

(B) by striking ''GRANT AWARD REQUIREMENTS'' and all that follows through ''the administrator shall'' and inserting ''GEOGRAPHIC DIVERSITY.—The Administrator shall'';

(4) in paragraph (2), by adding the following new subparagraph at the end:

''(E) To expand, coordinate, and implement transition services for adolescents with sickle cell disease making the transition to adult health care.''; and

(5) in paragraph (6), by striking ''$10,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$4,455,000 for each of fiscal years 2019 through 2023''.

(b) TECHNICAL CHANGES.—Subsection (c) of section 712 of the American Jobs Creation Act of 2004 (Public Law 108–357; 42 U.S.C. 300b–1 note), as amended by subsection (a), is—

(1) transferred to the Public Health Service Act (42 U.S.C. 201 et seq.); and

(2) inserted at the end of section 399V–11 of such Act, as added and amended by sections 796A and 796B.

SEC. 796D. COLLABORATION WITH COMMUNITY-BASED ENTITIES.

Section 399V–11 of the Public Health Service Act, as amended by section 796C, is further amended by adding at the end the following:

''(d) COLLABORATION WITH COMMUNITY-BASED ENTITIES.—To be eligible to receive a grant or other assistance under subsection (b) or (c), an entity must have in effect a collaborative agreement with a community-based organization with 5 or more years of experience in providing services to sickle cell disease patients.''.

TITLE VIII—HEALTH INFORMATION TECHNOLOGY

SEC. 800. DEFINITIONS.

In this title:

(1) CERTIFIED ELECTRONIC HEALTH RECORD TECHNOLOGY.—The term ''Certified Electronic Health Record Technology'' has the meaning given to that term in section 3000 of the Public Health Service Act (42 U.S.C. 300jj).

(2) EHR.—The term ''EHR'' means an electronic health record.

Subtitle A—Reducing Health Disparities Through Health IT

SEC. 801. HRSA ASSISTANCE TO HEALTH CENTERS FOR PROMOTION OF HEALTH IT.

The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall expand and intensify the programs and activities of the Administration (directly or through grants or contracts) to provide technical assistance and resources to health centers (as defined in section 330(a) of the Public Health Service Act (42 U.S.C. 254b(a)) to adopt and meaningfully use Certified Electronic Health Record Technology for the management of chronic diseases and health conditions and reduction of health disparities.

SEC. 802. ASSESSMENT OF IMPACT OF HEALTH IT ON RACIAL AND ETHNIC MINORITY COMMUNITIES; OUTREACH AND ADOPTION OF HEALTH IT IN SUCH COMMUNITIES.

(a) NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.—

(1) IN GENERAL.—The National Coordinator for Health Information Technology shall conduct an evaluation of the level of use and accessibility of electronic health records in racial and ethnic minor-

ity communities focusing on whether patients in those communities have providers with electronic health records, stratified by providers participating in Medicare and Medicaid programs, and whether such providers have received EHR incentive payments under the HITECH Act, and by providers participating in the Merit-Based Incentive Payment System (MIPS) under the Quality Payment Program (QPP) established by the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA).

(2) CONTENT.—In conducting the evaluation under paragraph (1), the National Coordinator shall publish the results of a study regarding the 100,000 providers recruited by the Regional Extension Center established under section 3012 of the Public Health Service Act (42 U.S.C. 300jj–32), including the race and ethnicity of such providers and the populations served by such providers, with the populations stratified by providers participating in Medicare and Medicaid programs, and whether such providers have received EHR incentive payments under the HITECH Act, and by providers participating in the MIPS.

(b) NATIONAL CENTER FOR HEALTH STATISTICS.—As soon as practicable after the date of enactment of this

Act, the Director of the National Center for Health Statistics shall provide to Congress a more detailed analysis of the data presented in NCHS Data Brief No. 236, Adoption of Certified Electronic Health Record Systems and Electronic Information Sharing in Physician Offices: United States, 2013 and 2014 the Data Brief 79.

(c) CENTERS FOR MEDICARE & MEDICAID SERVICES.—

(1) IN GENERAL.—As part of the process of collecting information, with respect to a provider, at registration and attestation for purposes of the Medicare and Medicaid Electronic Health Records Incentive Programs and MIPS, the Secretary of Health and Human Services shall collect the race and ethnicity of such provider.

(2) MEDICARE AND MEDICAID ELECTRONIC HEALTH RECORDS INCENTIVE PROGRAMS DEFINED.—For purposes of paragraph (1), the term ''Medicare and Medicaid Electronic Health Records Incentive Programs'' means the incentive programs under section 1814(l)(3), subsections (a)(7) and (o) of section 1848, subsections (l) and (m) of section 1853, subsections (b)(3)(B)(ix)(I) and (n) of section 1886, and subsections (a)(3)(F) and (t) of section 1903 of the Social Security Act (42 U.S.C.

1395f(l)(3), 1395w–4, 1395w–23, 1395ww, and 1396b).

(d) NATIONAL COORDINATOR'S ASSESSMENT OF IMPACT OF HIT.—Section 3001(c)(6)(C) of the Public Health Service Act (42 U.S.C. 300jj–11(c)(6)(C)) is amended—

(1) in the heading by inserting ", RACIAL AND ETHNIC MINORITY COMMUNITIES," after "HEALTH DISPARITIES";

(2) by inserting ", in communities with a high proportion of individuals from racial and ethnic minority groups (as defined in section 1707(g)), including people with disabilities in these groups," after "communities with health disparities"; and

(3) by adding at the end the following new sentence: "In any publication under the previous sentence, the National Coordinator shall include best practices for encouraging partnerships between the Federal Government, States, and private entities to expand outreach for and the adoption of certified EHR technology in communities with a high proportion of individuals from racial and ethnic minority groups (as so defined), while also maintaining the accessibility requirements of section 508 of the Rehabilitation Act to encourage patient involvement in

patient health care. The National Coordinator shall—

"(i) not later than 6 months after the submission to the Congress of the report required by section 822 of the Health Equity and Accountability Act of 2018, establish criteria for evaluating the impact of health information technology on communities with a high proportion of individuals from racial and ethnic minority groups (as so defined) taking into account the findings in such report; and

"(ii) not later than 12 months after the submission to the Congress of such reports, conduct and publish the results of an evaluation of such impact.".

Subtitle B—Modifications To Achieve Parity in Existing Programs

SEC. 811. EXTENDING FUNDING TO STRENGTHEN THE HEALTH IT INFRASTRUCTURE IN RACIAL AND ETHNIC MINORITY COMMUNITIES.

Section 3011 of the Public Health Service Act (42 U.S.C. 300jj–31) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(8) Activities described in the previous paragraphs of this subsection with respect to communities with a high proportion of individuals from racial and ethnic minority groups (as defined in section 1707(g)).''; and

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

"(e) ANNUAL REPORT ON EXPENDITURES.—The National Coordinator shall report annually to the Congress on activities and expenditures under this section.''.

SEC. 812. EXTENDING COMPETITIVE GRANTS FOR THE DEVELOPMENT OF LOAN PROGRAMS TO FACILITATE ADOPTION OF CERTIFIED ELECTRONIC HEALTH RECORD TECHNOLOGY BY PROVIDERS SERVING RACIAL AND ETHNIC MINORITY GROUPS.

Section 3014(e) of the Public Health Service Act (42 U.S.C. 300jj–34(e)) is amended—

(1) in paragraph (3), by striking at the end "or";

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

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

"(5) carry out any of the activities described in a previous paragraph of this subsection with respect to communities with a high proportion of individuals from racial and ethnic minority groups (as defined in section 1707(g)).".

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

Section 3018 of the Public Health Service Act (42 U.S.C. 300jj–38) is amended by striking "fiscal years 2009 through 2013" and inserting "fiscal years 2019 through 2024".

Subtitle C—Additional Research and Studies

SEC. 821. DATA COLLECTION AND ASSESSMENTS CONDUCTED IN COORDINATION WITH MINORITY-SERVING INSTITUTIONS.

Section 3001(c)(6) of the Public Health Service Act (42 U.S.C. 300jj–11(c)(6)) is amended by adding at the end the following new subparagraph:

"(F) DATA COLLECTION AND ASSESSMENTS CONDUCTED IN COORDINATION WITH MINORITY-SERVING INSTITUTIONS.—

"(i) IN GENERAL.—In carrying out subparagraph (C) with respect to commu-

nities with a high proportion of individuals from racial and ethnic minority groups (as defined in section 1707(g)), the National Coordinator shall, to the greatest extent possible, coordinate with an entity described in clause (ii).

"(ii) MINORITY-SERVING INSTITUTIONS.—For purposes of clause (i), an entity described in this clause is a historically Black college or university, a Hispanic-serving institution, a Tribal college or university, or an Asian-American-, Native American-, Pacific Islander-serving institution with an accredited public health, health policy, or health services research program.".

SEC. 822. STUDY OF HEALTH INFORMATION TECHNOLOGY IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study on the development, implementa-

tion, and effectiveness of health information technology within medically underserved areas (as described in subsection (c)); and

(2) submit a report to Congress describing the results of such study, including any recommendations for legislative or administrative action.

(b) STUDY.—The study described in subsection (a)(1) shall—

(1) identify barriers to successful implementation of health information technology in medically underserved areas;

(2) examine the impact of health information technology on providing quality care and reducing the cost of care to individuals in such areas, including the impact of such technology on improved health outcomes for individuals, including which technology worked for which population and how it improved health outcomes for that population;

(3) examine the impact of health information technology on improving health care-related decisions by both patients and providers in such areas;

(4) identify specific best practices for using health information technology to foster the consistent provision of physical accessibility and reason-

able policy accommodations in health care to individuals with disabilities in such areas;

(5) assess the feasibility and costs associated with the use of health information technology in such areas;

(6) evaluate whether the adoption and use of qualified electronic health records (as described in section 3000(13) of the Public Health Service Act (42 U.S.C. 300jj(13)) is effective in reducing health disparities, including analysis of clinical quality measures reported by Medicare and Medicaid providers pursuant to programs to encourage the adoption and use of Certified Electronic Health Record Technology;

(7) identify providers in medically underserved areas that are not electing to adopt and use electronic health records and determine what barriers are preventing those providers from adopting and using such records; and

(8) examine urban and rural community health systems and determine the impact that health information technology may have on the capacity of primary health providers in those systems.

(c) MEDICALLY UNDERSERVED AREA.—The term ''medically underserved area'' means—

(1) a population that has been designated as a medically underserved population under section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3));

(2) an area that has been designated as a health professional shortage area under section 332 of the Public Health Service Act (42 U.S.C. 254e);

(3) an area or population that has been designated as a medically underserved community under section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)); or

(4) an area or population that—

(A) is not described in paragraphs (1) through (3) of this subsection;

(B) experiences significant barriers to accessing quality health services; and

(C) has a high prevalence of diseases or conditions described in title VII of this Act, with such diseases or conditions having a disproportionate impact on racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g))) or a subgroup of people with disabilities who have specific functional impairments.

Subtitle D—Closing Gaps in Funding To Adopt Certified EHRs

SEC. 831. EXTENDING MEDICAID EHR INCENTIVE PAYMENTS TO REHABILITATION FACILITIES, LONG-TERM CARE FACILITIES, AND HOME HEALTH AGENCIES.

Section 1903(t)(2)(B) of the Social Security Act (42 U.S.C. 1396b(t)(2)(B)) is amended—

(1) in clause (i), by striking ", or" and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting a semicolon; and

(3) by inserting after clause (ii) the following new clauses:

"(iii) a rehabilitation facility (as defined in section 1886(j)(1)) that furnishes acute or subacute rehabilitation services;

"(iv) a long-term care hospital (as defined in section 1886(d)(1)(B)(iv)(I)); or

"(v) a home health agency (as defined in section 1861(o)).".

SEC. 832. EXTENDING PHYSICIAN ASSISTANT ELIGIBILITY FOR MEDICAID ELECTRONIC HEALTH RECORD INCENTIVE PAYMENTS.

(a) IN GENERAL.—Section 1903(t)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(t)(3)(B)(v)) is amended to read as follows:

"(v) physician assistant.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amounts expended under section 1903(a)(3)(F) of the Social Security Act (42 U.S.C. 1396b(a)(3)(F)) for calendar quarters beginning on or after the date of the enactment of this Act.

TITLE IX—ACCOUNTABILITY AND EVALUATION

SEC. 901. PROHIBITION ON DISCRIMINATION IN FEDERAL ASSISTED HEALTH CARE SERVICES AND RESEARCH PROGRAMS ON THE BASIS OF SEX, RACE, COLOR, NATIONAL ORIGIN, MARITAL STATUS, FAMILIAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY STATUS.

(a) IN GENERAL.—No person in the United States shall, on the basis of sex, race, color, national origin, marital status, familial status, sexual orientation, gender identity, or disability status, be excluded from participation in, be denied the benefits of, or be subjected to discrimina-

tion under any health program or activity, including any health research program or activity, receiving Federal financial assistance.

(b) DEFINITION.—In this section, the term ''familial status'' means, with respect to one or more individuals—

(1) being domiciled with any individual related by blood or affinity whose close association with the individual is the equivalent of a family relationship;

(2) being in the process of securing legal custody of any individual; or

(3) being pregnant.

SEC. 902. TREATMENT OF MEDICARE PAYMENTS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

A payment to a provider of services, physician, or other supplier under part B, C, or D of title XVIII of the Social Security Act shall be deemed a grant, and not a contract of insurance or guaranty, for the purposes of title VI of the Civil Rights Act of 1964.

SEC. 903. ACCOUNTABILITY AND TRANSPARENCY WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Title XXXIV of the Public Health Service Act, as amended by titles I, II, and III of this Act, is further amended by inserting after subtitle B the following:

"Subtitle C—Strengthening Accountability

"SEC. 3441. ELEVATION OF THE OFFICE OF CIVIL RIGHTS.

''(a) IN GENERAL.—The Secretary shall establish within the Office for Civil Rights an Office of Health Disparities, which shall be headed by a director to be appointed by the Secretary.

''(b) PURPOSE.—The Office of Health Disparities shall ensure that the health programs, activities, and operations of health entities which receive Federal financial assistance are in compliance with title VI of the Civil Rights Act, which prohibits discrimination on the basis of race, color, or national origin. The activities of the Office shall include the following:

''(1) The development and implementation of an action plan to address racial and ethnic health care disparities, which shall address concerns relating to the Office for Civil Rights as released by the United States Commission on Civil Rights in the report entitled 'Health Care Challenge: Acknowledging Disparity, Confronting Discrimination, and Ensuring Equity' (September 1999) in conjunction with the reports by the Institute of Medicine entitled 'Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care', 'Crossing the Quality

1 Chasm: A New Health System for the 21st Cen-
2 tury', 'In the Nation's Compelling Interest: Ensur-
3 ing Diversity in the Health Care Workforce', 'The
4 National Partnership for Action to End Health Dis-
5 parities', and 'The Health of Lesbian, Gay, Bisexual,
6 and Transgender People', and other related reports
7 by the Institute of Medicine. This plan shall be pub-
8 licly disclosed for review and comment and the final
9 plan shall address any comments or concerns that
10 are received by the Office.

11 ''(2) Investigative and enforcement actions
12 against intentional discrimination and policies and
13 practices that have a disparate impact on minorities.

14 ''(3) The review of racial, ethnic, gender iden-
15 tity, sexual orientation, sex, disability status, socio-
16 economic status, and primary language health data
17 collected by Federal health agencies to assess health
18 care disparities related to intentional discrimination
19 and policies and practices that have a disparate im-
20 pact on minorities.

21 ''(4) Outreach and education activities relating
22 to compliance with title VI of the Civil Rights Act.

23 ''(5) The provision of technical assistance for
24 health entities to facilitate compliance with title VI
25 of the Civil Rights Act.

1 "(6) Coordination and oversight of activities of
2 the civil rights compliance offices established under
3 section 3442.
4 "(7) Ensuring—
5 "(A) at a minimum, compliance with the
6 1997 Office of Management and Budget Stand-
7 ards for Maintaining, Collecting, and Pre-
8 senting Federal Data on Race and Ethnicity;
9 and
10 "(B) consideration of available data and
11 language standards such as—
12 "(i) the standards for collecting and
13 reporting data under section 3101; and
14 "(ii) the National Standards on Cul-
15 turally and Linguistically Appropriate
16 Services of the Office of Minority Health
17 within the Department of Health and
18 Human Services.
19 "(c) FUNDING AND STAFF.—The Secretary shall en-
20 sure the effectiveness of the Office of Health Disparities
21 by ensuring that the Office is provided with—
22 "(1) adequate funding to enable the Office to
23 carry out its duties under this section; and
24 "(2) staff with expertise in—
25 "(A) epidemiology;

1 "(B) statistics;
2 "(C) health quality assurance;
3 "(D) minority health and health dispari-
4 ties;
5 "(E) cultural and linguistic competency;
6 "(F) civil rights; and
7 "(G) social, behavioral, and economic de-
8 terminants of health.
9 "(d) REPORT.—Not later than December 31, 2019,
10 and annually thereafter, the Secretary, in collaboration
11 with the Director of the Office for Civil Rights and the
12 Deputy Assistant Secretary for Minority Health, shall
13 submit a report to the Committee on Health, Education,
14 Labor, and Pensions of the Senate and the Committee on
15 Energy and Commerce of the House of Representatives
16 that includes—
17 "(1) the number of cases filed, broken down by
18 category;
19 "(2) the number of cases investigated and
20 closed by the office;
21 "(3) the outcomes of cases investigated;
22 "(4) the staffing levels of the office including
23 staff credentials;

"(5) the number of other lingering and emerging cases in which civil rights inequities can be demonstrated; and

"(6) the number of cases remaining open and an explanation for their open status.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2024.

"SEC. 3442. ESTABLISHMENT OF HEALTH PROGRAM OFFICES FOR CIVIL RIGHTS WITHIN FEDERAL HEALTH AND HUMAN SERVICES AGENCIES.

"(a) IN GENERAL.—The Secretary shall establish civil rights compliance offices in each agency within the Department of Health and Human Services that administers health programs.

"(b) PURPOSE OF OFFICES.—Each office established under subsection (a) shall ensure that recipients of Federal financial assistance under Federal health programs administer their programs, services, and activities in a manner that—

"(1) does not discriminate, either intentionally or in effect, on the basis of race, national origin, language, ethnicity, sex, age, disability, sexual orientation, and gender identity; and

1 "(2) promotes the reduction and elimination of
2 disparities in health and health care based on race,
3 national origin, language, ethnicity, sex, age, dis-
4 ability, sexual orientation, and gender identity.
5 "(c) POWERS AND DUTIES.—The offices established
6 in subsection (a) shall have the following powers and du-
7 ties:
8 "(1) The establishment of compliance and pro-
9 gram participation standards for recipients of Fed-
10 eral financial assistance under each program admin-
11 istered by an agency within the Department of
12 Health and Human Services including the establish-
13 ment of disparity reduction standards to encompass
14 disparities in health and health care related to race,
15 national origin, language, ethnicity, sex, age, dis-
16 ability, sexual orientation, and gender identity.
17 "(2) The development and implementation of
18 program-specific guidelines that interpret and apply
19 Department of Health and Human Services guid-
20 ance under title VI of the Civil Rights Act of 1964
21 and section 1557 of the Patient Protection and Af-
22 fordable Care Act to each Federal health program
23 administered by the agency.
24 "(3) The development of a disparity-reduction
25 impact analysis methodology that shall be applied to

every rule issued by the agency and published as part of the formal rulemaking process under sections 555, 556, and 557 of title 5, United States Code.

"(4) Oversight of data collection, analysis, and publication requirements for all recipients of Federal financial assistance under each Federal health program administered by the agency; compliance with, at a minimum, the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity; and consideration of available data and language standards such as—

"(A) the standards for collecting and reporting data under section 3101; and

"(B) the National Standards on Culturally and Linguistically Appropriate Services of the Office of Minority Health within the Department of Health and Human Services.

"(5) The conduct of publicly available studies regarding discrimination within Federal health programs administered by the agency as well as disparity reduction initiatives by recipients of Federal financial assistance under Federal health programs.

"(6) Annual reports to the Committee on Health, Education, Labor, and Pensions and the

Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the progress in reducing disparities in health and health care through the Federal programs administered by the agency.

"(d) RELATIONSHIP TO OFFICE FOR CIVIL RIGHTS IN THE DEPARTMENT OF JUSTICE.—

"(1) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Office for Civil Rights in the Department of Health and Human Services shall provide standard-setting and compliance review investigation support services to the Civil Rights Compliance Office for each agency.

"(2) DEPARTMENT OF JUSTICE.—The Office for Civil Rights in the Department of Justice shall continue to maintain the power to institute formal proceedings when an agency Office for Civil Rights determines that a recipient of Federal financial assistance is not in compliance with the disparity reduction standards of the agency.

"(e) DEFINITION.—In this section, the term 'Federal health programs' mean programs—

"(1) under the Social Security Act (42 U.S.C. 301 et seq.) that pay for health care and services; and

"(2) under this Act that provide Federal financial assistance for health care, biomedical research, health services research, and programs designed to improve the public's health, including health service programs.".

SEC. 904. UNITED STATES COMMISSION ON CIVIL RIGHTS.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE OF ACTIVITIES REGARDING HEALTH DISPARITIES.—Section 3(a) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) shall, with respect to activities carried out in health care and correctional facilities toward the goal of eliminating health disparities between the general population and members of racial or ethnic minority groups, coordinate such activities of—

"(A) the Office for Civil Rights within the Department of Justice;

"(B) the Office of Justice Programs within the Department of Justice;

"(C) the Office for Civil Rights within the Department of Health and Human Services; and

"(D) the Office of Minority Health within the Department of Health and Human Services (headed by the Deputy Assistant Secretary for Minority Health).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975c) is amended by striking the first sentence and inserting the following: "For the purpose of carrying out this Act, there are authorized to be appropriated $30,000,000 for fiscal year 2019, and such sums as may be necessary for each of the fiscal years 2020 through 2024.".

SEC. 905. SENSE OF CONGRESS CONCERNING FULL FUNDING OF ACTIVITIES TO ELIMINATE RACIAL AND ETHNIC HEALTH DISPARITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The health status of the American populace is declining and the United States currently ranks

below most industrialized nations in health status measured by longevity, sickness, and mortality.

(2) Racial and ethnic minority populations tend have the poorest health status and face substantial cultural, social, and economic barriers to obtaining quality health care.

(3) Lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) populations experience significant personal and structural barriers to obtaining high-quality health care.

(4) Efforts to improve minority health have been limited by inadequate resources (funding, staffing, and stewardship) and lack of accountability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) health disparities negatively impact outcomes for health and human security of the Nation;

(2) reducing racial, ethnic, sexual, and gender disparities in prevention and treatment are unique civil and human rights challenges and as such Federal agencies and health care entities and systems receiving Federal funds must be accountable for their role in causing disparities and inequity;

(3) funding should be doubled by fiscal year 2020 for the National Institute for Minority Health

Disparities, the Office of Civil Rights in the Department of Health and Human Services, the National Institute of Nursing Research, and the Office of Minority Health;

(4) adequate funding by fiscal year 2020, and subsequent funding increases, should be provided for health and human service professions training programs, the Racial and Ethnic Approaches to Community Health (REACH) Initiative at the Centers for Disease Control and Prevention, the Minority HIV/AIDS Initiative, and the Excellence Centers to Eliminate Ethnic/Racial Disparities (EXCEED) Program at the Agency for Healthcare Research and Quality;

(5) funding should be fully restored to the Racial and Ethnic Approaches to Community Health (REACH) Initiative at the Centers for Disease Control and Prevention, which has been a successful program at the community health level, and efforts should continue to place a strong emphasis on building community capacity to secure financial resources and technical assistance to eliminate health disparities;

(6) adequate funding for fiscal year 2020 and increased funding for future years should be pro-

vided for the REACH Initiative's United States Risk Factor Survey to ensure adequate data collection to track health disparities, and there should be appropriate avenues provided to disseminate findings to the general public;

(7) current and newly created health disparity elimination incentives, programs, agencies, and departments under this Act (and the amendments made by this Act) should receive adequate staffing and funding by fiscal year 2020; and

(8) stewardship and accountability should be provided to the Congress and the President for measurable and sustainable progress toward health disparity elimination.

SEC. 906. GAO AND NIH REPORTS.

(a) GAO REPORT ON NIH GRANT RACIAL AND ETHNIC DIVERSITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the racial and ethnic diversity among the following groups:

(A) All applicants for grants, contracts, and cooperative agreements awarded by the National Institutes of Health during the period beginning on January 1, 2006, and ending December 31, 2017.

(B) All recipients of such grants, contracts, and cooperative agreements.

(C) All members of the peer review panels of such applicants and recipients, respectively.

(2) REPORT.—Not later than six months after the date of the enactment of this Act, the Comptroller General shall complete the study under paragraph (1) and submit to Congress a report containing the results of such study.

(b) NIH REPORT ON CERTAIN AUTHORITY OF NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES.—Not later than six months after the date of the enactment of this Act, and biennially thereafter, the Director of the National Institutes of Health, in collaboration with the Director of the National Institute on Minority Health and Health Disparities, shall submit to Congress a report that details and evaluates—

(1) the steps taken during the applicable report period by the Director of the National Institutes of Health to enforce the expanded planning, coordination, review, and evaluation authority provided the National Institute on Minority Health and Health Disparities under section 464z–3(h) of the Public Health Service Act (42 U.S.C. 285(h)), as added by section 10334(c) of the Patient Protection and Af-

fordable Care Act, over all minority health and health disparity research that is conducted or supported by the Institutes and Centers at the National Institutes of Health; and

(2) the outcomes of such steps.

(c) GAO REPORT RELATED TO RECIPIENTS OF PPACA FUNDING.—Not later than one year after the date of the enactment of this Act and biennially thereafter until 2022, the Comptroller General of the United States shall submit to Congress a report that identifies—

(1) the racial and ethnic diversity of community-based organizations that applied for Federal enrollment funding provided pursuant to the provisions of (and amendments made by) the Patient Protection and Affordable Care Act;

(2) the percentage of such organizations that were awarded such funding; and

(3) the impact of such community-based organizations' enrollment efforts on the insurance status of their communities.

(d) ANNUAL REPORT ON ACTIVITIES OF NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES.—The Director of the National Institute on Minority Health and Health Disparities shall prepare an annual report on the activities carried out or to be carried

out by the Institute, and shall submit each such report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Secretary of Health and Human Services, and the Director of the National Institutes of Health. With respect to the fiscal year involved, the report shall—

(1) describe and evaluate the progress made in health disparities research conducted or supported by institutes and centers of the National Institutes of Health;

(2) summarize and analyze expenditures made for activities with respect to health disparities research conducted or supported by the National Institutes of Health;

(3) include a separate statement applying the requirements of paragraphs (1) and (2) specifically to minority health disparities research; and

(4) contain such recommendations as the Director of the Institute considers appropriate.

TITLE X—ADDRESSING SOCIAL DETERMINANTS AND IMPROVING ENVIRONMENTAL JUSTICE

Subtitle A—In General

SEC. 1001. DEFINITIONS.

(a) DETERMINANTS OF HEALTH.—The term ''determinants of health''—

(1) refers to the range of personal, social, economic, and environmental factors that influence health status; and

(2) includes social determinants of health (which are sometimes referred to as ''social and economic determinants of health'' or ''socioeconomic determinants of health''), environmental determinants of health, and personal determinants of health.

(b) ENVIRONMENTAL DETERMINANTS OF HEALTH.—The term ''environmental determinants of health'' refers to the broad physical, psychological, social, and aesthetic environment.

(c) PERSONAL DETERMINANTS OF HEALTH.—The term ''personal determinants of health'' refers to an individual's behavior, biology, and genetics.

(d) SOCIAL DETERMINANTS OF HEALTH.—The term ''social determinants of health'' refers to a subset of deter-

minants of the health of individuals and environments (such as communities, neighborhoods, and societies) that describe people's social identity, describe the social and economic resources to which people have access, and describe the conditions in which people work, live, and play.

SEC. 1002. FINDINGS.

The Congress finds as follows:

(1) There are more opportunities to improve health for everyone when we understand that health starts, first, not in a medical setting, but in our families, in our schools and workplaces, in our neighborhoods, and in the air we breathe and water we drink.

(2) The social determinants of health are the largest predictors of health outcomes.

(3) Healthy People 2020 identifies health and health care quality as a function of not only access to health care, but also the social determinants of health, categorized into the following: neighborhoods and the built environment; social and community context; education; and economic stability. The following examples illustrate the nexus between the unequal distribution of the social determinants of health and health disparities:

(A) The built environment influences residents' level of physical activity. Neighborhoods with high levels of poverty are significantly less likely to have places where children can be physically active, such as parks, green spaces, and bike paths and lanes. Neighborhoods and communities can provide opportunities for physical activity and support active lifestyles through accessible and safe parks and open spaces and through land use policy, zoning, and healthy community design.

(B) Emotional and physical health and well-being are directly impacted by perceived levels of safety, such as unlit streets at night. Community members have expressed that safety is not only a barrier to accessing programs and services that increase quality of life but they are also not able to access physical activity in their community through the built environment.

(C) In many workplace environments, toxic chemicals have lasting detrimental effects on employees' health. The hazardous compounds found in most nail salon products affect the respiratory system, reproductive system, and central nervous system, and also cause kidney

and liver damage. Recognizing the importance of addressing occupational hazards as a matter of public health, especially for Asian-American women who constitute 40 percent of nail salon technicians—with Vietnamese-American women accounting for 37 percent of this—the White House Initiative on Asian American Pacific Islanders has created an interagency working group to coordinate efforts by the Environmental Protection Agency, Occupational and Safety Health Administration, Food and Drug Administration, and other Federal agencies to create programming, draft regulations, and conduct more outreach on educating workers on health and safety issues.

(D) Historical and institutional discrimination against certain racial groups in the United States has shaped the way in which social and economic resources and exposure to health promoting environments are distributed. Income, education, occupation, neighborhood conditions, schools, workplaces, the use of and health and social services, and experiences with the criminal justice system are all highly patterned by race, with racial minorities (compared to

Whites) experiencing more that is health harming. Finding ways to uncouple the link between race and access to resources and healthy environments is a principal means of reducing health disparities. Additionally, the anticipation of racism itself causes higher psychological and cardiovascular stress levels that are linked to poor health outcomes. Remedying discriminatory practices at the individual and systemic levels will likely reduce health disparities caused by this unequal distribution of stress.

(E) Poor health among Native Americans has largely been driven by post-colonial oppression and historical trauma. The expropriation of native lands and territories to the American state had severe consequences on Native American health. This resulted in the deprivation of traditional food sources—and nutrients—for Native Americans and also the destruction of traditional economies and community organization. Today, Native Americans have twice the rate of diabetes than non-Hispanic Whites. Recognition of the origins of the diabetes as having a social and community context, rather than just individual responsibility and genetic pre-

disposition, will shape better policy to provide food security.

(F) In the context of prisons, overcrowding has led to the deterioration of the physical and mental health of individuals after they leave prison. In particular, the mass incarceration of African-American males as a result of unequal contact with and treatment in the criminal justice system has contributed to an overburdening of certain infectious diseases within the African-American community. As a social institution, incarceration amplifies existing adverse health conditions by concentrating diseases and harm health behaviors such as tobacco use, drug use, and violence.

(G) Educational attainment is the strongest predictor of adult mortality. It is a basic component of socioeconomic status by shaping earning potential to access resources that promote health. People with more education are less likely to report that they are in poor health, and are also less likely to have diabetes and other chronic diseases.

(H) Similarly, reading ability is a strong predictor of adult health status and is often

correlated with other child health issues, such as developmental problems, vision and hearing impairments, and frequent school absence due to illness.

(I) Individuals with lower levels of educational attainment are much more likely to report to be current smokers. In 2015, smoking prevalence was 34.1 percent among adults with a GED diploma, 24.2 percent with less than a high school diploma, and 19.8 percent with a high school diploma, while dropping significantly to 7.4 percent among adults with an undergraduate college degree and 3.6 percent with a postgraduate college degree.

(J) Social class differences account for a large part of health disparities. For example, children living in poverty experience poorer housing conditions, increased exposure to indoor allergens and toxins (such as pesticides, lead, mercury, radon, air pollution, and carcinogens), and more psychological stress. These experiences culminate in worse adult health as compared with children with higher socioeconomic status. Specifically, children living in socioeconomic neighborhoods have higher rates

of asthma due to higher rates of psychological stress resulting from higher rates of violence.

(K) Lesbian, gay, bisexual, transgender, queer, questioning, questioning and intersex (LGBTQIA) individuals face health disparities linked to societal stigma, discrimination, and denial of their civil and human rights. Discrimination against LGBTQIA individuals has been associated with high rates of psychiatric disorders, substance abuse, and suicide. Experiences of violence and victimization are frequent for LGBTQIA individuals, and have long-lasting effects on the individual and the community. Personal, family, and social acceptance of sexual orientation and gender identity affects the mental health and personal safety of LGBTQIA individuals.

(L) Individuals in older and cheaper housing are at higher risks to be exposed to lead, particularly in housing built prior to 1960. The threat of lead poisoning disproportionally affects vulnerable populations, with children living in poverty (5.6 percent) and Black children (5.6) experiencing the highest rates. According to the Department of Housing and Urban De-

velopment, about 3.6 million homes nationwide that house young children have lead hazards such as peeling paint, contaminated dust, or toxic soil. The combined cost of medical treatment and special education for lead poisoned children averages about $5,600 per child per year, and lead poisoning costs the United States an estimated $50 billion annually.

(4) Laws and regulations that improve opportunities to live in safe neighborhoods, with more social cohesion, attain higher education, sustain stable employment, and bridge class differences help foster the health and safety of individuals.

(5) The global public health community has reached consensus through the Rio Political Declaration of Social Determinants of Health that ''[c]ollaboration in coordinated and intersectoral policy actions has proven to be effective. Health in All Policies, together with intersectoral cooperation and action, is one promising approach to enhance accountability in other sectors of health, as well as the promotion of health equity and more inclusive and productive societies.''.

SEC. 1003. HEALTH IMPACT ASSESSMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Health Impact Assessment is a tool to help planners, health officials, decisionmakers, and the public make more informed decisions about the potential health effects of proposed plans, policies, programs, and projects in order to maximize health benefits and minimize harms.

(2) Health Impact Assessments can be done at a fraction of the cost and time typically required for other planning and permitting reviews.

(3) Health Impact Assessments can build community support and reduce opposition to a project or policy, thereby facilitating economic growth by aiding the development of consensus regarding new development proposals.

(4) Health Impact Assessments facilitate collaboration across sectors.

(b) PURPOSES.—It is the purpose of this section to—

(1) provide more information about the potential human health effects of policy decisions and the distribution of those effects;

(2) improve how health is considered in planning and decisionmaking processes; and

(3) build stronger, healthier communities through the use of Health Impact Assessment.

(c) HEALTH IMPACT ASSESSMENTS.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended, is further amended by adding at the end the following:

"SEC. 399V–12. HEALTH IMPACT ASSESSMENTS.

"(a) DEFINITIONS.—In this section and section 399V–13:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) BUILT ENVIRONMENT.—The term 'built environment' means the components of the environment, and the location of these components in a geographically defined space, that are created or modified by individuals to form the physical and social characteristics of a community or enhance quality of human life, including—

"(A) homes, schools, and places of work and worship;

"(B) parks, recreation areas, and greenways;

"(C) transportation systems;

"(D) business, industry, and agriculture; and

"(E) land-use plans, projects, and policies that impact the physical or social characteristics of a community, including access to services and amenities.

"(3) DIRECTOR.—The term 'Director' means the Director of the Centers for Disease Control and Prevention.

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means a unit of State or Tribal government the jurisdiction of which includes individuals or populations the health of which are, or will be, affected by an activity or a proposed activity.

"(5) ELIGIBLE INSTITUTION.—The term 'eligible institution' means a public agency or private nonprofit institution that submits to the Secretary, in consultation with the Administrator, an application for a grant authorized under such section at such time, in such manner, and containing such agreements, assurances, and information as the Secretary and Administrator may require.

"(6) HEALTH IMPACT ASSESSMENT.—The term 'Health Impact Assessment' means a systematic process that uses an array of data sources and ana-

lytic methods and considers input from stakeholders to determine the potential effects of a proposed policy, plan, program, or project on the health of a population and the distribution of those effects within the population. Such term includes identifying and recommending appropriate actions on monitoring and maximizing potential benefits and minimizing the potential harms.

"(7) HEALTH DISPARITIES.—The term 'health disparities' are a particular type of health differences that are closely linked with social, economic, and/or environmental disadvantage. Health disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion.

"(8) PROPOSED ACTIVITY.—The term 'proposed activity' means a proposed policy, program, plan, or project currently under consideration by a local, State, Tribal, or Federal agency or government.

1 "(b) ESTABLISHMENT.—The Secretary, acting
2 through the Director and in collaboration with the Admin-
3 istrator, shall carry out the following:
4 "(1) Establish a program at the National Cen-
5 ter for Environmental Health at the Centers for Dis-
6 ease Control and Prevention focused on advancing
7 the field of Health Impact Assessment. In devel-
8 oping and implementing the program, the Director
9 of the National Center for Environmental Health
10 shall consult with the Director of the National Cen-
11 ter for Chronic Disease Prevention and Health Pro-
12 motion as well as relevant offices within the Depart-
13 ment of Housing and Urban Development, the De-
14 partment of Transportation, and the Department of
15 Agriculture. The program shall include—
16 "(A) collecting and disseminating best
17 practices;
18 "(B) administering capacity building
19 grants to States to support grantees in initi-
20 ating Health Impact Assessments, in accord-
21 ance with subsection (d);
22 "(C) providing technical assistance;
23 "(D) developing training tools and pro-
24 viding training on conducting Health Impact

Assessment and the implementation of built environment and health indicators;

"(E) making information available, as appropriate, regarding the existence of other community healthy living tools, checklists, and indices that help connect public health to other sectors, and tools to help examine the effect of the indoor built environment and building codes on population health;

"(F) conducting research and evaluations of Health Impact Assessments; and

"(G) awarding competitive extramural research grants.

"(2) In accordance with subsection (c), develop guidance and guidelines to conduct Health Impact Assessments.

"(3) In accordance with subsection (d), establish a grant program to allow States to fund eligible entities to conduct Health Impact Assessments.

"(c) GUIDANCE.—The Director, in consultation with the Director of the National Center for Environmental Health and, the Director of the National Center for Chronic Disease Prevention and Health Promotion, and relevant offices within the Department of Housing and

1 Urban Development, the Department of Transportation,
2 and the Department of Agriculture, shall—
3 "(1) develop guidance for conducting Health
4 Impact Assessment, including—
5 "(A) background on national and inter-
6 national efforts to bridge urban planning and
7 public health institutions and disciplines, in-
8 cluding a review of Health Impact Assessment
9 best practices internationally;
10 "(B) evidence-based direct and indirect
11 pathways that link land-use planning, transpor-
12 tation, and housing policy and objectives to
13 human health outcomes;
14 "(C) data resources and quantitative and
15 qualitative forecasting methods to evaluate both
16 the status of health determinants and health ef-
17 fects, including identification of existing pro-
18 grams that can disseminate these resources;
19 "(D) best practices for inclusive public in-
20 volvement in conducting Health Impact Assess-
21 ments; and
22 "(E) technical assistance for other agen-
23 cies seeking to develop their own guidelines and
24 procedures for Health Impact Assessment;

"(2) in developing the guidance, consider available international Health Impact Assessment guidance, North American Health Impact Assessment Practice Standards, and recommendations from the National Academy of Science; and

"(3) not later than 1 year after the date of enactment of this section, publish the guidance.

"(d) GRANT PROGRAM.—The Secretary, acting through the Director and in collaboration with the Administrator, shall establish a program under which the Secretary shall award grants to States to fund eligible entities for capacity building or to prepare Health Impact Assessments, and shall ensure that States receiving a grant under this subsection further support training and technical assistance for grantees under the program by funding and overseeing appropriate local, State, Tribal, Federal, university, or nonprofit Health Impact Assessment experts to provide technical assistance. Such assessments shall—

"(1) ensure that appropriate health factors are taken into consideration as early as practicable during the planning, review, or decisionmaking processes;

"(2) assess the effect on the health of individuals and populations of proposed policies, projects,

or plans that result in modifications to the built environment; and

"(3) assess the distribution of health effects across various factors, such as race, income, ethnicity, age, disability status, gender, and geography.

"(e) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application in accordance with this subsection, at such time, in such manner, and containing such additional information as the Secretary may require.

"(2) INCLUSION.—An application under this subsection shall include a list of proposed activities that require or would benefit from conducting a Health Impact Assessment within six months of awarding funds. The list should be accompanied by supporting documentation, including letters of support, from potential conductors of Health Impact Assessments for the listed proposed activities. Each application should also include an assessment by the eligible entity of the health of the population of its jurisdiction and describe potential adverse or positive effects on health that the proposed activities may create.

1 "(3) PREFERENCE.—Preference in awarding
2 funds under this section may be given to eligible en-
3 tities that demonstrate the potential to significantly
4 improve population health or lower health care costs
5 as a result of potential Health Impact Assessment
6 work.
7 "(f) USE OF FUNDS.—
8 "(1) IN GENERAL.—An eligible entity shall use
9 amounts provided under a grant under this section
10 to conduct Health Impact Assessment capacity
11 building or to conduct or fund subgrantees to con-
12 duct a Health Impact Assessment for a proposed ac-
13 tivity in accordance with this subsection.
14 "(2) PURPOSES.—The purposes of a Health
15 Impact Assessment under this subsection are—
16 "(A) to facilitate the involvement of Tribal,
17 State, and local public health officials in com-
18 munity planning, transportation, housing, and
19 land use decisions and other decisions affecting
20 the built environment to identify any potential
21 health concern or health benefit relating to an
22 activity or proposed activity;
23 "(B) to provide for an investigation of any
24 health-related issue of concern raised in a plan-
25 ning process, an environmental impact assess-

ment process, or policy appraisal relating to a proposed activity;

"(C) to describe and compare alternatives (including no-action alternatives) to a proposed activity to provide clarification with respect to the potential health outcomes associated with the proposed activity and, where appropriate, to the related benefit-cost or cost-effectiveness of the proposed activity and alternatives;

"(D) to contribute, when applicable, to the findings of a planning process, policy appraisal, or an environmental impact statement with respect to the terms and conditions of implementing a proposed activity or related mitigation recommendations, as necessary;

"(E) to ensure that the disproportionate distribution of negative impacts among vulnerable populations is minimized as much as possible;

"(F) to engage affected community members and ensure adequate opportunity for public comment on all stages of the Health Impact Assessment;

"(G) where appropriate, to consult with local and county health departments and appro-

priate organizations, including planning, transportation, and housing organizations and providing them with information and tools regarding how to conduct and integrate Health Impact Assessment into their work; and

"(H) to inspect homes, water systems, and other elements that pose risks to lead exposure, with an emphasis on areas that pose a higher risk to children.

"(3) ELIGIBLE ACTIVITIES.—

"(A) IN GENERAL.—Eligible entities funded under this subsection shall conduct an evaluation of any proposed activity to determine whether it will have a significant adverse or positive effect on the health of the affected population in the jurisdiction of the eligible entity, based on the criteria described in subparagraph (B).

"(B) CRITERIA.—The criteria described in this subparagraph include, as applicable to the proposed activity, the following:

"(i) Any substantial adverse effect or significant health benefit on health outcomes or factors known to influence health, including the following:

"(I) Physical activity.

"(II) Injury.

"(III) Mental health.

"(IV) Accessibility to health-promoting goods and services.

"(V) Respiratory health.

"(VI) Chronic disease.

"(VII) Nutrition.

"(VIII) Land use changes that promote local, sustainable food sources.

"(IX) Infectious disease.

"(X) Health disparities.

"(XI) Existing air quality, ground or surface water quality or quantity, or noise levels.

"(XII) Lead exposure.

"(ii) Other factors that may be considered, including—

"(I) the potential for a proposed activity to result in systems failure that leads to a public health emergency;

"(II) the probability that the proposed activity will result in a signifi-

cant increase in tourism, economic development, or employment in the jurisdiction of the eligible entity;

"(III) any other significant potential hazard or enhancement to human health, as determined by the eligible entity; or

"(IV) whether the evaluation of a proposed activity would duplicate another analysis or study being undertaken in conjunction with the proposed activity.

"(C) FACTORS FOR CONSIDERATION.—In evaluating a proposed activity under subparagraph (A), an eligible entity may take into consideration any reasonable, direct, indirect, or cumulative effect that can be clearly related to potential health effects and that is related to the proposed activity, including the effect of any action that is—

"(i) included in the long-range plan relating to the proposed activity;

"(ii) likely to be carried out in coordination with the proposed activity;

"(iii) dependent on the occurrence of the proposed activity; or

"(iv) likely to have a disproportionate impact on high-risk or vulnerable populations.

"(4) REQUIREMENTS.—A Health Impact Assessment prepared with funds awarded under this subsection shall incorporate the following, after conducting the screening phase (identifying projects or policies for which a Health Impact Assessment would be valuable and feasible) through the application process:

"(A) SCOPING.—Identifying which health effects to consider and the research methods to be utilized.

"(B) ASSESSING RISKS AND BENEFITS.—Assessing the baseline health status and factors known to influence the health status in the affected community, which may include aggregating and synthesizing existing health assessment evidence and data from the community.

"(C) DEVELOPING RECOMMENDATIONS.—Suggesting changes to proposals to promote positive or mitigate adverse health effects.

"(D) REPORTING.—Synthesizing the assessment and recommendations and communicating the results to decisionmakers.

"(E) MONITORING AND EVALUATING.—Tracking the decision and implementation effect on health determinants and health status.

"(5) PLAN.—An eligible entity that is awarded a grant under this section shall develop and implement a plan, to be approved by the Director, for meaningful and inclusive stakeholder involvement in all phases of the Health Impact Assessment. Stakeholders may include community-based organizations, youth-serving organizations, planners, public health experts, State and local public health departments and officials, health care experts or officials, housing experts or officials, and transportation experts or officials.

"(6) SUBMISSION OF FINDINGS.—An eligible entity that is awarded a grant under this section shall submit the findings of any funded Health Impact Assessment activities to the Secretary and make these findings publicly available.

"(7) ASSESSMENT OF IMPACTS.—An eligible entity that is awarded a grant under this section shall ensure the assessment of the distribution of health

impacts (related to the proposed activity) across race, ethnicity, income, age, gender, disability status, and geography.

"(8) CONDUCT OF ASSESSMENT.—To the greatest extent feasible, a Health Impact Assessment shall be conducted under this section in a manner that respects the needs and timing of the decision-making process it evaluates.

"(9) METHODOLOGY.—In preparing a Health Impact Assessment under this subsection, an eligible entity or partner shall follow the guidance published under subsection (c).

"(g) HEALTH IMPACT ASSESSMENT DATABASE.—The Secretary, acting through the Director and in collaboration with the Administrator, shall establish, maintain, and make publicly available a Health Impact Assessment database, including—

"(1) a catalog of Health Impact Assessments received under this section;

"(2) an inventory of tools used by eligible entities to conduct Health Impact Assessments; and

"(3) guidance for eligible entities with respect to the selection of appropriate tools described in paragraph (2).

"(h) EVALUATION OF GRANTEE ACTIVITIES.—The Secretary shall award competitive grants to Prevention Research Centers, or nonprofit organizations or academic institutions with expertise in Health Impact Assessments to—

"(1) assist grantees with the provision of training and technical assistance in the conducting of Health Impact Assessments;

"(2) evaluate the activities carried out with grants under subsection (d); and

"(3) assist the Secretary in disseminating evidence, best practices, and lessons learned from grantees.

"(i) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report concerning the evaluation of the programs under this section, including recommendations as to how lessons learned from such programs can be incorporated into future guidance documents developed and provided by the Secretary and other Federal agencies, as appropriate.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

"SEC. 399V–13. IMPLEMENTATION OF RESEARCH FINDINGS TO IMPROVE HEALTH OUTCOMES THROUGH THE BUILT ENVIRONMENT.

"(a) RESEARCH GRANT PROGRAM.—

"(1) GRANTS.—The Secretary, in collaboration with the Administrator, shall award grants to eligible institutions to implement evidence-based programming to improve the built environment and subsequently human health. Factors that influence health that may be considered include—

"(A) levels of physical activity;

"(B) consumption of nutritional foods;

"(C) rates of crime;

"(D) air, water, and soil quality;

"(E) risk or rate of injury;

"(F) accessibility to health-promoting goods and services;

"(G) chronic disease rates;

"(H) community design;

"(I) housing; and

"(J) other indicators as determined appropriate by the Secretary.

"(2) RESEARCH.—The Secretary, in consultation with the Administrator, shall support research under this section that—

"(A) uses evidence-based research to improve the built environment and human health;

"(B) examines—

"(i) the scope and intensity of the impact that the built environment (including the various characteristics of the built environment) has on the human health; or

"(ii) the distribution of such impacts by—

"(I) location; and

"(II) population subgroup;

"(C) is used to develop—

"(i) measures and indicators to address health impacts and the connection of health to the built environment;

"(ii) efforts to link the measures to transportation, land use, and health databases; and

"(iii) efforts to enhance the collection of built environment surveillance data;

"(D) distinguishes carefully between personal attitudes and choices and external influences on behavior to determine how much the association between the built environment and the health of residents, versus the lifestyle pref-

erences of the people that choose to live in the neighborhood, reflects the physical characteristics of the neighborhood; and

"(E)(i) identifies or develops effective intervention strategies focusing on enhancements to the built environment that promote increased use physical activity, access to nutritious foods, or other health-promoting activities by residents; and

"(ii) in developing the intervention strategies under clause (i), ensures that the intervention strategies will reach out to high-risk or vulnerable populations, including low-income urban and rural communities and aging populations, in addition to the general population.

"(3) SURVEYS.—The Secretary may use funds appropriated under this section to support the expansion of national surveys and data tracking systems to provide more detailed information about the connection between the built environment and health.

"(4) PRIORITY.—In providing assistance under the grant program under this section, the Secretary and the Administrator shall give priority to programming that incorporates—

"(A) interdisciplinary approaches; or

"(B) the expertise of the public health, physical activity, urban planning, land use, and transportation research communities in the United States and abroad.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Not to exceed 20 percent of amounts appropriated for each fiscal year under this subsection may be used for the research component of the program under this section.".

SEC. 1004. IMPLEMENTATION OF RECOMMENDATIONS BY ENVIRONMENTAL PROTECTION AGENCY.

(a) INSPECTOR GENERAL RECOMMENDATIONS.—The Administrator of the Environmental Protection Agency shall, as promptly as practicable, carry out each of the following recommendations of the Inspector General of the Agency as set forth in Report No. 2006–P–00034 entitled "EPA needs to conduct environmental justice reviews of its programs, policies and activities":

(1) The recommendation that the Agency's program and regional offices identify which programs, policies, and activities need environmental justice reviews and require these offices to establish a plan to complete the necessary reviews.

(2) The recommendation that the Administrator of the Agency ensure that these reviews determine whether the programs, policies, and activities may have a disproportionately high and adverse health or environmental impact on minority and low-income populations.

(3) The recommendation that each program and regional office develop specific environmental justice review guidance for conducting environmental justice reviews.

(4) The recommendation that the Administrator designate a responsible office to compile results of environmental justice reviews and recommend appropriate actions.

(b) GAO RECOMMENDATIONS.—In developing rules under laws administered by the Environmental Protection Agency, the Administrator of the Agency shall, as promptly as practicable, carry out each of the following recommendations of the Comptroller General of the United States as set forth in GAO Report numbered GAO–05–289 entitled ''EPA Should Devote More Attention to Environmental Justice when Developing Clean Air Rules'':

(1) The recommendation that the Administrator ensure that workgroups involved in developing a rule

1 devote attention to environmental justice while draft-
2 ing and finalizing the rule.
3 (2) The recommendation that the Administrator
4 enhance the ability of such workgroups to identify
5 potential environmental justice issues through such
6 steps as providing workgroup members with guid-
7 ance and training to help them identify potential en-
8 vironmental justice problems and involving environ-
9 mental justice coordinators in the workgroups when
10 appropriate.
11 (3) The recommendation that the Administrator
12 improve assessments of potential environmental jus-
13 tice impacts in economic reviews by identifying the
14 data and developing the modeling techniques needed
15 to assess such impacts.
16 (4) The recommendation that the Administrator
17 direct appropriate Agency officers and employees to
18 respond fully when feasible to public comments on
19 environmental justice, including improving the Agen-
20 cy's explanation of the basis for its conclusions, to-
21 gether with supporting data.
22 (c) 2004 INSPECTOR GENERAL REPORT.—The Ad-
23 ministrator of the Environmental Protection Agency shall,
24 as promptly as practicable, carry out each of the following
25 recommendations of the Inspector General of the Agency

as set forth in the report entitled ''EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice'' (Report No. 2004–P–00007):

(1) The recommendation that the Agency clearly define the mission of the Office of Environmental Justice (OEJ) and provide Agency staff with an understanding of the roles and responsibilities of the Office.

(2) The recommendation that the Agency establish (through issuing guidance or a policy statement from the Administrator) specific timeframes for the development of definitions, goals, and measurements regarding environmental justice and provide the regions and program offices a standard and consistent definition for a minority and low-income community, with instructions on how the Agency will implement and put into operation environmental justice in the Agency's daily activities.

(3) The recommendation that the Agency ensure the comprehensive training program currently under development includes standard and consistent definitions of the key environmental justice concepts (such as ''low-income'', ''minority'', and ''disproportionately impacted'') and instructions for implementation of those concepts.

1 The Administrator shall submit an initial report to Con-
2 gress within 6 months after the enactment of this Act re-
3 garding the Administrator's strategy for implementing the
4 recommendations referred to in paragraphs (1), (2), and
5 (3). Thereafter, the Administrator shall provide semi-
6 annual reports to Congress regarding the Administrator's
7 progress in implementing such recommendations and
8 modifying the Administrator's emergency management
9 procedures to incorporate environmental justice in the
10 Agency's Incident Command Structure (in accordance
11 with the December 18, 2006, letter from the Deputy Ad-
12 ministrator to the Acting Inspector General of the Agen-
13 cy).

14 (d) FEDERAL ACTION PLAN FOR SAVING LIVES,
15 PROTECTING PEOPLE AND THEIR FAMILIES FROM
16 RADON.—

17 (1) IN GENERAL.—Because radon is a naturally
18 occurring radioactive gas that is recognized as the
19 leading cause of lung cancer among nonsmokers and
20 is a particular environmental threat for low-income
21 and minority individuals because of the lack of infor-
22 mation about radon levels in their own homes, the
23 Administrator of the Environmental Protection
24 Agency shall within 6 months after the date of the
25 enactment of this Act, implement the action plan en-

titled "Protecting People and Families from Radon: A Federal Action Plan for Saving Lives" (June 20, 2011), working with the Secretary of Health and Human Services acting through the Director of the Centers for Disease Control and Prevention, and with the other Federal agencies mentioned in and as set forth in the action plan.

(2) SPECIFIC STEPS.—In carrying out paragraph (1), the Administrator shall take steps to achieve each of the following:

(A) The recommendation that the workgroup comprised of the Federal agencies participating in the development of the action plan referred to in paragraph (1) implement specific steps within the current authority and activities of each Federal agency to reduce exposure to radon.

(B) The recommendation that such workgroup meet on the 1-year anniversary of the plan to assess and recognize achievements of the plan.

(3) REPORT.—The Administrator shall report to the Congress on the 1-year assessment of the plan's implementation, including the challenges remaining and the progress in reducing radon expo-

sure particularly to low-income and minority families.

(e) FEDERAL ACTION PLAN FOR PREVENTING CHILDHOOD LEAD POISONING.—

(1) FINDINGS.—The Congress finds the following:

(A) The effects of lead poisoning are irreversible and cost the United States millions annually in medical and education costs.

(B) The cognitive effects suffered by lead exposed children result in a lifetime of health and behavioral problems, which makes prevention efforts more critical.

(C) The risk is especially high for vulnerable minority populations who are more likely to live in older homes, where lead-based paint is more likely to be present.

(2) ACTION PLAN.—The Administrator of the Environmental Protection Agency shall, not later than 6 months after the date of the enactment of this Act, develop an action plan, working with the Secretary of Health and Human Services acting through the Director of the Centers for Disease Control and Prevention, and other Federal agencies as necessary.

(3) SPECIFIC STEPS.—In carrying out paragraph (2), the Administrator of the Environmental Protection Agency shall take steps to achieve each of the following:

(A) The establishment of a working group, comprised of representatives of the Federal agencies participating in the development of the action plan referred to in paragraph (2), to make recommendations for implementation of specific steps within the existing authority and activities of each Federal agency to reduce exposure to lead.

(B) The development by Federal agencies of materials on the hazards of lead-based paint aimed at educating tenants and landlords, and how to both recognize potential causes for exposure and how to remediate them.

SEC. 1005. GRANT PROGRAM TO CONDUCT ENVIRONMENTAL HEALTH IMPROVEMENT ACTIVITIES AND TO IMPROVE SOCIAL DETERMINANTS OF HEALTH.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Centers for Disease Control and Prevention, acting in collaboration with the Adminis-

1 trator of the Environmental Protection Agency and
2 the Director of the National Institute of Environ-
3 mental Health Sciences.
4 (2) ELIGIBLE ENTITY.—The term ''eligible enti-
5 ty'' means a State or local community that—
6 (A) bears a disproportionate burden of ex-
7 posure to environmental health hazards;
8 (B) bears a disproportionate burden of ex-
9 posure to unhealthy living conditions, low
10 standard housing conditions, low socioeconomic
11 status, poor nutrition, less opportunity for edu-
12 cational attainment, disproportionate unemploy-
13 ment rates, or lower literacy levels;
14 (C) has established a coalition—
15 (i) with not less than 1 community-
16 based organization or demonstration pro-
17 gram; and
18 (ii) with not less than 1—
19 (I) public health entity;
20 (II) health care provider organi-
21 zation;
22 (III) academic institution, includ-
23 ing any minority-serving institution
24 (including a Hispanic-serving institu-
25 tion, a historically Black college or

university, and a Tribal college or university);

(IV) child-serving institution; or

(V) landlord or housing provider working on lead remediation;

(D) ensures planned activities and funding streams are coordinated to improve community health; and

(E) submits an application in accordance with subsection (c).

(b) ESTABLISHMENT.—The Director shall establish a grant program under which eligible entities shall receive grants to conduct environmental health improvement activities and to improve social determinants of health.

(c) APPLICATION.—To receive a grant under this section, an eligible entity shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require.

(d) COOPERATIVE AGREEMENTS.—An eligible entity may use a grant under this section—

(1) to promote environmental health;

(2) to address environmental health disparities among all populations, including children; and

(3) to address racial and ethnic disparities in social determinants of health.

(e) AMOUNT OF COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Director shall award grants to eligible entities at the 3 different funding levels described in this subsection.

(2) LEVEL 1 COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—An eligible entity awarded a grant under this paragraph shall use the funds to identify environmental health problems and solutions by—

(i) establishing a planning and prioritizing council in accordance with subparagraph (B); and

(ii) conducting an environmental health assessment in accordance with subparagraph (C).

(B) PLANNING AND PRIORITIZING COUNCIL.—

(i) IN GENERAL.—A prioritizing and planning council established under subparagraph (A)(i) (referred to in this paragraph as a "PPC") shall assist the environmental health assessment process and environmental health promotion activities of the eligible entity.

(ii) MEMBERSHIP.—Membership of a PPC shall consist of representatives from various organizations within public health, planning, development, and environmental services and shall include stakeholders from vulnerable groups such as children, the elderly, disabled, and minority ethnic groups that are often not actively involved in democratic or decisionmaking processes.

(iii) DUTIES.—A PPC shall—

(I) identify key stakeholders and engage and coordinate potential partners in the planning process;

(II) establish a formal advisory group to plan for the establishment of services;

(III) conduct an in-depth review of the nature and extent of the need for an environmental health assessment, including a local epidemiological profile, an evaluation of the service provider capacity of the community, and a profile of any target populations; and

(IV) define the components of care and form essential programmatic linkages with related providers in the community.

(C) ENVIRONMENTAL HEALTH ASSESSMENT.—

(i) IN GENERAL.—A PPC shall carry out an environmental health assessment to identify environmental health concerns.

(ii) ASSESSMENT PROCESS.—The PPC shall—

(I) define the goals of the assessment;

(II) generate the environmental health issue list;

(III) analyze issues with a systems framework;

(IV) develop appropriate community environmental health indicators;

(V) rank the environmental health issues;

(VI) set priorities for action;

(VII) develop an action plan;

(VIII) implement the plan; and

(IX) evaluate progress and planning for the future.

(D) EVALUATION.—Each eligible entity that receives a grant under this paragraph shall evaluate, report, and disseminate program findings and outcomes.

(E) TECHNICAL ASSISTANCE.—The Director may provide such technical and other nonfinancial assistance to eligible entities as the Director determines to be necessary.

(3) LEVEL 2 COOPERATIVE AGREEMENTS.—

(A) ELIGIBILITY.—

(i) IN GENERAL.—The Director shall award grants under this paragraph to eligible entities that have already—

(I) established broad-based collaborative partnerships; and

(II) completed environmental assessments.

(ii) NO LEVEL 1 REQUIREMENT.—To be eligible to receive a grant under this paragraph, an eligible entity is not required to have successfully completed a Level 1 Cooperative Agreement (as described in paragraph (2)).

1 (B) USE OF GRANT FUNDS.—An eligible
2 entity awarded a grant under this paragraph
3 shall use the funds to further activities to carry
4 out environmental health improvement activi-
5 ties, including—
6 (i) addressing community environ-
7 mental health priorities in accordance with
8 paragraph (2)(C)(ii), including—
9 (I) geography;
10 (II) the built environment;
11 (III) air quality;
12 (IV) water quality;
13 (V) land use;
14 (VI) solid waste;
15 (VII) housing;
16 (VIII) crime;
17 (IX) socioeconomic status;
18 (X) ethnicity, social construct
19 and language preference;
20 (XI) educational attainment;
21 (XII) employment;
22 (XIII) food safety;
23 (XIV) nutrition;
24 (XV) health care services; and
25 (XVI) injuries;

(ii) building partnerships between planning, public health, and other sectors, including child-serving institutions, to address how the built environment impacts food availability and access and physical activity to promote healthy behaviors and lifestyles and reduce overweight and obesity, musculoskeletal diseases, respiratory conditions, dental, oral and mental health conditions, poverty, and related comorbidities;

(iii) establishing programs to address—

(I) how environmental and social conditions of work and living choices influence physical activity and dietary intake; or

(II) how those conditions influence the concerns and needs of people who have impaired mobility and use assistance devices, including wheelchairs, lower limb prostheses, and hip, knee, and other joint replacements; and

(iv) convening intervention and demonstration programs that examine the role of the social environment in connection with the physical and chemical environment in—

(I) determining access to nutritional food;

(II) improving physical activity to reduce overweight, obesity, and comorbidities and increase quality of life; and

(III) location and access to medical facilities.

(4) LEVEL 3 COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—An eligible entity awarded a grant under this paragraph shall use the funds to identify and address racial and ethnic disparities in social determinants of health by creating demonstration programs that assess the feasibility of establishing a federally funded comprehensive program and describe key outcomes that address racial and ethnic disparities in social determinants of health.

(B) PROGRAM DESIGN.—

(i) EVALUATION.—No later than 1 year after enactment of this Act, the Director shall evaluate the best practices of existing programs from the private, public, community based, and academically supported initiatives focused on reducing disparities in the social determinants of health for racial and ethnic populations.

(ii) DEMONSTRATION PROJECTS.—Not later than two years after the date of enactment of this Act, the Director shall implement at least ten demonstration projects including at least one project for each major racial and ethnic minority group, each of which is unique to the cultural and linguistic needs of each of the following groups:

(I) Native Americans and Alaska Natives.

(II) Asian Americans.

(III) African Americans/Blacks.

(IV) Hispanic/Latino-Americans.

(V) Native Hawaiians and Pacific Islanders.

(iii) REPORT TO CONGRESS.—No later than 2 years after the implementation of the initial demonstration projects, the Director shall submit to Congress a report which includes—

(I) a description of each demonstration project and design;

(II) an evaluation of the cost-effectiveness of each project's prevention and treatment efforts;

(III) an evaluation of the cultural and linguistic appropriateness of each project by racial and ethnic group; and

(IV) an evaluation of the beneficiary's health status improvement under the demonstration project.

(iv) ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE DIRECTOR.—The Director shall require any other information deemed appropriate to be shared by or developed by eligible entities awarded a grant under this paragraph, including the following:

(I) Developing models and evaluating methods that improve the cultural and linguistically appropriate services provided through the Centers for Disease Control and Prevention to target individuals impacted by health disparities based on their race, ethnicity, and gender.

(II) Promoting the collaboration between primary and specialty care health care providers and patients, to ensure patients impacted by health disparities based on race, ethnicity, and gender are receiving comprehensive and organized treatment and care.

(III) Educating health care professionals on the causes and effects of disparities in the social determinants of health as it relates to minority and racial and ethnic communities and the need for culturally and linguistically appropriate care in the prevention and treatment of high-impact diseases.

(IV) Encouraging collaboration among community and patient-based organizations which work to address disparities in the social determinants of health as it relates to high-impact diseases in minority and racial and ethnic populations.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $25,000,000 for fiscal year 2019; and

(2) such sums as may be necessary for fiscal years 2020 through 2022.

SEC. 1006. ADDITIONAL RESEARCH ON THE RELATIONSHIP BETWEEN THE BUILT ENVIRONMENT AND THE HEALTH OF COMMUNITY RESIDENTS.

(a) DEFINITION OF ELIGIBLE INSTITUTION.—In this section, the term ''eligible institution'' means a public or private nonprofit institution that submits to the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') and the Administrator of the Environmental Protection Agency (in this section referred to as the ''Administrator'') an application for a grant under the grant program authorized under subsection (b)(2) at such time, in such manner, and containing such agree-

1 ments, assurances, and information as the Secretary and
2 Administrator may require.
3 (b) RESEARCH GRANT PROGRAM.—
4 (1) DEFINITION OF HEALTH.—In this section,
5 the term ''health'' includes—
6 (A) levels of physical activity;
7 (B) degree of mobility due to factors such
8 as musculoskeletal diseases, arthritis, and obe-
9 sity;
10 (C) consumption of nutritional foods;
11 (D) rates of crime;
12 (E) air, water, and soil quality;
13 (F) risk of injury;
14 (G) accessibility to health care services;
15 (H) levels of educational attainment; and
16 (I) other indicators as determined appro-
17 priate by the Secretary.
18 (2) GRANTS.—The Secretary, in collaboration
19 with the Administrator, shall provide grants to eligi-
20 ble institutions to conduct and coordinate research
21 on the built environment and its influence on indi-
22 vidual and population-based health.
23 (3) RESEARCH.—The Secretary shall support
24 research that—

(A) investigates and defines the causal links between all aspects of the built environment and the health of residents;

(B) examines—

(i) the extent of the impact of the built environment (including the various characteristics of the built environment) on the health of residents;

(ii) the variance in the health of residents by—

(I) location (such as inner cities, inner suburbs, and outer suburbs); and

(II) population subgroup (including children, the elderly, the disadvantaged); or

(iii) the importance of the built environment to the total health of residents, which is the primary variable of interest from a public health perspective;

(C) is used to develop—

(i) measures to address health and the connection of health to the built environment; and

(ii) efforts to link the measures to travel and health databases;

(D) distinguishes carefully between personal attitudes and choices and external influences on observed behavior to determine how much an observed association between the built environment and the health of residents, versus the lifestyle preferences of the people that choose to live in the neighborhood, reflects the physical characteristics of the neighborhood; and

(E)(i) identifies or develops effective intervention strategies to promote better health among residents with a focus on behavioral interventions and enhancements of the built environment that promote increased use by residents; and

(ii) in developing the intervention strategies under clause (i), ensures that the intervention strategies will reach out to high-risk populations, including racial and ethnic minorities, low-income urban and rural communities, and children.

(4) PRIORITY.—In providing assistance under the grant program authorized under paragraph (2),

the Secretary and the Administrator shall give priority to research that incorporates—

(A) minority-serving institutions as grantees;

(B) interdisciplinary approaches; or

(C) the expertise of the public health, physical activity, nutrition and health care (including child health), urban planning, and transportation research communities in the United States and abroad.

SEC. 1007. ENVIRONMENT AND PUBLIC HEALTH RESTORATION.

(a) FINDINGS.—

(1) GENERAL FINDINGS.—The Congress finds as follows:

(A) As human beings, we share our environment with a wide variety of habitats and ecosystems that nurture and sustain a diversity of species.

(B) The abundance of natural resources in our environment forms the basis for our economy and has greatly contributed to human development throughout history.

(C) The accelerated pace of human development over the last several hundred years has

significantly impacted our natural environment and its resources, the health and diversity of plant and animal wildlife, the availability of critical habitats, the quality of our air and our water, and our global climate.

(D) The intervention of the Federal Government is necessary to minimize and mitigate human impact on the environment for the benefit of public health, to maintain air quality and water quality, to sustain the diversity of plants and animals, to combat global climate change, and to protect the environment.

(E) Laws and regulations in the United States have been created and promulgated to minimize and mitigate human impact on the environment for the benefit of public health, to maintain air quality and water quality, to sustain wildlife, and to protect the environment.

(F) Such laws include the Antiquities Act of 1906 (16 U.S.C. 431 et seq.) initiated by President Theodore Roosevelt to create the national park system, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Water Pollution Control Act (33 U.S.C.

1251 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Endangered Species Act of 1973 (Public Law 93–205), and the National Forest Management Act of 1976 (Public Law 94–588).

(G) Attempts to repeal or weaken key environmental safeguards pose dangers to the public health, air quality, water quality, wildlife, and the environment.

(2) FINDINGS ON CHANGES AND PROPOSED CHANGES IN LAW.—The Congress finds that, since 2001, the following changes and proposed changes to existing law or regulations have negatively impacted or will negatively impact the environment and public health:

(A) CLEAN WATER.—

(i) On May 9, 2002, the Environmental Protection Agency (EPA) and the Army Corps of Engineers put forth a final rule that reconciled regulations implementing section 404 of the Federal Water Pollution Control Act by redefining the term ''fill material'' and amending the definition of the term ''discharge of fill mate-

rial'', reversing a 25-year-old regulation. The new rule fails to restrict the dumping of hardrock mining waste, construction debris, and other industrial wastes into rivers, streams, lakes, and wetlands. The rule further allows destructive mountaintop removal coal mining companies to dump waste into streams and lakes, polluting the surrounding natural habitat and poisoning plants and animals that depend on those water sources.

(ii) On February 12, 2003, the Environmental Protection Agency published the rule ''National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations'', new livestock waste regulations that aimed to control factory farm pollution but which would severely undermine existing protections under the Federal Water Pollution Control Act. This regulation allows large-scale animal factories to foul the Nation's waters with animal waste, allows livestock owners to draft

their own pollution-management plans and avoid ground water monitoring, legalizes the discharge of contaminated runoff water rich in nitrogen, phosphorus, bacteria, and metals, and ensures that large factory farms are not held liable for the environmental damage they cause. In a 2005 Federal court decision (''Waterkeeper Alliance, et al. v. Environmental Protection Agency'', 399 F.3d 486 (2nd Cir. 2005)), major parts of the rule were upheld, others vacated, and still others remanded back to the EPA. On November 20, 2008, the Environmental Protection Agency published a revised final rule which undermines environmental protection provisions by removing mandatory permitting requirements and allowing large animal farms to self-certify the absence of pollutant discharge activity.

(iii) On March 19, 2003, the Environmental Protection Agency published a new rule regarding the Total Maximum Daily Load program of the Federal Water Pollution Control Act that regulates the max-

imum amount of a particular pollutant that can be present in a body of water and still meet water quality standards. The new rule withdrew the existing regulation put forth on July 13, 2000, and halted momentum in cleaning up polluted waterways throughout the Nation. By abandoning the existing rule, the Environmental Protection Agency is undermining the effectiveness of cleanup plans and is allowing States to avoid cleaning polluted waters entirely by dropping them from their cleanup lists. Waterways play a crucial role in the lives of the people of the United States and are critical to the livelihood of fish and wildlife. The result of dropping the July 2000 rule is that the restoration of polluted rivers, shorelines, and lakes will be delayed, harming more fish and wildlife and worsening the quality of drinking water.

(iv) On December 2, 2008, the Environmental Protection Agency and the Army Corps of Engineers jointly issued a guidance document in the form of a legal memorandum, titled ''Clean Water Act Ju-

1 risdiction Following the U.S. Supreme
2 Court's Decision in Rapanos v. United
3 States & Carabell v. United States''. This
4 new guidance dictates enforcement actions
5 under the Federal Water Pollution Control
6 Act and calls for a complicated ''case-by-
7 case'' analysis to determine jurisdiction for
8 waterways that do not flow all year. Such
9 actions endanger small streams and wet-
10 lands that serve as important habitats for
11 aquatic life, which play a fundamental role
12 in safeguarding sources of clean drinking
13 water and mitigate the risks and effects of
14 floods and droughts. Further, the defini-
15 tion provided therein for ''waters of the
16 United States'' is applicable to the Federal
17 Water Pollution Control Act as a whole,
18 potentially affecting programs that control
19 industrial pollution and sewage levels, pre-
20 vent oil spills, and set water quality stand-
21 ards for all waters in the United States
22 protected under the Federal Water Pollu-
23 tion Control Act.
24 (B) FORESTS AND LAND MANAGEMENT.—

(i) On December 3, 2003, the President signed into law the Healthy Forests Restoration Act of 2003 (Public Law 108–148; 16 U.S.C. 6501 et seq.). Although the law attempts to reduce the risk of catastrophic forest fires, it provides a boon to timber companies by accelerating the aggressive thinning of backcountry forests that are far from at-risk communities. The law allows for increased logging of large, fire-resistant trees that are not in close proximity of homes and communities; it undermines critical protections for endangered species by exempting Federal land management agencies from consulting with the United States Fish and Wildlife Service before approving any action that could harm endangered plants or wildlife; and it limits public participation by reducing the number of environmental project reviews.

(ii) On April 21, 2008, the Department of Agriculture issued a Final Planning Rule and Record of Decision for National Forest System Land Management Planning. Similar to rules enacted by the

Administration on January 5, 2005, later remanded back to the agency in Federal district court for violating the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the Administrative Procedure Act (''Citizens for Better Forestry v. United States Department of Agriculture'', 481 F. Supp. 2d 1059 (N.D. Cal. 2007)), this revised rule eliminates strict forest planning standards established in 1982, and opens millions of acres of public lands to damaging and invasive logging, mining, and drilling operations. These regulations would reverse more than 20 years of protection for wildlife and national forests by removing the overall goal of ensuring ecological sustainability in managing the national forest system, weakening the National Forest Management Act of 1976, and effectively ending the review of forest management plans under the National Environmental Policy Act of 1969.

(iii) On September 20, 2006, the District Court for the Northern District of

California vacated the Protection of Inventoried Roadless Areas rule, enacted on May 13, 2005, which gave State Governors 18 months to petition the Federal Government to either restore the previous rule for their States, or submit a new management and development plan for national forest areas inventoried under the rule. Despite the enjoinment of the Administration's 2005 rule, and the subsequent restoration of the original Roadless Area Conservation Rule, the United States Forest Service has continued to allow States to petition for a special rule under the authority of the Administrative Procedure Act, publishing a final special rule for Idaho on October 16, 2008. As a result, 58.5 million acres of wild national forests are still vulnerable to logging, road building, and other developments that may fragment natural habitats and negatively impact fish and wildlife.

(iv) On November 17, 2008, the Department of the Interior's Bureau of Land Management (BLM) signed the Record of Decision (ROD) amending 12 resource

1 management plans in Colorado, Utah, and
2 Wyoming, opening 2,000,000 acres of pub-
3 lic lands to commercial tar sands and oil
4 shale exploration and development. On No-
5 vember 18, 2008, the BLM published a
6 final rule for Oil Shale Management set-
7 ting the policies and procedures for a com-
8 mercial leasing program for the manage-
9 ment of federally owned oil shale in those
10 three States. Previously barred by a con-
11 gressional moratorium on the commercial
12 leasing regulations for oil shale until Sep-
13 tember 30, 2008, the development of oil
14 shale on public lands poses a serious threat
15 to land conservation, endangered and
16 threatened species, and critical habitat.
17 Domestic shale oil production allowed by
18 these regulations is highly water and en-
19 ergy intensive, the impacts of which will in-
20 tensify existing water scarcity in the arid
21 Western Region and potentially degrade
22 air and water quality for surrounding pop-
23 ulations.
24 (C) SCIENTIFIC REVIEW.—On December
25 16, 2008, the United States Fish and Wildlife

Service of the Department of the Interior and the National Oceanic and Atmospheric Administration of the Department of Commerce jointly issued a new rule amending regulations governing interagency cooperation under section 7 of the Endangered Species Act of 1973 (ESA). This rule undermines the intention of the ESA to protect species and the ecosystems upon which they depend by allowing Federal agencies to carry out, permit, or fund an action without proper environmental review and expert third-party consultation from Federal wildlife experts. Under this new rule, Federal agencies can unilaterally circumvent the formal review process, eliminating longstanding and scientifically grounded safeguards that serve to protect the biodiversity of our Nation's ecosystems and avert harm to thousands of endangered and threatened species.

(b) STATEMENT OF POLICY.—It is the policy of the United States Government to work in conjunction with States, territories, Tribal governments, international organizations, and foreign governments in order to act as a steward of the environment for the benefit of public health, to maintain air quality and water quality, to sus-

tain the diversity of plant and animal species, to combat global climate change, and to protect the environment for future generations to enjoy.

(c) STUDY AND REPORT ON PUBLIC HEALTH OR ENVIRONMENTAL IMPACT OF REVISED RULES, REGULATIONS, LAWS, OR PROPOSED LAWS.—

(1) STUDY.—Not later than 30 days after the date of enactment of this Act, the President shall enter into an arrangement under which the National Academy of Sciences will conduct a study to determine the impact on public health, air quality, water quality, wildlife, and the environment of the following regulations, laws, and proposed laws:

(A) CLEAN WATER.—

(i) Final revisions to the Federal Water Pollution Control Act regulatory definitions of ''fill material'' and ''discharge of fill material'', finalized and published in the Federal Register on May 9, 2002 (67 Fed. Reg. 31129), amending part 232 of title 40, Code of Federal Regulations.

(ii) Revised National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines

and Standards for Concentrated Animal Feeding Operations in response to the ''Waterkeeper Alliance, et al. v. Environmental Protection Agency'' decision, finalized and published in the Federal Register on November 20, 2008 (73 Fed. Reg. 225), amending parts 9, 122, and 412 of title 40, Code of Federal Regulations.

(iii) A March 19, 2003, rule published in the Federal Register (68 Fed. Reg. 13608) withdrawing a July 13, 2000, rule revising the Total Maximum Daily Load program of the Federal Water Pollution Control Act (65 Fed. Reg. 43586), amending parts 9, 122, 123, 124, and 130 of title 40, Code of Federal Regulations.

(iv) Official Guidance Document, ''Clean Water Act Jurisdiction Following the United States Supreme Court's Decision in Rapanos v. United States & Carabell v. United States'', issued on December 2, 2008, relating to jurisdiction under section 404 of the Federal Water Pollution Control Act.

(B) FORESTS AND LAND MANAGEMENT.—

(i) Healthy Forests Restoration Act of 2003, signed into law on December 3, 2003 (Public Law 108–148; 16 U.S.C. 6501 et seq.).

(ii) National Forest System Land Management Planning Rule, finalized and published in the Federal Register on April 21, 2008 (73 Fed. Reg. 21468), replacing the 2005 final rule (70 Fed. Reg. 1022, Jan. 5, 2005), as amended March 3, 2006 (71 Fed. Reg. 10837), and the 2000 final rule adopted on November 9, 2000 (65 Fed. Reg. 67514), as amended on September 29, 2004 (69 Fed. Reg. 58055), amending title 36, Code of Federal Regulations, part 219.

(iii) The application of the Administrative Procedure Act (5 U.S.C. 551 to 559, 701 to 706, et seq.), such that States may petition for a special rule for the roadless areas in all or part of said State.

(iv) Record of Decision, ''Oil Shale and Tar Sands Resources Resource Management Plan Amendments'', issued on November 17, 2008, along with the Final

Rule, Oil Shale Management-General, published in the Federal Register on November 18, 2008 (73 Fed. Reg. 223), amending title 43, Code of Federal Regulations, parts 3900, 3910, 3920, and 3930.

(C) SCIENTIFIC REVIEW.—Final Rule, Interagency Cooperation Under the Endangered Species Act, published in the Federal Register on December 16, 2008, amending title 50, Code of Federal Regulations, part 402.

(2) METHOD.—In conducting the study under paragraph (1), the National Academy of Sciences may utilize and compare existing scientific studies regarding the regulations, laws, and proposed laws listed in paragraph (1).

(3) REPORT.—Under the arrangement entered into under paragraph (1), not later than 270 days after the date on which such arrangement is entered into, the National Academy of Sciences shall make publicly available and shall submit to the Congress and to the head of each department and agency of the Federal Government that issued, implements, or would implement a regulation, law, or proposed law listed in paragraph (1), a report containing—

(A) a description of the impact of all such regulations, laws, and proposed laws on public health, air quality, water quality, wildlife, and the environment, compared to the impact of preexisting regulations, or laws in effect, including—

(i) any negative impacts to air quality or water quality;

(ii) any negative impacts to wildlife;

(iii) any delays in hazardous waste cleanup that are projected to be hazardous to public health; and

(iv) any other negative impact on public health or the environment; and

(B) any recommendations that the National Academy of Sciences considers appropriate to maintain, restore, or improve in whole or in part protections for public health, air quality, water quality, wildlife, and the environment for each of the regulations, laws, and proposed laws listed in paragraph (1), which may include recommendations for the adoption of any regulation or law in place or proposed prior to January 1, 2001.

(d) DEPARTMENT AND AGENCY REVISION OF EXISTING RULES, REGULATIONS, OR LAWS.—Not later than 180 days after the date on which the report is submitted pursuant to subsection (c)(3), the head of each department and agency that has issued or implemented a regulation or law listed in subsection (c)(1) shall submit to the Congress a plan describing the steps such department or such agency will take, or has taken, to restore or improve protections for public health and the environment in whole or in part that were in existence prior to the issuance of such regulation or law.

SEC. 1008. GAO REPORT ON HEALTH EFFECTS OF DEEPWATER HORIZON OIL RIG EXPLOSION IN THE GULF COAST.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the type and scope of health care services administered through the Department of Health and Human Services addressing the provision of health care to racial and ethnic minorities, including residents, cleanup workers, and volunteers, affected by the explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010.

(b) SPECIFIC COMPONENTS; REPORTING.—In carrying out subsection (a), the Comptroller General shall—

(1) assess the type, size, and scope of programs administered by the Department of Health and Human Services that focus on provision of health care to communities in the Gulf Coast;

(2) identify the merits and disadvantages associated with each the programs;

(3) perform an analysis of the costs and benefits of the programs;

(4) determine whether there is any duplication of programs; and

(5) not later than 180 days after the date of the enactment of this Act, submit to Congress a report containing—

(A) the findings of the study conducted under this section; and

(B) recommendations for improving access to health care for racial and ethnic minorities.

Subtitle B—Gun Violence

SEC. 1011. FINDINGS.

Congress finds as follows:

(1) On average, 86 Americans are killed by guns each day.

(2) An estimated 15,549 people were killed by guns in 2017, not including suicides.

(3) Gun violence disproportionately affects communities of color, especially African Americans (who comprise around 14 percent of the United States population but account for more than half the country's gun homicide victims).

(4) On average, there is more than one mass shooting each day in the United States.

SEC. 1012. REAFFIRMING RESEARCH AUTHORITY OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Section 391 of the Public Health Service Act (42 U.S.C. 280b) is amended—

(1) in subsection (a)(1), by striking ''research relating to the causes, mechanisms, prevention, diagnosis, treatment of injuries, and rehabilitation from injuries;'' and inserting ''research, including data collection, relating to—

''(A) the causes, mechanisms, prevention, diagnosis, and treatment of injuries, including with respect to gun violence; and

''(B) rehabilitation from such injuries;''; and

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

"(c) NO ADVOCACY OR PROMOTION OF GUN CONTROL.—Nothing in this section shall be construed to—

"(1) authorize the Secretary to give assistance, make grants, or enter into cooperative agreements or contracts for the purpose of advocating or promoting gun control; or

"(2) permit a recipient of any assistance, grant, cooperative agreement, or contract under this section to use such assistance, grant, agreement, or contract for the purpose of advocating or promoting gun control.".

SEC. 1013. NATIONAL VIOLENT DEATH REPORTING SYSTEM.

The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall improve, particularly through the inclusion of additional States, the National Violent Death Reporting System, as authorized by title III of the Public Health Service Act (42 U.S.C. 241 et seq.). Participation in the system by the States shall be voluntary.

SEC. 1014. REPORT ON EFFECTS OF GUN VIOLENCE ON PUBLIC HEALTH.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Surgeon General of the Public Health Service shall submit to Congress a report on the effects on public health, including

mental health, of gun violence in the United States during the preceding year, and the status of actions taken to address such effects.

SEC. 1015. REPORT ON EFFECTS OF GUN VIOLENCE ON MENTAL HEALTH IN MINORITY COMMUNITIES.

Not later than one year after the date of the enactment of this Act, the Deputy Assistant Secretary for Minority Health in the Office of the Secretary of Health and Human Services shall submit to the Congress a report on the effects of gun violence on public health, including mental health, in minority communities in the United States, and the status of actions taken to address such effects.

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