

109TH CONGRESS
1ST SESSION

H. R. 2199

To provide for compassionate payments with regard to individuals who contracted human immunodeficiency virus due to the provision of a contaminated blood transfusion, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2005

Mr. PRICE of North Carolina (for himself, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. KILDEE, Mrs. MCCARTHY, Mr. OWENS, Mrs. CHRISTENSEN, Mr. McNULTY, Mr. WEXLER, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Ms. LEE, Mr. PAYNE, Ms. WOOLSEY, and Mr. BUTTERFIELD) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

A BILL

To provide for compassionate payments with regard to individuals who contracted human immunodeficiency virus due to the provision of a contaminated blood transfusion, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Steve Grissom Relief Fund Act of 2005”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RELIEF FUND

Sec. 101. Steve Grissom relief fund.

Sec. 102. Compassionate payments.

Sec. 103. Determination and payment.

Sec. 104. Limitation on transfer of rights and number of petitions.

Sec. 105. Time limitation.

Sec. 106. Certain claims not affected by payment.

Sec. 107. Definitions.

TITLE II—TREATMENT OF CERTAIN PAYMENTS UNDER THE SSI PROGRAM

Sec. 201. Treatment of certain payments under the SSI program.

3 **TITLE I—RELIEF FUND**

4 **SEC. 101. STEVE GRISSOM RELIEF FUND.**

5 (a) ESTABLISHMENT.—There is established in the
 6 Treasury of the United States a trust fund to be known
 7 as the “Steve Grissom Relief Fund”, which shall be ad-
 8 ministered by the Secretary of the Treasury.

9 (b) INVESTMENT OF AMOUNTS IN FUND.—Amounts
 10 in the Fund shall be invested in accordance with section
 11 9702 of title 31, United States Code, and any interest on
 12 and proceeds from any such investment shall be credited
 13 to and become part of the Fund.

14 (c) AVAILABILITY OF FUND.—Amounts in the Fund
 15 shall be available only for disbursement by the Secretary
 16 of Health and Human Services under section 103.

17 (d) TERMINATION.—The Fund shall terminate upon
 18 the expiration of the 5-year period beginning on the date

1 of the enactment of this Act. If all of the amounts in the
2 Fund have not been expended by the end of the 5-year
3 period, investments of amounts in the Fund shall be liq-
4 uidated, the receipts of such liquidation shall be deposited
5 in the Fund, and all funds remaining in the Fund shall
6 be deposited in the miscellaneous receipts account in the
7 Treasury of the United States.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Fund such sums
10 as may be necessary to carry out this title.

11 **SEC. 102. COMPASSIONATE PAYMENTS.**

12 (a) IN GENERAL.—If the conditions described in sub-
13 section (b) are met and if there are sufficient amounts
14 in the Fund to make each payment, the Secretary shall
15 make a single payment of \$100,000 from the Fund to any
16 individual who has an HIV infection, or who is diagnosed
17 with AIDS, and who is described in one of the following
18 paragraphs:

19 (1) The individual was treated with HIV con-
20 taminated blood transfusion, HIV contaminated
21 blood components, HIV contaminated human tissue,
22 or HIV contaminated organs (excluding anti-hemo-
23 philiac factor) in the United States.

24 (2) The individual—

1 (A) is the lawful spouse of an individual
2 described in paragraph (1); or

3 (B) is the former lawful spouse of an indi-
4 vidual described in paragraph (1), was the law-
5 ful spouse of the individual at any time after
6 the individual described in paragraph (1) was
7 treated as described in such paragraph, and
8 through medical documentation can assert rea-
9 sonable certainty of transmission of HIV from
10 the individual described in paragraph (1).

11 (3) The individual acquired the HIV infection
12 through perinatal transmission from a parent who is
13 an individual described in paragraph (1) or (2).

14 (b) CONDITIONS.—The conditions described in this
15 subsection are, with respect to an individual, as follows:

16 (1) SUBMISSION OF MEDICAL DOCUMENTATION
17 OF HIV INFECTION.—

18 (A) IN GENERAL.—The individual submits
19 to the Secretary written medical documentation
20 that demonstrates that—

21 (i) the individual has (or had) an HIV
22 infection;

23 (ii) in the case of an individual de-
24 scribed in subsection (a)(1), the individual
25 was treated with a blood transfusion, blood

1 components, human tissue, or organs (ex-
2 cluding anti-hemophiliac factor) provided
3 by a medical professional in the United
4 States;

5 (iii) prior to the treatment described
6 in clause (ii), there was no evidence of
7 HIV infection with respect to the indi-
8 vidual involved; and

9 (iv) a comprehensive physical exam-
10 ination, or HIV testing, was conducted
11 after the treatment described in clause (ii)
12 and reveals evidence of HIV infection, and
13 that evidence, together with other medical
14 records, indicates the probable trans-
15 mission of the HIV to the individual
16 through such treatment.

17 (B) WAIVERS.—The Secretary may waive
18 the requirements of subparagraph (A) with re-
19 spect to an individual if the Secretary deter-
20 mines that the individual is unable to provide
21 the documentation required under such sub-
22 paragraph because the documents involved were
23 destroyed or otherwise made unavailable as a
24 result of the occurrence of a natural disaster or

1 other circumstance beyond the control of the in-
2 dividual.

3 (2) PETITION.—A petition for the payment is
4 filed with the Secretary by or on behalf of the indi-
5 vidual.

6 (3) DETERMINATION.—The Secretary deter-
7 mines, in accordance with section 103(b), that the
8 petition meets the requirements of this title.

9 (c) FRAUD.—Any individual who—

10 (1) knowingly and willfully makes or causes to
11 be made any false statement or representation of a
12 material fact in connection with any documentation
13 provided under this subsection; or

14 (2) having knowledge of the occurrence of any
15 event affecting his or her initial or continued right
16 to any payment under this title conceals or fails to
17 disclose such event with an intent fraudulently to se-
18 cure such payment;

19 shall be fined not more than \$100,000 or imprisoned for
20 not more than 5 years, or both.

21 **SEC. 103. DETERMINATION AND PAYMENT.**

22 (a) ESTABLISHMENT OF FILING PROCEDURES.—The
23 Secretary shall establish procedures under which individ-
24 uals may submit petitions for payment under this title.
25 The procedures shall include a requirement that each peti-

1 tion filed under this title include written medical docu-
2 mentation that the relevant individual described in section
3 102(a)(1) received the treatment described in such sec-
4 tion.

5 (b) DETERMINATION.—For each petition filed under
6 this title, the Secretary shall determine whether the peti-
7 tion meets the requirements of this title.

8 (c) PAYMENT.—

9 (1) IN GENERAL.—To the extent there are suf-
10 ficient amounts in the Fund to cover each payment,
11 the Secretary shall pay, from the Fund, each peti-
12 tion that the Secretary determines meets the re-
13 quirements of this title in the order received.

14 (2) PAYMENTS IN CASE OF DECEASED INDIVID-
15 UALS.—

16 (A) IN GENERAL.—In the case of an indi-
17 vidual referred to in section 102(a) who was di-
18 agnosed with AIDS and who is deceased at the
19 time that payment is made under this section
20 on a petition filed by or on behalf of the indi-
21 vidual, the payment shall be made as follows:

22 (i) If the individual is survived by a
23 spouse who is living at the time of pay-
24 ment, the payment shall be made to such
25 surviving spouse.

1 (ii) If the individual is not survived by
2 a spouse described in clause (i), the pay-
3 ment shall be made in equal shares to all
4 children of the individual who are living at
5 the time of the payment.

6 (iii) If the individual is not survived
7 by a person described in clause (i) or (ii),
8 the payment shall be made in equal shares
9 to the parents of the individual who are
10 living at the time of the payment.

11 (iv) If the individual is not survived
12 by a person described in clause (i), (ii), or
13 (iii), the payment shall revert back to the
14 Fund.

15 (B) FILING OF PETITION BY SURVIVOR.—
16 If an individual eligible for payment under sec-
17 tion 102(a) dies before filing a petition under
18 this title, a survivor of the individual may file
19 a petition for payment under this title on behalf
20 of the individual if the survivor may receive
21 payment under subparagraph (A).

22 (C) DEFINITIONS.—For purposes of this
23 paragraph:

24 (i) SPOUSE.—The term “spouse”
25 means an individual who was lawfully mar-

1 ried to the relevant individual at the time
2 of death.

3 (ii) CHILD.—The term “child” in-
4 cludes a recognized natural child, a step-
5 child who lived with the relevant individual
6 in a regular parent-child relationship, and
7 an adopted child.

8 (iii) PARENT.—The term “parent” in-
9 cludes fathers and mothers through adop-
10 tion.

11 (3) TIMING OF PAYMENT.—The Secretary may
12 not make a payment on a petition under this title
13 before the expiration of the 120-day period begin-
14 ning on the date of the enactment of this Act or
15 after the expiration of the 5-year period beginning
16 on the date of the enactment of this Act.

17 (d) ACTION ON PETITIONS.—The Secretary shall
18 complete the determination required by subsection (b) re-
19 garding a petition not later than 120 days after the date
20 the petition is filed under this title.

21 (e) HUMANITARIAN NATURE OF PAYMENT.—This
22 title does not create or admit any claim of or on behalf
23 of the individual against the United States or against any
24 officer, employee, or agent thereof acting within the scope
25 of employment or agency that relates to an HIV infection

1 arising from a treatment described in section 102(a)(1).
2 A payment under this title shall, however, when accepted
3 by or on behalf of the individual, be in full satisfaction
4 of all such claims by or on behalf of that individual.

5 (f) TERMINATION OF DUTIES OF SECRETARY.—The
6 duties of the Secretary under this section shall cease when
7 the Fund terminates.

8 (g) TREATMENT OF PAYMENTS UNDER OTHER
9 LAWS.—A payment under subsection (c)(1) to an indi-
10 vidual—

11 (1) shall be treated for purposes of the Internal
12 Revenue Code of 1986 as damages described in sec-
13 tion 104(a)(2) of such Code;

14 (2) shall not be included as income or resources
15 for purposes of determining the eligibility of the in-
16 dividual to receive benefits described in section
17 3803(e)(2)(C) of title 31, United States Code, or the
18 amount of such benefits, and such benefits shall not
19 be secondary to, conditioned upon reimbursement
20 from, or subject to any reduction because of receipt
21 of, any such payment; and

22 (3) shall not be treated as a third party pay-
23 ment or payment in relation to a legal liability with
24 respect to such benefits and shall not be subject
25 (whether by subrogation or otherwise) to recovery,

1 recoupment, reimbursement, or collection with re-
2 spect to such benefits (including the Federal or
3 State governments or any entity that provides such
4 benefits under a contract).

5 (h) REGULATORY AUTHORITY.—The Secretary may
6 issue regulations necessary to carry out this title.

7 (i) TIME OF ISSUANCE OF PROCEDURES.—The Sec-
8 retary shall, through the promulgation of appropriate reg-
9 ulations, guidelines, or otherwise, first establish the proce-
10 dures to carry out this title not later than 120 days after
11 the date of the enactment of this Act.

12 **SEC. 104. LIMITATION ON TRANSFER OF RIGHTS AND NUM-**
13 **BER OF PETITIONS.**

14 (a) RIGHTS NOT ASSIGNABLE OR TRANSFERABLE.—
15 Any right under this title shall not be assignable or trans-
16 ferable.

17 (b) ONE PETITION WITH RESPECT TO EACH VIC-
18 TIM.—With respect to each individual described in para-
19 graph (1), (2), or (3) of section 102(a), the Secretary may
20 not make payment with respect to more than one petition
21 filed in respect to an individual.

22 **SEC. 105. TIME LIMITATION.**

23 The Secretary may not make any payment with re-
24 spect to any petition filed under this title unless the peti-

tion is filed within 5 years after the date of the enactment of this Act.

SEC. 106. CERTAIN CLAIMS NOT AFFECTED BY PAYMENT.

A payment made under section 103(c)(1) shall not be considered as any form of compensation, or reimbursement for a loss, for purposes of imposing liability on the individual receiving the payment, on the basis of such receipt, to repay any insurance carrier for insurance payments or to repay any person on account of worker's compensation payments. A payment under this title shall not affect any claim against an insurance carrier with respect to insurance or against any person with respect to worker's compensation.

SEC. 107. DEFINITIONS.

For purposes of this title:

(1) AIDS.—The term “AIDS” means acquired immune deficiency syndrome.

(2) FUND.—The term “Fund” means the Steve Grissom Relief Fund.

(3) HIV.—The term “HIV” means human immunodeficiency virus.

(4) SECRETARY.—Unless otherwise provided, the term “Secretary” means the Secretary of Health and Human Services.

1 **TITLE II—TREATMENT OF CER-**
2 **TAIN PAYMENTS UNDER THE**
3 **SSI PROGRAM**

4 **SEC. 201. TREATMENT OF CERTAIN PAYMENTS UNDER THE**
5 **SSI PROGRAM.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, the payments described in subsection (b) shall
8 not be considered income or resources in determining eligi-
9 bility for, or the amount of supplemental security income
10 benefits under, title XVI of the Social Security Act.

11 (b) GOVERNMENT PAYMENTS DESCRIBED.—The
12 payments described in this subsection are payments made
13 from the Fund established pursuant to section 101 of this
14 Act.

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