

109TH CONGRESS
1ST SESSION

H. R. 4633

To establish within the Department of Health and Human Services the position of HIV/AIDS Emergency Response Coordinator in order to coordinate the provision of certain services to individuals with HIV disease who have been displaced as a result of Hurricane Katrina or Rita, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2005

Ms. LEE introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish within the Department of Health and Human Services the position of HIV/AIDS Emergency Response Coordinator in order to coordinate the provision of certain services to individuals with HIV disease who have been displaced as a result of Hurricane Katrina or Rita, 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.**

4 This Act may be cited as the “HIV/AIDS Emergency
5 Hurricane Relief Act”.

1 **SEC. 2. APPOINTMENT OF HIV/AIDS EMERGENCY RE-**
2 **SPONSE COORDINATOR.**

3 (a) IN GENERAL.—Not later than 30 days after the
4 date of the enactment of this Act, the President, in con-
5 sultation with the Secretary of Health and Human Service
6 (referred to in this Act as the “Secretary”) shall appoint
7 an individual to serve in a position within the Department
8 of Health and Human Services to be known as the HIV/
9 AIDS Emergency Response Coordinator (referred to in
10 this Act as the “Coordinator”).

11 (b) DUTIES.—

12 (1) COORDINATION OF SERVICES FOR ELIGIBLE
13 INDIVIDUALS.—The Coordinator shall be responsible
14 for coordinating the provision, under Federal pro-
15 grams, of services described in paragraph (2) to in-
16 dividuals who—

17 (A) are living with HIV disease;

18 (B) are residents, or were residents at the
19 time of Hurricane Katrina, Rita, or Wilma, in
20 a geographic area for which, by reason of such
21 Hurricane, a presidential declaration of major
22 disaster was issued under section 401 of the
23 Robert T. Stafford Disaster Relief and Emer-
24 gency Assistance Act; and

1 (C) have been displaced by such Hurricane
2 or have been unable to access services described
3 in paragraph (2).

4 (2) COVERED SERVICES.—The services referred
5 to in paragraph (1) are comprehensive medical care
6 and treatment, including housing, case management,
7 dental care, mental health therapy, psychosocial sup-
8 port, drug and alcohol treatment, and other sup-
9 portive services.

10 (3) CERTAIN PROGRAMS.—The Federal pro-
11 grams referred to in paragraph (1) include title
12 XXVI of the Public Health Service Act (relating to
13 the Ryan White Comprehensive AIDS Resources
14 Emergency Act of 1990) and the Housing Opportu-
15 nities for Persons With AIDS program.

16 (4) ADDITIONAL DUTIES.—In addition to car-
17 rying out paragraph (1), the Coordinator shall carry
18 out the duties established for the Coordinator in sec-
19 tions 3 through 8.

20 (5) CONSULTATION.—In carrying out para-
21 graph (1), the Coordinator shall consult with—

22 (A) the agencies of the Public Health Serv-
23 ice, including the Health Resources and Serv-
24 ices Administration, the Office of Minority
25 Health, the National Center on Minority Health

1 and Health Disparities, and the Office of AIDS
2 Research;

3 (B) the Federal Emergency Management
4 Agency;

5 (C) the Department of Housing and Urban
6 Development; and

7 (D) State and local governments.

8 **SEC. 3. AWARDS FOR SERVICES FOR ELIGIBLE INDIVID-**
9 **UALS.**

10 (a) IN GENERAL.—The Secretary, acting through the
11 Coordinator and in consultation with the Administrator of
12 the Health Resources and Services Administration and the
13 Secretary of Housing and Urban Development, shall make
14 awards of grants or cooperative agreements to public and
15 nonprofit private entities that—

16 (1) have experience in providing covered serv-
17 ices to eligible individuals; or

18 (2) have received or are eligible to receive, di-
19 rectly or indirectly, funding from the Federal gov-
20 ernment under title XXVI of the Public Health
21 Service Act or the Housing Opportunities for Per-
22 sons With AIDS program.

23 (b) GENERAL PROVISIONS.—With respect to awards
24 under subsection (a):

1 (1) Such an award may be made only if the ap-
2 plicant involved agrees that the award will not be ex-
3 pended for any purpose other than providing covered
4 services.

5 (2) The Secretary shall publicize the availability
6 of the awards and ensure that applications for such
7 awards are processed not later than 45 days after
8 the applications for the awards are submitted to the
9 Secretary.

10 (3) In the case of an approved application, the
11 Secretary shall ensure that funds under the award
12 become available (subject to appropriations Acts) not
13 later than 90 days after the date on which the appli-
14 cation is submitted to the Secretary.

15 (c) AVAILABILITY OF CERTAIN UNOBLIGATED
16 FUNDS.—With respect to amounts appropriated for car-
17 rying out part A or B of title XXVI of the Public Health
18 Service Act, such amounts that are unobligated at the end
19 of a fiscal year are available to the Secretary, acting
20 through the Administrator of the Health Resources and
21 Services Administration and in consultation with the Coor-
22 dinator, for the purpose of making awards under sub-
23 section (a).

1 **SEC. 4. WAIVER AUTHORITY REGARDING RYAN WHITE**
2 **COMPREHENSIVE AIDS RESOURCES EMER-**
3 **GENCY ACT OF 1990.**

4 The Secretary, acting through the Administrator of
5 the Health Resources and Services Administration and in
6 consultation with the Coordinator, may waive, for any
7 State that includes a geographic area described in section
8 2(b)(1)(B) of this Act, the following requirements under
9 title XXVI of the Public Health Service Act:

10 (1) The requirement under section 2617(d) (re-
11 lating to the provision of non-Federal contributions
12 by States).

13 (2) Such other requirements under conditions
14 for receiving grants as the Secretary determines to
15 be appropriate taking into account the effects of
16 Hurricanes Katrina, Rita, and Wilma, including re-
17 quirements regarding reporting, administrative caps,
18 and the submission of competitive and noncompeti-
19 tive applications.

20 **SEC. 5. EMERGENCY INFRASTRUCTURE SUPPORT REGARD-**
21 **ING PROVISION OF COVERED SERVICES TO**
22 **ELIGIBLE INDIVIDUALS.**

23 The Coordinator, in consultation with the Secretary
24 of Health and Human Services and the Secretary of Hous-
25 ing and Urban Development, may make awards of grants
26 or cooperative agreements to public and nonprofit private

1 entities that provide covered services to eligible individ-
2 uals. The purpose of such awards is providing to such enti-
3 ties emergency infrastructure support with respect to the
4 provision of such services to such individuals.

5 **SEC. 6. PUBLIC AWARENESS CAMPAIGN REGARDING**
6 **TREATMENT FOR ELIGIBLE INDIVIDUALS.**

7 (a) IN GENERAL.—The Secretary, acting through the
8 Administrator of the Health Resources and Services Ad-
9 ministration and in consultation with the Coordinator, the
10 head of the Federal Emergency Management Agency, and
11 State and local governments, shall conduct a public aware-
12 ness campaign directed toward eligible individuals who
13 were receiving services under title XXVI of the Public
14 Health Service Act and for whom Hurricane Katrina,
15 Rita, or Wilma caused the disruption or termination of
16 the availability of such services.

17 (b) CERTAIN REQUIREMENTS.—The campaign under
18 subsection (a) shall—

19 (1) emphasize the need for eligible individuals
20 described in such subsection to visit a hospital or
21 other health care facility to continue receiving treat-
22 ment for HIV disease and prevent the development
23 of drug resistance to HIV; and

24 (2) provide information identifying organiza-
25 tions or facilities that provide covered services to eli-

1 gible individuals, including organizations or facilities
2 that receive Federal funding for the provision of
3 such services.

4 **SEC. 7. CERTAIN CONDITIONS OF RECEIVING AWARDS.**

5 In making awards of grants or cooperative agree-
6 ments pursuant to this Act, the Secretary shall not—

7 (1) require the provision of non-Federal con-
8 tributions as a condition of receiving the awards;

9 (2) construe this Act as affecting the eligibility
10 of any public or nonprofit private entity to apply or
11 receive subsequent funding under title XXVI of the
12 Public Health Service Act, the Housing Opportuni-
13 ties for Persons with AIDS program, or any other
14 Federal program that provides covered services; or

15 (3) by reason of making an award pursuant to
16 this Act, reduce the amount of any award under a
17 program specified in paragraph (2).

18 **SEC. 8. REPORT TO CONGRESS.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Coordinator shall submit to the Con-
21 gress a report on the implementation of this Act.

22 **SEC. 9. DEFINITIONS.**

23 For purposes of this Act:

24 (1) The term “covered services” means services
25 described in section 2(b)(2).

1 (2) The term “eligible individuals” means indi-
2 viduals described in section 2(b)(1).

3 (3) The term “HIV disease” has the meaning
4 given such term in section 2676 of the Public
5 Health Service Act.

6 (4) The term “Housing Opportunities for Per-
7 sons With AIDS program” means the program
8 under subtitle D of title VIII of the Cranston-Gon-
9 zalez National Affordable Housing Act.

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

11 (a) IN GENERAL.—For the purpose of carrying out
12 this Act, there is authorized to be appropriated
13 \$500,000,000 for fiscal year 2006. Amounts appropriated
14 under the preceding sentence shall remain available until
15 expended.

16 (b) RULES OF CONSTRUCTION.—The authorization
17 of appropriations established in subsection (a) is in addi-
18 tion to other authorizations of appropriations that are
19 available for Federal programs that provide covered serv-
20 ices. Subsection (a) shall not be construed as reducing the
21 authorizations of appropriations for title XXVI of the
22 Public Health Service Act, the Housing Opportunities for
23 Persons With AIDS program, or any other Federal pro-
24 gram that provides covered services.

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