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Authorizing Legislation for the Public Health and Health Services Block Grant Program

United States Code

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 6A - PUBLIC HEALTH SERVICE

SUBCHAPTER XVII - BLOCK GRANTS

PART A - PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANTS

U.S. Code as of: 01/02/01

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Section 300w. Authorization of appropriations

(a) For the purpose of allotments under section 300w-1 of this

title, there are authorized to be appropriated \$205,000,000 for

fiscal year 1993, and such sums as may be necessary for each of the

fiscal years 1994 through 1998.

(b) Of the amount appropriated for any fiscal year under subsection (a) of this section, at least \$7,000,000 shall be made

available for allotments under section 300w-1(b) of this title.

Section 300w-1. Allotments

(a) Availability based upon prior year distributions

(1) From the amounts appropriated under section 300w of this

title for any fiscal year and available for allotment under this

subsection, the Secretary shall allot to each State an amount which

bears the same ratio to the available amounts for that fiscal year

as the amounts provided by the Secretary under the provisions of law listed in paragraph (2) to the State and entities in the State for fiscal year 1981 bore to the total amount appropriated for such provisions of law for fiscal year 1981.

(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on September 30, 1981:

(A) The authority for grants under section 247b of this title for preventive health service programs for the control of rodents.

(B) The authority for grants under section 247b of this title for establishing and maintaining community and school-based fluoridation programs.

(C) The authority for grants under section 247b of this title for preventive health service programs for hypertension.

(D) Sections 247b-1 (FOOTNOTE 1) and 247b-2 of this title.

(FOOTNOTE 1) See References in Text note below.

(E) Section 246(d) (FOOTNOTE 1) of this title.

(F) Section 255(a) (FOOTNOTE 1) of this title.

(G) Sections 300d-1, (FOOTNOTE 1) 300d-2, (FOOTNOTE 1) and 300d-3 (FOOTNOTE 1) of this title.

(b) Population

From the amount required to be made available under section 300w(b) of this title for allotments under this subsection for any fiscal year, the Secretary shall make allotments to each State on the basis of the population of the State.

(c) Distribution of appropriated funds not allotted

To the extent that all the funds appropriated under section 300w

of this title for a fiscal year and available for allotment in such

fiscal year are not otherwise allotted to States because -

(1) one or more States have not submitted an application or description of activities in accordance with section 300w-4 of

this title for the fiscal year;

(2) one or more States have notified the Secretary that they do

not intend to use the full amount of their allotment; or

(3) some State allotments are offset or repaid under section

300w-5(b)(3) of this title;

such excess shall be allotted among each of the remaining States in

proportion to the amount otherwise allotted to such States for the

fiscal year without regard to this subsection.

(d) Distributions to Indian tribes

(1) If the Secretary -

(A) receives a request from the governing body of an Indian

tribe or tribal organization within any State that funds under

this part be provided directly by the Secretary to such tribe or

organization, and

(B) determines that the members of such tribe or tribal

organization would be better served by means of grants made

directly by the Secretary under this part, the Secretary shall reserve from amounts which would otherwise be

allotted to such State under subsection (a) of this section for the

fiscal year the amount determined under paragraph (2).

(2) The Secretary shall reserve for the purpose of paragraph (1)

from amounts that would otherwise be allotted to such State under

subsection (a) of this section an amount equal to the amount which

bears the same ratio to the State's allotment for the fiscal year

involved as the total amount provided or allotted for fiscal year

1981 by the Secretary to such tribe or tribal organization under

the provisions of law referred to in subsection (a) of this section

bore to the total amount provided or allotted for such fiscal year

by the Secretary to the State and entities (including Indian tribes

and tribal organizations) in the State under such provisions of

law.

(3) The amount reserved by the Secretary on the basis of a

determination under this subsection shall be granted to the Indian

tribe or tribal organization serving the individuals for whom such

a determination has been made.

(4) In order for an Indian tribe or tribal organization to be

eligible for a grant for a fiscal year under this subsection, it

shall submit to the Secretary a plan for such fiscal year which

meets such criteria as the Secretary may prescribe.

(5) The terms "Indian tribe" and "tribal organization" have

the same meaning given such terms in section 450b(b) and

(c)

(FOOTNOTE 2) of title 25.

(FOOTNOTE 2) See References in Text note below.

(e) Report on equitable distribution of available funds

The Secretary shall conduct a study for the purpose of devising a

formula for the equitable distribution of funds available for

allotment to the States under this section. In conducting the

study, the Secretary shall take into account -

(1) the financial resources of the various States,

(2) the populations of the States, and

(3) any other factor which the Secretary may consider appropriate.

Before June 30, 1982, the Secretary shall submit a report to the

Congress respecting the development of a formula and make such

recommendations as the Secretary may deem appropriate in order to

ensure the most equitable distribution of funds under allotments under this section.

Section 300w-2. Payments under allotments to States

(a)(1) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, to each State from its allotment under section 300w-1 of this title (other than any amount reserved under section 300w-1(d) of this title) from amounts appropriated for that fiscal year.

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

(b) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) of this section by -

(1) the fair market value of any supplies or equipment furnished the State, and

(2) the amount of the pay, allowances, and travel expenses of

any officer or employee of the Government when detailed to the

State and the amount of any other costs incurred in connection

with the detail of such officer or employee, when the furnishing of supplies or equipment or the detail of an

officer or employee is for the convenience of and at the request of

the State and for the purpose of conducting activities described in

section 300w-3 of this title. The amount by which any payment is

so reduced shall be available for payment by the Secretary of the

costs incurred in furnishing the supplies or equipment or in

detailing the personnel, on which the reduction of the payment is based, and the amount shall be deemed to be part of the payment and shall be deemed to have been paid to the State.

Section 300w-3. Use of allotments

(a) Preventive health services, comprehensive public health

services, emergency medical services, etc.

(1) Except as provided in subsections (b) and (c) of this

section, payments made to a State under section 300w-2 of this

title may be used for the following:

(A) Activities consistent with making progress toward achieving

the objectives established by the Secretary for the health status

of the population of the United States for the year 2000 (in this

part referred to as ''year 2000 health objectives'').

(B) Preventive health service programs for the control of

rodents and for community and school-based fluoridation programs.

(C) Feasibility studies and planning for emergency medical

services systems and the establishment, expansion, and improvement of such systems. Amounts for such systems may not be

used for the costs of the operation of the systems or the

purchase of equipment for the systems, except that such amounts

may be used for the payment of not more than 50 percent of the

costs of purchasing communications equipment for the systems.

Amounts may be expended for feasibility studies or planning for

the trauma-care components of such systems only if the studies or

planning, respectively, is consistent with the requirements of

section 300d-13(a) of this title.

(D) Providing services to victims of sex offenses and for prevention of sex offenses.

(E) The establishment, operation, and coordination of effective

and cost-efficient systems to reduce the prevalence of illness

due to asthma and asthma-related illnesses, especially among

children, by reducing the level of exposure to cockroach allergen

or other known asthma triggers through the use of integrated pest

management, as applied to cockroaches or other known allergens.

Amounts expended for such systems may include the costs of

building maintenance and the costs of programs to promote

community participation in the carrying out at such sites of

integrated pest management, as applied to cockroaches or other

known allergens. For purposes of this subparagraph, the term

'integrated pest management' means an approach to the management of pests in public facilities that combines biological, cultural, physical, and chemical tools in a way that

minimizes economic, health, and environmental risks.

(F) With respect to activities described in any of subparagraphs (A) through (E), related planning, administration,

and educational activities.

(G) Monitoring and evaluation of activities carried out under

any of subparagraphs (A) through (F).

(2) Except as provided in subsection (b) of this section, amounts

paid to a State under section 300w-2 of this title from its

allotment under section 300w-1(b) of this title may only be used

for providing services to rape victims and for rape prevention.

(3) The Secretary may provide technical assistance to States in

planning and operating activities to be carried out under this part.

(b) Prohibited uses

A State may not use amounts paid to it under section 300w-2 of this title to -

- (1) provide inpatient services,
- (2) make cash payments to intended recipients of health services,
- (3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment,
- (4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds, or
- (5) provide financial assistance to any entity other than a public or nonprofit private entity.

Except as provided in subsection (a)(1)(E) of this section, the

Secretary may waive the limitation contained in paragraph (3) upon the request of a State if the Secretary finds that there are

extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

(c) Transfer of funds

A State may transfer not more than 7 percent of the amount

allotted to the State under section 300w-1(a) of this title for any

fiscal year for use by the State under part B of this subchapter

and title V of the Social Security Act (42 U.S.C. 701 et seq.) in

such fiscal year as follows: At any time in the first three

quarters of the fiscal year a State may transfer not more than 3

percent of the allotment of the State for the fiscal year for such

use, and in the last quarter of a fiscal year a State may transfer

for such use not more than the remainder of the amount of its

allotment which may be transferred.

(d) Limitation on administrative costs

Of the amount paid to any State under section 300w-2 of this

title, not more than 10 percent paid from each of its allotments

under subsections (a) and (b) of section 300w-1 of this title may

be used for administering the funds made available under section

300w-2 of this title. The State will pay from non-Federal sources

the remaining costs of administering such funds.

Section 300w-4. Application for payments; State plan

(a) In general

The Secretary may make payments under section 300w-2 of this

title to a State for a fiscal year only if -

(1) the State submits to the Secretary an application for the

payments;

(2) the application contains a State plan in accordance with

subsection (b) of this section;

(3) the application contains the certification described in

subsection (c) of this section;

(4) the application contains such assurances as the Secretary

may require regarding the compliance of the State with the

requirements of this part (including assurances regarding

compliance with the agreements described in subsection (c) of

this section); and

(5) the application is in such form and is submitted by such

date as the Secretary may require.

(b) State plan

A State plan required in subsection (a)(2) of this section for a fiscal year is in accordance with this subsection if the plan meets

the following conditions:

(1) The plan is developed by the State agency with principal

responsibility for public health programs, in consultation with

the advisory committee established pursuant to subsection (c)(2)

of this section.

(2) The plan specifies the activities authorized in section

300w-3 of this title that are to be carried out with payments

made to the State under section 300w-2 of this title, including a

specification of the year 2000 health objectives for which the

State will expend the payments.

(3) The plan specifies the populations in the State for which

such activities are to be carried out.

(4) The plan specifies any populations in the State that have a

disparate need for such activities.

(5) With respect to each population specified under paragraph

(3), the plan contains a strategy for expending such payments to

carry out such activities to make progress toward improving the

health status of the population, which strategy includes

-

(A) a description of the programs and projects to be carried

out;

(B) an estimate of the number of individuals to be served by

the programs and projects; and

(C) an estimate of the number of public health personnel

needed to carry out the strategy.

(6) The plan specifies the amount of such payments to be

expended for each of such activities and, with respect to the

activity involved -

(A) the amount to be expended for each population specified

under paragraph (3); and

(B) the amount to be expended for each population specified

under paragraph (4).

(c) State certification

The certification referred to in subsection (a)(3) of this

section for a fiscal year is a certification to the Secretary by

the chief executive officer of the State involved as follows:

(1)(A) In the development of the State plan required in

subsection (a)(2) of this section -

(i) the chief health officer of the State held public

hearings on the plan; and

(ii) proposals for the plan were made public in a manner that

facilitated comments from public and private entities (including Federal and other public agencies).

(B) The State agrees that, if any revisions are made in such

plan during the fiscal year, the State will, with respect to the

revisions, hold hearings and make proposals public in accordance

with subparagraph (A), and will submit to the Secretary a

description of the revisions.

(2) The State has established an advisory committee in accordance with subsection (d) of this section.

(3) The State agrees to expend payments under section 300w-2 of

this title only for the activities authorized in section 300w-3

of this title.

(4) The State agrees to expend such payments in accordance with

the State plan submitted under subsection (a)(2) of this section

(with any revisions submitted to the Secretary under paragraph

(1)(B)), including making expenditures to carry out the strategy

contained in the plan pursuant to subsection (b)(5) of this

section.

(5)(A) The State agrees that, in the case of each population

for which such strategy is carried out, the State will measure

the extent of progress being made toward improving the health

status of the population.

(B) The State agrees that -

(i) the State will collect and report data in accordance with

section 300w-5(a) of this title; and

(ii) for purposes of subparagraph (A), progress will be

measured through use of each of the applicable uniform data

items developed by the Secretary under paragraph (2) of such

section, or if no such items are applicable, through use of the

uniform criteria developed by the Secretary under paragraph (3)

of such section.

(6) With respect to the activities authorized in section 300w-3

of this title, the State agrees to maintain State expenditures

for such activities at a level that is not less than the average

level of such expenditures maintained by the State for the 2-year

period preceding the fiscal year for which the State is applying

to receive payments under section 300w-2 of this title.

(7) The State agrees to establish reasonable criteria to

evaluate the effective performance of entities that receive funds

from such payments and procedures for procedural and substantive

independent State review of the failure by the State to provide funds for any such entity.

(8) The State agrees to permit and cooperate with Federal investigations undertaken in accordance with section 300w-6 of this title.

(9) The State has in effect a system to protect from inappropriate disclosure patient and sex offense victim records maintained by the State in connection with an activity funded under this part or by any entity which is receiving payments from the allotment of the State under this part.

(10) The State agrees to provide the officer of the State government responsible for the administration of the highway safety program with an opportunity to -

(A) participate in the development of any plan by the State relating to emergency medical services, as such plan relates to highway safety; and

(B) review and comment on any proposal by any State agency to use any Federal grant or Federal payment received by the State for the provision of emergency medical services as such proposal relates to highway safety.

(d) State Advisory Committee

(1) In general

For purposes of subsection (c)(2) of this section, an advisory committee is in accordance with this subsection if such committee is known as the State Preventive Health Advisory Committee (in this subsection referred to as the ''Committee'') and the

Committee meets the conditions described in the subsequent paragraphs of this subsection.

(2) Duties

A condition under paragraph (1) for a State is that the duties

of the Committee are -

(A) to hold public hearings on the State plan required in

subsection (a)(2) of this section; and

(B) to make recommendations pursuant to subsection (b)(1) of

this section regarding the development and implementation of

such plan, including recommendations on -

(i) the conduct of assessments of the public health;

(ii) which of the activities authorized in section 300w-3

of this title should be carried out in the State;

(iii) the allocation of payments made to the State under

section 300w-2 of this title;

(iv) the coordination of activities carried out under such

plan with relevant programs of other entities; and

(v) the collection and reporting of data in accordance with

section 300w-5(a) of this title.

(3) Composition

(A) A condition under paragraph (1) for a State is that the

Committee is composed of such members of the general public, and

such officials of the health departments of political subdivisions of the State, as may be necessary to provide

adequate representation of the general public and of such health departments.

(B) With respect to compliance with subparagraph (A), the

membership of advisory committees established pursuant to

subsection (c)(2) of this section may include representatives of

community-based organizations (including minority community-based

organizations), schools of public health, and entities to which

the State involved awards grants or contracts to carry out activities authorized in section 300w-3 of this title.
(4) Chair; meetings
A condition under paragraph (1) for a State is that the State public health officer serves as the chair of the Committee, and that the Committee meets not less than twice each fiscal year.

Section 300w-5. Reports, data, and audits

(a) Annual reports; contents; data collection; copies
(1) For purposes of section 300w-4(c)(5)(B)(i) of this title, a State is collecting and reporting data for a fiscal year in accordance with this subsection if the State submits to the Secretary, not later than February 1 of the succeeding fiscal year, a report that -
(A) describes the purposes for which the State expended payments made to the State under section 300w-2 of this title;
(B) pursuant to section 300w-4(c)(5)(A) of this title, describes the extent of progress made by the State for purposes of such section;
(C) meets the conditions described in the subsequent paragraphs of this subsection; and
(D) contains such additional information regarding activities authorized in section 300w-3 of this title, and is submitted in such form, as the Secretary may require.
(2)(A) The Secretary, in consultation with the States, shall develop sets of data for uniformly defining health status for purposes of the year 2000 health objectives (which sets are in this subsection referred to as 'uniform data sets'). Each of such

sets shall consist of one or more categories of information (in

this subsection individually referred to as a 'uniform data

item'). The Secretary shall develop formats for the uniform

collecting and reporting of information on such items.

(B) A condition under paragraph (1)(C) for a fiscal year is that

the State involved will, in accordance with the applicable format

under subparagraph (A), collect during such year, and include in

the report under paragraph (1), the necessary information for one

uniform data item from each of the uniform data sets, which items

are selected for the State by the Secretary.

(C) In the case of fiscal year 1995 and each subsequent fiscal

year, a condition under paragraph (1) for a State is that the State

will, in accordance with the applicable format under subparagraph

(A), collect during such year, and include in the report under

paragraph (1), the necessary information for each of the uniform

data sets appropriate to the year 2000 health objectives that the

State has, in the State plan submitted under section 300w-4 of this

title for the fiscal year, specified as a purpose for which

payments under section 300w-2 of this title are to be expended.

(3) The Secretary, in consultation with the States, shall

establish criteria for the uniform collection and reporting of data

on activities authorized in section 300w-3 of this title with

respect to which no uniform data items exist.

(4) A condition under paragraph (1) for a fiscal year is that the

State involved will make copies of the report submitted under such

paragraph for the fiscal year available for public inspection, and

will upon request provide a copy of the report to any individual

for a charge not exceeding the cost of providing the copy.

(b) Fiscal control; accounting procedures; annual audits; repayments and offsets; public inspection; Comptroller

General

evaluations; report to Congress

(1) Each State shall establish fiscal control and fund accounting

procedures as may be necessary to assure the proper disbursal of

and accounting for Federal funds paid to the State under section

300w-2 of this title and funds transferred under section 300w-3(c)

of this title for use under this part.

(2) Each State shall annually audit its expenditures from

payments received under section 300w-2 of this title.

Such State

audits shall be conducted by an entity independent of any agency

administering a program funded under this part and, in so far as

practical, in accordance with the Comptroller General's standards

for auditing governmental organizations, programs, activities, and

functions. Within 30 days following the date each audit is

completed, the chief executive officer of the State shall transmit

a copy of that audit to the Secretary.

(3) Each State shall, after being provided by the Secretary with

adequate notice and opportunity for a hearing within the State,

repay to the United States amounts found not to have been expended

in accordance with the requirements of this part or the certification provided by the State under section 300w-4 of this

title. If such repayment is not made, the Secretary shall, after

providing the State with adequate notice and opportunity for a hearing within the State, offset such amounts against the amount of any allotment to which the State is or may become entitled under this part.

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

(5) The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of grants under this part in order to assure that expenditures are consistent with the provisions of this part and the certification provided by the State under section 300w-4 of this title.

(6) Not later than October 1, 1990, the Secretary shall report to the Congress on the activities of the States that have received funds under this part and may include in the report any recommendations for appropriate changes in legislation.

(c) Inapplicability of title XVII of Omnibus Budget Reconciliation Act of 1981

Title XVII of the Omnibus Budget Reconciliation Act of 1981 shall not apply with respect to audits of funds allotted under this part.

Section 300w-6. Withholding of funds

(a) Prerequisites

(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not use its allotment in accordance with the requirements of this part or the certification provided under

section 300w-4 of this title. The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(2) The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part or the certification provided under section 300w-4 of this title. Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

(3) The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part or certifications provided under section 300w-4 of this title.

(4) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part or certifications provided under section 300w-4 of this title.

(b) Investigations

(1) The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part and certifications provided under section 300w-4 of this title.

(2) The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this

part and certifications provided under section 300w-4 of this title.

(c) Availability of books, documents, papers, and records

Each State, and each entity which has received funds from an

allotment made to a State under this part, shall make appropriate

books, documents, papers, and records available to the Secretary or

the Comptroller General of the United States, or any of their duly

authorized representatives, for examination, copying, or mechanical

reproduction on or off the premises of the appropriate entity upon

a reasonable request therefor.

(d) Information not readily available

(1) In conducting any investigation in a State, the Secretary or

the Comptroller General of the United States may not make a request

for any information not readily available to such State or an

entity which has received funds from an allotment made to the State

under this part or make an unreasonable request for information to

be compiled, collected, or transmitted in any form not readily

available.

(2) Paragraph (1) does not apply to the collection, compilation,

or transmittal of data in the course of a judicial proceeding.

Section 300w-7. Nondiscrimination provisions

(a) Programs and activities receiving Federal financial assistance

(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act

of 1975 (42 U.S.C. 6101 et seq.), on the basis of handicap under

section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on

the basis of sex under title IX of the Education Amendments of 1972

(20 U.S.C. 1681 et seq.), or on the basis of race, color, or

national origin under title VI of the Civil Rights Act of 1964 (42

U.S.C. 2000d et seq.), programs and activities funded in whole or

in part with funds made available under this part are considered to

be programs and activities receiving Federal financial assistance.

(2) No person shall on the ground of sex or religion be excluded

from participation in, be denied the benefits of, or be subjected

to discrimination under, any program or activity funded in whole or

in part with funds made available under this part.

(b) Failure to comply

Whenever the Secretary finds that a State, or an entity that has

received a payment from an allotment to a State under section

300w-1 of this title, has failed to comply with a provision of law

referred to in subsection (a)(1) of this section, with subsection

(a)(2) of this section, or with an applicable regulation (including

one prescribed to carry out subsection (a)(2) of this section), the

Secretary shall notify the chief executive officer of the State and

shall request him to secure compliance. If within a reasonable

period of time, not to exceed sixty days, the chief executive

officer fails or refuses to secure compliance, the Secretary may -

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(2) exercise the powers and functions provided by title VI of

the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age

Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section

504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be

applicable, or

(3) take such other action as may be provided by law.

(c) Civil actions by Attorney General

When a matter is referred to the Attorney General pursuant to

subsection (b)(1) of this section, or whenever he has reason to

believe that a State or an entity is engaged in a pattern or

practice in violation of a provision of law referred to in subsection (a)(1) of this section or in violation of subsection

(a)(2) of this section, the Attorney General may bring a civil

action in any appropriate district court of the United States for

such relief as may be appropriate, including injunctive relief.

Section 300w-8. Criminal penalty for false statements

Whoever -

(1) knowingly and willfully makes or causes to be made any

false statement or representation of a material fact in connection with the furnishing of items or services for which

payment may be made by a State from funds allotted to the State

under this part, or

(2) having knowledge of the occurrence of any event affecting

his initial or continued right to any such payment conceals or

fails to disclose such event with an intent fraudulently to

secure such payment either in a greater amount than is due or

when no such payment is authorized, shall be fined not more than \$25,000 or imprisoned for not more

than five years, or both.

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Public Law 102-531
102d Congress

An Act

To amend the Public Health Service Act to revise and extend the program of block grants for preventive health and health services, and for other purposes.

Oct. 27, 1992
[H.R. 3635]

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

Preventive
Health
Amendments
of 1992.
42 USC 201
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Preventive Health Amendments of 1992”.

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

Sec. 1. Short title; table of contents.

TITLE I—PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

Sec. 101. Authorization of appropriations.

Sec. 102. Use of allotments.

Sec. 103. Application for payments.

Sec. 104. Reports, data, and audits.

TITLE II—NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION

Sec. 201. Establishment of Foundation.

TITLE III—CERTAIN PROGRAMS

Sec. 301. Injury control.

Sec. 302. Establishment of Office of Adolescent Health.

Sec. 303. Lead poisoning prevention.

Sec. 304. Preventable cases of infertility arising as result of sexually transmitted diseases.

Sec. 305. Bulk purchases of vaccines for certain programs.

Sec. 306. State programs regarding data on birth defects.

Sec. 307. Screenings for breast and cervical cancer.

Sec. 308. Screenings for prostate cancer.

Sec. 309. Certain programs.

Sec. 310. International cooperation.

Sec. 311. Miscellaneous provisions.

Sec. 312. Change in name of Centers for Disease Control.

Sec. 313. Technical corrections.

Sec. 314. Authorization of appropriations regarding vaccine compensation.

**TITLE I—PREVENTIVE HEALTH AND
HEALTH SERVICES BLOCK GRANT**

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking “For the purpose” and all that follows and inserting the following: “For the purpose of allotments under section 1902, there are authorized to be appropriated \$205,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.”.

(b) **ALLOCATION FOR SERVICES FOR RAPE VICTIMS AND FOR RAPE PREVENTION.**—Section 1901(b) of the Public Health Service Act

(42 U.S.C. 300w(b)) is amended by striking "\$3,500,000" and inserting "\$7,000,000".

SEC. 102. USE OF ALLOTMENTS.

(a) **IN GENERAL.**—Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)) is amended to read as follows: "(1) Except as provided in subsections (b) and (c), payments made to a State under section 1903 may be used for the following:

"(A) Activities consistent with making progress toward achieving the objectives established by the Secretary for the health status of the population of the United States for the year 2000 (in this part referred to as 'year 2000 health objectives').

"(B) Preventive health service programs for the control of rodents and for community and school-based fluoridation programs.

"(C) Feasibility studies and planning for emergency medical services systems and the establishment, expansion, and improvement of such systems. Amounts for such systems may not be used for the costs of the operation of the systems or the purchase of equipment for the systems, except that such amounts may be used for the payment of not more than 50 percent of the costs of purchasing communications equipment for the systems. Amounts may be expended for feasibility studies or planning for the trauma-care components of such systems only if the studies or planning, respectively, is consistent with the requirements of section 1213(a).

"(D) Providing services to victims of sex offenses and for prevention of sex offenses.

"(E) With respect to activities described in any of subparagraphs (A) through (D), related planning, administration, and educational activities.

"(F) Monitoring and evaluation of activities carried out under any of subparagraphs (A) through (E)".

(b) **TRANSFERS FROM CERTAIN ALLOTMENT.**—Section 1904(c) of the Public Health Service Act (42 U.S.C. 300w-3(c)) is amended by striking "parts B and C" and inserting "part B".

SEC. 103. APPLICATION FOR PAYMENTS.

(a) **IN GENERAL.**—Section 1905 of the Public Health Service Act (42 U.S.C. 300w-4) is amended to read as follows:

"APPLICATION FOR PAYMENTS; STATE PLAN

"SEC. 1905. (a) **IN GENERAL.**—The Secretary may make payments under section 1903 to a State for a fiscal year only if—

"(1) the State submits to the Secretary an application for the payments;

"(2) the application contains a State plan in accordance with subsection (b);

"(3) the application contains the certification described in subsection (c);

"(4) the application contains such assurances as the Secretary may require regarding the compliance of the State with the requirements of this part (including assurances regarding compliance with the agreements described in subsection (c)); and

"(5) the application is in such form and is submitted by such date as the Secretary may require.

"(b) STATE PLAN.—A State plan required in subsection (a)(2) for a fiscal year is in accordance with this subsection if the plan meets the following conditions:

"(1) The plan is developed by the State agency with principal responsibility for public health programs, in consultation with the advisory committee established pursuant to subsection (c)(2).

"(2) The plan specifies the activities authorized in section 1904 that are to be carried out with payments made to the State under section 1903, including a specification of the year 2000 health objectives for which the State will expend the payments.

"(3) The plan specifies the populations in the State for which such activities are to be carried out.

"(4) The plan specifies any populations in the State that have a disparate need for such activities.

"(5) With respect to each population specified under paragraph (3), the plan contains a strategy for expending such payments to carry out such activities to make progress toward improving the health status of the population, which strategy includes—

"(A) a description of the programs and projects to be carried out;

"(B) an estimate of the number of individuals to be served by the programs and projects; and

"(C) an estimate of the number of public health personnel needed to carry out the strategy.

"(6) The plan specifies the amount of such payments to be expended for each of such activities and, with respect to the activity involved—

"(A) the amount to be expended for each population specified under paragraph (3); and

"(B) the amount to be expended for each population specified under paragraph (4).

"(c) STATE CERTIFICATION.—The certification referred to in subsection (a)(3) for a fiscal year is a certification to the Secretary by the chief executive officer of the State involved as follows:

"(1)(A) In the development of the State plan required in subsection (a)(2)—

"(i) the chief health officer of the State held public hearings on the plan; and

"(ii) proposals for the plan were made public in a manner that facilitated comments from public and private entities (including Federal and other public agencies).

"(B) The State agrees that, if any revisions are made in such plan during the fiscal year, the State will, with respect to the revisions, hold hearings and make proposals public in accordance with subparagraph (A), and will submit to the Secretary a description of the revisions.

"(2) The State has established an advisory committee in accordance with subsection (d).

"(3) The State agrees to expend payments under section 1903 only for the activities authorized in section 1904.

"(4) The State agrees to expend such payments in accordance with the State plan submitted under subsection (a)(2)

(with any revisions submitted to the Secretary under paragraph (1)(B)), including making expenditures to carry out the strategy contained in the plan pursuant to subsection (b)(5).

“(5)(A) The State agrees that, in the case of each population for which such strategy is carried out, the State will measure the extent of progress being made toward improving the health status of the population.

“(B) The State agrees that—

“(i) the State will collect and report data in accordance with section 1906(a); and

“(ii) for purposes of subparagraph (A), progress will be measured through use of each of the applicable uniform data items developed by the Secretary under paragraph (2) of such section, or if no such items are applicable, through use of the uniform criteria developed by the Secretary under paragraph (3) of such section.

“(6) With respect to the activities authorized in section 1904, the State agrees to maintain State expenditures for such activities at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying to receive payments under section 1903.

“(7) The State agrees to establish reasonable criteria to evaluate the effective performance of entities that receive funds from such payments and procedures for procedural and substantive independent State review of the failure by the State to provide funds for any such entity.

“(8) The State agrees to permit and cooperate with Federal investigations undertaken in accordance with section 1907.

“(9) The State has in effect a system to protect from inappropriate disclosure patient and sex offense victim records maintained by the State in connection with an activity funded under this part or by any entity which is receiving payments from the allotment of the State under this part.

“(10) The State agrees to provide the officer of the State government responsible for the administration of the State highway safety program with an opportunity to—

“(A) participate in the development of any plan by the State relating to emergency medical services, as such plan relates to highway safety; and

“(B) review and comment on any proposal by any State agency to use any Federal grant or Federal payment received by the State for the provision of emergency medical services as such proposal relates to highway safety.

“(d) STATE ADVISORY COMMITTEE.—

“(1) IN GENERAL.—For purposes of subsection (c)(2), an advisory committee is in accordance with this subsection if such committee is known as the State Preventive Health Advisory Committee (in this subsection referred to as the ‘Committee’) and the Committee meets the conditions described in the subsequent paragraphs of this subsection.

“(2) DUTIES.—A condition under paragraph (1) for a State is that the duties of the Committee are—

“(A) to hold public hearings on the State plan required in subsection (a)(2); and

“(B) to make recommendations pursuant to subsection (b)(1) regarding the development and implementation of such plan, including recommendations on—

“(i) the conduct of assessments of the public health;

“(ii) which of the activities authorized in section 1904 should be carried out in the State;

“(iii) the allocation of payments made to the State under section 1903;

“(iv) the coordination of activities carried out under such plan with relevant programs of other entities; and

“(v) the collection and reporting of data in accordance with section 1906(a).

“(3) COMPOSITION.—

“(A) A condition under paragraph (1) for a State is that the Committee is composed of such members of the general public, and such officials of the health departments of political subdivisions of the State, as may be necessary to provide adequate representation of the general public and of such health departments.

“(B) With respect to compliance with subparagraph (A), the membership of advisory committees established pursuant to subsection (c)(2) may include representatives of community-based organizations (including minority community-based organizations), schools of public health, and entities to which the State involved awards grants or contracts to carry out activities authorized in section 1904.

“(4) CHAIR; MEETINGS.—A condition under paragraph (1) for a State is that the State public health officer serves as the chair of the Committee, and that the Committee meets not less than twice each fiscal year.”

(b) DELAYED APPLICABILITY OF REQUIREMENT REGARDING ADVISORY COMMITTEES.—With respect to compliance with the requirement established in subsection (c)(2) of section 1905 of the Public Health Service Act (as amended by subsection (a) of this section), a State is deemed, notwithstanding such section, to be in compliance with such requirement if the State establishes an advisory committee in accordance with subsection (d) of such section not later than 180 days after the date of the enactment of this Act.

42 USC 300w-4
note.

SEC. 104. REPORTS, DATA, AND AUDITS.

(a) IN GENERAL.—Section 1906(a) of the Public Health Service Act (42 U.S.C. 300w-5(a)) is amended to read as follows:

“(a)(1) For purposes of section 1905(c)(5)(B)(i), a State is collecting and reporting data for a fiscal year in accordance with this subsection if the State submits to the Secretary, not later than February 1 of the succeeding fiscal year, a report that—

“(A) describes the purposes for which the State expended payments made to the State under section 1903;

“(B) pursuant to section 1905(c)(5)(A), describes the extent of progress made by the State for purposes of such section;

“(C) meets the conditions described in the subsequent paragraphs of this subsection; and

“(D) contains such additional information regarding activities authorized in section 1904, and is submitted in such form, as the Secretary may require.

“(2)(A) The Secretary, in consultation with the States, shall develop sets of data for uniformly defining health status for purposes of the year 2000 health objectives (which sets are in this subsection referred to as ‘uniform data sets’). Each of such sets shall consist of one or more categories of information (in this subsection individually referred to as a ‘uniform data item’). The Secretary shall develop formats for the uniform collecting and reporting of information on such items.

“(B) A condition under paragraph (1)(C) for a fiscal year is that the State involved will, in accordance with the applicable format under subparagraph (A), collect during such year, and include in the report under paragraph (1), the necessary information for one uniform data item from each of the uniform data sets, which items are selected for the State by the Secretary.

“(C) In the case of fiscal year 1995 and each subsequent fiscal year, a condition under paragraph (1) for a State is that the State will, in accordance with the applicable format under subparagraph (A), collect during such year, and include in the report under paragraph (1), the necessary information for each of the uniform data sets appropriate to the year 2000 health objectives that the State has, in the State plan submitted under section 1905 for the fiscal year, specified as a purpose for which payments under section 1903 are to be expended.

“(3) The Secretary, in consultation with the States, shall establish criteria for the uniform collection and reporting of data on activities authorized in section 1904 with respect to which no uniform data items exist.

“(4) A condition under paragraph (1) for a fiscal year is that the State involved will make copies of the report submitted under such paragraph for the fiscal year available for public inspection, and will upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.”

(b) CONFORMING AMENDMENTS.—Section 1906 of the Public Health Service Act (42 U.S.C. 300w-5) is amended—

(1) in the heading for the section, by inserting “, DATA,” after “REPORTS”; and

(2) by striking subsection (d).

SEC. 105. REPEAL OF YEAR 2000 HEALTH OBJECTIVES PLANNING ACT.

The Year 2000 Health Objectives Planning Act (Public Law 101-582; 42 U.S.C. 246 note) is repealed.

TITLE II—NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CON- TROL AND PREVENTION

SEC. 201. ESTABLISHMENT OF FOUNDATION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 401 of Public Law 102-321 (106 Stat. 419), is amended by adding at the end the following new part:

**"PART N—NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE
CONTROL AND PREVENTION**

"SEC. 399F. ESTABLISHMENT AND DUTIES OF FOUNDATION.

42 USC 280d-11.

"(a) **IN GENERAL.**—There shall be established in accordance with this section a nonprofit private corporation to be known as the National Foundation for the Centers for Disease Control and Prevention (in this part referred to as the 'Foundation'). The Foundation shall not be an agency or instrumentality of the Federal Government, and officers, employees, and members of the board of the Foundation shall not be officers or employees of the Federal Government.

"(b) **PURPOSE OF FOUNDATION.**—The purpose of the Foundation shall be to support and carry out activities for the prevention and control of diseases, disorders, injuries, and disabilities, and for promotion of public health.

"(c) **ENDOWMENT FUND.**—

"(1) **IN GENERAL.**—In carrying out subsection (b), the Foundation shall establish a fund for providing endowments for positions that are associated with the Centers for Disease Control and Prevention and dedicated to the purpose described in such subsection. Subject to subsection (d)(1)(B), the fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the fund.

"(2) **AUTHORIZED EXPENDITURES OF FUND.**—The provision of endowments under paragraph (1) shall be the exclusive function of the fund established under such paragraph. Such endowments may be expended only for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions, and for recruiting individuals to hold the positions endowed by the fund.

"(d) **CERTAIN ACTIVITIES OF FOUNDATION.**—In carrying out subsection (b), the Foundation may provide for the following with respect to the purpose described in such subsection:

"(1) Programs of fellowships for State and local public health officials to work and study in association with the Centers for Disease Control and Prevention.

"(2) Programs of international arrangements to provide opportunities for public health officials of other countries to serve in public health capacities in the United States in association with the Centers for Disease Control and Prevention or elsewhere, or opportunities for employees of such Centers (or other public health officials in the United States) to serve in such capacities in other countries, or both.

"(3) Studies, projects, and research (which may include applied research on the effectiveness of prevention activities, demonstration projects, and programs and projects involving international, Federal, State, and local governments).

"(4) Forums for government officials and appropriate private entities to exchange information. Participants in such forums may include institutions of higher education and appropriate international organizations.

"(5) Meetings, conferences, courses, and training workshops.