

117TH CONGRESS  
1ST SESSION

# H. R. 5605

To establish a grant program that provides grants to States, Indian Tribal governments, Federally qualified health centers, rural health clinics, local governments, and community-based organizations to establish and support PrEP programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2021

Mrs. WATSON COLEMAN (for herself, Ms. LEE of California, Mr. JONES, Mr. SCHIFF, Mrs. CAROLYN B. MALONEY of New York, Mr. RASKIN, Mr. COHEN, Ms. GARCIA of Texas, Mr. TAKANO, Mr. CICILLINE, Mr. STANTON, Ms. MOORE of Wisconsin, Ms. WILLIAMS of Georgia, Ms. PORTER, Ms. SCANLON, Mr. TONKO, Mr. WELCH, Mr. HIGGINS of New York, Ms. NORTON, Mr. JOHNSON of Georgia, Ms. BASS, Ms. LOIS FRANKEL of Florida, Mr. POCAN, Ms. KUSTER, Mr. ESPAILLAT, Mr. MEEKS, Ms. TLAIB, Ms. STRICKLAND, Mr. PAPPAS, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish a grant program that provides grants to States, Indian Tribal governments, Federally qualified health centers, rural health clinics, local governments, and community-based organizations to establish and support PrEP programs, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “PrEP Assistance Pro-  
3 gram Act”.

4 **SEC. 2. PRE-EXPOSURE PROPHYLAXIS PROGRAM GRANT.**

5 (a) IN GENERAL.—Not later than 1 year after the  
6 date of enactment of this Act, the Secretary of Health and  
7 Human Services shall establish a program that provides  
8 grants to States, Indian Tribal governments, Federally  
9 qualified health centers, rural health clinics, local govern-  
10 ments, and community-based organizations to establish  
11 and support PrEP programs.

12 (b) APPLICATIONS.—To be eligible to receive a grant  
13 under subsection (a), a State, Indian Tribal government,  
14 Federally qualified health center, rural health clinic, local  
15 government, or community-based organization shall sub-  
16 mit an application to the Secretary at such time, in such  
17 manner, and containing such information as the Secretary  
18 may require, including a description of how any amounts  
19 awarded shall be used.

20 (c) AMOUNT.—Any grant provided to a State, Indian  
21 Tribal government, Federally qualified health center, rural  
22 health clinic, local government, or community-based orga-  
23 nization under this section may not exceed \$10,000,000.

24 (d) USE OF FUNDS.—

25 (1) IN GENERAL.—Any State, Indian Tribal  
26 government, Federally qualified health center, rural

1 health clinic, local government, or community-based  
2 organization that is awarded an amount under sub-  
3 section (a) shall use such amount for expenses asso-  
4 ciated with establishing a PrEP program or sup-  
5 porting an existing PrEP program.

6 (2) ELIGIBLE EXPENSES.—The Secretary shall  
7 publish a list of eligible expenses associated with es-  
8 tablishing a PrEP program or supporting an exist-  
9 ing PrEP program and this list shall include—

10 (A) clinic and laboratory fees;

11 (B) office visits;

12 (C) PrEP medication;

13 (D) blood and urine testing as required in  
14 association with the use of PrEP medication;

15 (E) sexually transmitted disease testing in  
16 accordance with guidelines issued by the Cen-  
17 ters for Disease Control and Prevention;

18 (F) adherence services and counseling;

19 (G) outreach activities directed toward as-  
20 sisting health professionals to become eligible to  
21 prescribe pre-exposure prophylaxis medications  
22 in the State or Indian Tribal government where  
23 the program is operating;

1           (H) outreach activities directed toward  
2           physicians that provide education about PrEP;  
3           and

4           (I) other similar items or services.

5           (e) PAYMENT FOR SERVICES.—An individual that re-  
6 ceives a service or item from a PrEP program established  
7 or supported using amounts under this section may not  
8 be required to provide payment for such service or item.

9           (f) MATCHING.—

10           (1) IN GENERAL.—Except with respect to an  
11 Indian Tribal government, a grantee under this sec-  
12 tion shall contribute, to the PrEP program estab-  
13 lished or supported by the grant, an amount equal  
14 to not less than 10 percent of the amount of the  
15 grant.

16           (2) EXCEPTION.—The Secretary may waive the  
17 requirement under paragraph (1) for Federally  
18 qualified health centers, rural health clinics, and  
19 community-based organizations if the Secretary de-  
20 termines such a waiver is necessary.

21           (g) REPORT TO CONGRESS.—The Secretary shall, in  
22 each of the first 5 years beginning 1 year after the date  
23 of the enactment of this Act, submit to Congress, and  
24 make public on the Internet website of the Department  
25 of Health and Human Services, a report on the impact

1 of grants provided to States, Indian Tribal governments,  
2 Federally qualified health centers, rural health clinics,  
3 local governments, and community-based organizations  
4 under this Act.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this Act  
7 \$400,000,000 for each of the first 5 fiscal years beginning  
8 after the date of the enactment of this Act.

9 (i) DEFINITIONS.—In this Act:

10 (1) COMMUNITY-BASED ORGANIZATION.—The  
11 term “community-based organization” means a non-  
12 profit or private organization that—

13 (A) represents a community or significant  
14 segments of a community;

15 (B) provides health care or health-related  
16 services to high-risk or high-need individuals in  
17 a community; and

18 (C) demonstrates effectiveness with respect  
19 to such health care or health-related services.

20 (2) FEDERALLY QUALIFIED HEALTH CEN-  
21 TER.—The term “Federally qualified health center”  
22 has the meaning given the term in section 1861(aa)  
23 of the Social Security Act (42 U.S.C. 1395x(aa)).

24 (3) INDIAN TRIBAL GOVERNMENT.—The term  
25 “Indian Tribal government” means the governing

1 body of any Indian or Alaska Native tribe, band, na-  
2 tion, pueblo, village, or community that the Sec-  
3 retary of the Interior acknowledges to exist as an In-  
4 dian tribe under the Federally Recognized Indian  
5 Tribe List Act of 1994 (25 U.S.C. 479a et seq.).

6 (4) PREP PROGRAM.—The term “PrEP pro-  
7 gram” means a program designed to provide pre-ex-  
8 posure prophylaxis and pre-exposure prophylaxis- re-  
9 lated services to individuals.

10 (5) PRE-EXPOSURE PROPHYLAXIS.—The term  
11 “pre-exposure prophylaxis” means any medication  
12 approved by the Federal Drug Administration and  
13 designed to prevent individuals at risk of contracting  
14 human immunodeficiency virus (HIV) from con-  
15 tracting human immunodeficiency virus (HIV).

16 (6) RURAL HEALTH CLINIC.—The term “rural  
17 health clinic” has the meaning give such term in sec-  
18 tion 1861(aa) of the Social Security Act (42 U.S.C.  
19 1395x(aa)).

20 (7) SECRETARY.—The term “Secretary” means  
21 the Secretary of Health and Human Services.

22 (8) STATE.—The term “State” means each  
23 State of the United States, the District of Columbia,  
24 Puerto Rico, the Virgin Islands, Guam, American

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

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