

section 254b(a)<sup>1</sup> of this title), to community health centers (as defined in section 254c(a)<sup>1</sup> of this title), and to nonprofit private entities concerned with acquired immune deficiency syndrome, for the purpose of assisting grantees in providing services to populations of individuals that are underserved with respect to programs providing information on the prevention of exposure to, and the transmission of, the etiologic agent for acquired immune deficiency syndrome.

**(b) Preferences in making grants**

In making grants under subsection (a) of this section, the Secretary shall give preference to any applicant for such a grant that has the ability to disseminate rapidly the information described in subsection (a) of this section (including any national organization with such ability).

(July 1, 1944, ch. 373, title XXV, formerly title XV, § 2523, as added Pub. L. 100-607, title II, § 221, Nov. 4, 1988, 102 Stat. 3103; renumbered title XXV, Pub. L. 101-93, § 5(e)(1), Aug. 16, 1989, 103 Stat. 612.)

REFERENCES IN TEXT

Sections 254b and 254c of this title, referred to in subsec. (a), were in the original references to sections 329 and 330, meaning sections 329 and 330 of act July 1, 1944, which were omitted in the general amendment of subpart I (§ 254b et seq.) of part D of subchapter II of this chapter by Pub. L. 104-299, § 2, Oct. 11, 1996, 110 Stat. 3626. Sections 2 and 3(a) of Pub. L. 104-299 enacted new sections 330 and 330A of act July 1, 1944, which are classified, respectively, to sections 254b and 254c of this title.

REFERENCE TO COMMUNITY, MIGRANT, PUBLIC HOUSING, OR HOMELESS HEALTH CENTER CONSIDERED REFERENCE TO HEALTH CENTER

Reference to community health center, migrant health center, public housing health center, or homeless health center considered reference to health center, see section 4(c) of Pub. L. 104-299, set out as a note under section 254b of this title.

**§ 300ee-34. Authorization of appropriations**

**(a) In general**

For the purpose of carrying out sections 300ee-31 through 300ee-33 of this title, there are authorized to be appropriated \$105,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

**(b) Allocations**

(1) Of the amounts appropriated pursuant to subsection (a) of this section, the Secretary shall make available \$45,000,000 to carry out section 300ee-32 of this title and \$30,000,000 to carry out this part through financial assistance to minority entities for the provision of services to minority populations.

(2) After consultation with the Director of the Office of Minority Health and with the Indian Health Service, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, not later than 90 days after November 4, 1988, publish guidelines to provide procedures for applications for funding pursuant to paragraph (1) and for public comment.

<sup>1</sup> See References in Text note below.

(July 1, 1944, ch. 373, title XXV, formerly title XV, § 2524, as added Pub. L. 100-607, title II, § 221, Nov. 4, 1988, 102 Stat. 3103; amended Pub. L. 100-690, title II, § 2619(i) [(j)], Nov. 18, 1988, 102 Stat. 4244; renumbered title XXV, Pub. L. 101-93, § 5(e)(1), Aug. 16, 1989, 103 Stat. 612; Pub. L. 102-531, title III, § 312(d)(24), Oct. 27, 1992, 106 Stat. 3505.)

AMENDMENTS

1992—Subsec. (b)(2). Pub. L. 102-531 substituted “Centers for Disease Control and Prevention” for “Centers for Disease Control”.

1988—Subsec. (b)(2). Pub. L. 100-690 substituted “the date of the enactment of the AIDS Amendments of 1988” for “the date of the enactment of this section”, which for purposes of codification was translated as “November 4, 1988”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective immediately after enactment of Pub. L. 100-607, which was approved Nov. 4, 1988, see section 2600 of Pub. L. 100-690, set out as a note under section 242m of this title.

SUBCHAPTER XXIV—HIV HEALTH CARE SERVICES PROGRAM

**§ 300ff. Purpose**

It is the purpose of this Act to provide emergency assistance to localities that are disproportionately affected by the Human Immunodeficiency Virus epidemic and to make financial assistance available to States and other public or private nonprofit entities to provide for the development, organization, coordination and operation of more effective and cost efficient systems for the delivery of essential services to individuals and families with HIV disease.

(Pub. L. 101-381, § 2, Aug. 18, 1990, 104 Stat. 576.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 101-381, Aug. 18, 1990, 104 Stat. 576, known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, which enacted this subchapter, transferred section 300ee-6 of this title to section 300ff-48 of this title, amended sections 284a, 286, 287a, 287c-2, 289f, 290aa-3a, 299c-5, 300ff-48, and 300aaa to 300aaa-13 [now 238 to 238m] of this title, and enacted provisions set out as notes under sections 201, 300x-4, 300ff-11, 300ff-46, and 300ff-80 of this title. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 201 of this title and Tables.

CODIFICATION

Section was enacted as part of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and not as part of the Public Health Service Act which comprises this chapter.

**§ 300ff-1. Prohibition on use of funds**

None of the funds made available under this Act, or an amendment made by this Act, shall be used to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs.

(Pub. L. 101-381, title IV, § 422, Aug. 18, 1990, 104 Stat. 628.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 101-381, Aug. 18, 1990, 104 Stat. 576, known as the Ryan White Com-

prehensive AIDS Resources Emergency Act of 1990, which enacted this subchapter, transferred section 300ee-6 of this title to section 300ff-48 of this title, amended sections 284a, 286, 287a, 287c-2, 289f, 290aa-3a, 299c-5, 300ff-48, and 300aaa to 300aaa-13 [now 238 to 238m] of this title, and enacted provisions set out as notes under sections 201, 300x-4, 300ff-11, 300ff-46, and 300ff-80 of this title. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 201 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and not as part of the Public Health Service Act which comprises this chapter.

### PART A—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

#### SUBPART I—GENERAL GRANT PROVISIONS

### § 300ff-11. Establishment of program of grants

#### (a) Eligible areas

The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, subject to subsections (b) through (c) of this section, make grants in accordance with section 300ff-13 of this title for the purpose of assisting in the provision of the services specified in section 300ff-14 of this title in any metropolitan area for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of AIDS during the most recent period of 5 calendar years for which such data are available.

#### (b) Continued status as eligible area

Notwithstanding any other provision of this section, a metropolitan area that is an eligible area for a fiscal year continues to be an eligible area until the metropolitan area fails, for three consecutive fiscal years—

- (1) to meet the requirements of subsection (a); and
- (2) to have a cumulative total of 3,000 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

#### (c) Boundaries

For purposes of determining eligibility under this subpart—

- (1) with respect to a metropolitan area that received funding under this subpart in fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that were in effect for such area for fiscal year 1994; or
- (2) with respect to a metropolitan area that becomes eligible to receive funding under this subpart in any fiscal year after fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that are in effect for such area when such area initially receives funding under this subpart.

(July 1, 1944, ch. 373, title XXVI, §2601, as added Pub. L. 101-381, title I, §101(3), Aug. 18, 1990, 104 Stat. 576; amended Pub. L. 102-531, title III, §312(d)(25), Oct. 27, 1992, 106 Stat. 3505; Pub. L. 104-146, §§3(a)(1), (2), 12(c)(1), May 20, 1996, 110

Stat. 1346, 1373; Pub. L. 109-415, title I, §§101(a), (b), 106(a), 107(b), title VII, §§702(1), 703, Dec. 19, 2006, 120 Stat. 2768, 2780, 2783, 2819, 2820; Pub. L. 111-87, §2(a)(1), (3)(A), Oct. 30, 2009, 123 Stat. 2885.)

#### PRIOR PROVISIONS

A prior section 2601 of act July 1, 1944, was successively renumbered by subsequent acts and transferred, see section 238 of this title.

#### AMENDMENTS

2009—Pub. L. 111-87 repealed Pub. L. 109-415, §703, and revived the provisions of this section as in effect on Sept. 30, 2009. See 2006 Amendment note and Effective Date of 2009 Amendment; Revival of Section note below.

2006—Pub. L. 109-415, §703, which directed repeal of this section effective Oct. 1, 2009, was itself repealed by Pub. L. 111-87, §2(a)(1), effective Sept. 30, 2009.

Subsec. (a). Pub. L. 109-415, §702(1), substituted “AIDS” for “acquired immune deficiency syndrome”.

Pub. L. 109-415, §106(a), substituted “during the most recent period” for “for the most recent period”.

Pub. L. 109-415, §101(b), substituted “through (c)” for “through (d)” and inserted “and confirmed by” after “reported to”.

Subsecs. (b) to (d). Pub. L. 109-415, §§101(a), 107(b), added subsecs. (b) and (c), substituted “this subpart” for “this part” in subsec. (c) wherever appearing, and struck out former subsecs. (b) to (d) which related to requirement regarding confirmation of cases, requirements regarding population, and continued status as eligible area, respectively.

1996—Subsec. (a). Pub. L. 104-146, §12(c)(1), inserted “section” before “300ff-14”.

Pub. L. 104-146, §3(a)(1)(B), substituted “metropolitan area for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.” for “metropolitan area for which, as of June 30, 1990, in the case of grants for fiscal year 1991, and as of March 31 of the most recent fiscal year for which such data is available in the case of a grant for any subsequent fiscal year—

“(1) there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome; or

“(2) the per capita incidence of cumulative cases of such syndrome (computed on the basis of the most recently available data on the population of the area) is not less than 0.0025.”

Pub. L. 104-146, §3(a)(1)(A), substituted “subject to subsections (b) through (d)” for “subject to subsection (b)”.

Subsecs. (c), (d). Pub. L. 104-146, §3(a)(2), added subsecs. (c) and (d).

1992—Subsecs. (a)(1), (b). Pub. L. 102-531 substituted “Centers for Disease Control and Prevention” for “Centers for Disease Control”.

#### EFFECTIVE DATE OF 2009 AMENDMENT; REVIVAL OF SECTION

Pub. L. 111-87, §2(a)(2), (3), Oct. 30, 2009, 123 Stat. 2885, provided that:

“(2) EFFECTIVE DATE.—Paragraph (1) [repealing section 703 of Pub. L. 109-415, formerly set out as an Effective Date of Repeal note below] shall take effect as if enacted on September 30, 2009.

“(3) CONTINGENCY PROVISIONS.—Notwithstanding section 703 of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109-415; 120 Stat. 2767 [2820]) [repealing this subchapter, formerly set out as an Effective Date of Repeal note below] and section 139 of the Continuing Appropriations Resolution, 2010 [123 Stat. 2048]—