

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1580

To improve the health of minority individuals.

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## IN THE SENATE OF THE UNITED STATES

JULY 29, 2005

Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. BINGAMAN, Mr. CORZINE, Mrs. MURRAY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. INOUE, Mr. PRYOR, Ms. MIKULSKI, Mr. OBAMA, Mr. DODD, Mr. LIEBERMAN, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To improve the health of minority individuals.

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 “Healthcare Equality and Accountability Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.

### TITLE I—COVERAGE OF THE UNINSURED

Subtitle A—FamilyCare

- Sec. 101. Short title.  
 Sec. 102. Renaming of title XXI program.

“TITLE XXI—FAMILYCARE PROGRAM.

- Sec. 103. Familycare coverage of parents under the medicaid program and title XXI.  
 “Sec. 2111. Optional familycare coverage of parents of targeted low-income children.  
 Sec. 104. Automatic enrollment of children born to title XXI parents.  
 Sec. 105. Optional coverage of children through age 20 under the medicaid program and title XXI.  
 Sec. 106. Allowing States to simplify rules for families.  
 Sec. 107. Demonstration programs to improve medicaid and CHIP outreach to homeless individuals and families.  
 Sec. 108. Additional chip revisions.  
 Sec. 109. Coordination of title XXI with the maternal and child health program.

Subtitle B—State Option to Provide Coverage for All Residents With Income at or Below the Poverty Line

- Sec. 121. State option to provide coverage for all residents with income at or below the poverty line.

Subtitle C—Optional Coverage of Legal Immigrants Under the Medicaid Program and Title XXI, and to Extend Eligibility to Certain Legal Residents

- Sec. 131. Equal access to health coverage for legal immigrants.  
 Sec. 132. Exception for citizens of freely associated States.

Subtitle D—Indian Healthcare Funding

CHAPTER 1—GUARANTEED FUNDING

- Sec. 141. Guaranteed adequate funding for Indian healthcare.  
 “Sec. 825. Funding.

CHAPTER 2—INDIAN HEALTHCARE PROGRAMS

- Sec. 145. Programs operated by Indian tribes and tribal organizations.  
 Sec. 146. Licensing.  
 Sec. 147. Authorization for emergency contract health services.  
 Sec. 148. Prompt action on payment of claims.  
 Sec. 149. Liability for payment.  
 Sec. 150. Health services for ineligible persons.  
 Sec. 151. Definitions.  
 Sec. 152. Authorization of appropriations.

Subtitle E—Territories

- Sec. 161. Funding for territories.

Subtitle F—Migrant Workers and Farmworkers Health

- Sec. 171. Demonstration project regarding continuity of coverage of migrant workers and farmworkers under medicaid and CHIP.

Subtitle G—Expanded Access to Health Care

- Sec. 181. National Commission for Expanded Access to Health Care.  
 Sec. 182. Institute of Medicine evaluation and report on health care performance measures.

Subtitle H—FMAP Reimbursement for Native Hawaiians

- Sec. 191. 100 percent FMAP for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system under the medicaid program.

TITLE II—CULTURALLY AND LINGUISTICALLY APPROPRIATE HEALTHCARE

Subtitle A—Public Health Service Act requirements

- Sec. 201. Amendment to the Public Health Service Act.

“TITLE XXIX—CULTURALLY AND LINGUISTICALLY APPROPRIATE HEALTHCARE

“Sec. 2900. Definitions.

“Sec. 2901. Improving access to services for individuals with limited english proficiency.

“Sec. 2902. National standards for culturally and linguistically appropriate services in healthcare.

“Sec. 2903. Center for cultural and linguistic competence in healthcare.

“Sec. 2904. Innovations in language access grants.

“Sec. 2905. Research on language access.

“Sec. 2906. Information about Federal health programs for limited English proficient populations.

- Sec. 202. Standards for language access services.

- Sec. 203. Federal reimbursement for culturally and linguistically appropriate services under the medicare, medicaid and State Children’s Health Insurance Program.

- Sec. 204. Increasing understanding of health literacy.

- Sec. 205. Report on Federal efforts to provide culturally and linguistically appropriate healthcare services.

- Sec. 206. General Accounting Office report on impact of language access services.

- Sec. 207. Definitions.

Subtitle B—Medicare and medicaid programs requirements

- Sec. 211. Treatment of the medicare part B program under title VI of Civil Rights Act of 1964.

TITLE III—HEALTH WORKFORCE DIVERSITY

- Sec. 301. Amendment to the Public Health Service Act.

“Subtitle A—Diversifying the Healthcare Workplace

“Sec. 2911. Report on workforce diversity.

“Sec. 2912. National Working Group on Workforce Diversity.

“Sec. 2913. Technical clearinghouse for health workforce diversity.

“Sec. 2914. Evaluation of workforce diversity initiatives.

“Sec. 2915. Data collection and reporting by health professional schools.

“Sec. 2916. Support for institutions committed to workforce diversity.

- “Sec. 2917. Career development for scientists and researchers.
- “Sec. 2918. Career support for non-research health professionals.
- “Sec. 2919. Research on the effect of workforce diversity on quality.
- “Sec. 2920. Health disparities education program.
- “Sec. 2920A. Cultural competence training for healthcare professionals.
- Sec. 302. Health Careers Opportunity Program.
- Sec. 303. Program of excellence in health professions education for underrepresented minorities.
- Sec. 304. Hispanic-serving health professions schools.
- “Sec. 742. Hispanic-serving health professions schools.
- Sec. 305. Health professions student loan fund; authorizations of appropriations regarding students from disadvantaged backgrounds.
- Sec. 306. National Health Service Corps; recruitment and fellowships for individuals from disadvantaged backgrounds.
- Sec. 307. Loan repayment program of Centers for Disease Control and Prevention.
- Sec. 308. Cooperative agreements for online degree programs at schools of public health and schools of allied health.
- “Sec. 743. Cooperative agreements for online degree programs.
- Sec. 309. Mid-career health professions scholarship program.
- “Sec. 744. Mid-career health professions scholarship program.
- Sec. 310. Strengthening and expanding rural health provider networks.
- Sec. 311. National report on the preparedness of health professionals to care for diverse populations.
- Sec. 312. Scholarship and fellowship programs.
- “Sec. 2920B. David Satcher Public Health and Health Services Corps.
- “Sec. 2920C. Louis Stokes Public Health Scholars Program.
- “Sec. 2920D. Patsy Mink Health and Gender Research Fellowship Program.
- “Sec. 2920E. Paul David Wellstone International Health Fellowship Program.
- “Sec. 2920F. Edward R. Roybal Healthcare Scholar Program.
- Sec. 313. Advisory committee on health professions training for diversity.
- Sec. 314. Menair postbaccalaureate achievement program.

#### TITLE IV—REDUCING DISEASE AND DISEASE-RELATED COMPLICATIONS

##### Subtitle A—Education and Outreach

- Sec. 401. Preventive health services block grants; use of allotments.
- Sec. 402. Indigenous, racial, and ethnic approaches to community health.
- Sec. 403. Grants to promote positive health behaviors in women.
- “Sec. 399O. Grants to promote positive health behaviors in women.
- Sec. 404. Provisions regarding national asthma education and prevention program of National Heart, Lung, and Blood Institute.
- Sec. 405. Asthma-related activities of Centers for Disease Control and Prevention.
- Sec. 406. Grants for community outreach regarding asthma information, education, and services.
- Sec. 407. Action plans of local educational agencies regarding asthma.
- Sec. 408. Programs of centers for disease control and prevention.
- “Sec. 317H. Diabetes in children and youth.
- Sec. 409. Research with respect to uterine fibroids.
- Sec. 410. Information and education with respect to uterine fibroids.

Subtitle B—Research and Training

- Sec. 431. Innovative chronic disease management programs.  
 Sec. 432. Research funding for autoimmune disease in minority populations.  
 “Sec. 490E–1. Research funding for autoimmune disease in minority populations.  
 Sec. 433. Research on effective messages for combatting stigma.  
 Sec. 434. Fetal Alcohol Syndrome.

“CHAPTER 2—FETAL ALCOHOL SYNDROME TREATMENT AND DIAGNOSIS

- “Sec. 2922. Fetal Alcohol Syndrome.

Subtitle C—Innovative Treatment Modalities and Services Delivery Models

- Sec. 441. Guidelines for disease screening for minority patients.  
 Sec. 442. Cancer reduction.

“Subtitle B—Reducing Disease and Disease-Related Complications

“CHAPTER 1—CANCER REDUCTION

- “Sec. 2921. Cancer prevention and treatment for underserved minority or other populations.  
 Sec. 443. Monitoring the quality of and disparities in diabetes care.  
 “Sec. 904. Areas of special emphasis.  
 Sec. 444. Diabetes prevention, treatment, and control.  
 Sec. 445. Genetics of diabetes.  
 “Sec. 430A. Genetics of diabetes.  
 Sec. 446. Research and training on diabetes in underserved and minority populations.  
 “Sec. 434B. Research on diabetes in underserved and minority populations.  
 Sec. 447. Authorization of appropriations.  
 “Sec. 434C. Authorization of appropriations.  
 Sec. 448. Prevention and control of sexually transmitted diseases.  
 Sec. 449. Model community diabetes and chronic disease care and prevention among Pacific Islanders and Native Hawaiians.  
 “Sec. 399P. Model community diabetes and chronic disease care and prevention among Pacific Islanders and Native Hawaiians.  
 Sec. 450. Grants to improve the provision of dental services under medicaid and SCHIP.  
 “Sec. 511. Grants to improve the provision of dental services under medicaid and SCHIP.  
 Sec. 451. State option to provide wrap-around SCHIP coverage to children who have other health coverage.  
 Sec. 452. Grants to improve the provision of dental health services through community health centers and public health departments.  
 “Sec. 329. Grant program to expand the availability of services.  
 Sec. 453. Priority substance abuse treatment needs of regional and national significance.

Subtitle D—Studies, Reports, and Plans

- Sec. 461. IOM study request.  
 Sec. 462. Strategic plan.  
 Sec. 463. Advisory council for the elimination of tuberculosis.

- Sec. 464. National program for tuberculosis elimination.  
 Sec. 465. Inclusion of inpatient hospital services for the treatment of tb-infected individuals.

#### Subtitle E—Miscellaneous Provisions

- Sec. 471. Health empowerment zones.  
 Sec. 472. Overweight and obesity prevention and treatment.  
 Sec. 473. Border health grants.  
 Sec. 474. United States-Mexico Border Health Commission Act amendments.  
 “Sec. 9. Authorization of appropriations.  
 Sec. 475. Prevention and control of injuries.

### TITLE V—DATA COLLECTION AND REPORTING

- Sec. 501. Amendment to the Public Health Service Act.

#### “Subtitle C—Strengthening Data Collection, Improving Data Analysis, and Expanding Data Reporting

- “Sec. 2931. Data on race, ethnicity, and primary language.  
 “Sec. 2932. Provisions relating to Native Americans.  
 Sec. 502. Collection of race and ethnicity data by the Social Security Administration.  
 “Sec. 1150A. Collection of race and ethnicity data by the Social Security Administration.  
 Sec. 503. Revision of HIPAA claims standards.  
 Sec. 504. National Center for Health Statistics.  
 Sec. 505. Geo-access study.

### TITLE VI—ACCOUNTABILITY

#### Subtitle A—General Provisions

- Sec. 601. Report on workforce diversity.  
 Sec. 602. Federal agency plan to eliminate disparities and improve the health of minority populations.  
 Sec. 603. Accountability within the Department of Health and Human Services.

#### “Subtitle D—Strengthening Accountability

- “Sec. 2941. Elevation of the Office of Civil Rights.  
 “Sec. 2942. Establishment of health program offices for civil rights within Federal health and human services agencies.  
 Sec. 604. Office of Minority Health.  
 Sec. 605. Establishment of the Indian Health Service as an agency of the Public Health Service.  
 Sec. 606. Establishment of individual offices of minority health within agencies of Public Health Service.  
 Sec. 607. Office of Minority Health at the Centers for Medicare and Medicaid Services.  
 Sec. 608. Office of Minority Affairs at the Food and Drug Administration.  
 “Sec. 908. Office of minority affairs.  
 Sec. 609. Safety and effectiveness of drugs with respect to racial and ethnic background.  
 “Sec. 505C. Safety and effectiveness of drugs with respect to racial and ethnic background.  
 Sec. 610. United States Commission on Civil Rights.

Sec. 610A. Sense of Congress concerning full funding of activities to eliminate racial and ethnic health disparities.

Subtitle B—Minority Health and Genomics Commission

Sec. 611. Short title.  
 Sec. 612. Minority Health and Genomics Commission.  
 Sec. 613. Report.  
 Sec. 614. Membership.  
 Sec. 615. Powers of Commission.  
 Sec. 616. Termination.

Subtitle C—Improving Environmental Justice

Sec. 621. Definitions.  
 Sec. 622. Environmental justice responsibilities of Federal agencies.  
 Sec. 623. Interagency environmental justice working group.  
 Sec. 624. Federal agency strategies.  
 Sec. 625. Federal environmental justice advisory committee.  
 Sec. 626. Human health and environmental research, data collection and analysis.

TITLE VII—STRENGTHENING HEALTH INSTITUTIONS THAT PROVIDE HEALTHCARE TO MINORITY POPULATIONS

Subtitle A—General Provisions

Sec. 701. Amendment to the Public Health Service Act.

“Subtitle E—Strengthening Health Institutions That Provide Healthcare to Minority Populations

“CHAPTER 1—GENERAL PROGRAMS

“Sec. 2951. Grant support for quality improvement initiatives.  
 “Sec. 2951A. Centers of excellence.  
 “Sec. 2951B. Consultation, construction and renovation of American Indian and Alaska Native facilities; reports.  
 “Sec. 2951C. Reconstruction and improvement grants for public health care facilities serving pacific islanders and the insular areas.

“CHAPTER 2—NATIONAL HEALTH SAFETY NET INFRASTRUCTURE

“SUBCHAPTER A—GENERAL PROVISIONS

“Sec. 2952. Payments to healthcare facilities.  
 “Sec. 2952A. Application for assistance.  
 “Sec. 2952B. Public service responsibilities.  
 “Sec. 2952C. Health Safety Net Infrastructure Trust Fund.  
 “Sec. 2952D. Administration.

“SUBCHAPTER B—LOAN GUARANTEES

“Sec. 2953. Provision of loan guarantees to safety net healthcare facilities.  
 “Sec. 2953A. Eligible loans.  
 “Sec. 2953B. Guarantee allotments.  
 “Sec. 2953C. Terms and conditions of loan guarantees.  
 “Sec. 2953D. Premiums for loan guarantees.

“Sec. 2953E. Procedures in the event of loan default.

“SUBCHAPTER C—GRANTS FOR URGENT CAPITAL NEEDS

“Sec. 2956. Provision of grants.

“Sec. 2956A. Eligible projects.

Sec. 702. Establishment of Alejandro Garcia National Center for Social Work Research.

“PART J—ALEJANDRO GARCIA NATIONAL CENTER FOR SOCIAL WORK RESEARCH

“Sec. 597. Purpose of center.

“Sec. 597A. Specific authorities.

“Sec. 597B. Advisory council.

“Sec. 597C. Biennial report.

“Sec. 597D. Quarterly report.

“Sec. 597E. Authorization of appropriations.

Sec. 703. Annie Dodge Wauneka and Susan Laflesche-Picotte Native American Health and Wellness Foundation.

“TITLE VIII—ANNIE DODGE WAUNEKA AND SUSAN LAFLESCHE-PICOTTE NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

“Sec. 801. Definitions.

“Sec. 802. Annie Dodge Wauneka and Susan Laflesche-Picotte Native American Health and Wellness Foundation.

“Sec. 803. Administrative services and support.

Subtitle B—Rural and Underserved Urban America Telehealth Programs

Sec. 711. Increasing types of originating telehealth sites and facilitating the provision of telehealth services across State lines.

Sec. 712. Strengthening telehealth services in rural and underserved urban America.

“Sec. 330M. Integrative eldercare telehealth demonstration project.

“Sec. 330N. American Indian and Alaska Native telehealth demonstration project.

“Sec. 330O. Oral health telehealth demonstration project.

Sec. 713. Joint working group on telehealth.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Definitions.

Sec. 802. Davis-Bacon Act.

**1 SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) Despite significant advances in public  
5 health and health care, the health status of racial

1 and ethnic minority populations continues to lag be-  
2 hind that of the white population.

3 (2) The United States is becoming increasingly  
4 diverse. According to the 2000 United States Cen-  
5 sus, African Americans, American Indians and Alas-  
6 ka Natives, Asians, Hispanics, and Native Hawai-  
7 ians and other Pacific Islanders comprise 30 percent  
8 of the United States population. Racial and ethnic  
9 minorities are expected to comprise 40 percent of  
10 the United States population by 2030.

11 (3) To improve the health care of racial and  
12 ethnic minorities and to reduce and eliminate dis-  
13 parities in health care and health outcomes, the fol-  
14 lowing issues must be addressed:

15 (A) NEED FOR INSURANCE COVERAGE.—

16 (i) Disparities in health status can be  
17 attributed largely to underlying differences  
18 in socioeconomic status and insurance cov-  
19 erage. Minorities are at a greater risk of  
20 being uninsured than their white counter-  
21 parts. Lack of health insurance has con-  
22 sistently been associated with worse health  
23 outcomes.

24 (ii) Even after adjusting for dif-  
25 ferences in socioeconomic and insurance

1 status, however, racial and ethnic health  
2 and health care disparities remain.

3 (iii) Through treaties and Federal  
4 statutes, the Federal Government has es-  
5 tablished a trust responsibility to provide  
6 health care to American Indians and Alas-  
7 ka Natives. In the Indian Health Amend-  
8 ments of 1992, Congress specifically  
9 pledged to “assure the highest possible  
10 health status for Indians and urban Indi-  
11 ans and to provide all resources necessary  
12 to effect that policy.” Despite those com-  
13 mitments, the unmet health needs of  
14 American Indians and Alaska Natives re-  
15 main alarmingly severe and their health  
16 status is far below the health status of the  
17 general population of the United States.  
18 The critical shortfall of funding for the In-  
19 dian Health Service is a major source of  
20 this problem.

21 (iv) At least 26,000,000 children in  
22 the United States lack dental coverage.  
23 These children include many from “work-  
24 ing poor families” who cannot access  
25 SCHIP because they have some medical

1 coverage. White children are 1.7 times  
2 more likely to have private dental coverage  
3 than non-white children.

4 (v) As few as 7 States continue to  
5 provide reasonably comprehensive dental  
6 care to poor adults through Medicaid.  
7 About half the States provide no dental  
8 coverage or provide emergency services  
9 only.

10 (B) NEED FOR CULTURALLY AND LINGUIS-  
11 TICALLY APPROPRIATE CARE.—

12 (i) Limited English proficiency ad-  
13 versely affects the care of many racial and  
14 ethnic minority patients. The lack of avail-  
15 able interpretation and translation services  
16 or bilingual providers contributes to racial  
17 and ethnic disparities in health and health  
18 care. The Federal Government provides  
19 and funds an array of services that should  
20 be made accessible to eligible persons who  
21 are not proficient in the English language.

22 (ii) Title VI of the Civil Rights Act of  
23 1964 (42 U.S.C. 2000d et seq.) prohibits  
24 discrimination on the basis of race, color,  
25 and national origin in programs and activi-

1 ties receiving Federal financial assistance.  
2 Discrimination on the basis of primary lan-  
3 guage has consistently been interpreted as  
4 discrimination on the basis of national ori-  
5 gin.

6 (iii) The provision of effective lan-  
7 guage services has been shown to improve  
8 care for limited English proficient (re-  
9 ferred to in this section as “LEP”) pa-  
10 tients by increasing patient satisfaction,  
11 access to care, compliance with rec-  
12 ommended medical advice, and appropriate  
13 utilization.

14 (iv) A 2002 study by the Office of  
15 Management and Budget found that lan-  
16 guage assistance services can substantially  
17 improve the health and quality of life of  
18 LEP individuals and their families, in-  
19 crease the efficiency of distribution of gov-  
20 ernment services to LEP individuals, and  
21 measurably increase the effectiveness of  
22 public health and safety programs.

23 (v) The same study estimated that  
24 language translation services would only

1 increase the cost of the average health care  
2 visit by less than one percent.

3 (vi) Increasing racial and ethnic diver-  
4 sity among health professionals is vitally  
5 important because evidence indicates that  
6 diversity is associated with improved access  
7 to care for racial and ethnic minority pa-  
8 tients, greater patient satisfaction, and  
9 better educational experiences for health  
10 profession students, among many other  
11 benefits.

12 (C) NEED FOR HEALTH WORKFORCE DI-  
13 VERSITY.—

14 (i) Research has demonstrated that  
15 minority health professionals dramatically  
16 increase access to care for minority pa-  
17 tients and improve the quality of care that  
18 they receive. African Americans, American  
19 Indians and Alaska Natives, Hispanics,  
20 Native Hawaiians and other Pacific Island-  
21 ers, and Southeast Asians are significantly  
22 underrepresented in the health professions,  
23 exacerbating health disparities.

24 (ii) Minority physicians are more like-  
25 ly than white physicians to serve minority

1 populations. Nearly 40 percent of all mi-  
2 nority medical school graduates will prac-  
3 tice medicine in underserved areas, com-  
4 pared to 10 percent of their white col-  
5 leagues.

6 (iii) Minorities often report experi-  
7 ences with discrimination when seeking  
8 health care.

9 (iv) There is substantial evidence to  
10 demonstrate that race concordance be-  
11 tween physicians and patients increases  
12 patient satisfaction and participation in  
13 health decisionmaking.

14 (v) Minority health care providers can  
15 bridge linguistic, cultural, and other bar-  
16 riers that hamper access to care.

17 (vi) African Americans, Hispanics,  
18 and American Indians remain severely  
19 underrepresented in health professions  
20 schools. African Americans and Hispanics  
21 constitute 20 percent and 16 percent, re-  
22 spectively, of the students in public health  
23 and baccalaureate nursing programs, and  
24 less than 15 percent of students in all  
25 other health professions.

1 (vii) The number of minorities enroll-  
2 ing in health professional schools has re-  
3 mained stagnant. For example, in 1994,  
4 1,307 African American and 1,090 His-  
5 panic students enrolled in American med-  
6 ical colleges. In 2000, the figures were es-  
7 sentially unchanged at 1,307 African  
8 American and 1,033 Hispanic students.

9 (viii) While the need for a racially and  
10 ethnically diverse workforce is clear, the  
11 practitioners, faculty, and students of the  
12 fields of nursing, medicine, dentistry, psy-  
13 chology, social work, behavioral science,  
14 and health education have yet to reflect the  
15 diversity of the Nation.

16 (ix) In 2003, only 2 percent of prac-  
17 ticing dentists and 3 percent of dental hy-  
18 gienists were African-American, and only 4  
19 percent of practicing dentists and 1 per-  
20 cent of hygienists were Hispanic.

21 (x) Underrepresented minority re-  
22 cruitment into dental education is a seri-  
23 ous problem. In 2003, the first-year en-  
24 rollment of underrepresented minority stu-  
25 dents in dental school was only 11.6 per-

1 cent of the total first year enrollment. In  
2 1990, the percentage of underrepresented  
3 minority students in the first year class  
4 was 13.8 percent of the total first year en-  
5 rollment.

6 (xi) Given the fact that the patients of  
7 Black dentists are 61.8 percent black and  
8 the patients of Hispanic dentists are 45.4  
9 percent Hispanic, increasing minority en-  
10 rollment is an immediate and practical ap-  
11 proach to addressing the problem. Only  
12 10.5 percent of Black patients are seen by  
13 white dentists.

14 (D) NEED FOR REDUCTION OF DISEASE  
15 OCCURRENCE AND DISEASE-RELATED COM-  
16 PPLICATIONS AMONG MINORITIES.—

17 (i) Despite notable progress in the  
18 overall health of the Nation, there are con-  
19 tinuing disparities in the burden of illness  
20 and death experienced by minorities com-  
21 pared to the United States population as a  
22 whole. Minority populations are dispropor-  
23 tionately impacted by acute and chronic  
24 diseases.

1           (ii) In 2000, 6 of the 10 leading  
2 causes of death for all age groups in this  
3 country were behaviorally based. In addi-  
4 tion, many modifiable behavioral factors  
5 are now known to increase an individual's  
6 risk for disease and physical disability, rep-  
7 resenting the largest amount of prevent-  
8 able healthcare expenses.

9           (iii) Despite suffering a greater bur-  
10 den of acute and chronic disease, minori-  
11 ties are less likely to receive needed health  
12 care. Numerous studies have documented  
13 that minorities receive less preventive care,  
14 medical therapy, and surgical interven-  
15 tions.

16           (iv) Culturally appropriate, commu-  
17 nity-driven programs are essential to elimi-  
18 nating health disparities. To be successful,  
19 these programs need to be based on sound  
20 prevention research and supported by new  
21 and innovative partnerships among govern-  
22 ments, businesses, faith-based organiza-  
23 tions, and communities.

24           (v) Parents reported seeking care for  
25 relief of their child's pain for 10 percent of

1 white children, 16 percent of Black chil-  
2 dren, and 17 percent of Hispanic children.  
3 Parents of American Indian and Alaska  
4 Native schoolchildren report that one third  
5 miss school because of dental pain each  
6 year. They also report that 1 in 4 avoid  
7 laughing or smiling and 1 in 5 avoid meet-  
8 ing other people because of the way their  
9 teeth look.

10 (vi) Five-year survival statistics for  
11 Blacks are poorer at 33 percent versus 55  
12 percent for whites.

13 (vii) Hispanic adults are twice as like-  
14 ly, Black adults 3 times as likely, and  
15 Asian adults 4 times as likely as whites to  
16 report missed work or missed school be-  
17 cause of a dental problem.

18 (E) NEED FOR MINORITY HEALTH DATA  
19 COLLECTION AND REPORTING.—

20 (i) Efforts to study disparities in  
21 health and health care for minorities have  
22 been hampered by the lack of available  
23 data on race, ethnicity, and primary lan-  
24 guage.

1           (ii) Data collection, analysis, and re-  
2           porting by race, ethnicity, and primary lan-  
3           guage is permissible under the law and  
4           necessary to assure equity and non-  
5           discrimination in the quality of health care  
6           services. Collection, analysis, and reporting  
7           of such data is authorized under Title VI  
8           of the Civil Rights Act of 1964 (42 U.S.C.  
9           2000d et seq.). Such collection, analysis,  
10          and reporting should be conducted with ap-  
11          propriate privacy protections in place.

12          (F) NEED FOR GREATER ACCOUNTABILITY  
13          IN GOVERNMENT INSTITUTIONS.—A number of  
14          studies have shown that differences in health  
15          care quality contribute to health disparities  
16          among minority populations. These differences  
17          may result from bias, stereotyping, and dis-  
18          crimination. Government institutions must be  
19          held accountable for the quality of health care  
20          delivered to all patient populations and result-  
21          ant health outcomes.

22          (G) NEED FOR EQUITABLE SOCIO-  
23          ECONOMIC POLICIES.—Literature suggests that  
24          equitable socioeconomic policies are needed to  
25          improve the health status of racial and ethnic

1 minorities and economically disadvantaged pop-  
2 ulations.

3 (H) NEED FOR STRENGTHENING HEALTH  
4 INSTITUTIONS THAT PROVIDE CARE TO MINOR-  
5 ITY POPULATIONS.—

6 (i) A small segment of health care in-  
7 stitutions provide a disproportionate  
8 amount of health care to minority popu-  
9 lations.

10 (ii) Safety net institutions, including  
11 public hospitals, community health centers  
12 and community clinics, provide a dis-  
13 proportionate share of health care to mi-  
14 nority and underserved populations.

15 (iii) Financial stress, negative oper-  
16 ating margins, and the overall burden of  
17 caring for the uninsured and delivering  
18 high-cost specialty care to the entire com-  
19 munity place undue pressure on core safety  
20 net providers. These providers are increas-  
21 ingly challenged in their ability to meet the  
22 day-to-day needs of their patients.

23 (b) PURPOSES.—It is the purpose of this Act to im-  
24 prove the health and healthcare of minority populations

1 and to eliminate racial and ethnic disparities in health and  
 2 healthcare by—

3 (1) increasing access to health care for all pop-  
 4 ulations;

5 (2) expanding culturally and linguistically ap-  
 6 propriate health services for all populations;

7 (3) promoting health workforce diversity;

8 (4) supporting and expanding programs and ac-  
 9 tivities that will improve the prevention, diagnosis,  
 10 and management of disease in minority populations;

11 (5) enhancing racial, ethnic, and primary lan-  
 12 guage health data collection at the local, State, and  
 13 Federal level;

14 (6) ensuring accountability for the quality of  
 15 health care and health outcomes for minority popu-  
 16 lations; and

17 (7) strengthening the technical and financial re-  
 18 sources of the safety net institutions of the United  
 19 States.

20 **TITLE I—COVERAGE OF THE**  
 21 **UNINSURED**

22 **Subtitle A—FamilyCare**

23 **SEC. 101. SHORT TITLE.**

24 This subtitle may be cited as the “FamilyCare Act  
 25 of 2005”.

1 **SEC. 102. RENAMING OF TITLE XXI PROGRAM.**

2 (a) IN GENERAL.—The heading of title XXI of the  
3 Social Security Act (42 U.S.C. 1397aa et seq.) is amended  
4 to read as follows:

5 **“TITLE XXI—FAMILYCARE**  
6 **PROGRAM”.**

7 (b) PROGRAM REFERENCES.—Any reference in any  
8 provision of Federal law or regulation to “SCHIP” or  
9 “State children’s health insurance program” under title  
10 XXI of the Social Security Act shall be deemed a reference  
11 to the FamilyCare program under such title.

12 **SEC. 103. FAMILYCARE COVERAGE OF PARENTS UNDER**  
13 **THE MEDICAID PROGRAM AND TITLE XXI.**

14 (a) INCENTIVES TO IMPLEMENT FAMILYCARE COV-  
15 ERAGE.—

16 (1) UNDER MEDICAID.—

17 (A) ESTABLISHMENT OF NEW OPTIONAL  
18 ELIGIBILITY CATEGORY.—Section 1902(a)(10)  
19 (A)(ii) of the Social Security Act (42 U.S.C.  
20 1396a(a)(10)(A)(ii)) is amended—

21 (i) by striking “or” at the end of sub-  
22 clause (XVII);

23 (ii) by adding “or” at the end of sub-  
24 clause (XVIII); and

25 (iii) by adding at the end the fol-  
26 lowing:

1                   “(XIX) who are individuals de-  
2                   scribed in subsection (k)(1) (relating  
3                   to parents of categorically eligible chil-  
4                   dren);”.

5                   (B) PARENTS DESCRIBED.—Section 1902  
6                   of the Social Security Act is further amended  
7                   by inserting after subsection (j) the following:

8                   “(k)(1)(A) Individuals described in this paragraph  
9 are individuals—

10                   “(i) who are the parents of an individual who  
11                   is under 19 years of age (or such higher age as the  
12                   State may have elected under section 1902(l)(1)(D))  
13                   and who is eligible for medical assistance under sub-  
14                   section (a)(10)(A);

15                   “(ii) who are not otherwise eligible for medical  
16                   assistance under such subsection or under a waiver  
17                   approved under section 1115 or otherwise (except  
18                   under section 1931 or under subsection  
19                   (a)(10)(A)(ii)(XIX)); and

20                   “(iii) whose family income or resources exceeds  
21                   the effective income level or resource level applicable  
22                   under the State plan under part A of title IV as in  
23                   effect as of July 16, 1996, but does not exceed the  
24                   highest effective income or resource level (if any) ap-  
25                   plicable to a child in the family under this title.

1       “(B) In establishing an income eligibility level for in-  
2       dividuals described in this paragraph, a State may vary  
3       such level consistent with the various income levels estab-  
4       lished under subsection (1)(2) in order to ensure, to the  
5       maximum extent possible, that such individuals shall be  
6       enrolled in the same program as their children.

7       “(C) An individual may not be treated as being de-  
8       scribed in this paragraph unless, at the time of the individ-  
9       ual’s enrollment under this title, the child referred to in  
10      subparagraph (A)(i) of the individual is also enrolled  
11      under this title or otherwise insured.

12      “(D) In this subsection, the term ‘parent’ includes  
13      an individual treated as a caretaker for purposes of car-  
14      rying out section 1931.

15      “(E) In this subsection, the term ‘effective income  
16      level’ means the income level expressed as a percent of  
17      the poverty line and considering applicable income dis-  
18      regards.

19      “(2) The State shall provide for coverage of a parent  
20      described in paragraph (1) or section 2111 of a child who  
21      is covered under this title or title XXI under the same  
22      title as the title as such child is covered. In the case of  
23      a parent described in paragraph (1) who is also the parent  
24      of a child who is eligible for child health assistance under  
25      title XXI, the State may elect (on a uniform basis) to

1 cover all such parents under section 2111 or under this  
2 title.”.

3 (C) ENHANCED MATCHING FUNDS AVAIL-  
4 ABLE IF CERTAIN CONDITIONS MET.—Section  
5 1905 of the Social Security Act (42 U.S.C.  
6 1396d) is amended—

7 (i) in the fourth sentence of sub-  
8 section (b), by striking “or subsection  
9 (u)(3)” and inserting “, (u)(3), or (u)(4)”;  
10 and

11 (ii) in subsection (u)—

12 (I) by redesignating paragraph  
13 (4) as paragraph (6), and

14 (II) by inserting after paragraph  
15 (3) the following:

16 “(4) For purposes of subsection (b) and section  
17 2105(a)(1):

18 “(A) FAMILYCARE PARENTS.—The expendi-  
19 tures described in this subparagraph are the expendi-  
20 tures described in the following clauses (i) and (ii):

21 “(i) PARENTS.—If the conditions described  
22 in clauses (iii) and (iv) are met, expenditures  
23 for medical assistance for parents described in  
24 section 1902(k)(1) and for parents who would  
25 be described in such section but for the fact

1 that they are eligible for medical assistance  
2 under section 1931 or under a waiver approved  
3 under section 1115.

4 “(ii) CERTAIN PREGNANT WOMEN.—If the  
5 conditions described in clause (v) are met, ex-  
6 penditures for medical assistance for pregnant  
7 women described in subsection (n) or under sec-  
8 tion 1902(l)(1)(A) in a family the income of  
9 which exceeds the effective income level applica-  
10 ble under subsection (a)(10)(A)(i)(III) or  
11 (l)(2)(A) of section 1902 to a family of the size  
12 involved as of January 1, 2006.

13 “(iii) CONDITIONS RELATING TO ENSURING  
14 CHILDREN’S COVERAGE FOR ENHANCED MATCH  
15 FOR PARENTS.—The conditions described in  
16 this clause are the following:

17 “(I) The State has a State child  
18 health plan under title XXI which (wheth-  
19 er implemented under such title or under  
20 this title) has an effective income level for  
21 children that is at least 200 percent of the  
22 poverty line.

23 “(II) Such State child health plan  
24 does not limit the acceptance of applica-  
25 tions, does not use a waiting list for chil-

1           dren who meet eligibility standards to  
2           qualify for assistance, and provides bene-  
3           fits to all children in the State who apply  
4           for and meet eligibility standards.

5           “(III) Effective for determinations of  
6           eligibility made on or after the date that is  
7           1 year after the date of the enactment of  
8           this clause, the application and renewal  
9           procedures for individuals under 19 years  
10          of age (or such higher age as the State has  
11          elected under section 1902(l)(1)(D)) for  
12          medical assistance under section  
13          1902(a)(10)(A) are not be more restrictive  
14          or burdensome than such procedures used  
15          for children with higher income under the  
16          State child health plan under title XXI.

17          “(iv) CONDITIONS RELATING TO MINIMUM  
18          COVERAGE FOR PARENTS FOR ENHANCED  
19          MATCH FOR PARENTS.—The conditions de-  
20          scribed in this clause are the following:

21                 “(I) The State does not apply an in-  
22                 come level for parents that is lower than  
23                 the effective income level (expressed as a  
24                 percent of the poverty line) that has been  
25                 specified under the State plan under title

1 XIX (including under a waiver authorized  
2 by the Secretary or under section  
3 1902(r)(2)), as of January 1, 2006, to be  
4 eligible for medical assistance as a parent  
5 under this title.

6 “(II) The State plans under this title  
7 and title XXI do not provide coverage for  
8 parents with higher family income without  
9 covering parents with a lower family in-  
10 come.

11 “(v) CONDITIONS FOR ENHANCED MATCH  
12 FOR CERTAIN PREGNANT WOMEN.—The condi-  
13 tions described in this clause are the following:

14 “(I) The State has established an ef-  
15 fective income eligibility level for pregnant  
16 women under subsection (a)(10)(A)(i)(III)  
17 or (l)(2)(A) of section 1902 that is at least  
18 185 percent of the poverty line.

19 “(II) The State plans under this title  
20 and title XXI do not provide coverage for  
21 pregnant women described in subpara-  
22 graph (A)(ii) with higher family income  
23 without covering such pregnant women  
24 with a lower family income.

1           “(III) The State does not apply an in-  
 2           come level for pregnant women that is  
 3           lower than the effective income level that  
 4           has been specified under the State plan  
 5           under subsection (a)(10)(A)(i)(III) or  
 6           (l)(2)(A) of section 1902, as of January 1,  
 7           2006, to be eligible for medical assistance  
 8           as a pregnant woman.

9           “(IV) The State satisfies the condi-  
 10          tions described in subclauses (I) and (II)  
 11          of clause (iii).

12          “(vi) DEFINITIONS.—For purposes of this  
 13          subsection:

14               “(I) The term ‘parent’ has the mean-  
 15               ing given such term for purposes of section  
 16               1902(k)(1).

17               “(II) The term ‘poverty line’ has the  
 18               meaning given such term in section  
 19               2110(c)(5).”.

20          (D) APPROPRIATION FROM TITLE XXI AL-  
 21          LOTMENT FOR CERTAIN MEDICAID EXPANSION  
 22          COSTS.—Section 2105(a) of the Social Security  
 23          Act (42 U.S.C. 1397ee(a)) is amended—

24               (i) in paragraph (1), by redesignating  
 25               subparagraphs (B) through (D) as sub-

1 paragraphs (C) through (E), respectively,  
 2 and by inserting after subparagraph (A)  
 3 the following new subparagraph:

4 “(B) for medical assistance that is attrib-  
 5 utable to expenditures described in section  
 6 1905(u)(4)(A);”; and

7 (ii) in paragraph (2), by adding at the  
 8 end the following new subparagraph:

9 “(E) Fifth, for expenditures for items de-  
 10 scribed in paragraph (1)(E).”.

11 (2) UNDER TITLE XXI.—

12 (A) FAMILYCARE COVERAGE.—Title XXI  
 13 of the Social Security Act (42 U.S.C. 1397aa et  
 14 seq.) is amended by adding at the end the fol-  
 15 lowing:

16 **“SEC. 2111. OPTIONAL FAMILYCARE COVERAGE OF PAR-**  
 17 **ENTS OF TARGETED LOW-INCOME CHILDREN.**

18 “(a) OPTIONAL COVERAGE.—Notwithstanding any  
 19 other provision of this title, a State may provide for cov-  
 20 erage, through an amendment to its State child health  
 21 plan under section 2102, of parent health assistance for  
 22 targeted low-income parents, health care assistance for  
 23 targeted low-income pregnant women, or both, in accord-  
 24 ance with this section, but only if—

1           “(1) with respect to the provision of parent  
2 health assistance, the State meets the conditions de-  
3 scribed in clause (iii) of section 1905(u)(4)(A);

4           “(2) with respect to the provision of health care  
5 assistance for pregnant women, the State meets the  
6 conditions described in clause (iv) of section  
7 1905(u)(4)(A); and

8           “(3) in the case of parent health assistance for  
9 targeted low-income parents, the State elects to pro-  
10 vide medical assistance under section  
11 1902(a)(10)(A)(ii)(XIX), under section 1931, or  
12 under a waiver under section 1115 to individuals de-  
13 scribed in section 1902(k)(1)(A)(i) and elects an ef-  
14 fective income level that, consistent with paragraphs  
15 (1)(B) and (2) of section 1902(k), ensures to the  
16 maximum extent possible, that such individuals shall  
17 be enrolled in the same program as their children if  
18 their children are eligible for coverage under title  
19 XIX (including under a waiver authorized by the  
20 Secretary or under section 1902(r)(2)).

21           “(b) DEFINITIONS.—For purposes of this title:

22           “(1) PARENT HEALTH ASSISTANCE.—The term  
23 ‘parent health assistance’ has the meaning given the  
24 term child health assistance in section 2110(a) as if

1 any reference to targeted low-income children were  
2 a reference to targeted low-income parents.

3 “(2) PARENT.—The term ‘parent’ has the  
4 meaning given the term ‘caretaker relative’ for pur-  
5 poses of carrying out section 1931.

6 “(3) HEALTH CARE ASSISTANCE FOR PREG-  
7 NANT WOMEN.—The term ‘health care assistance for  
8 pregnant women’ has the meaning given the term  
9 child health assistance in section 2110(a) as if any  
10 reference to targeted low-income children were a ref-  
11 erence to targeted low-income pregnant women.

12 “(4) TARGETED LOW-INCOME PARENT.—The  
13 term ‘targeted low-income parent’ has the meaning  
14 given the term targeted low-income child in section  
15 2110(b) as if the reference to a child were deemed  
16 a reference to a parent (as defined in paragraph (3))  
17 of the child; except that in applying such section—

18 “(A) there shall be substituted for the in-  
19 come level described in paragraph (1)(B)(ii)(I)  
20 the applicable income level in effect for a tar-  
21 geted low-income child;

22 “(B) in paragraph (3), January 1, 2006,  
23 shall be substituted for July 1, 1997; and

24 “(C) in paragraph (4), January 1, 2006,  
25 shall be substituted for March 31, 1997.

1           “(5) TARGETED LOW-INCOME PREGNANT  
 2 WOMAN.—The term ‘targeted low-income pregnant  
 3 woman’ has the meaning given the term targeted  
 4 low-income child in section 2110(b) as if any ref-  
 5 erence to a child were a reference to a woman dur-  
 6 ing pregnancy and through the end of the month in  
 7 which the 60-day period beginning on the last day  
 8 of her pregnancy ends; except that in applying such  
 9 section—

10                   “(A) there shall be substituted for the in-  
 11 come level described in paragraph (1)(B)(ii)(I)  
 12 the applicable income level in effect for a tar-  
 13 geted low-income child;

14                   “(B) in paragraph (3), January 1, 2006,  
 15 shall be substituted for July 1, 1997; and

16                   “(C) in paragraph (4), January 1, 2006,  
 17 shall be substituted for March 31, 1997.

18           “(c) REFERENCES TO TERMS AND SPECIAL  
 19 RULES.—In the case of, and with respect to, a State pro-  
 20 viding for coverage of parent health assistance to targeted  
 21 low-income parents or health care assistance to targeted  
 22 low-income pregnant women under subsection (a), the fol-  
 23 lowing special rules apply:

24                   “(1) Any reference in this title (other than in  
 25 subsection (b)) to a targeted low-income child is

1 deemed to include a reference to a targeted low-in-  
2 come parent or a targeted low-income pregnant  
3 woman (as applicable).

4 “(2) Any such reference to child health assist-  
5 ance—

6 “(A) with respect to such parents is  
7 deemed a reference to parent health assistance;  
8 and

9 “(B) with respect to such pregnant women,  
10 is deemed a reference to health care assistance  
11 for pregnant women.

12 “(3) In applying section 2103(e)(3)(B) in the  
13 case of a family (consisting of a parent and one or  
14 more children) provided coverage under this section  
15 or a pregnant woman provided coverage under this  
16 section without covering other family members, the  
17 limitation on total annual aggregate cost-sharing  
18 shall be applied to such entire family or such preg-  
19 nant woman, respectively.

20 “(4) In applying section 2110(b)(4), any ref-  
21 erence to ‘section 1902(l)(2) or 1905(n)(2) (as se-  
22 lected by a State)’ is deemed a reference to the ef-  
23 fective income level applicable to parents under sec-  
24 tion 1931 or under a waiver approved under section

1 1115, or, in the case of a pregnant woman, the in-  
 2 come level established under section 1902(1)(2)(A).

3 “(5) In applying section 2102(b)(3)(B), any  
 4 reference to children found through screening to be  
 5 eligible for medical assistance under the State med-  
 6 icaid plan under title XIX is deemed a reference to  
 7 parents and pregnant women.”.

8 (B) ADDITIONAL ALLOTMENT FOR STATES  
 9 PROVIDING FAMILYCARE.—

10 (i) IN GENERAL.—Section 2104 of the  
 11 Social Security Act (42 U.S.C. 1397dd) is  
 12 amended by inserting after subsection (c)  
 13 the following:

14 “(d) ADDITIONAL ALLOTMENTS FOR STATE PRO-  
 15 VIDING FAMILYCARE.—

16 “(1) APPROPRIATION; TOTAL ALLOTMENT.—  
 17 For the purpose of providing additional allotments  
 18 to States to provide FamilyCare coverage under sec-  
 19 tion 2111, there is appropriated, out of any money  
 20 in the Treasury not otherwise appropriated—

21 “(A) for fiscal year 2006, \$2,000,000,000;

22 “(B) for fiscal year 2007, \$2,000,000,000;

23 “(C) for fiscal year 2008, \$3,000,000,000;

24 and

25 “(D) for fiscal year 2009, \$3,000,000,000.

1           “(2) STATE AND TERRITORIAL ALLOTMENTS.—

2                   “(A) IN GENERAL.—In addition to the al-  
3 lotments provided under subsections (b) and  
4 (c), subject to paragraphs (3) and (4), of the  
5 amount available for the additional allotments  
6 under paragraph (1) for a fiscal year, the Sec-  
7 retary shall allot to each State with a State  
8 child health plan approved under this title—

9                   “(i) in the case of such a State other  
10 than a commonwealth or territory de-  
11 scribed in clause (ii), the same proportion  
12 as the proportion of the State’s allotment  
13 under subsection (b) (determined without  
14 regard to subsection (f)) to 98.95 percent  
15 of the total amount of the allotments  
16 under such section for such States eligible  
17 for an allotment under this subparagraph  
18 for such fiscal year; and

19                   “(ii) in the case of a commonwealth or  
20 territory described in subsection (c)(3), the  
21 same proportion as the proportion of the  
22 commonwealth’s or territory’s allotment  
23 under subsection (c) (determined without  
24 regard to subsection (f)) to 1.05 percent of  
25 the total amount of the allotments under

1           such section for commonwealths and terri-  
2           tories eligible for an allotment under this  
3           subparagraph for such fiscal year.

4           “(B) AVAILABILITY AND REDISTRIBUTION  
5           OF UNUSED ALLOTMENTS.—In applying sub-  
6           sections (e) and (f) with respect to additional  
7           allotments made available under this subsection,  
8           the procedures established under such sub-  
9           sections shall ensure such additional allotments  
10          are only made available to States which have  
11          elected to provide coverage under section 2111.

12          “(3) USE OF ADDITIONAL ALLOTMENT.—Addi-  
13          tional allotments provided under this subsection are  
14          not available for amounts expended before October  
15          1, 2007. Such amounts are available for amounts ex-  
16          pended on or after such date for child health assist-  
17          ance for targeted low-income children, as well as for  
18          parent health assistance for targeted low-income  
19          parents, and health care assistance for targeted low-  
20          income pregnant women.

21          “(4) REQUIRING ELECTION TO PROVIDE COV-  
22          ERAGE.—No payments may be made to a State  
23          under this title from an allotment provided under  
24          this subsection unless the State has made an elec-  
25          tion to provide parent health assistance for targeted

1 low-income parents, or health care assistance for  
2 targeted low-income pregnant women.”.

3 (ii) CONFORMING AMENDMENTS.—

4 Section 2104 of the Social Security Act  
5 (42 U.S.C. 1397dd) is amended—

6 (I) in subsection (a), by inserting  
7 “subject to subsection (d),” after  
8 “under this section,”;

9 (II) in subsection (b)(1), by in-  
10 sserting “and subsection (d)” after  
11 “Subject to paragraph (4)”; and

12 (III) in subsection (c)(1), by in-  
13 sserting “subject to subsection (d),”  
14 after “for a fiscal year.”.

15 (C) NO COST-SHARING FOR PREGNANCY-  
16 RELATED BENEFITS.—Section 2103(e)(2) of  
17 the Social Security Act (42 U.S.C.  
18 1397cc(e)(2)) is amended—

19 (i) in the heading, by inserting “**AND**  
20 **PREGNANCY-RELATED SERVICES**” after  
21 “**PREVENTIVE SERVICES**”; and

22 (ii) by inserting before the period at  
23 the end the following: “and for pregnancy-  
24 related services”.

1           (3) EFFECTIVE DATE.—The amendments made  
2           by this subsection apply to items and services fur-  
3           nished on or after October 1, 2007, whether or not  
4           regulations implementing such amendments have  
5           been issued.

6           (b) RULES FOR IMPLEMENTATION BEGINNING WITH  
7 FISCAL YEAR 2007.—

8           (1) EXPANSION OF AVAILABILITY OF EN-  
9           HANCED MATCH UNDER MEDICAID FOR PRE-CHIP  
10          EXPANSIONS.—Paragraph (4) of section 1905(u) of  
11          the Social Security Act (42 U.S.C. 1396d(u)), as in-  
12          serted by subsection (a)(1)(C), is amended—

13                 (A) by amending clause (ii) of subpara-  
14                 graph (A) to read as follows:

15                         “(ii) CERTAIN PREGNANT WOMEN.—Ex-  
16                         penditures for medical assistance for pregnant  
17                         women under section 1902(l)(1)(A) in a family  
18                         the income of which exceeds the 133 percent of  
19                         the income official poverty line, but only if the  
20                         income level established under section  
21                         1902(l)(2) (or under a Statewide waiver under  
22                         section 1115) for pregnant women is 185 per-  
23                         cent of the income official poverty line.”; and

24                         (B) by adding at the end the following:

1           “(B) CHILDREN IN FAMILIES WITH INCOME  
2 ABOVE MEDICAID MANDATORY LEVEL NOT PRE-  
3 VIOUSLY DESCRIBED.—The expenditures described  
4 in this subparagraph are expenditures (other than  
5 expenditures described in paragraph (2) or (3)) for  
6 medical assistance made available to any child who  
7 is eligible for assistance under section  
8 1902(a)(10)(A) (other than under clause (i)) and  
9 the income of whose family exceeds the minimum in-  
10 come level required under subsection 1902(l)(2) (or,  
11 if higher, the minimum level required under section  
12 1931 for that State) for a child of the age involved  
13 (treating any child who is 19 or 20 years of age as  
14 being 18 years of age).”.

15           (2) OFFSET OF ADDITIONAL EXPENDITURES  
16 FOR ENHANCED MATCH FOR PRE-CHIP EXPAN-  
17 SION.—Section 1905 of the Social Security Act (42  
18 U.S.C. 1396d) is amended—

19           (A) in the fourth sentence of subsection  
20 (b), by inserting “(except in the case of expend-  
21 itures described in subsection (u)(5))” after “do  
22 not exceed”;

23           (B) in subsection (u), by inserting after  
24 paragraph (4) (as inserted by subparagraph  
25 (C)), the following:

1       “(5) For purposes of the fourth sentence of sub-  
2 section (b) and section 2105(a), the following payments  
3 under this title do not count against a State’s allotment  
4 under section 2104:

5           “(A) REGULAR FMAP FOR EXPENDITURES FOR  
6 PREGNANT WOMEN WITH INCOME ABOVE 133 PER-  
7 CENT OF POVERTY.—The portion of the payments  
8 made for expenditures described in paragraph  
9 (4)(A)(ii) that represents the amount that would  
10 have been paid if the enhanced FMAP had not been  
11 substituted for the Federal medical assistance per-  
12 centage.

13           “(B) FAMILYCARE PARENTS.—Payments for  
14 expenditures described in paragraph (4)(A)(i).

15           “(C) REGULAR FMAP FOR EXPENDITURES FOR  
16 CERTAIN CHILDREN IN FAMILIES WITH INCOME  
17 ABOVE MEDICAID MANDATORY LEVEL.—The portion  
18 of the payments made for expenditures described in  
19 paragraph (4)(B) that represents the amount that  
20 would have been paid if the enhanced FMAP had  
21 not been substituted for the Federal medical assist-  
22 ance percentage.”.

23           (C) CONFORMING AMENDMENTS.—Sub-  
24 paragraph (B) of section 2105(a)(1) of the So-

1           cial Security Act, as amended by subsection  
2           (a)(1)(D), is amended to read as follows:

3                   “(B) CERTAIN FAMILYCARE PARENTS AND  
4           OTHERS.—Expenditures for medical assistance  
5           that is attributable to expenditures described in  
6           section 1905(u)(4), except as provided in sec-  
7           tion 1905(u)(5).”.

8           (3) EFFECTIVE DATE.—The amendments made  
9           by this subsection apply as of October 1, 2006, to  
10          fiscal years beginning on or after such date and to  
11          expenditures under the State plan on and after such  
12          date, whether or not regulations implementing such  
13          amendments have been issued.

14          (c) GAO STUDY.—

15                  (1) STUDY.—The Comptroller General of the  
16          United States shall conduct a study regarding fund-  
17          ing under title XXI of the Social Security Act that  
18          examines—

19                          (A) the adequacy of overall funding under  
20                          such title;

21                          (B) the formula for determining allotments  
22                          and for redistribution of unspent funds under  
23                          such title; and

24                          (C) the effect of waiting lists and caps on  
25                          enrollment under such title.

1           (2) REPORT.—Not later than July 1, 2007, the  
2           Comptroller General shall submit a report on the  
3           study conducted under paragraph (1). Such report  
4           shall include recommendations regarding a better  
5           mechanism for determining State allotments and re-  
6           distribution of unspent funds under such title in  
7           order to ensure all eligible families in need can ac-  
8           cess coverage through such title.

9           (d) CONFORMING AMENDMENTS.—

10           (1)     ELIGIBILITY     CATEGORIES.—Section  
11           1905(a) of the Social Security Act (42 U.S.C.  
12           1396d(a)) is amended, in the matter before para-  
13           graph (1)—

14                   (A) by striking “or” at the end of clause  
15                   (xii);

16                   (B) by inserting “or” at the end of clause  
17                   (xiii); and

18                   (C) by inserting after clause (xiii) the fol-  
19                   lowing:

20                   “(xiv) who are parents described (or treated as  
21                   if described) in section 1902(k)(1),”.

22           (2) INCOME LIMITATIONS.—Section 1903(f)(4)  
23           of the Social Security Act (42 U.S.C. 1396b(f)(4))  
24           is amended by inserting “1902(a)(10)(A)(ii)(XIX),”  
25           after “1902(a)(10)(A)(ii)(XVIII),”.

1           (3) CONFORMING AMENDMENT RELATING TO  
2 NO WAITING PERIOD FOR PREGNANT WOMEN.—Sec-  
3 tion 2102(b)(1)(B) of the Social Security Act (42  
4 U.S.C. 1397bb(b)(1)(B)) is amended—

5           (A) by striking “, and” at the end of  
6 clause (i) and inserting a semicolon;

7           (B) by striking the period at the end of  
8 clause (ii) and inserting “; and”; and

9           (C) by adding at the end the following:

10           “(iii) may not apply a waiting period  
11           (including a waiting period to carry out  
12           paragraph (3)(C)) in the case of a targeted  
13           low-income parent who is pregnant.”.

14 **SEC. 104. AUTOMATIC ENROLLMENT OF CHILDREN BORN**  
15 **TO TITLE XXI PARENTS.**

16           Section 2102(b)(1) of the Social Security Act (42  
17 U.S.C. 1397bb(b)(1)) is amended by adding at the end  
18 the following:

19           “(C) AUTOMATIC ELIGIBILITY OF CHIL-  
20           DREN BORN TO A PARENT BEING PROVIDED  
21           FAMILYCARE.—Such eligibility standards shall  
22           provide for automatic coverage of a child born  
23           to an individual who is provided assistance  
24           under this title in the same manner as medical  
25           assistance would be provided under section

1           1902(e)(4) to a child described in such sec-  
2           tion.”.

3 **SEC. 105. OPTIONAL COVERAGE OF CHILDREN THROUGH**  
4           **AGE 20 UNDER THE MEDICAID PROGRAM AND**  
5           **TITLE XXI.**

6           (a) MEDICAID.—

7           (1) IN GENERAL.—Section 1902(l)(1)(D) of the  
8           Social Security Act (42 U.S.C. 1396a(l)(1)(D)) is  
9           amended by inserting “(or, at the election of a  
10          State, 20 or 21 years of age)” after “19 years of  
11          age”.

12          (2) CONFORMING AMENDMENTS.—

13           (A) Section 1902(e)(3)(A) of the Social Se-  
14           curity Act (42 U.S.C. 1396a(e)(3)(A)) is  
15           amended by inserting “(or 1 year less than the  
16           age the State has elected under subsection  
17           (l)(1)(D))” after “18 years of age”.

18           (B) Section 1902(e)(12) of the Social Se-  
19           curity Act (42 U.S.C. 1396a(e)(12)) is amend-  
20           ed by inserting “or such higher age as the State  
21           has elected under subsection (l)(1)(D)” after  
22           “19 years of age”.

23           (C) Section 1920A(b)(1) of the Social Se-  
24           curity Act (42 U.S.C. 1396r-1a(b)(1)) is  
25           amended by inserting “or such higher age as

1 the State has elected under section  
2 1902(l)(1)(D)” after “19 years of age”.

3 (D) Section 1928(h)(1) of the Social Secu-  
4 rity Act (42 U.S.C. 1396s(h)(1)) is amended by  
5 inserting “or 1 year less than the age the State  
6 has elected under section 1902(l)(1)(D)” before  
7 the period at the end.

8 (E) Section 1932(a)(2)(A) of the Social  
9 Security Act (42 U.S.C. 1396u–2(a)(2)(A)) is  
10 amended by inserting “(or such higher age as  
11 the State has elected under section  
12 1902(l)(1)(D))” after “19 years of age”.

13 (b) TITLE XXI.—Section 2110(c)(1) of the Social  
14 Security Act (42 U.S.C. 1397jj(c)(1)) is amended by in-  
15 serting “(or such higher age as the State has elected under  
16 section 1902(l)(1)(D))”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section take effect on January 1, 2006, and apply to  
19 medical assistance and child health assistance provided on  
20 or after such date, whether or not regulations imple-  
21 menting such amendments have been issued.

22 **SEC. 106. ALLOWING STATES TO SIMPLIFY RULES FOR FAM-**  
23 **ILIES.**

24 (a) PRESUMPTIVE ELIGIBILITY.—

1           (1) APPLICATION TO PRESUMPTIVE ELIGIBILITY  
2           FOR PREGNANT WOMEN UNDER MEDICAID.—Section  
3           1920(b) of the Social Security Act (42 U.S.C.  
4           1396r–1(b)) is amended by adding at the end after  
5           and below paragraph (2) the following flush sen-  
6           tence: “The term ‘qualified provider’ includes a  
7           qualified entity as defined in section 1920A(b)(3).”.

8           (2) OPTIONAL APPLICATION OF PRESUMPTIVE  
9           ELIGIBILITY PROVISIONS TO PARENTS.—Section  
10          1920A of the Social Security Act (42 U.S.C. 1396r–  
11          1a) is amended by adding at the end the following:  
12          “(e) A State may elect to apply the previous provi-  
13          sions of this section to provide for a period of presumptive  
14          eligibility for medical assistance for a parent of a child  
15          with respect to whom such a period is provided under this  
16          section.”.

17          (3) APPLICATION UNDER TITLE XXI.—Section  
18          2107(e)(1)(D) of the Social Security Act (42 U.S.C.  
19          1397gg(e)(1)) is amended to read as follows:

20                  “(D) Sections 1920 and 1920A (relating to  
21                  presumptive eligibility).”.

22          (b) 12–Months Continuous Eligibility.—

23                  (1) MEDICAID.—Section 1902(e)(12) of the So-  
24          cial Security Act (42 U.S.C. 1396a(e)(12)) is  
25          amended—

1 (A) by striking “At the option of the State,  
2 the plan may” and inserting “The plan shall”;

3 (B) by striking “an age specified by the  
4 State (not to exceed 19 years of age)” and in-  
5 serting “19 years of age (or such higher age as  
6 the State has elected under subsection  
7 (l)(1)(D)) or, at the option of the State, who is  
8 eligible for medical assistance as the parent of  
9 such a child”; and

10 (C) in subparagraph (A), by striking “a  
11 period (not to exceed 12 months) ” and insert-  
12 ing “the 12-month period beginning on the  
13 date”.

14 (2) TITLE XXI.—Section 2102(b)(2) of such  
15 Act (42 U.S.C. 1397bb(b)(2)) is amended by adding  
16 at the end the following: “Such methods shall pro-  
17 vide continuous eligibility for children under this  
18 title in a manner that is no less generous than the  
19 12-months continuous eligibility provided under sec-  
20 tion 1902(e)(12) for children described in such sec-  
21 tion under title XIX. If a State has elected to apply  
22 section 1902(e)(12) to parents, such methods may  
23 provide continuous eligibility for parents under this  
24 title in a manner that is no less generous than the  
25 12-months continuous eligibility provided under such

1 section for parents described in such section under  
2 title XIX.”.

3 (3) EFFECTIVE DATE.—The amendments made  
4 by this subsection shall take effect on July 1, 2006  
5 (or, if later, 60 days after the date of the enactment  
6 of this Act), whether or not regulations imple-  
7 menting such amendments have been issued.

8 (c) PROVISION OF MEDICAID AND CHIP APPLICA-  
9 TIONS AND INFORMATION UNDER THE SCHOOL LUNCH  
10 PROGRAM.—Section 9(b)(2)(B) of the Richard B. Russell  
11 National School Lunch Act (42 U.S.C. 1758(b)(2)(B)) is  
12 amended—

13 (1) by striking “(B) Applications” and inserting  
14 “(B)(i) Applications”; and

15 (2) by adding at the end the following:

16 “(ii)(I) Applications for free and reduced price  
17 lunches that are distributed pursuant to clause (i) to par-  
18 ents or guardians of children in attendance at schools par-  
19 ticipating in the school lunch program under this Act shall  
20 also contain information on the availability of medical as-  
21 sistance under title XIX of the Social Security Act (42  
22 U.S.C. 1396 et seq.) and of child health and FamilyCare  
23 assistance under title XXI of such Act, including informa-  
24 tion on how to obtain an application for assistance under  
25 such programs.

1       “(II) Information on the programs referred to in sub-  
 2 clause (I) shall be provided on a form separate from the  
 3 application form for free and reduced price lunches under  
 4 clause (i).”.

5 **SEC. 107. DEMONSTRATION PROGRAMS TO IMPROVE MED-**  
 6                   **ICAID AND CHIP OUTREACH TO HOMELESS**  
 7                   **INDIVIDUALS AND FAMILIES.**

8       (a) **AUTHORITY.**—The Secretary of Health and  
 9 Human Services may award demonstration grants to not  
 10 more than 7 States (or other qualified entities) to conduct  
 11 innovative programs that are designed to improve out-  
 12 reach to homeless individuals and families under the pro-  
 13 grams described in subsection (b) with respect to enroll-  
 14 ment of such individuals and families under such pro-  
 15 grams and the provision of services (and coordinating the  
 16 provision of such services) under such programs.

17       (b) **PROGRAMS FOR HOMELESS DESCRIBED.**—The  
 18 programs described in this subsection are as follows:

19           (1) **MEDICAID.**—The program under title XIX  
 20 of the Social Security Act (42 U.S.C. 1396 et seq.).

21           (2) **CHIP.**—The program under title XXI of  
 22 the Social Security Act (42 U.S.C. 1397aa et seq.).

23           (3) **TANF.**—The program under part of A of  
 24 title IV of the Social Security Act (42 U.S.C. 601  
 25 et seq.).

1           (4) SAMHSA BLOCK GRANTS.—The program  
2 of grants under part B of title XIX of the Public  
3 Health Service Act (42 U.S.C. 300x–1 et seq.).

4           (5) FOOD STAMP PROGRAM.—The program  
5 under the Food Stamp Act of 1977 (7 U.S.C. 2011  
6 et seq.).

7           (6) WORKFORCE INVESTMENT ACT.—The pro-  
8 gram under the Workforce Investment Act of 1999  
9 (29 U.S.C. 2801 et seq.).

10          (7) WELFARE-TO-WORK.—The welfare-to-work  
11 program under section 403(a)(5) of the Social Secu-  
12 rity Act (42 U.S.C. 603(a)(5)).

13          (8) OTHER PROGRAMS.—Other public and pri-  
14 vate benefit programs that serve low-income individ-  
15 uals.

16          (c) APPROPRIATIONS.—For the purposes of carrying  
17 out this section, there is appropriated for fiscal year 2006,  
18 out of any funds in the Treasury not otherwise appro-  
19 priated, \$10,000,000, to remain available until expended.

20 **SEC. 108. ADDITIONAL CHIP REVISIONS.**

21          (a) LIMITING COST-SHARING TO 2.5 PERCENT FOR  
22 FAMILIES WITH INCOME BELOW 150 PERCENT OF POV-  
23 erty.—Section 2103(e)(3)(A) of the Social Security Act  
24 (42 U.S.C. 1397cc(e)(3)(A)) is amended—

25           (1) by striking “and” at the end of clause (i);

1           (2) by striking the period at the end of clause  
2           (ii) and inserting “; and”; and

3           (3) by adding at the end the following new  
4           clause:

5                       “(iii) total annual aggregate cost-  
6                       sharing described in clauses (i) and (ii)  
7                       with respect to all such targeted low-in-  
8                       come children in a family under this title  
9                       that exceeds 2.5 percent of such family’s  
10                      income for the year involved.”.

11           (b) EMPLOYER COVERAGE WAIVER CHANGES.—Sec-  
12           tion 2105(c)(3) of such Act (42 U.S.C. 1397ee(c)(3)) is  
13           amended—

14                       (1) by redesignating subparagraphs (A) and  
15                       (B) as clauses (i) and (ii) and indenting appro-  
16                       priately;

17                       (2) by designating the matter beginning with  
18                       “Payment may be made” as a subparagraph (A)  
19                       with the heading “**IN GENERAL**” and indenting ap-  
20                       propriately; and

21                       (3) by adding at the end the following new sub-  
22                       paragraph:

23                               “(B) APPLICATION OF REQUIREMENTS.—  
24                               In carrying out subparagraph (A)—

1           “(i) in determining cost-effectiveness,  
2           the Secretary shall measure against family  
3           coverage costs to the extent that a State  
4           has expanded coverage to parents pursuant  
5           to section 2111;

6           “(ii) subject to clause (iii), the State  
7           shall provide satisfactory assurances that  
8           the minimum benefits and cost-sharing  
9           protections established under this title are  
10          provided, either through the coverage  
11          under subparagraph (A) or as a supple-  
12          ment to such coverage; and

13          “(iii) coverage under such subpara-  
14          graph shall not be considered to violate  
15          clause (ii) because it does not comply with  
16          requirements relating to reviews of health  
17          service decisions if the enrollee involved is  
18          provided the option of being provided bene-  
19          fits directly under this title.”.

20          (c) EFFECTIVE DATE.—The amendments made by  
21          this section apply as of January 1, 2006, whether or not  
22          regulations implementing such amendments have been  
23          issued.

1 **SEC. 109. COORDINATION OF TITLE XXI WITH THE MATER-**  
2 **NAL AND CHILD HEALTH PROGRAM.**

3 (a) IN GENERAL.—Section 2102(b)(3) of the Social  
4 Security Act (42 U.S.C. 1397bb(b)(3)) is amended—

5 (1) in subparagraph (D), by striking “and” at  
6 the end;

7 (2) in subparagraph (E), by striking the period  
8 and inserting “; and”; and

9 (3) by adding at the end the following new sub-  
10 paragraph:

11 “(F) that operations and activities under  
12 this title are developed and implemented in con-  
13 sultation and coordination with the program op-  
14 erated by the State under title V in areas in-  
15 cluding outreach and enrollment, benefits and  
16 services, service delivery standards, public  
17 health and social service agency relationships,  
18 and quality assurance and data reporting.”.

19 (b) CONFORMING MEDICAID AMENDMENT.—Section  
20 1902(a)(11) of such Act (42 U.S.C. 1396a(a)(11)) is  
21 amended—

22 (1) by striking “and” before “(C)”; and

23 (2) by inserting before the semicolon at the end  
24 the following: “, and (D) provide that operations and  
25 activities under this title are developed and imple-  
26 mented in consultation and coordination with the

1 program operated by the State under title V in areas  
 2 including outreach and enrollment, benefits and  
 3 services, service delivery standards, public health  
 4 and social service agency relationships, and quality  
 5 assurance and data reporting”.

6 (c) EFFECTIVE DATE.—The amendments made by  
 7 this section take effect on January 1, 2006.

8 **Subtitle B—State Option to Pro-**  
 9 **vide Coverage for All Residents**  
 10 **With Income at or Below the**  
 11 **Poverty Line**

12 **SEC. 121. STATE OPTION TO PROVIDE COVERAGE FOR ALL**  
 13 **RESIDENTS WITH INCOME AT OR BELOW THE**  
 14 **POVERTY LINE.**

15 (a) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the  
 16 Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is  
 17 amended—

18 (1) by striking “or” at the end of subclause  
 19 (XVII);

20 (2) by adding “or” at the end of subclause  
 21 (XVIII); and

22 (3) by adding at the end the following new sub-  
 23 clause:

24 “(XIX) any individual whose  
 25 family income does not exceed 100

1 percent of the income official poverty  
2 line (as defined by the Office of Man-  
3 agement and Budget, and revised an-  
4 nually in accordance with section  
5 673(2) of the Omnibus Budget Rec-  
6 onciliation Act of 1981) applicable to  
7 a family of the size involved and who  
8 is not otherwise eligible for medical  
9 assistance under this title;”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 1905(a) of such Act (42 U.S.C.  
12 1396d(a)) is amended, in the matter before para-  
13 graph (1)—

14 (A) by striking “or” at the end of clause  
15 (xii);

16 (B) by adding “or” at the end of clause  
17 (xiii); and

18 (C) by inserting after clause (xiii) the fol-  
19 lowing new clause:

20 “(xii) individuals described in section  
21 1902(a)(10)(A)(ii)(XIX),”.

22 (2) Section 1903(f)(4) of such Act (42 U.S.C.  
23 1396b(f)(4)) is amended by inserting  
24 “1902(a)(10)(A)(ii)(XIX),” after  
25 “1902(a)(10)(A)(ii)(XVIII),”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on October 1, 2006.

3 **Subtitle C—Optional Coverage of**  
4 **Legal Immigrants Under the**  
5 **Medicaid Program and Title**  
6 **XXI, and to Extend Eligibility to**  
7 **Certain Legal Residents**

8 **SEC. 131. EQUAL ACCESS TO HEALTH COVERAGE FOR**  
9 **LEGAL IMMIGRANTS.**

10 (a) IN GENERAL.—Section 401(b)(1) of the Personal  
11 Responsibility and Work Opportunity Reconciliation Act  
12 of 1996 (8 U.S.C. 1611(b)(1)) is amended—

13 (1) by striking subparagraph (A) and inserting  
14 the following:

15 “(A) Medical assistance under title XIX of  
16 the Social Security Act.”; and

17 (2) by adding at the end the following:

18 “(F) Child health assistance under title  
19 XXI of the Social Security Act.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Section 402(b) of the Personal Responsi-  
22 bility and Work Opportunity Reconciliation Act of  
23 1996 (8 U.S.C. 1612(b)) is amended—

24 (A) in paragraph (2)—

25 (i) in subparagraph (A)—

1 (I) by striking clause (i);  
2 (II) by redesignating clause (ii)  
3 as subparagraph (A) and realigning  
4 the margins accordingly; and  
5 (III) by redesignating subclauses  
6 (I) through (V) of subparagraph (A),  
7 as so redesignated, as clauses (i)  
8 through (v), respectively and realign-  
9 ing the margins accordingly; and  
10 (ii) by striking subparagraphs (E) and  
11 (F); and  
12 (B) in paragraph (3), by striking subpara-  
13 graph (C).

14 (2) Section 403 of the Personal Responsibility  
15 and Work Opportunity Reconciliation Act of 1996 (8  
16 U.S.C. 1613)) is amended—

17 (A) in subsection (c), by adding at the end  
18 the following:

19 “(M) Child health assistance provided  
20 under title XXI of the Social Security Act.”;  
21 and

22 (B) in subsection (d)(1), by striking “pro-  
23 grams specified in subsections (a)(3) and  
24 (b)(3)(C)” and inserting “program specified in  
25 subsection (a)(3)”.

1           (3) Section 421 of the Personal Responsibility  
2 and Work Opportunity Reconciliation Act of 1996 (8  
3 U.S.C. 1631)) is amended by adding at the end the  
4 following:

5           “(g) EXCEPTIONS.—This section shall not apply to—

6           “(1) medical assistance provided under a State  
7 plan approved under title XIX of the Social Security  
8 Act; and

9           “(2) child health assistance provided under title  
10 XXI of the Social Security Act.”.

11           (4) Section 423(d) of the Personal Responsi-  
12 bility and Work Opportunity Reconciliation Act of  
13 1996 is amended by adding at the end the following:

14           “(12) Child health assistance provided under  
15 title XXI of the Social Security Act.”.

16           (c) EFFECTIVE DATE.—

17           (1) IN GENERAL.—Except as provided in para-  
18 graph (2), the amendments made by this section  
19 take effect on the date of enactment of this Act and  
20 apply to medical assistance provided under title XIX  
21 of the Social Security Act and child health assist-  
22 ance provided under title XXI of the Social Security  
23 Act on or after that date.

24           (2) REQUIREMENTS FOR SPONSOR’S AFFIDAVIT  
25 OF SUPPORT.—Section 423(d) of the Personal Re-

1       sponsibility and Work Opportunity Reconciliation  
2       Act of 1996 shall be applied as if the amendments  
3       made by this Act were enacted on December 1,  
4       2002.

5       **SEC. 132. EXCEPTION FOR CITIZENS OF FREELY ASSOCI-**  
6                                   **ATED STATES.**

7       (a) IN GENERAL.—Section 402(a)(2) of the Personal  
8       Responsibility and Work Opportunity Reconciliation Act  
9       of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at  
10      the end the following:

11                           “(M) EXCEPTION FOR CITIZENS OF FREE-

12                           LY ASSOCIATED STATES.—With respect to eligi-

13                           bility for benefits for the specified Federal pro-

14                           grams described in paragraph (3), paragraph

15                           (1) shall not apply to any individual who law-

16                           fully resides in the United States (including ter-

17                           ritories and possessions of the United States) in

18                           accordance with—

19                           “(i) section 141 of the Compact of

20                           Free Association between the Government

21                           of the United States and the Government

22                           of the Federated States of Micronesia, ap-

23                           proved by Congress in the Compact of

24                           Free Association Amendments Act of

25                           2003;

1           “(ii) section 141 of the Compact of  
2           Free Association between the Government  
3           of the United States and the Government  
4           of the Republic of the Marshall Islands,  
5           approved by Congress in the Compact of  
6           Free Association Amendments Act of  
7           2003; or

8           “(iii) section 141 of the Compact of  
9           Free Association between the Government  
10          of the United States and the Government  
11          of Palau, approved by Congress in Public  
12          Law 99–658 (100 Stat. 3672).”.

13          (b) MEDICAID EXCEPTION.—Section 402(b)(2) of the  
14          Personal Responsibility and Work Opportunity Reconcili-  
15          ation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by  
16          adding at the end the following:

17                 “(G) MEDICAID EXCEPTIONS FOR CITI-  
18                 ZENS OF FREELY ASSOCIATED STATES.—With  
19                 respect to eligibility for benefits for the pro-  
20                 grams defined in subparagraphs (A) and (C) of  
21                 paragraph (3) (relating to medicaid), paragraph  
22                 (1) shall not apply to any individual who law-  
23                 fully resides in the United States (including ter-  
24                 ritories and possessions of the United States) in

1           accordance with a Compact of Free Association  
2           referred to in subsection (a)(2)(M).”.

3           (c) QUALIFIED ALIEN.—Section 431(b) of the Per-  
4           sonal Responsibility and Work Opportunity Reconciliation  
5           Act of 1996 (8 U.S.C. 1641(b)) is amended—

6           (1) in paragraph (6), by striking “or” at the  
7           end;

8           (2) in paragraph (7), by striking the period at  
9           the end and inserting “; or”; and

10          (3) by adding at the end the following:

11          “(8) an individual who lawfully resides in the  
12          United States (including territories and possessions  
13          of the United States) in accordance with a Compact  
14          of Free Association referred to in section  
15          402(a)(2)(M).”.

16          (d) FINANCIAL TREATMENT UNDER MEDICAID.—  
17          Section 1108 of the Social Security Act (42 U.S.C. 1308)  
18          is amended—

19          (1) in subsection (f), by striking “subsection  
20          (g)” and inserting “subsections (g) and (h)”; and

21          (2) by adding at the end the following new sub-  
22          section:

23          “(h) The limitations of subsections (f) and (g) shall  
24          not apply with respect to medical assistance provided to  
25          an individual described in section 431(b)(8) of the Per-

1 sonal Responsibility and Work Opportunity Reconciliation  
2 Act of 1996.”.

3           **Subtitle D—Indian Healthcare**  
4                                   **Funding**

5           **CHAPTER 1—GUARANTEED FUNDING**

6   **SEC. 141. GUARANTEED ADEQUATE FUNDING FOR INDIAN**  
7                                   **HEALTHCARE.**

8           Section 825 of the Indian Health Care Improvement  
9 Act (25 U.S.C. 1680o) is amended to read as follows:

10   **“SEC. 825. FUNDING.**

11           “(a) IN GENERAL.—Notwithstanding any other pro-  
12 vision of law, not later than 30 days after the date of en-  
13 actment of this section, on October 1, 2007, and on each  
14 October 1 thereafter, out of any funds in the Treasury  
15 not otherwise appropriated, the Secretary of the Treasury  
16 shall transfer to the Secretary to carry out this title the  
17 amount determined under subsection (d).

18           “(b) USE AND AVAILABILITY.—

19                   “(1) IN GENERAL.—An amount transferred  
20 under subsection (a)—

21                                   “(A) shall remain available until expended;

22                                   and

23                                   “(B) shall be used to carry out any pro-  
24 grams, functions, and activities relating to clin-

1           ical services (as defined in paragraph (2)) of  
2           the Service and Service units.

3           “(2) CLINICAL SERVICES DEFINED.—For pur-  
4           poses of paragraph (1)(B), the term ‘clinical serv-  
5           ices’ includes all programs of the Indian Health  
6           Service which are funded directly or under the au-  
7           thority of the Indian Self-Determination and Edu-  
8           cation Assistance Act, for the purposes of—

9                   “(A) clinical care, including inpatient care,  
10                  outpatient care (including audiology, clinical eye  
11                  and vision care), primary care, secondary and  
12                  tertiary care, and long term care;

13                  “(B) preventive health, including mam-  
14                  mography and other cancer screening;

15                  “(C) dental care;

16                  “(D) mental and behavioral health, includ-  
17                  ing community mental and behavioral health  
18                  services, inpatient mental and behavioral health  
19                  services, dormitory mental and behavioral  
20                  health services, therapeutic and residential  
21                  treatment centers;

22                  “(E) emergency medical services;

23                  “(F) treatment and control of, and reha-  
24                  bitative care related to, alcoholism and drug

1 abuse (including fetal alcohol syndrome) among  
2 Indians;

3 “(G) accident prevention programs;

4 “(H) home healthcare;

5 “(I) community health representatives;

6 “(J) maintenance and repair; and

7 “(K) traditional healthcare practices and  
8 training of traditional healthcare practitioners.

9 “(c) RECEIPT AND ACCEPTANCE.—The Secretary  
10 shall be entitled to receive, shall accept, and shall use to  
11 carry out this title the funds transferred under subsection  
12 (a), without further appropriation.

13 “(d) AMOUNT.—The amount referred to in sub-  
14 section (a) is—

15 “(1) for fiscal year 2006, the amount equal to  
16 390 percent of the amount obligated by the Service  
17 during fiscal year 2002 for the purposes described in  
18 subsection (b)(2); and

19 “(2) for fiscal year 2007 and each fiscal year  
20 thereafter, the amount equal to the product obtained  
21 by multiplying—

22 “(A) the number of Indians served by the  
23 Service as of September 30 of the preceding the  
24 fiscal year; and

1           “(B) the per capita baseline amount, as  
2           determined under subsection (e).

3           “(e) PER CAPITA BASELINE AMOUNT.—

4           “(1) IN GENERAL.—For the purpose of sub-  
5           section (d)(2)(B), the per capita baseline amount  
6           shall be equal to the sum of—

7           “(A) the quotient obtained by dividing—

8           “(i) the amount specified in sub-  
9           section (d)(1); by

10           “(ii) the number of Indians served by  
11           the Service as of September 30, 2002; and

12           “(B) any applicable increase under para-  
13           graph (2).

14           “(2) INCREASE.—For each fiscal year, the Sec-  
15           retary shall provide a percentage increase (rounded  
16           to the nearest dollar) in the per capita baseline  
17           amount equal to the percentage by which—

18           “(A) the Consumer Price Index for all  
19           Urban Consumers published by the Department  
20           of Labor (relating to the United States city av-  
21           erage for medical care and not seasonally ad-  
22           justed) for the 1-year period ending on the  
23           June 30 of the fiscal year preceding the fiscal  
24           year for which the increase is made; exceeds

1                   “(B) that Consumer Price Index for the 1-  
2                   year period preceding the 1-year period de-  
3                   scribed in subparagraph (A).”.

4                   **CHAPTER 2—INDIAN HEALTHCARE**  
5                   **PROGRAMS**

6                   **SEC. 145. PROGRAMS OPERATED BY INDIAN TRIBES AND**  
7                   **TRIBAL ORGANIZATIONS.**

8                   The Service shall provide funds for healthcare pro-  
9                   grams and facilities operated by Indian tribes and tribal  
10                  organizations under funding agreements with the Service  
11                  entered into under the Indian Self-Determination and  
12                  Education Assistance Act on the same basis as such funds  
13                  are provided to programs and facilities operated directly  
14                  by the Service.

15                 **SEC. 146. LICENSING.**

16                 Healthcare professionals employed by Indian tribes  
17                 and tribal organizations to carry out agreements under the  
18                 Indian Self-Determination and Education Assistance Act,  
19                 shall, if licensed in any State, be exempt from the licensing  
20                 requirements of the State in which the agreement is per-  
21                 formed.

22                 **SEC. 147. AUTHORIZATION FOR EMERGENCY CONTRACT**  
23                 **HEALTH SERVICES.**

24                 With respect to an elderly Indian or an Indian with  
25                 a disability receiving emergency medical care or services

1 from a non-Service provider or in a non-Service facility  
2 under the authority of the Indian Health Care Improve-  
3 ment Act, the time limitation (as a condition of payment)  
4 for notifying the Service of such treatment or admission  
5 shall be 30 days.

6 **SEC. 148. PROMPT ACTION ON PAYMENT OF CLAIMS.**

7 (a) REQUIREMENT.—The Service shall respond to a  
8 notification of a claim by a provider of a contract care  
9 service with either an individual purchase order or a denial  
10 of the claim within 5 working days after the receipt of  
11 such notification.

12 (b) FAILURE TO RESPOND.—If the Service fails to  
13 respond to a notification of a claim in accordance with  
14 subsection (a), the Service shall accept as valid the claim  
15 submitted by the provider of a contract care service.

16 (c) PAYMENT.—The Service shall pay a valid contract  
17 care service claim within 30 days after the completion of  
18 the claim.

19 **SEC. 149. LIABILITY FOR PAYMENT.**

20 (a) NO LIABILITY.—A patient who receives contract  
21 healthcare services that are authorized by the Service shall  
22 not be liable for the payment of any charges or costs asso-  
23 ciated with the provision of such services.

24 (b) NOTIFICATION.—The Secretary shall notify a  
25 contract care provider and any patient who receives con-

1 tract healthcare services authorized by the Service that  
2 such patient is not liable for the payment of any charges  
3 or costs associated with the provision of such services.

4 (c) LIMITATION.—Following receipt of the notice pro-  
5 vided under subsection (b), or, if a claim has been deemed  
6 accepted under section 154(b), the provider shall have no  
7 further recourse against the patient who received the serv-  
8 ices involved.

9 **SEC. 150. HEALTH SERVICES FOR INELIGIBLE PERSONS.**

10 (a) INELIGIBLE PERSONS.—

11 (1) IN GENERAL.—Any individual who—

12 (A) has not attained 19 years of age;

13 (B) is the natural or adopted child, step-  
14 child, foster-child, legal ward, or orphan of an  
15 eligible Indian; and

16 (C) is not otherwise eligible for the health  
17 services provided by the Service, shall be eligible  
18 for all health services provided by the Service  
19 on the same basis and subject to the same rules  
20 that apply to eligible Indians until such indi-  
21 vidual attains 19 years of age. The existing and  
22 potential health needs of all such individuals  
23 shall be taken into consideration by the Service  
24 in determining the need for, or the allocation  
25 of, the health resources of the Service. If such

1 an individual has been determined to be legally  
2 incompetent prior to attaining 19 years of age,  
3 such individual shall remain eligible for such  
4 services until one year after the date such dis-  
5 ability has been removed.

6 (2) SPOUSES.—Any spouse of an eligible Indian  
7 who is not an Indian, or who is of Indian descent  
8 but not otherwise eligible for the health services pro-  
9 vided by the Service, shall be eligible for such health  
10 services if all of such spouses or spouses who are  
11 married to members of the Indian tribe being served  
12 are made eligible, as a class, by an appropriate reso-  
13 lution of the governing body of the Indian tribe or  
14 tribal organization providing such services. The  
15 health needs of persons made eligible under this  
16 paragraph shall not be taken into consideration by  
17 the Service in determining the need for, or allocation  
18 of, its health resources.

19 (b) PROGRAMS AND SERVICES.—

20 (1) PROGRAMS.—

21 (A) IN GENERAL.—The Secretary may  
22 provide health services under this subsection  
23 through health programs operated directly by  
24 the Service to individuals who reside within the  
25 service area of a service unit and who are not

1 eligible for such health services under any other  
2 subsection of this section or under any other  
3 provision of law if—

4 (i) the Indian tribe (or, in the case of  
5 a multi-tribal service area, all the Indian  
6 tribes) served by such service unit requests  
7 such provision of health services to such  
8 individuals; and

9 (ii) the Secretary and the Indian tribe  
10 or tribes have jointly determined that—

11 (I) the provision of such health  
12 services will not result in a denial or  
13 diminution of health services to eligi-  
14 ble Indians; and

15 (II) there is no reasonable alter-  
16 native health program or services,  
17 within or without the service area of  
18 such service unit, available to meet  
19 the health needs of such individuals.

20 (B) FUNDING AGREEMENTS.—In the case  
21 of health programs operated under a funding  
22 agreement entered into under the Indian Self-  
23 Determination and Educational Assistance Act,  
24 the governing body of the Indian tribe or tribal  
25 organization providing health services under

1 such funding agreement is authorized to deter-  
2 mine whether health services should be provided  
3 under such funding agreement to individuals  
4 who are not eligible for such health services  
5 under any other subsection of this section or  
6 under any other provision of law. In making  
7 such determinations, the governing body of the  
8 Indian tribe or tribal organization shall take  
9 into account the considerations described in  
10 subparagraph (A)(ii).

11 (2) LIABILITY FOR PAYMENT.—

12 (A) IN GENERAL.—Persons receiving  
13 health services provided by the Service by rea-  
14 son of this subsection shall be liable for pay-  
15 ment of such health services under a schedule  
16 of charges prescribed by the Secretary which, in  
17 the judgment of the Secretary, results in reim-  
18 bursement in an amount not less than the ac-  
19 tual cost of providing the health services. Not-  
20 withstanding section 1880 of the Social Secu-  
21 rity Act or any other provision of law, amounts  
22 collected under this subsection, including medi-  
23 care or medicaid reimbursements under titles  
24 XVIII and XIX of the Social Security Act, shall  
25 be credited to the account of the program pro-

1           viding the service and shall be used solely for  
2           the provision of health services within that pro-  
3           gram. Amounts collected under this subsection  
4           shall be available for expenditure within such  
5           program for not to exceed 1 fiscal year after  
6           the fiscal year in which collected.

7           (B) SERVICES FOR INDIGENT PERSONS.—

8           Health services may be provided by the Sec-  
9           retary through the Service under this sub-  
10          section to an indigent person who would not be  
11          eligible for such health services but for the pro-  
12          visions of paragraph (1) only if an agreement  
13          has been entered into with a State or local gov-  
14          ernment under which the State or local govern-  
15          ment agrees to reimburse the Service for the  
16          expenses incurred by the Service in providing  
17          such health services to such indigent person.

18          (3) SERVICE AREAS.—

19                (A) SERVICE TO ONLY ONE TRIBE.—In the  
20                case of a service area which serves only one In-  
21                dian tribe, the authority of the Secretary to  
22                provide health services under paragraph (1)(A)  
23                shall terminate at the end of the fiscal year suc-  
24                ceeding the fiscal year in which the governing

1 body of the Indian tribe revokes its concurrence  
2 to the provision of such health services.

3 (B) MULTI-TRIBAL AREAS.—In the case of  
4 a multi-tribal service area, the authority of the  
5 Secretary to provide health services under para-  
6 graph (1)(A) shall terminate at the end of the  
7 fiscal year succeeding the fiscal year in which at  
8 least 51 percent of the number of Indian tribes  
9 in the service area revoke their concurrence to  
10 the provision of such health services.

11 (c) PURPOSE FOR PROVIDING SERVICES.—The Serv-  
12 ice may provide health services under this subsection to  
13 individuals who are not eligible for health services provided  
14 by the Service under any other subsection of this section  
15 or under any other provision of law in order to—

- 16 (1) achieve stability in a medical emergency;  
17 (2) prevent the spread of a communicable dis-  
18 ease or otherwise deal with a public health hazard;  
19 (3) provide care to non-Indian women pregnant  
20 with an eligible Indian's child for the duration of the  
21 pregnancy through post partum; or  
22 (4) provide care to immediate family members  
23 of an eligible person if such care is directly related  
24 to the treatment of the eligible person.

1 (d) HOSPITAL PRIVILEGES.—Hospital privileges in  
2 health facilities operated and maintained by the Service  
3 or operated under a contract entered into under the Indian  
4 Self-Determination Education Assistance Act may be ex-  
5 tended to non-Service healthcare practitioners who provide  
6 services to persons described in subsection (a) or (b). Such  
7 non-Service healthcare practitioners may be regarded as  
8 employees of the Federal Government for purposes of sec-  
9 tion 1346(b) and chapter 171 of title 28, United States  
10 Code (relating to Federal tort claims) only with respect  
11 to acts or omissions which occur in the course of providing  
12 services to eligible persons as a part of the conditions  
13 under which such hospital privileges are extended.

14 (e) DEFINITION.—In this section, the term “eligible  
15 Indian” means any Indian who is eligible for health serv-  
16 ices provided by the Service without regard to the provi-  
17 sions of this section.

18 **SEC. 151. DEFINITIONS.**

19 For purposes of this chapter, the definitions con-  
20 tained in section 4 of the Indian Health Care Improve-  
21 ment Act shall apply.

22 **SEC. 152. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums  
24 as may be necessary for each fiscal year through fiscal  
25 year 2015 to carry out this chapter.

1                   **Subtitle E—Territories**

2   **SEC. 161. FUNDING FOR TERRITORIES.**

3           (a) TEMPORARY ELIMINATION OF SPENDING CAP.—  
4   Section 1108 of the Social Security Act (42 U.S.C. 1308)  
5   is amended—

6           (1) in subsection (f), by striking “subsection  
7           (g)” and inserting “subsections (g) and (h)”; and

8           (2) by adding at the end the following:

9           “(h) TEMPORARY ELIMINATION OF CAPS.—With re-  
10   spect to each of fiscal years 2006 through 2009, the Sec-  
11   retary shall make payments under title XIX to Puerto  
12   Rico, the Virgin Islands, Guam, the Northern Mariana Is-  
13   lands, and American Samoa without regard to the limita-  
14   tions on the amount of such payments imposed under sub-  
15   sections (f) and (g).”.

16          (b) TEMPORARY INCREASE IN FMAP.—The first  
17   sentence of section 1905(b) of the Social Security Act (42  
18   U.S.C. 1396d(b)) is amended by inserting “(except that,  
19   only with respect to fiscal years 2006 through 2009 and  
20   only for purposes of expenditures under this title, such  
21   percentage shall be 77 percent)” after “50 per centum”.

1     **Subtitle F—Migrant Workers and**  
2             **Farmworkers Health**

3     **SEC. 171. DEMONSTRATION PROJECT REGARDING CON-**  
4             **TINUITY OF COVERAGE OF MIGRANT WORK-**  
5             **ERS AND FARMWORKERS UNDER MEDICAID**  
6             **AND CHIP.**

7             (a) AUTHORITY TO CONDUCT DEMONSTRATION  
8     PROJECT.—

9             (1) IN GENERAL.—The Secretary of Health and  
10     Human Services shall conduct a demonstration  
11     project for the purpose of evaluating methods for  
12     strengthening the health coverage of, and continuity  
13     of coverage of, migrant workers and farmworkers  
14     under the medicaid and State children’s health in-  
15     surance programs (42 U.S.C. 1396 et seq., 1397aa  
16     et seq.).

17             (2) WAIVER AUTHORITY.—The Secretary of  
18     Health and Human Services shall waive compliance  
19     with the requirements of titles XI, XIX, and XXI of  
20     the Social Security Act (42 U.S.C. 1301 et seq,  
21     1396 et seq., 1397aa et seq.) to such extent and for  
22     such period as the Secretary determines is necessary  
23     to conduct the demonstration project under this sec-  
24     tion.

1 (b) REQUIREMENTS.—The demonstration project  
2 conducted under this section shall provide for—

3 (1) uniform eligibility criteria under the med-  
4 icaid and State children’s health insurance programs  
5 with respect to migrant workers and farmworkers;  
6 and

7 (2) the portability of coverage of such workers  
8 under those programs between participating States.

9 (c) REPORT.—Not later than March 31, 2007, the  
10 Secretary of Health and Human Services shall submit a  
11 report to Congress on the demonstration project con-  
12 ducted under this section that contains such recommenda-  
13 tions for legislative action as the Secretary determines is  
14 appropriate.

## 15 **Subtitle G—Expanded Access to** 16 **Health Care**

### 17 **SEC. 181. NATIONAL COMMISSION FOR EXPANDED ACCESS** 18 **TO HEALTH CARE.**

19 (a) ESTABLISHMENT.—There is established a com-  
20 mission to be known as the National Commission for Ex-  
21 panded Access to Health Care (referred to in this section  
22 as the “Commission”).

23 (b) APPOINTMENT OF MEMBERS.—

24 (1) IN GENERAL.—Not later than 45 days after  
25 the date of enactment of this Act—

1 (A) the majority and minority leaders of  
2 the Senate and the Speaker and minority leader  
3 of the House of Representatives shall each ap-  
4 point 7 members of the Commission; and

5 (B) the Secretary of Health and Human  
6 Services (in this section referred to as the “Sec-  
7 retary”) shall appoint 1 member of the Com-  
8 mission.

9 (2) CRITERIA.—Members of the Commission  
10 shall include representatives of the following:

11 (A) Consumers of health insurance.

12 (B) Health care professionals.

13 (C) State and territorial officials.

14 (D) Health economists.

15 (E) Health care providers.

16 (F) Experts on health insurance.

17 (G) Experts on expanding health care to  
18 individuals who are uninsured.

19 (H) Experts on the elimination of racial  
20 and ethnic health disparities.

21 (I) Experts on health care in the United  
22 States territories.

23 (3) CHAIRPERSON.—At the first meeting of the  
24 Commission, the Commission shall select a Chair-  
25 person from among its members.

1 (c) MEETINGS.—

2 (1) IN GENERAL.—After the initial meeting of  
3 the Commission, which shall be called by the Sec-  
4 retary, the Commission shall meet at the call of the  
5 Chairperson.

6 (2) QUORUM.—A majority of the members of  
7 the Commission shall constitute a quorum, but a  
8 lesser number of members may hold hearings.

9 (3) SUPERMAJORITY VOTING REQUIREMENT.—  
10 To approve a report required under paragraph (1),  
11 (2), or (3) of subsection (e), at least 60 percent of  
12 the membership of the Commission must vote in  
13 favor of such a report.

14 (d) DUTIES.—The Commission shall—

15 (1) assess the effectiveness of programs de-  
16 signed to expand health care coverage or make  
17 health care coverage affordable to uninsured individ-  
18 uals by identifying the accomplishments and needed  
19 improvements of each program;

20 (2) make recommendations regarding the bene-  
21 fits and cost-sharing that should be included in  
22 health care coverage for various groups, taking into  
23 account—

24 (A) the special health care needs of chil-  
25 dren and individuals with disabilities;

1 (B) the different ability of various popu-  
2 lations to pay out-of-pocket costs for services;

3 (C) incentives for efficiency and cost-con-  
4 tainment;

5 (D) racial and ethnic disparities in health  
6 status and health care;

7 (E) incremental changes to the United  
8 States health care delivery system and changes  
9 to achieve fundamental restructuring of the sys-  
10 tem;

11 (F) populations who are traditionally more  
12 difficult to cover, including immigrants and  
13 homeless persons;

14 (G) preventive care, diagnostic services,  
15 disease management services, and other factors;

16 (H) quality improvement initiatives among  
17 health institutions serving disadvantaged pa-  
18 tient populations; and

19 (I) the feasibility of and barriers to the de-  
20 velopment of a comprehensive system of health  
21 care;

22 (3) recommend mechanisms to expand health  
23 care coverage to uninsured individuals;

24 (4) recommend automatic enrollment and reten-  
25 tion procedures and other measures to increase

1 health care coverage among those eligible for assist-  
2 ance; and

3 (5) analyze the size, effectiveness, and efficiency  
4 of current tax and other subsidies for health care  
5 coverage and recommend improvements.

6 (e) REPORTS.—

7 (1) ANNUAL REPORTS.—The Commission shall  
8 submit annual reports to the President and the ap-  
9 propriate committees of Congress addressing the  
10 matters identified in subsection (d).

11 (2) BIENNIAL REPORT.—The Commission shall  
12 submit biennial reports to the President and the ap-  
13 propriate committees of Congress containing—

14 (A) recommendations concerning essential  
15 benefits and maximum out-of-pocket cost-shar-  
16 ing for—

17 (i) the general population; and

18 (ii) individuals with limited ability to  
19 pay; and

20 (B) proposed legislative language to imple-  
21 ment such recommendations.

22 (3) COMMISSION REPORT.—Not later than Jan-  
23 uary 15, 2007, the Commission shall submit a re-  
24 port to the President and the appropriate commit-  
25 tees of Congress, which shall include—

1 (A) recommendations on policies to provide  
2 health care coverage to uninsured individuals;

3 (B) recommendations on changes to poli-  
4 cies enacted under this Act; and

5 (C) proposed legislative language to imple-  
6 ment such recommendations.

7 (f) ADMINISTRATION.—

8 (1) POWERS.—

9 (A) HEARINGS.—The Commission may  
10 hold such hearings, sit and act at such times  
11 and places, take such testimony, and receive  
12 such evidence as the Commission considers ad-  
13 visable to carry out this section.

14 (B) INFORMATION FROM FEDERAL AGEN-  
15 CIES.—The Commission may secure directly  
16 from any Federal department or agency such  
17 information as the Commission considers nec-  
18 essary to carry out this section. Upon request  
19 of the Chairperson of the Commission, the head  
20 of such department or agency shall furnish such  
21 information to the Commission.

22 (C) POSTAL SERVICES.—The Commission  
23 may use the United States mails in the same  
24 manner and under the same conditions as other

1 departments and agencies of the Federal Gov-  
2 ernment.

3 (D) GIFTS.—The Commission may accept,  
4 use, and dispose of donations of services or  
5 property.

6 (2) COMPENSATION.—

7 (A) IN GENERAL.—Each member of the  
8 Commission who is not an officer or employee  
9 of the Federal Government shall be com-  
10 pensated at a rate equal to the daily equivalent  
11 of the annual rate of basic pay prescribed for  
12 level IV of the Executive Schedule under section  
13 5315 of title 5, United States Code, for each  
14 day (including travel time) during which such  
15 member is engaged in the performance of duties  
16 of the Commission. All members of the Com-  
17 mission who are officers or employees of the  
18 United States shall serve without compensation  
19 in addition to that received for their services as  
20 officers or employees of the United States.

21 (B) TRAVEL EXPENSES.—The members of  
22 the Commission shall be allowed travel ex-  
23 penses, as authorized by the Chairperson of the  
24 Commission, including per diem in lieu of sub-  
25 sistence, at rates authorized for employees of

1 agencies under subchapter I of chapter 57 of  
2 title 5, United States Code, while away from  
3 their homes or regular places of business in the  
4 performance of services for the Commission.

5 (3) STAFF.—

6 (A) IN GENERAL.—The Chairperson of the  
7 Commission may appoint an executive director  
8 such other staff as may be necessary to enable  
9 the Commission to perform its duties. The em-  
10 ployment of an executive director shall be sub-  
11 ject to confirmation by the Commission.

12 (B) STAFF COMPENSATION.—The Chair-  
13 person of the Commission may fix the com-  
14 pensation of personnel without regard to chap-  
15 ter 51 and subchapter III of chapter 53 of title  
16 5, United States Code, relating to classification  
17 of positions and General Schedule pay rates, ex-  
18 cept that the rate of pay for personnel may not  
19 exceed the rate payable for level V of the Exec-  
20 utive Schedule under section 5316 of such title.

21 (C) DETAIL OF GOVERNMENT EMPLOY-  
22 EES.—Any Federal Government employee may  
23 be detailed to the Commission without reim-  
24 bursement, and such detail shall be without

1 interruption or loss of civil service status or  
2 privilege.

3 (D) PROCUREMENT OF TEMPORARY AND  
4 INTERMITTENT SERVICES.—The Chairperson of  
5 the Commission may procure temporary and  
6 intermittent services under section 3109(b) of  
7 title 5, United States Code, at rates for individ-  
8 uals which do not exceed the daily equivalent of  
9 the annual rate of basic pay prescribed for level  
10 V of the Executive Schedule under section 5316  
11 of such title.

12 (g) TERMINATION.—Except with respect to activities  
13 in connection with the ongoing biennial report required  
14 under subsection (e)(2), the Commission shall terminate  
15 90 days after the date on which the Commission submits  
16 the report required under subsection (e)(3).

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section,  
19 such sums as may be necessary for fiscal year 2007 and  
20 each subsequent fiscal year.

21 **SEC. 182. INSTITUTE OF MEDICINE EVALUATION AND RE-**  
22 **PORT ON HEALTH CARE PERFORMANCE**  
23 **MEASURES.**

24 (a) EVALUATION.—

1           (1) IN GENERAL.—Not later than the date that  
2           is 2 months after the date of the enactment of this  
3           Act, the Secretary shall enter into an arrangement  
4           under which the Institute of Medicine of the Na-  
5           tional Academy of Sciences (in this section referred  
6           to as the “Institute”) shall conduct an evaluation of  
7           the Federal poverty line for purposes of access to  
8           health care services under any applicable Federal  
9           health care program.

10           (2) POVERTY LINE DEFINED.—For purposes of  
11           paragraph (1), the term “poverty line” has the  
12           meaning given that term in section 673(2) of the  
13           Community Services Block Grant Act (42 U.S.C.  
14           9902(2)), including any revision required by such  
15           section.

16           (b) REPORT.—Not later than the date that is 18  
17           months after the date of enactment of this Act, the Insti-  
18           tute shall submit to the Secretary and appropriate com-  
19           mittees of jurisdiction of the House of Representatives and  
20           Senate a report on the evaluation conducted under sub-  
21           section (a)(1) describing the findings of such evaluation  
22           and recommendations for any adjustment of the Federal  
23           poverty line for appropriate access of individuals to such  
24           Federal health care programs.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated such sums as may be  
 3 necessary for purposes of conducting the evaluation and  
 4 preparing the report required by this section.

5 **Subtitle H—FMAP Reimbursement**  
 6 **for Native Hawaiians**

7 **SEC. 191. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE**  
 8 **PROVIDED TO A NATIVE HAWAIIAN THROUGH**  
 9 **A FEDERALLY-QUALIFIED HEALTH CENTER**  
 10 **OR A NATIVE HAWAIIAN HEALTH CARE SYS-**  
 11 **TEM UNDER THE MEDICAID PROGRAM.**

12 (a) MEDICAID.—The third sentence of section  
 13 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))  
 14 is amended by inserting “, and with respect to medical  
 15 assistance provided to a Native Hawaiian (as defined in  
 16 section 12 of the Native Hawaiian Health Care Improve-  
 17 ment Act) through a federally-qualified health center or  
 18 a Native Hawaiian health care system (as so defined)  
 19 whether directly, by referral, or under contract or other  
 20 arrangement between a federally-qualified health center or  
 21 a Native Hawaiian health care system and another health  
 22 care provider” before the period.

23 (b) EFFECTIVE DATE.—The amendment made by  
 24 this section applies to medical assistance provided on or  
 25 after the date of enactment of this Act.

1 **TITLE II—CULTURALLY AND LIN-**  
 2 **GUISTICALLY APPROPRIATE**  
 3 **HEALTHCARE**

4 **Subtitle A—Public Health Service**  
 5 **Act Requirements**

6 **SEC. 201. AMENDMENT TO THE PUBLIC HEALTH SERVICE**  
 7 **ACT.**

8 The Public Health Service Act (42 U.S.C. 201 et  
 9 seq.) is amended by adding at the end the following:

10 **“TITLE XXIX—CULTURALLY AND**  
 11 **LINGUISTICALLY APPRO-**  
 12 **PRIATE HEALTHCARE**

13 **“SEC. 2900. DEFINITIONS.**

14 “In this title:

15 “(1) **APPROPRIATE HEALTHCARE SERVICES.**—

16 The term ‘appropriate healthcare services’ includes  
 17 services or treatments to address physical, mental,  
 18 and behavioral disorders or syndromes.

19 “(2) **INDIAN TRIBE.**—The term ‘Indian tribe’

20 means any Indian tribe, band, nation, or other orga-  
 21 nized group or community, including any Alaska Na-  
 22 tive village or group or regional or village corpora-  
 23 tion as defined in or established pursuant to the  
 24 Alaska Native Claims Settlement Act (85 Stat. 688)  
 25 (43 U.S.C. 1601 et seq.), which is recognized as eli-

1 gible for the special programs and services provided  
2 by the United States to Indians because of their sta-  
3 tus as Indians.

4 “(3) LIMITED ENGLISH PROFICIENT.—The  
5 term ‘limited English proficient’ with respect to an  
6 individual means an individual who cannot speak,  
7 read, write, or understand the English language at  
8 a level that permits them to interact effectively with  
9 clinical or nonclinical staff at a healthcare organiza-  
10 tion.

11 “(4) MINORITY.—

12 “(A) IN GENERAL.—The terms ‘minority’  
13 and ‘minorities’ refer to individuals from a mi-  
14 nority group.

15 “(B) POPULATIONS.—The term ‘minority’,  
16 with respect to populations, refers to racial and  
17 ethnic minority groups.

18 “(5) MINORITY GROUP.—The term ‘minority  
19 group’ has the meaning given the term “racial and  
20 ethnic minority group”.

21 “(6) RACIAL AND ETHNIC MINORITY GROUP.—  
22 The term ‘racial and ethnic minority group’ means  
23 American Indians and Alaska Natives, African  
24 Americans (including Caribbean Blacks and Afri-  
25 cans), Asian Americans, Hispanics (including

1 Latinos), and Native Hawaiians and other Pacific  
2 Islanders.

3 “(7) STATE.—The term ‘State’ means each of  
4 the several states, the District of Columbia, the  
5 Commonwealth of Puerto Rico, the Indian tribes,  
6 the Virgin Islands, Guam, American Samoa, and the  
7 Commonwealth of the Northern Mariana Islands.

8 **“SEC. 2901. IMPROVING ACCESS TO SERVICES FOR INDIVID-**  
9 **UALS WITH LIMITED ENGLISH PROFICIENCY.**

10 “(a) PURPOSE.—As provided in Executive Order  
11 13166, it is the purpose of this section—

12 “(1) to improve access to Federally conducted  
13 and Federally assisted programs and activities for  
14 individuals who are limited in their English pro-  
15 ficiency;

16 “(2) to require each Federal agency to examine  
17 the services it provides and develop and implement  
18 a system by which limited English proficient individ-  
19 uals can enjoy meaningful access to those services  
20 consistent with, and without substantially burdening,  
21 the fundamental mission of the agency;

22 “(3) to require each Federal agency to ensure  
23 that recipients of Federal financial assistance pro-  
24 vide meaningful access to their limited English pro-  
25 ficient applicants and beneficiaries;

1           “(4) to ensure that recipients of Federal finan-  
2           cial assistance take reasonable steps, consistent with  
3           the guidelines set forth in the Limited English Pro-  
4           ficient Guidance of the Department of Justice (as  
5           issued on June 12, 2002), to ensure meaningful ac-  
6           cess to their programs and activities by limited  
7           English proficient individuals; and

8           “(5) to ensure compliance with title VI of the  
9           Civil Rights Act of 1964 and that healthcare pro-  
10          viders and organizations do not discriminate in the  
11          provision of services.

12          “(b) **FEDERALLY CONDUCTED PROGRAMS AND AC-**  
13          **TIVITIES.—**

14                 “(1) **IN GENERAL.—**Not later than 120 days  
15                 after the date of enactment of this Act, each Federal  
16                 agency that carries out health care-related activities  
17                 shall prepare a plan to improve access to the feder-  
18                 ally conducted health care-related programs and ac-  
19                 tivities of the agency by limited English proficient  
20                 individuals.

21                 “(2) **PLAN REQUIREMENT.—**Each plan under  
22                 paragraph (1) shall be consistent with the standards  
23                 set forth in section 204 of the Healthcare Equality  
24                 and Accountability Act, and shall include the steps  
25                 the agency will take to ensure that limited English

1 proficient individuals have access to the agency’s  
2 health care-related programs and activities. Each  
3 agency shall send a copy of such plan to the Depart-  
4 ment of Justice, which shall serve as the central re-  
5 pository of the agencies’ plans.

6 “(c) FEDERALLY ASSISTED PROGRAMS AND ACTIVITI-  
7 TIES.—

8 “(1) IN GENERAL.—Not later than 120 days  
9 after the date of enactment of this Act, each Federal  
10 agency providing health care-related Federal finan-  
11 cial assistance shall ensure that the guidance for re-  
12 cipients of Federal financial assistance developed by  
13 the agency to ensure compliance with title VI of the  
14 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)  
15 is specifically tailored to the recipients of such as-  
16 sistance and is consistent with the standards de-  
17 scribed in section 204 of the Healthcare Equality  
18 and Accountability Act. Each agency shall send a  
19 copy of such guidance to the Department of Justice  
20 which shall serve as the central repository of the  
21 agencies’ plans. After approval by the Department of  
22 Justice, each agency shall publish its guidance docu-  
23 ment in the Federal Register for public comment.

24 “(2) REQUIREMENTS.—The agency-specific  
25 guidance developed under paragraph (1) shall—

1           “(A) detail how the general standards es-  
2           tablished under section 204 of the Healthcare  
3           Equality and Accountability Act will be applied  
4           to the agency’s recipients; and

5           “(B) take into account the types of health  
6           care services provided by the recipients, the in-  
7           dividuals served by the recipients, and other  
8           factors set out in such standards.

9           “(3) EXISTING GUIDANCES.—A Federal agency  
10          that has developed a guidance for purposes of title  
11          VI of the Civil Rights Act of 1964 that the Depart-  
12          ment of Justice determines is consistent with the  
13          standards described in section 204 of the Healthcare  
14          Equality and Accountability Act shall examine such  
15          existing guidance, as well as the programs and ac-  
16          tivities to which such guidance applies, to determine  
17          if modification of such guidance is necessary to com-  
18          ply with this subsection.

19          “(4) CONSULTATION.—Each Federal agency  
20          shall consult with the Department of Justice in es-  
21          tablishing the guidances under this subsection.

22          “(d) CONSULTATIONS.—

23          “(1) IN GENERAL.—In carrying out this sec-  
24          tion, each Federal agency that carries out health  
25          care-related activities shall ensure that stakeholders,

1 such as limited English proficient individuals and  
 2 their representative organizations, recipients of Fed-  
 3 eral assistance, and other appropriate individuals or  
 4 entities, have an adequate and comparable oppor-  
 5 tunity to provide input with respect to the actions of  
 6 the agency.

7 “(2) EVALUATION.—Each Federal agency de-  
 8 scribed in paragraph (1) shall evaluate the—

9 “(A) particular needs of the limited  
 10 English proficient individuals served by the  
 11 agency, and by a recipient of assistance pro-  
 12 vided by the agency;

13 “(B) burdens of compliance with the agen-  
 14 cy guidance and its recipients of the require-  
 15 ments of this section; and

16 “(C) outcomes or effectiveness of services.

17 **“SEC. 2902. NATIONAL STANDARDS FOR CULTURALLY AND**  
 18 **LINGUISTICALLY APPROPRIATE SERVICES IN**  
 19 **HEALTHCARE.**

20 “Recipients of Federal financial assistance from the  
 21 Secretary shall, to the extent reasonable and practicable  
 22 after applying the 4-factor analysis described in title V  
 23 of the Guidance to Federal Financial Assistance Recipi-  
 24 ents Regarding Title VI Prohibition Against National Ori-

1 gin Discrimination Affecting Limited-English Proficient  
2 Persons (June 12, 2002)—

3 “(1) implement strategies to recruit, retain, and  
4 promote individuals at all levels of the organization  
5 to maintain a diverse staff and leadership that can  
6 provide culturally and linguistically appropriate  
7 healthcare to patient populations of the service area  
8 of the organization;

9 “(2) ensure that staff at all levels and across all  
10 disciplines of the organization receive ongoing edu-  
11 cation and training in culturally and linguistically  
12 appropriate service delivery;

13 “(3) offer and provide language assistance serv-  
14 ices, including bilingual staff and interpreter serv-  
15 ices, at no cost to each patient with limited English  
16 proficiency at all points of contact, in a timely man-  
17 ner during all hours of operation;

18 “(4) notify patients of their right to receive lan-  
19 guage assistance services in their primary language;

20 “(5) ensure the competence of language assist-  
21 ance provided to limited English proficient patients  
22 by interpreters and bilingual staff, and ensure that  
23 family, particularly minor children, and friends are  
24 not used to provide interpretation services—

25 “(A) except in case of emergency; or

1           “(B) except on request of the patient, who  
2           has been informed in his or her preferred lan-  
3           guage of the availability of free interpretation  
4           services;

5           “(6) make available easily understood patient-  
6           related materials, if such materials exist for non-lim-  
7           ited English proficient patients, including informa-  
8           tion or notices about termination of benefits and  
9           post signage in the languages of the commonly en-  
10          countered groups or groups represented in the serv-  
11          ice area of the organization;

12          “(7) develop and implement clear goals, poli-  
13          cies, operational plans, and management account-  
14          ability and oversight mechanisms to provide cul-  
15          turally and linguistically appropriate services;

16          “(8) conduct initial and ongoing organizational  
17          assessments of culturally and linguistically appro-  
18          priate services-related activities and integrate valid  
19          linguistic competence-related measures into the in-  
20          ternal audits, performance improvement programs,  
21          patient satisfaction assessments, and outcomes-based  
22          evaluations of the organization;

23          “(9) ensure that, consistent with the privacy  
24          protections provided for under the regulations pro-  
25          mulgated under section 264(c) of the Health Insur-

1       ance Portability and Accountability Act of 1996 (42  
2       U.S.C. 1320d–2 note)—

3               “(A) data on the individual patient’s race,  
4               ethnicity, and primary language are collected in  
5               health records, integrated into the organiza-  
6               tion’s management information systems, and  
7               periodically updated; and

8               “(B) if the patient is a minor or is inca-  
9               pacitated, the primary language of the parent  
10              or legal guardian is collected;

11             “(10) maintain a current demographic, cultural,  
12             and epidemiological profile of the community as well  
13             as a needs assessment to accurately plan for and im-  
14             plement services that respond to the cultural and  
15             linguistic characteristics of the service area of the  
16             organization;

17             “(11) develop participatory, collaborative part-  
18             nerships with communities and utilize a variety of  
19             formal and informal mechanisms to facilitate com-  
20             munity and patient involvement in designing and im-  
21             plementing culturally and linguistically appropriate  
22             services-related activities;

23             “(12) ensure that conflict and grievance resolu-  
24             tion processes are culturally and linguistically sen-  
25             sitive and capable of identifying, preventing, and re-

1 solving cross-cultural conflicts or complaints by pa-  
2 tients;

3 “(13) regularly make available to the public in-  
4 formation about their progress and successful inno-  
5 vations in implementing the standards under this  
6 section and provide public notice in their commu-  
7 nities about the availability of this information; and

8 “(14) if requested, regularly make available to  
9 the head of each Federal entity from which Federal  
10 funds are received, information about their progress  
11 and successful innovations in implementing the  
12 standards under this section as required by the head  
13 of such entity.

14 **“SEC. 2903. CENTER FOR CULTURAL AND LINGUISTIC COM-  
15 PETENCE IN HEALTHCARE.**

16 “(a) ESTABLISHMENT.—The Secretary, acting  
17 through the Director of the Office of Minority Health,  
18 shall establish and support a center to be known as the  
19 ‘Center for Cultural and Linguistic Competence in  
20 Healthcare’ (referred to in this section as the ‘Center’)  
21 to carry out the following activities:

22 “(1) REMOTE MEDICAL INTERPRETING.—The  
23 Center shall provide remote medical interpreting, di-  
24 rectly or through contracts, to healthcare providers  
25 who otherwise would be unable to provide language

1 interpreting services, at reasonable or no cost as de-  
2 termined appropriate by the Director of the Center.  
3 Methods of interpretation may include remote, si-  
4 multaneous or consecutive interpreting through tele-  
5 phonic systems, video conferencing, and other meth-  
6 ods determined appropriate by the Secretary for pa-  
7 tients with limited English proficiency. The quality  
8 of such interpreting shall be monitored and reported  
9 publicly. Nothing in this paragraph shall be con-  
10 strued to limit the ability of healthcare providers or  
11 organizations to provide medical interpreting serv-  
12 ices directly and obtain reimbursement for such  
13 services as provided for under the medicare, med-  
14 icaid or SCHIP programs under titles XVIII, XIX,  
15 or XXI of the Social Security Act.

16 “(2) MODEL LANGUAGE ASSISTANCE PRO-  
17 GRAMS.—The Center shall provide for the collection  
18 and dissemination of information on current model  
19 language assistance programs and strategies to im-  
20 prove language access to healthcare for individuals  
21 with limited English proficiency, including case stud-  
22 ies using de-identified patient information, program  
23 summaries, and program evaluations.

24 “(3) MEDICAL INTERPRETING GUIDELINES.—

1           “(A) IN GENERAL.—The Center shall con-  
2           vene a national working group to develop med-  
3           ical interpreting and translation guidelines and  
4           standards for—

5                   “(i) the provision of services;

6                   “(ii) the actual practice of inter-  
7           preting;

8                   “(iii) the training of medical inter-  
9           preters and translators, developed by inter-  
10          preters and translators.

11          “(B) PUBLICATION.—Not later than 18  
12          months after the date of enactment of this Act,  
13          the Center shall publish guidelines and stand-  
14          ards developed under this paragraph in the  
15          Federal Register.

16          “(4) INTERNET HEALTH CLEARINGHOUSE.—  
17          The Center shall develop and maintain an Internet  
18          clearinghouse to reduce medical errors and improve  
19          medical outcomes and reduce healthcare costs  
20          caused by communication with individuals with lim-  
21          ited English proficiency or low functional health lit-  
22          eracy and reduce or eliminate the duplication of ef-  
23          fort to translate materials by—

24                   “(A) developing and making available tem-  
25          plates for standard documents that are nec-

1           essary for patients and consumers to access and  
2           make educated decisions about their healthcare,  
3           including—

4                   “(i) administrative and legal docu-  
5                   ments such as informed consent, advanced  
6                   directives, and waivers of rights;

7                   “(ii) clinical information such as how  
8                   to take medications, how to prevent trans-  
9                   mission of a contagious disease, and other  
10                  prevention and treatment instructions;

11                  “(iii) patient education and outreach  
12                  materials such as immunization notices,  
13                  health warnings, or screening notices; and

14                  “(iv) additional health or healthcare-  
15                  related materials as determined appro-  
16                  priate by the Director of the Center;

17                  “(B) ensuring that the documents the  
18                  posted in English and non-English languages  
19                  and are culturally appropriate;

20                  “(C) allowing public review of the docu-  
21                  ments before dissemination in order to ensure  
22                  that the documents are understandable and cul-  
23                  turally appropriate for the target populations;

24                  “(D) allowing healthcare providers to cus-  
25                  tomize the documents for their use;

1           “(E) facilitating access to these docu-  
2           ments;

3           “(F) providing technical assistance with  
4           respect to the access and use of such informa-  
5           tion; and

6           “(G) carrying out any other activities the  
7           Secretary determines to be useful to fulfill the  
8           purposes of the Clearinghouse.

9           “(5) PROVISION OF INFORMATION.—The Cen-  
10          ter shall provide information relating to culturally  
11          and linguistically competent healthcare for minority  
12          populations residing in the United States to all  
13          healthcare providers and healthcare organizations at  
14          no cost. Such information shall include—

15               “(A) tenets of culturally and linguistically  
16               competent care;

17               “(B) cultural and linguistic competence  
18               self-assessment tools;

19               “(C) cultural and linguistic competence  
20               training tools;

21               “(D) strategic plans to increase cultural  
22               and linguistic competence in different types of  
23               healthcare organizations; and

1                   “(E) resources for cultural competence in-  
2                   formation for educators, practitioners and re-  
3                   searchers.

4           “(b) DIRECTOR.—The Center shall be headed by a  
5 Director to be appointed by the Director of the Office of  
6 Minority Health who shall report to the Director of the  
7 Office of Minority Health.

8           “(c) AVAILABILITY OF LANGUAGE ACCESS.—The Di-  
9           rector shall collaborate with the Administrator of the Cen-  
10           ters for Medicare and Medicaid Services and the Adminis-  
11           trator of the Health Resources and Services Administra-  
12           tion, to notify healthcare providers and healthcare organi-  
13           zations about the availability of language access services  
14           by the Center.

15           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
16           is authorized to be appropriated to carry out this section  
17           such sums as may be necessary for each of fiscal years  
18           2006 through 2011.

19   **“SEC. 2904. INNOVATIONS IN LANGUAGE ACCESS GRANTS.**

20           “(a) IN GENERAL.—The Secretary, acting through  
21           the Administrator of the Centers for Medicare and Med-  
22           icaid Services, the Administrator of the Health Resources  
23           and Services Administration, the Secretary of Education,  
24           and the Director of the Office of Minority Health, shall  
25           award grants to eligible entities to enable such entities to

1 design, implement, and evaluate innovative, cost-effective  
2 programs to improve language access to healthcare for in-  
3 dividuals with limited English proficiency.

4 “(b) ELIGIBILITY.—To be eligible to receive a grant  
5 under subsection (a) an entity shall—

6 “(1) be a city, county, Indian tribe, State, terri-  
7 tory, community-based and other nonprofit organiza-  
8 tion, health center or community clinic, university,  
9 college, or other entity designated by the Secretary;  
10 and

11 “(2) prepare and submit to the Secretary an  
12 application, at such time, in such manner, and ac-  
13 companied by such additional information as the  
14 Secretary may require.

15 “(c) USE OF FUNDS.—An entity shall use funds re-  
16 ceived under a grant under this section to—

17 “(1) develop, implement, and evaluate models of  
18 providing real-time interpretation services through  
19 in-person interpretation, communications, and com-  
20 puter technology, including the Internet, teleconfer-  
21 encing, or video conferencing;

22 “(2) develop short-term medical interpretation  
23 training courses and incentives for bilingual  
24 healthcare staff who are asked to interpret in the  
25 workplace;

1           “(3) develop formal training programs for indi-  
2           viduals interested in becoming dedicated healthcare  
3           interpreters;

4           “(4) provide staff language training instruction  
5           which shall include information on the practical limi-  
6           tations of such instruction for non-native speakers;

7           “(5) provide basic healthcare-related English  
8           language instruction for limited English proficient  
9           individuals; and

10          “(6) develop other language assistance services  
11          as determined appropriate by the Secretary.

12          “(d) PRIORITY.—In awarding grants under this sec-  
13          tion, the Secretary shall give priority to entities that have  
14          developed partnerships with organizations or agencies with  
15          experience in language access services.

16          “(e) EVALUATION.—An entity that receives a grant  
17          under this section shall submit to the Secretary an evalua-  
18          tion that describes the activities carried out with funds  
19          received under the grant, and how such activities improved  
20          access to healthcare services and the quality of healthcare  
21          for individuals with limited English proficiency. Such eval-  
22          uation shall be collected and disseminated through the  
23          Center for Linguistic and Cultural Competence in  
24          Healthcare established under section 2903.

1       “(f) GRANTEE CONVENTION.—The Secretary, acting  
2 through the Director of the Center for Linguistic and Cul-  
3 tural Competence in Healthcare, shall at the end of the  
4 grant cycle convene grantees under this section to share  
5 findings and develop and disseminate model programs and  
6 practices.

7       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
8 is authorized to be appropriated to carry out this section,  
9 such sums as may be necessary for each of fiscal years  
10 2006 through 2011.

11 **“SEC. 2905. RESEARCH ON LANGUAGE ACCESS.**

12       “(a) IN GENERAL.—The Director of the Agency for  
13 Healthcare Research and Quality, in collaboration with  
14 the Director of the Office of Minority Health, shall expand  
15 research concerning—

16               “(1) the barriers to healthcare services includ-  
17 ing mental and behavioral services that are faced by  
18 limited English proficient individuals;

19               “(2) the impact of language barriers on the  
20 quality of healthcare and the health status of limited  
21 English proficient individuals and populations;

22               “(3) healthcare provider attitudes, knowledge,  
23 and awareness of the barriers described in para-  
24 graphs (1) and (2);



1 participate in such activities that provides at the minimum  
2 the factors and principles set forth in the Department of  
3 Justice guidance published on June 12, 2002.

4 **SEC. 203. FEDERAL REIMBURSEMENT FOR CULTURALLY**  
5 **AND LINGUISTICALLY APPROPRIATE SERV-**  
6 **ICES UNDER THE MEDICARE, MEDICAID AND**  
7 **STATE CHILDREN'S HEALTH INSURANCE**  
8 **PROGRAM.**

9 (a) DEMONSTRATION PROJECT PROMOTING ACCESS  
10 FOR MEDICARE BENEFICIARIES WITH LIMITED ENGLISH  
11 PROFICIENCY.—

12 (1) IN GENERAL.—The Secretary shall conduct  
13 a demonstration project (in this section referred to  
14 as the “project”) to demonstrate the impact on costs  
15 and health outcomes of providing reimbursement for  
16 interpreter services to certain medicare beneficiaries  
17 who are limited English proficient in urban and  
18 rural areas.

19 (2) SCOPE.—The Secretary shall carry out the  
20 project in not less than 30 States through contracts  
21 with—

22 (A) health plans (under part C of title  
23 XVIII of the Social Security Act);

24 (B) small providers;

25 (C) hospitals; and

1 (D) community-based clinics.

2 (3) DURATION.—Each contract entered into  
3 under the project shall extend over a period of not  
4 longer than 2 years.

5 (4) REPORT.—Upon completion of the project,  
6 the Secretary shall submit a report to Congress on  
7 the project which shall include recommendations re-  
8 garding the extension of such project to the entire  
9 medicare program.

10 (5) EVALUATION.—The Director of the Agency  
11 for Healthcare Research and Quality shall award  
12 grants to public and private nonprofit entities for  
13 the evaluation of the project. Such evaluations shall  
14 focus on access, utilization, efficiency, cost-effective-  
15 ness, patient satisfaction, and select health out-  
16 comes.

17 (b) MEDICAID.—Section 1903(a)(3) of the Social Se-  
18 curity Act (42 U.S.C. 1396b(a)(3)) is amended—

19 (1) in subparagraph (D), by striking “plus” at  
20 the end and inserting “and”; and

21 (2) by adding at the end the following:

22 “(E) 90 percent of the sums expended with  
23 respect to costs incurred during such quarter as  
24 are attributable to the provision of culturally  
25 and linguistically appropriate services, including

1 oral interpretation, translations of written ma-  
2 terials, and other cultural and linguistic services  
3 for individuals with limited English proficiency  
4 and disabilities who apply for, or receive, med-  
5 ical assistance under the State plan (including  
6 any waiver granted to the State plan); plus”.

7 (c) SCHIP.—Section 2105(a)(1) of the Social Secu-  
8 rity Act (42 U.S.C.1397ee(a)), as amended by section  
9 515, is amended—

10 (1) in the matter preceding subparagraph (A),  
11 by inserting “or, in the case of expenditures de-  
12 scribed in subparagraph (D)(iv), 90 percent” after  
13 “enhanced FMAP”; and

14 (2) in subparagraph (D)—

15 (A) in clause (iii), by striking “and” at the  
16 end;

17 (B) by redesignating clause (iv) as clause  
18 (v); and

19 (C) by inserting after clause (iii) the fol-  
20 lowing:

21 “(iv) for expenditures attributable to  
22 the provision of culturally and linguistically  
23 appropriate services, including oral inter-  
24 pretation, translations of written materials,  
25 and other language services for individuals

1 with limited English proficiency and dis-  
2 abilities who apply for, or receive, child  
3 health assistance under the plan; and”.

4 (d) EFFECTIVE DATE.—The amendments made by  
5 this section take effect on October 1, 2006.

6 **SEC. 204. INCREASING UNDERSTANDING OF HEALTH LIT-**  
7 **ERACY.**

8 (a) IN GENERAL.—The Secretary, acting through the  
9 Director of the Agency for Healthcare Research and Qual-  
10 ity and the Administrator of the Health Resources and  
11 Services Administration, shall award grants to eligible en-  
12 tities to improve healthcare for patient populations that  
13 have low functional health literacy.

14 (b) ELIGIBILITY.—To be eligible to receive a grant  
15 under subsection (a), an entity shall—

16 (1) be a hospital, health center or clinic, health  
17 plan, or other health entity; and

18 (2) prepare and submit to the Secretary an ap-  
19 plication at such time, in such manner, and con-  
20 taining such information as the Secretary may re-  
21 quire.

22 (c) USE OF FUNDS.—

23 (1) AGENCY FOR HEALTHCARE RESEARCH AND  
24 QUALITY.—Grants awarded under subsection (a)

1 through the Agency for Healthcare Research and  
2 Quality shall be used—

3 (A) to define and increase the under-  
4 standing of health literacy;

5 (B) to investigate the correlation between  
6 low health literacy and health and healthcare;

7 (C) to clarify which aspects of health lit-  
8 eracy have an effect on health outcomes; and

9 (D) for any other activity determined ap-  
10 propriate by the Director of the Agency.

11 (2) HEALTH RESOURCES AND SERVICES AD-  
12 MINISTRATION.—Grants awarded under subsection  
13 (a) through the Health Resources and Services Ad-  
14 ministration shall be used to conduct demonstration  
15 projects for interventions for patients with low  
16 health literacy that may include—

17 (A) the development of new disease man-  
18 agement programs for patients with low health  
19 literacy;

20 (B) the tailoring of existing disease man-  
21 agement programs addressing mental and phys-  
22 ical health conditions for patients with low  
23 health literacy;

24 (C) the translation of written health mate-  
25 rials for patients with low health literacy;

1 (D) the identification, implementation, and  
2 testing of low health literacy screening tools;

3 (E) the conduct of educational campaigns  
4 for patients and providers about low health lit-  
5 eracy; and

6 (F) other activities determined appropriate  
7 by the Administrator of the Health Resources  
8 and Services Administration.

9 (d) DEFINITIONS.—In this section, the term “low  
10 health literacy” means the inability of an individual to ob-  
11 tain, process, and understand basic health information  
12 and services needed to make appropriate health decisions.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section,  
15 such sums as may be necessary for each of fiscal years  
16 2006 through 2011.

17 **SEC. 205. REPORT ON FEDERAL EFFORTS TO PROVIDE CUL-**  
18 **TURALLY AND LINGUISTICALLY APPRO-**  
19 **PRIATE HEALTHCARE SERVICES.**

20 Not later than 1 year after the date of enactment  
21 of this Act and annually thereafter, the Secretary of  
22 Health and Human Services shall enter into a contract  
23 with the Institute of Medicine for the preparation and  
24 publication of a report that describes federal efforts to en-  
25 sure that all individuals have meaningful access to cul-

1 turally and linguistically appropriate healthcare services.

2 Such report shall include—

3 (1) a description and evaluation of the activities  
4 carried out under this Act; and

5 (2) a description of best practices, model pro-  
6 grams, guidelines, and other effective strategies for  
7 providing access to culturally and linguistically ap-  
8 propriate healthcare services.

9 **SEC. 206. GENERAL ACCOUNTING OFFICE REPORT ON IM-**  
10 **PACT OF LANGUAGE ACCESS SERVICES.**

11 Not later than 3 years after the date of enactment  
12 of this Act, the Comptroller General of the United States  
13 shall examine, and prepare and publish a report on, the  
14 impact of language access services on the health and  
15 healthcare of limited English proficient populations. Such  
16 report shall include—

17 (1) recommendations on the development and  
18 implementation of policies and practices by  
19 healthcare organizations and providers for limited  
20 English proficient patient populations;

21 (2) a description of the effect of providing lan-  
22 guage access services on quality of healthcare and  
23 access to care and reduced medical error; and

1           (3) a description of the costs associated with or  
2           savings related to provision of language access serv-  
3           ices.

4 **SEC. 207. DEFINITIONS.**

5           In this subtitle:

6           (1) INCORPORATED DEFINITIONS.—The defini-  
7           tions contained in section 2900 of the Public Health  
8           Service Act, as added by section 201 shall apply.

9           (2) SECRETARY.—The term “Secretary” means  
10          the Secretary of Health and Human Services.

11 **Subtitle B—Medicare and Medicaid**  
12 **Programs Requirements**

13 **SEC. 211. TREATMENT OF THE MEDICARE PART B PRO-**  
14 **GRAM UNDER TITLE VI OF CIVIL RIGHTS ACT**  
15 **OF 1964.**

16          A payment provider of services or physician or other  
17          supplier under part B of title XVIII of the Social Security  
18          Act shall be deemed a grant, and not a contract of insur-  
19          ance or guaranty, for the purposes of title VI of the Civil  
20          Rights Act of 1964.

1 **TITLE III—HEALTH WORKFORCE**  
 2 **DIVERSITY**

3 **SEC. 301. AMENDMENT TO THE PUBLIC HEALTH SERVICE**  
 4 **ACT.**

5 Title XXIX of the Public Health Service Act, as  
 6 added by section 201, is amended by adding at the end  
 7 the following:

8 **“Subtitle A—Diversifying the**  
 9 **Healthcare Workplace**

10 **“SEC. 2911. REPORT ON WORKFORCE DIVERSITY.**

11 “(a) IN GENERAL.—Not later than July 1, 2006, and  
 12 biannually thereafter, the Secretary, acting through the  
 13 director of each entity within the Department of Health  
 14 and Human Services, shall prepare and submit to the  
 15 Committee on Health, Education, Labor, and Pensions of  
 16 the Senate and the Committee on Energy and Commerce  
 17 of the House of Representatives a report on health work-  
 18 force diversity.

19 “(b) REQUIREMENT.—The report under subsection  
 20 (a) shall contain the following information:

21 “(1) A description of any grant support that is  
 22 provided by each entity for workforce diversity ini-  
 23 tiatives with the following information—

24 “(A) the number of grants made;

25 “(B) the purpose of the grants;

1           “(C) the populations served through the  
2 grants;

3           “(D) the organizations and institutions re-  
4 ceiving the grants; and

5           “(E) the tracking efforts that were used to  
6 follow the progress of participants.

7           “(2) A description of the entity’s plan to  
8 achieve workforce diversity goals that includes, to  
9 the extent relevant to such entity—

10           “(A) the number of underrepresented mi-  
11 nority health professionals that will be needed  
12 in various disciplines over the next 10 years to  
13 achieve population parity;

14           “(B) the level of funding needed to fully  
15 expand and adequately support health profes-  
16 sions pipeline programs;

17           “(C) the impact such programs have had  
18 on the admissions practices and policies of  
19 health professions schools;

20           “(D) the management strategy necessary  
21 to effectively administer and institutionalize  
22 health profession pipeline programs; and

23           “(E) the impact that the Government Per-  
24 formance and Results Act (GPRA) has had on  
25 evaluating the performance of grantees and



1           “(4) The Bureau of Labor Statistics of the De-  
2           partment of Labor.

3           “(5) The Public Health Practice Program Of-  
4           fice—Office of Workforce Policy and Planning.

5           “(6) The National Center on Minority Health  
6           and Health Disparities.

7           “(7) The Agency for Healthcare Research and  
8           Quality.

9           “(8) The Institute of Medicine Study Com-  
10          mittee for the 2004 workforce diversity report.

11          “(9) The Indian Health Service.

12          “(10) Academic institutions.

13          “(11) Consumer organizations.

14          “(12) Health professional associations, includ-  
15          ing those that represent underrepresented minority  
16          populations.

17          “(13) Researchers in the area of health work-  
18          force.

19          “(14) Health workforce accreditation entities.

20          “(15) Private foundations that have sponsored  
21          workforce diversity initiatives.

22          “(16) Not less than 5 health professions stu-  
23          dents representing various health profession fields  
24          and levels of training.

1       “(c) ACTIVITIES.—The working group established  
2 under subsection (a) shall convene at least twice each year  
3 to complete the following activities:

4           “(1) Review current public and private health  
5 workforce diversity initiatives.

6           “(2) Identify successful health workforce diver-  
7 sity programs and practices.

8           “(3) Examine challenges relating to the devel-  
9 opment and implementation of health workforce di-  
10 versity initiatives.

11          “(4) Draft a national strategic work plan for  
12 health workforce diversity, including recommenda-  
13 tions for public and private sector initiatives.

14          “(5) Develop a framework and methods for the  
15 evaluation of current and future health workforce di-  
16 versity initiatives.

17          “(6) Develop recommended standards for work-  
18 force diversity that could be applicable to all health  
19 professions programs and programs funded under  
20 this Act.

21          “(7) Develop curriculum guidelines for diversity  
22 training.

23          “(8) Develop a strategy for the inclusion of  
24 community members on admissions committees for  
25 health profession schools.



1       “(b) INFORMATION AND SERVICES.—The clearing-  
2 house established under subsection (a) shall offer the fol-  
3 lowing information and services:

4           “(1) Information on the importance of health  
5 workforce diversity.

6           “(2) Statistical information relating to under-  
7 represented minority representation in health and al-  
8 lied health professions and occupations.

9           “(3) Model health workforce diversity practices  
10 and programs.

11          “(4) Admissions policies that promote health  
12 workforce diversity and are in compliance with Fed-  
13 eral and State laws.

14          “(5) Lists of scholarship, loan repayment, and  
15 loan cancellation grants as well as fellowship infor-  
16 mation for underserved populations for health pro-  
17 fessions schools.

18          “(6) Foundation and other large organizational  
19 initiatives relating to health workforce diversity.

20       “(c) CONSULTATION.—In carrying out this section,  
21 the Secretary shall consult with non-Federal entities which  
22 may include minority health professional associations to  
23 ensure the adequacy and accuracy of information.

24       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
25 is authorized to be appropriated to carry out this section,

1 such sums as may be necessary for each of fiscal years  
2 2007 through 2012.

3 **“SEC. 2914. EVALUATION OF WORKFORCE DIVERSITY INI-**  
4 **TIATIVES.**

5 “(a) IN GENERAL.—The Secretary, acting through  
6 the Bureau of Health Professions within the Health Re-  
7 sources and Services Administration, shall award grants  
8 to eligible entities for the conduct of an evaluation of cur-  
9 rent health workforce diversity initiatives funded by the  
10 Department of Health and Human Services.

11 “(b) ELIGIBILITY.—To be eligible to receive a grant  
12 under subsection (a) an entity shall—

13 “(1) be a city, county, Indian tribe, State, terri-  
14 tory, community-based nonprofit organization,  
15 health center, university, college, or other entity de-  
16 termined appropriate by the Secretary;

17 “(2) with respect to an entity that is not an  
18 academic medical center, university, or private re-  
19 search institution, carry out activities under the  
20 grant in partnership with an academic medical cen-  
21 ter, university, or private research institution; and

22 “(3) submit to the Secretary an application at  
23 such time, in such manner, and containing such in-  
24 formation as the Secretary may require.

1       “(c) USE OF FUNDS.—Amounts awarded under a  
2 grant under subsection (a) shall be used to support the  
3 following evaluation activities:

4           “(1) Determinations of measures of health  
5 workforce diversity success.

6           “(2) The short- and long-term tracking of par-  
7 ticipants in health workforce diversity pipeline pro-  
8 grams funded by the Department of Health and  
9 Human Services.

10          “(3) Assessments of partnerships formed  
11 through activities to increase health workforce diver-  
12 sity.

13          “(4) Assessments of barriers to health work-  
14 force diversity.

15          “(5) Assessments of policy changes at the Fed-  
16 eral, State, and local levels.

17          “(6) Assessments of coordination within and be-  
18 tween Federal agencies and other institutions.

19          “(7) Other activities determined appropriate by  
20 the Secretary and the Working Group established  
21 under section 2912.

22       “(d) REPORT.—Not later than 1 year after the date  
23 of enactment of this title, the Bureau of Health Profes-  
24 sions within the Health Resources and Services Adminis-  
25 tration shall prepare and make available for public com-

1 ment a report that summarizes the findings made by enti-  
2 ties under grants under this section.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section,  
5 such sums as may be necessary for each of fiscal years  
6 2007 through 2012.

7 **“SEC. 2915. DATA COLLECTION AND REPORTING BY**  
8 **HEALTH PROFESSIONAL SCHOOLS.**

9 “(a) IN GENERAL.—The Secretary, acting through  
10 the Bureau of Health Professions of the Health Resources  
11 and Services Administration and the Office of Minority  
12 Health, shall establish an aggregated database on health  
13 professional students.

14 “(b) REQUIREMENT TO COLLECT DATA.—Each  
15 health professional school (including medical, dental, and  
16 nursing schools) and allied health profession school and  
17 program that receives Federal funds shall collect race, eth-  
18 nicity, and language proficiency data concerning those stu-  
19 dents enrolled at such schools or in such programs. In col-  
20 lecting such data, a school or program shall—

21 “(1) at a minimum, use the categories for race  
22 and ethnicity described in the 1997 Office of Man-  
23 agement and Budget Standards for Maintaining,  
24 Collecting, and Presenting Federal Data on Race  
25 and Ethnicity and available language standards; and



1           “(1) be an educational institution or entity that  
2           historically produces or trains meaningful numbers  
3           of underrepresented minority health professionals,  
4           including—

5                   “(A) Historically Black Colleges and Uni-  
6                   versities;

7                   “(B) Hispanic-Serving Health Professions  
8                   Schools;

9                   “(C) Hispanic-Serving Institutions;

10                  “(D) Tribal Colleges and Universities;

11                  “(E) Asian American and Pacific Islander-  
12                  serving institutions;

13                  “(F) institutions that have programs to re-  
14                  cruit and retain underrepresented minority  
15                  health professionals, in which a significant  
16                  number of the enrolled participants are under-  
17                  represented minorities;

18                  “(G) health professional associations,  
19                  which may include underrepresented minority  
20                  health professional associations; and

21                  “(H) institutions—

22                          “(i) located in communities with pre-  
23                          dominantly underrepresented minority pop-  
24                          ulations;

1           “(ii) with whom partnerships have  
2           been formed for the purpose of increasing  
3           workforce diversity; and

4           “(iii) in which at least 20 percent of  
5           the enrolled participants are underrep-  
6           resented minorities; and

7           “(2) submit to the Secretary an application at  
8           such time, in such manner, and containing such in-  
9           formation as the Secretary may require.

10          “(c) USE OF FUNDS.—Amounts received under a  
11         grant under subsection (a) shall be used to expand existing  
12         workforce diversity programs, implement new workforce  
13         diversity programs, or evaluate existing or new workforce  
14         diversity programs, including with respect to mental  
15         health care professions. Such programs shall enhance di-  
16         versity by considering minority status as part of an indi-  
17         vidualized consideration of qualifications. Possible activi-  
18         ties may include—

19                 “(1) educational outreach programs relating to  
20                 opportunities in the health professions,;

21                 “(2) scholarship, fellowship, grant, loan repay-  
22                 ment, and loan cancellation programs;

23                 “(3) post-baccalaureate programs;

1           “(4) academic enrichment programs, particu-  
2           larly targeting those who would not be competitive  
3           for health professions schools;

4           “(5) kindergarten through 12th grade and  
5           other health pipeline programs;

6           “(6) mentoring programs;

7           “(7) internship or rotation programs involving  
8           hospitals, health systems, health plans and other  
9           health entities;

10           “(8) community partnership development for  
11           purposes relating to workforce diversity; or

12           “(9) leadership training.

13           “(d) REPORTS.—Not later than 1 year after receiving  
14 a grant under this section, and annually for the term of  
15 the grant, a grantee shall submit to the Secretary a report  
16 that summarizes and evaluates all activities conducted  
17 under the grant.

18           “(e) DEFINITION.—In this section, the term ‘Asian  
19 American and Pacific Islander-serving institutions’ means  
20 institutions—

21           “(1) that are eligible institutions under section  
22 312(b) of the Higher Education Act of 1965; and

23           “(2) that, at the time of their application, have  
24 an enrollment of undergraduate students that is

1       made up of at least 10 percent Asian American and  
2       Pacific Islander students.

3       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section,  
5 such sums as may be necessary for each of fiscal years  
6 2007 through 2012.

7       **“SEC. 2917. CAREER DEVELOPMENT FOR SCIENTISTS AND**  
8                                   **RESEARCHERS.**

9       “(a) IN GENERAL.—The Secretary, acting through  
10 the Director of the National Institutes of Health, the Di-  
11 rector of the Centers for Disease Control and Prevention,  
12 the Commissioner of Food and Drugs, and the Director  
13 of the Agency for Healthcare Research and Quality, shall  
14 award grants that expand existing opportunities for sci-  
15 entists and researchers and promote the inclusion of  
16 underrepresented minorities in the health professions.

17       “(b) RESEARCH FUNDING.—The head of each entity  
18 within the Department of Health and Human Services  
19 shall establish or expand existing programs to provide re-  
20 search funding to scientists and researchers in-training.  
21 Under such programs, the head of each such entity shall  
22 give priority in allocating research funding to support  
23 health research in traditionally underserved communities,  
24 including underrepresented minority communities, and re-  
25 search classified as community or participatory.

1       “(c) DATA COLLECTION.—The head of each entity  
2 within the Department of Health and Human Services  
3 shall collect data on the number (expressed as an absolute  
4 number and a percentage) of underrepresented minority  
5 and nonminority applicants who receive and are denied  
6 agency funding at every stage of review. Such data shall  
7 be reported annually to the Secretary and the appropriate  
8 committees of Congress.

9       “(d) STUDENT LOAN REIMBURSEMENT.—The Sec-  
10 retary shall establish a student loan reimbursement pro-  
11 gram to provide student loan reimbursement assistance to  
12 researchers who focus on racial and ethnic disparities in  
13 health. The Secretary shall promulgate regulations to de-  
14 fine the scope and procedures for the program under this  
15 subsection.

16       “(e) STUDENT LOAN CANCELLATION.—The Sec-  
17 retary shall establish a student loan cancellation program  
18 to provide student loan cancellation assistance to research-  
19 ers who focus on racial and ethnic disparities in health.  
20 Students participating in the program shall make a min-  
21 imum 5-year commitment to work at an accredited health  
22 profession school. The Secretary shall promulgate addi-  
23 tional regulations to define the scope and procedures for  
24 the program under this subsection.

1       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to carry out this section,  
3 such sums as may be necessary for each of fiscal years  
4 2007 through 2012.

5       **“SEC. 2918. CAREER SUPPORT FOR NON-RESEARCH**  
6                                   **HEALTH PROFESSIONALS.**

7       “(a) IN GENERAL.—The Secretary, acting through  
8 the Director of the Centers for Disease Control and Pre-  
9 vention, the Administrator of the Substance Abuse and  
10 Mental Health Services Administration, the Administrator  
11 of the Health Resources and Services Administration, and  
12 the Administrator of the Centers for Medicare and Med-  
13 icaid Services shall establish a program to award grants  
14 to eligible individuals for career support in non-research-  
15 related healthcare.

16       “(b) ELIGIBILITY.—To be eligible to receive a grant  
17 under subsection (a) an individual shall—

18               “(1) be a student in a health professions school,  
19 a graduate of such a school who is working in a  
20 health profession, or a faculty member of such a  
21 school; and

22               “(2) submit to the Secretary an application at  
23 such time, in such manner, and containing such in-  
24 formation as the Secretary may require.

1       “(c) USE OF FUNDS.—An individual shall use  
2 amounts received under a grant under this section to—

3               “(1) support the individual’s health activities or  
4 projects that involve underserved communities, in-  
5 cluding racial and ethnic minority communities;

6               “(2) support health-related career advancement  
7 activities; and

8               “(3) to pay, or as reimbursement for payments  
9 of, student loans for individuals who are health pro-  
10 fessionals and are focused on health issues affecting  
11 underserved communities, including racial and eth-  
12 nic minority communities.

13       “(d) DEFINITION.—In this section, the term ‘career  
14 in non-research-related healthcare’ means employment or  
15 intended employment in the field of public health, health  
16 policy, health management, health administration, medi-  
17 cine, nursing, pharmacy, allied health, community health,  
18 or other fields determined appropriate by the Secretary,  
19 other than in a position that involves research.

20       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
21 is authorized to be appropriated to carry out this section,  
22 such sums as may be necessary for each of fiscal years  
23 2007 through 2012.

1 **“SEC. 2919. RESEARCH ON THE EFFECT OF WORKFORCE DI-**  
2 **VERSITY ON QUALITY.**

3 “(a) IN GENERAL.—The Director of the Agency for  
4 Healthcare Research and Quality, in collaboration with  
5 the Director of the Office of Minority Health and the Di-  
6 rector of the National Center on Minority Health and  
7 Health Disparities, shall award grants to eligible entities  
8 to expand research on the link between health workforce  
9 diversity and quality healthcare.

10 “(b) ELIGIBILITY.—To be eligible to receive a grant  
11 under subsection (a) an entity shall—

12 “(1) be a clinical, public health, or health serv-  
13 ices research entity or other entity determined ap-  
14 propriate by the Director; and

15 “(2) submit to the Secretary an application at  
16 such time, in such manner, and containing such in-  
17 formation as the Secretary may require.

18 “(c) USE OF FUNDS.—Amounts received under a  
19 grant awarded under subsection (a) shall be used to sup-  
20 port research that investigates the effect of health work-  
21 force diversity on—

22 “(1) language access;

23 “(2) cultural competence;

24 “(3) patient satisfaction;

25 “(4) timeliness of care;

26 “(5) safety of care;

1           “(6) effectiveness of care;  
2           “(7) efficiency of care;  
3           “(8) patient outcomes;  
4           “(9) community engagement;  
5           “(10) resource allocation;  
6           “(11) organizational structure; or  
7           “(12) other topics determined appropriate by  
8           the Director.

9           “(d) PRIORITY.—In awarding grants under sub-  
10 section (a), the Director shall give individualized consider-  
11 ation to all relevant aspects of the applicant’s background.  
12 Consideration of prior research experience involving the  
13 health of underserved communities shall be such a factor.

14           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to carry out this section,  
16 such sums as may be necessary for each of fiscal years  
17 2007 through 2012.

18 **“SEC. 2920. HEALTH DISPARITIES EDUCATION PROGRAM.**

19           “(a) ESTABLISHMENT.—The Secretary, acting  
20 through the National Center on Minority Health and  
21 Health Disparities and in collaboration with the Office of  
22 Minority Health, the Office for Civil Rights, the Centers  
23 for Disease Control and Prevention, the Centers for Medi-  
24 care and Medicaid Services, the Health Resources and  
25 Services Administration, and other appropriate public and

1 private entities, shall establish and coordinate a health and  
2 healthcare disparities education program to support, de-  
3 velop, and implement educational initiatives and outreach  
4 strategies that inform healthcare professionals and the  
5 public about the existence of and methods to reduce racial  
6 and ethnic disparities in health and healthcare.

7 “(b) ACTIVITIES.—The Secretary, through the edu-  
8 cation program established under subsection (a) shall,  
9 through the use of public awareness and outreach cam-  
10 paigns targeting the general public and the medical com-  
11 munity at large—

12 “(1) disseminate scientific evidence for the ex-  
13 istence and extent of racial and ethnic disparities in  
14 healthcare, including disparities that are not other-  
15 wise attributable to known factors such as access to  
16 care, patient preferences, or appropriateness of  
17 intervention, as described in the 2002 Institute of  
18 Medicine Report, Unequal Treatment;

19 “(2) disseminate new research findings to  
20 healthcare providers and patients to assist them in  
21 understanding, reducing, and eliminating health and  
22 healthcare disparities;

23 “(3) disseminate information about the impact  
24 of linguistic and cultural barriers on healthcare qual-  
25 ity and the obligation of health providers who receive

1 Federal financial assistance to ensure that people  
2 with limited English proficiency have access to lan-  
3 guage access services;

4 “(4) disseminate information about the impor-  
5 tance and legality of racial, ethnic, and primary lan-  
6 guage data collection, analysis, and reporting;

7 “(5) design and implement specific educational  
8 initiatives to health care providers relating to health  
9 and health care disparities;

10 “(6) assess the impact of the programs estab-  
11 lished under this section in raising awareness of  
12 health and healthcare disparities and providing in-  
13 formation on available resources.

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to carry out this section,  
16 such sums as may be necessary for each of fiscal years  
17 2007 through 2012.

18 **“SEC. 2920A. CULTURAL COMPETENCE TRAINING FOR**  
19 **HEALTHCARE PROFESSIONALS.**

20 “(a) IN GENERAL.—The Secretary, acting through  
21 the Administrator of the Health Resources and Services  
22 Administration, the Director of the Office of Minority  
23 Health, and the Director of the National Center for Mi-  
24 nority Health and Health Disparities, shall award grants  
25 to eligible entities to test, implement, and evaluate models

1 of cultural competence training, including continuing edu-  
2 cation, for healthcare providers in coordination with the  
3 initiative under section 2920(a).

4 “(b) ELIGIBILITY.—To be eligible to receive a grant  
5 under subsection (a), an entity shall—

6 “(1) be an academic medical center, a health  
7 center or clinic, a hospital, a health plan, a health  
8 system, or a health care professional guild (including  
9 a mental health care professional guild);

10 “(2) partner with a minority serving institution,  
11 minority professional association, or community-  
12 based organization representing minority popu-  
13 lations, in addition to a research institution to carry  
14 out activities under this grant; and

15 “(3) prepare and submit to the Secretary an  
16 application at such time, in such manner, and con-  
17 taining such information as the Secretary may re-  
18 quire.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
20 is authorized to be appropriated to carry out this section,  
21 such sums as may be necessary for each of fiscal years  
22 2007 through 2012.”.

23 **SEC. 302. HEALTH CAREERS OPPORTUNITY PROGRAM.**

24 (a) PURPOSE.—It is the purpose of this section to  
25 diversify the healthcare workforce by increasing the num-

1 ber of individuals from disadvantaged backgrounds in the  
2 health and allied health professions by enhancing the aca-  
3 demic skills of students from disadvantaged backgrounds  
4 and supporting them in successfully competing, entering,  
5 and graduating from health professions training pro-  
6 grams.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
8 740(c) of the Public Health Service Act (42 U.S.C.  
9 293d(c)) is amended by striking “\$29,400,000” and all  
10 that follows through “2002” and inserting “\$50,000,000  
11 for fiscal year 2007, and such sums as may be necessary  
12 for each of fiscal years 2008 through 2012”.

13 **SEC. 303. PROGRAM OF EXCELLENCE IN HEALTH PROFES-**  
14 **SIONS EDUCATION FOR UNDERREP-**  
15 **RESENTED MINORITIES.**

16 (a) PURPOSE.—It is the purpose of this section to  
17 diversify the healthcare workforce by supporting programs  
18 of excellence in designated health professions schools that  
19 demonstrate a commitment to underrepresented minority  
20 populations with a focus on minority health issues, cul-  
21 tural and linguistic competence, and eliminating health  
22 disparities.

23 (b) AUTHORIZATION OF APPROPRIATION.—Section  
24 737(h)(1) of the Public Health Service Act (42 U.S.C.  
25 293(h)(1)) is amended to read as follows:

1           “(1) AUTHORIZATION OF APPROPRIATIONS.—  
2           For the purpose of making grants under subsection  
3           (a), there are authorized to be appropriated  
4           \$50,000,000 for fiscal year 2007, and such sums as  
5           may be necessary for each of the fiscal years 2008  
6           through 2012.”.

7 **SEC. 304. HISPANIC-SERVING HEALTH PROFESSIONS**  
8           **SCHOOLS.**

9           Part B of title VII of the Public Health Service Act  
10          (42 U.S.C. 293 et seq.) is amended by adding at the end  
11          the following:

12 **“SEC. 742. HISPANIC-SERVING HEALTH PROFESSIONS**  
13           **SCHOOLS.**

14          “(a) IN GENERAL.—The Secretary, acting through  
15          the Administrator of the Health Resources and Services  
16          Administration, shall award grants to Hispanic-serving  
17          health professions schools for the purpose of carrying out  
18          programs to recruit Hispanic individuals to enroll in and  
19          graduate from such schools, which may include providing  
20          scholarships and other financial assistance as appropriate.

21          “(b) ELIGIBILITY.—In subsection (a), the term ‘His-  
22          panic-serving health professions school’ means an entity  
23          that—

24                  “(1) is a school or program under section  
25                  799B;

1           “(2) has an enrollment of full-time equivalent  
2 students that is made up of at least 9 percent His-  
3 panic students;

4           “(3) has been effective in carrying out pro-  
5 grams to recruit Hispanic individuals to enroll in  
6 and graduate from the school;

7           “(4) has been effective in recruiting and retain-  
8 ing Hispanic faculty members; and

9           “(5) has a significant number of graduates who  
10 are providing health services to medically under-  
11 served populations or to individuals in health profes-  
12 sional shortage areas.”.

13 **SEC. 305. HEALTH PROFESSIONS STUDENT LOAN FUND; AU-**  
14 **THORIZATIONS OF APPROPRIATIONS RE-**  
15 **GARDING STUDENTS FROM DISADVANTAGED**  
16 **BACKGROUNDS.**

17 Section 724(f)(1) of the Public Health Service Act  
18 (42 U.S.C. 292t(f)(1)) is amended by striking  
19 “\$8,000,000” and all that follows and inserting  
20 “\$35,000,000 for fiscal year 2007, and such sums as may  
21 be necessary for each of the fiscal years 2008 through  
22 2012.”.

1 **SEC. 306. NATIONAL HEALTH SERVICE CORPS; RECRUIT-**  
2 **MENT AND FELLOWSHIPS FOR INDIVIDUALS**  
3 **FROM DISADVANTAGED BACKGROUNDS.**

4 (a) IN GENERAL.—Section 331(b) of the Public  
5 Health Service Act (42 U.S.C. 254d(b)) is amended by  
6 adding at the end the following:

7 “(3) The Secretary shall ensure that the individuals  
8 with respect to whom activities under paragraphs (1) and  
9 (2) are carried out include individuals from disadvantaged  
10 backgrounds, including activities carried out to provide  
11 health professions students with information on the Schol-  
12 arship and Repayment Programs.”.

13 (b) ASSIGNMENT OF CORPS PERSONNEL.—Section  
14 333(a) of the Public Health Service Act (42 U.S.C.  
15 254f(a)) is amended by adding at the end the following:

16 “(4) In assigning Corps personnel under this section,  
17 the Secretary shall give preference to applicants who re-  
18 quest assignment to a federally qualified health center (as  
19 defined in section 1905(l)(2)(B) of the Social Security  
20 Act) or to a provider organization that has a majority of  
21 patients who are minorities or individuals from low-income  
22 families (families with a family income that is less than  
23 200 percent of the Official Poverty Line).”.

1 **SEC. 307. LOAN REPAYMENT PROGRAM OF CENTERS FOR**  
2 **DISEASE CONTROL AND PREVENTION.**

3 Section 317F(c) of the Public Health Service Act (42  
4 U.S.C. 247b-7(c)) is amended—

5 (1) by striking “and” after “1994,”; and

6 (2) by inserting before the period the following:

7 “\$750,000 for fiscal year 2007, and such sums as  
8 may be necessary for each of the fiscal years 2008  
9 through 2012.”.

10 **SEC. 308. COOPERATIVE AGREEMENTS FOR ONLINE DE-**  
11 **GREE PROGRAMS AT SCHOOLS OF PUBLIC**  
12 **HEALTH AND SCHOOLS OF ALLIED HEALTH.**

13 Part B of title VII of the Public Health Service Act  
14 (42 U.S.C. 293 et seq.), as amended by section 304, is  
15 further amended by adding at the end the following:

16 **“SEC. 743. COOPERATIVE AGREEMENTS FOR ONLINE DE-**  
17 **GREE PROGRAMS.**

18 “(a) COOPERATIVE AGREEMENTS.—The Secretary,  
19 acting through the Administrator of the Health Resources  
20 and Services Administration, in consultation with the Di-  
21 rector of the Centers for Disease Control and Prevention,  
22 the Director of the Agency for Healthcare Research and  
23 Quality, and the Director of the Office of Minority Health,  
24 shall award cooperative agreements to schools of public  
25 health and schools of allied health to design and imple-  
26 ment online degree programs.

1       “(b) PRIORITY.—In awarding cooperative agreements  
2 under this section, the Secretary shall give priority to any  
3 school of public health or school of allied health that has  
4 an established track record of serving medically under-  
5 served communities.

6       “(c) REQUIREMENTS.—Awardees must design and  
7 implement an online degree program, that meet the fol-  
8 lowing restrictions:

9           “(1) Enrollment of individuals who have ob-  
10 tained a secondary school diploma or its recognized  
11 equivalent.

12           “(2) Maintaining a significant enrollment of  
13 underrepresented minority or disadvantaged stu-  
14 dents.

15       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to carry out this section,  
17 such sums as may be necessary for each of fiscal years  
18 2007 through 2012.”.

19 **SEC. 309. MID-CAREER HEALTH PROFESSIONS SCHOLAR-**  
20 **SHIP PROGRAM.**

21       Part B of title VII of the Public Health Service Act  
22 (as amended by section 308) is further amended by adding  
23 at the end the following:

1 **“SEC. 744. MID-CAREER HEALTH PROFESSIONS SCHOLAR-**  
2 **SHIP PROGRAM.**

3 “(a) IN GENERAL.—The Secretary may make grants  
4 to eligible schools for awarding scholarships to eligible in-  
5 dividuals to attend the school involved, for the purpose of  
6 enabling the individuals to make a career change from a  
7 non-health profession to a health profession.

8 “(b) EXPENSES.—Amounts awarded as a scholarship  
9 under this section—

10 “(1) subject to paragraph (2), may be expended  
11 only for tuition expenses, other reasonable edu-  
12 cational expenses, and reasonable living expenses in-  
13 curred in the attendance of the school involved; and

14 “(2) may be expended for stipends to eligible  
15 individuals for the enrolled period at eligible schools,  
16 except that such a stipend may not be provided to  
17 an individual for more than 4 years, and such a sti-  
18 pend may not exceed \$35,000 per year (notwith-  
19 standing any other provision of law regarding the  
20 amount of stipends).

21 “(c) DEFINITIONS.—In this section:

22 “(1) ELIGIBLE SCHOOL.—The term ‘eligible  
23 school’ means a school of medicine, osteopathic med-  
24 icine, dentistry, nursing (as defined in section 801),  
25 pharmacy, podiatric medicine, optometry, veterinary  
26 medicine, public health, chiropractic, or allied health,

1 a school offering a graduate program in mental and  
2 behavioral health practice, or an entity providing  
3 programs for the training of physician assistants.

4 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible  
5 individual’ means an individual who has obtained a  
6 secondary school diploma or its recognized equiva-  
7 lent.

8 “(d) PRIORITY.—In providing scholarships to eligible  
9 individuals, eligible schools shall give to individuals from  
10 disadvantaged backgrounds.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this section,  
13 such sums as may be necessary for each of fiscal years  
14 2007 through 2012.”.

15 **SEC. 310. STRENGTHENING AND EXPANDING RURAL**  
16 **HEALTH PROVIDER NETWORKS.**

17 Section 330A of the Public Health Service Act (42  
18 U.S.C. 254e) is amended—

19 (1) in subsection (h), by adding at the end the  
20 following:

21 “(4) RURAL MINORITY, BORDER, AND INDIAN  
22 POPULATIONS.—In making grants under this sec-  
23 tion, the Director of the Office of Rural Health Pol-  
24 icy of the Health Resources and Services Adminis-  
25 tration, in coordination with the Director of the In-

1       dian Health Service and the Director of the Office  
2       of Minority Health, shall make grants to entities  
3       that serve rural minority, border, and Indian popu-  
4       lations.

5               “(5) DIVERSITY HEALTH TRAINING PRO-  
6       GRAMS.—The Director of the Office of Rural Health  
7       Policy of the Health Resources and Services Admin-  
8       istration, in coordination with the Director of the In-  
9       dian Health Service and the Director of the Office  
10      of Minority Health, shall coordinate the awarding of  
11      grants under this section with the awarding of  
12      grants and contracts under section 765 to connect  
13      and integrate diversity health training programs.”;  
14      and

15              (2) in subsection (k), as redesignated by this  
16      section, by striking “and such sums as may be nec-  
17      essary for each of fiscal years 2003 through 2006”  
18      and inserting “, such sums as may be necessary for  
19      each of fiscal years 2003 through 2005, and  
20      \$60,000,000 for each of fiscal years 2006 through  
21      2010”.

1 **SEC. 311. NATIONAL REPORT ON THE PREPAREDNESS OF**  
2 **HEALTH PROFESSIONALS TO CARE FOR DI-**  
3 **VERSE POPULATIONS.**

4 The Secretary of Health and Human Services shall  
5 include in the report prepared under section 1707(c) of  
6 the Public Health Service Act (as added by section 603  
7 of this Act), information relating to the preparedness of  
8 health professionals to care for racially and ethnically di-  
9 verse populations. Such information, which shall be col-  
10 lected by the Bureau of Health Professions, shall in-  
11 clude—

12 (1) with respect to health professions education,  
13 the number and percentage of hours of classroom  
14 discussion relating to minority health issues, includ-  
15 ing cultural competence;

16 (2) a description of the coursework involved in  
17 such education;

18 (3) a description of the results of an evaluation  
19 of the preparedness of students in such education;

20 (4) a description of the types of exposure that  
21 students have during their education to minority pa-  
22 tient populations; and

23 (5) a description of model programs and prac-  
24 tices.

1 **SEC. 312. SCHOLARSHIP AND FELLOWSHIP PROGRAMS.**

2 Subtitle A–1 of title XXIX of the Public Health Serv-  
3 ices Act, as amended by section 301, is further amended  
4 by adding at the end the following:

5 **“SEC. 2920B. DAVID SATCHER PUBLIC HEALTH AND**  
6 **HEALTH SERVICES CORPS.**

7 “(a) IN GENERAL.—The Administrator of the Health  
8 Resources and Services Administration and Director of  
9 the Centers for Disease Control and Prevention, in col-  
10 laboration with the Director of the Office of Minority  
11 Health, shall award grants to eligible entities to increase  
12 awareness among post-primary and post-secondary stu-  
13 dents of career opportunities in the health professions.

14 “(b) ELIGIBILITY.—To be eligible to receive a grant  
15 under subsection (a) an entity shall—

16 “(1) be a clinical, public health or health serv-  
17 ices organization, community-based or non-profit en-  
18 tity, or other entity determined appropriate by the  
19 Director of the Centers for Disease Control and Pre-  
20 vention;

21 “(2) serve a health professional shortage area,  
22 as determined by the Secretary;

23 “(3) work with students, including those from  
24 racial and ethnic minority backgrounds, that have  
25 expressed an interest in the health professions; and

1           “(4) submit to the Secretary an application at  
2           such time, in such manner, and containing such in-  
3           formation as the Secretary may require.

4           “(c) USE OF FUNDS.—Grant awards under sub-  
5           section (a) shall be used to support internships that will  
6           increase awareness among students of non-research based  
7           and career opportunities in the following health profes-  
8           sions:

9           “(1) Medicine.

10          “(2) Nursing.

11          “(3) Public Health.

12          “(4) Pharmacy.

13          “(5) Health Administration and Management.

14          “(6) Health Policy.

15          “(7) Psychology.

16          “(8) Dentistry.

17          “(9) International Health.

18          “(10) Social Work.

19          “(11) Allied Health.

20          “(12) Other professions deemed appropriate by  
21           the Director of the Centers for Disease Control and  
22           Prevention.

23          “(d) PRIORITY.—In awarding grants under sub-  
24           section (a), the Director of the Centers for Disease Con-

1 trol and Prevention shall give priority to those entities  
2 that—

3 “(1) serve a high proportion of individuals from  
4 disadvantaged backgrounds;

5 “(2) have experience in health disparity elimi-  
6 nation programs;

7 “(3) facilitate the entry of disadvantaged indi-  
8 viduals into institutions of higher education; and

9 “(4) provide counseling or other services de-  
10 signed to assist disadvantaged individuals in success-  
11 fully completing their education at the post-sec-  
12 ondary level.

13 “(e) STIPENDS.—The Secretary may approve sti-  
14 pends under this section for individuals for any period of  
15 education in student-enhancement programs (other than  
16 regular courses) at health professions schools, programs,  
17 or entities, except that such a stipend may not be provided  
18 to an individual for more than 6 months, and such a sti-  
19 pend may not exceed \$20 per day (notwithstanding any  
20 other provision of law regarding the amount of stipends).

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
22 is authorized to be appropriated to carry out this section,  
23 such sums as may be necessary for each of fiscal years  
24 2007 through 2012.

1 **“SEC. 2920C. LOUIS STOKES PUBLIC HEALTH SCHOLARS**  
2 **PROGRAM.**

3 “(a) IN GENERAL.—The Director of the Centers for  
4 Disease Control and Prevention, in collaboration with the  
5 Director of the Office of Minority Health, shall award  
6 scholarships to postsecondary students who seek a career  
7 in public health.

8 “(b) ELIGIBILITY.—To be eligible to receive a schol-  
9 arship under subsection (a) an individual shall—

10 “(1) have experience in public health research  
11 or public health practice, or other health professions  
12 as determined appropriate by the Director of the  
13 Centers for Disease Control and Prevention;

14 “(2) reside in a health professional shortage  
15 area as determined by the Secretary;

16 “(3) have expressed an interest in public health;

17 “(4) demonstrate promise for becoming a leader  
18 in public health;

19 “(5) secure admission to a 4-year institution of  
20 higher education;

21 “(6) comply with subsection (f); and

22 “(7) submit to the Secretary an application at  
23 such time, in such manner, and containing such in-  
24 formation as the Secretary may require.

1       “(c) USE OF FUNDS.—Amounts received under an  
2 award under subsection (a) shall be used to support oppor-  
3 tunities for students to become public health professionals.

4       “(d) PRIORITY.—In awarding grants under sub-  
5 section (a), the Director shall give priority to those stu-  
6 dents that—

7           “(1) are from disadvantaged backgrounds;

8           “(2) have secured admissions to a minority  
9 serving institution; and

10          “(3) have identified a health professional as a  
11 mentor at their school or institution and an aca-  
12 demic advisor to assist in the completion of their  
13 baccalaureate degree.

14       “(e) SCHOLARSHIPS.—The Secretary may approve  
15 payment of scholarships under this section for such indi-  
16 viduals for any period of education in student under-  
17 graduate tenure, except that such a scholarship may not  
18 be provided to an individual for more than 4 years, and  
19 such scholarships may not exceed \$10,000 per academic  
20 year (notwithstanding any other provision of law regard-  
21 ing the amount of scholarship).

22       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated to carry out this section,  
24 such sums as may be necessary for each of fiscal years  
25 2007 through 2012.

1 **“SEC. 2920D. PATSY MINK HEALTH AND GENDER RESEARCH**  
2 **FELLOWSHIP PROGRAM.**

3 “(a) IN GENERAL.—The Director of the Centers for  
4 Disease Control and Prevention, in collaboration with the  
5 Director of the Office of Minority Health, the Adminis-  
6 trator of the Substance Abuse and Mental Health Services  
7 Administration, and the Director of the Indian Health  
8 Services, shall award research fellowships to post-bacca-  
9 laurate students to conduct research that will examine  
10 gender and health disparities and to pursue a career in  
11 the health professions.

12 “(b) ELIGIBILITY.—To be eligible to receive a fellow-  
13 ship under subsection (a) an individual shall—

14 “(1) have experience in health research or pub-  
15 lic health practice;

16 “(2) reside in a health professional shortage  
17 area as determined by the Secretary;

18 “(3) have expressed an interest in the health  
19 professions;

20 “(4) demonstrate promise for becoming a leader  
21 in the field of women’s health;

22 “(5) secure admission to a health professions  
23 school or graduate program with an emphasis in  
24 gender studies;

25 “(6) comply with subsection (f); and

1           “(7) submit to the Secretary an application at  
2           such time, in such manner, and containing such in-  
3           formation as the Secretary may require.

4           “(c) USE OF FUNDS.—Amounts received under an  
5           award under subsection (a) shall be used to support oppor-  
6           tunities for students to become researchers and advance  
7           the research base on the intersection between gender and  
8           health.

9           “(d) PRIORITY.—In awarding grants under sub-  
10          section (a), the Director of the Centers for Disease Con-  
11          trol and Prevention shall give priority to those applicants  
12          that—

13                 “(1) are from disadvantaged backgrounds; and

14                 “(2) have identified a mentor and academic ad-  
15          visor who will assist in the completion of their grad-  
16          uate or professional degree and have secured a re-  
17          search assistant position with a researcher working  
18          in the area of gender and health.

19          “(e) FELLOWSHIPS.—The Director of the Centers for  
20          Disease Control and Prevention may approve fellowships  
21          for individuals under this section for any period of edu-  
22          cation in the student’s graduate or health profession ten-  
23          ure, except that such a fellowship may not be provided  
24          to an individual for more than 3 years, and such a fellow-  
25          ship may not exceed \$18,000 per academic year (notwith-

1 standing any other provision of law regarding the amount  
2 of fellowship).

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section,  
5 such sums as may be necessary for each of fiscal years  
6 2007 through 2012.

7 **“SEC. 2920E. PAUL DAVID WELLSTONE INTERNATIONAL**  
8 **HEALTH FELLOWSHIP PROGRAM.**

9 “(a) IN GENERAL.—The Director of the Agency for  
10 Healthcare Research and Quality, in collaboration with  
11 the Director of the Office of Minority Health, shall award  
12 research fellowships to college students or recent grad-  
13 uates to advance their understanding of international  
14 health.

15 “(b) ELIGIBILITY.—To be eligible to receive a fellow-  
16 ship under subsection (a) an individual shall—

17 “(1) have educational experience in the field of  
18 international health;

19 “(2) reside in a health professional shortage  
20 area as determined by the Secretary;

21 “(3) demonstrate promise for becoming a leader  
22 in the field of international health;

23 “(4) be a college senior or recent graduate of  
24 a four year higher education institution;

25 “(5) comply with subsection (f); and

1           “(6) submit to the Secretary an application at  
2           such time, in such manner, and containing such in-  
3           formation as the Secretary may require.

4           “(c) USE OF FUNDS.—Amounts received under an  
5           award under subsection (a) shall be used to support oppor-  
6           tunities for students to become health professionals and  
7           to advance their knowledge about international issues re-  
8           lating to healthcare access and quality.

9           “(d) PRIORITY.—In awarding grants under sub-  
10          section (a), the Director shall give priority to those appli-  
11          cants that—

12           “(1) are from a disadvantaged background; and

13           “(2) have identified a mentor at a health pro-  
14          fessions school or institution, an academic advisor to  
15          assist in the completion of their graduate or profes-  
16          sional degree, and an advisor from an international  
17          health Non-Governmental Organization, Private Vol-  
18          unteer Organization, or other international institu-  
19          tion or program that focuses on increasing  
20          healthcare access and quality for residents in devel-  
21          oping countries.

22          “(e) FELLOWSHIPS.—The Secretary shall approve  
23          fellowships for college seniors or recent graduates, except  
24          that such a fellowship may not be provided to an indi-  
25          vidual for more than 6 months, may not be awarded to

1 a graduate that has not been enrolled in school for more  
2 than 1 year, and may not exceed \$4,000 per academic year  
3 (notwithstanding any other provision of law regarding the  
4 amount of fellowship).

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
6 is authorized to be appropriated to carry out this section,  
7 such sums as may be necessary for each of fiscal years  
8 2007 through 2012.

9 **“SEC. 2920F. EDWARD R. ROYBAL HEALTHCARE SCHOLAR**  
10 **PROGRAM.**

11 “(a) IN GENERAL.—The Director of the Agency for  
12 Healthcare Research and Quality, the Director of the Cen-  
13 ters for Medicaid and Medicare, and the Administrator for  
14 Health Resources and Services Administration, in collabo-  
15 ration with the Director of the Office of Minority Health,  
16 shall award grants to eligible entities to expose entering  
17 graduate students to the health professions.

18 “(b) ELIGIBILITY.—To be eligible to receive a grant  
19 under subsection (a) an entity shall—

20 “(1) be a clinical, public health or health serv-  
21 ices organization, community-based or non-profit en-  
22 tity, or other entity determined appropriate by the  
23 Director of the Agency for Healthcare Research and  
24 Quality;

1           “(2) serve in a health professional shortage  
2 area as determined by the Secretary;

3           “(3) work with students obtaining a degree in  
4 the health professions; and

5           “(4) submit to the Secretary an application at  
6 such time, in such manner, and containing such in-  
7 formation as the Secretary may require.

8           “(c) USE OF FUNDS.—Amounts received under a  
9 grant awarded under subsection (a) shall be used to sup-  
10 port opportunities that expose students to non-research  
11 based health professions, including—

12           “(1) public health policy;

13           “(2) healthcare and pharmaceutical policy;

14           “(3) healthcare administration and manage-  
15 ment;

16           “(4) health economics; and

17           “(5) other professions determined appropriate  
18 by the Director of the Agency for Healthcare Re-  
19 search and Quality.

20           “(d) PRIORITY.—In awarding grants under sub-  
21 section (a), the Director of the Agency for Healthcare Re-  
22 search and Quality shall give priority to those entities  
23 that—

24           “(1) have experience with health disparity elimi-  
25 nation programs;

1           “(2) facilitate training in the fields described in  
2           subsection (c); and

3           “(3) provide counseling or other services de-  
4           signed to assist such individuals in successfully com-  
5           pleting their education at the post-secondary level.

6           “(e) STIPENDS.—The Secretary may approve the  
7           payment of stipends for individuals under this section for  
8           any period of education in student-enhancement programs  
9           (other than regular courses) at health professions schools  
10          or entities, except that such a stipend may not be provided  
11          to an individual for more than 2 months, and such a sti-  
12          pend may not exceed \$100 per day (notwithstanding any  
13          other provision of law regarding the amount of stipends).

14          “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
15          is authorized to be appropriated to carry out this section  
16          such sums as may be necessary for each of fiscal years  
17          2007 through 2012.”.

18       **SEC. 313. ADVISORY COMMITTEE ON HEALTH PROFES-**  
19                               **SIONS TRAINING FOR DIVERSITY.**

20          (a) ESTABLISHMENT.—The Secretary of Health and  
21          Human Services (referred to in this section as the “Sec-  
22          retary”) shall establish an advisory committee to be known  
23          as the Advisory Committee on Health Professions Train-  
24          ing for Diversity (in this section referred to as the “Advi-  
25          sory Committee”).

1 (b) COMPOSITION.—

2 (1) IN GENERAL.—The Secretary shall deter-  
3 mine the appropriate number of individuals to serve  
4 on the Advisory Committee. Such individuals shall  
5 not be officers or employees of the Federal Govern-  
6 ment.

7 (2) APPOINTMENT.—Not later than 60 days  
8 after the date of enactment of this section, the Sec-  
9 retary shall appoint the members of the Advisory  
10 Committee from among individuals who are health  
11 professionals. In making such appointments, the  
12 Secretary shall ensure a fair balance between the  
13 health professions, that at least 75 percent of the  
14 members of the Advisory Committee are health pro-  
15 fessionals, a broad geographic representation of  
16 members and a balance between urban and rural  
17 members. Members shall be appointed based on their  
18 competence, interest, and knowledge of the mission  
19 of the profession involved.

20 (3) MINORITY REPRESENTATION.—In appoint-  
21 ing the members of the Advisory Committee under  
22 paragraph (2), the Secretary shall ensure the ade-  
23 quate representation of women and minorities.

24 (c) TERMS.—

1           (1) IN GENERAL.—A member of the Advisory  
2 Committee shall be appointed for a term of 3 years,  
3 except that of the members first appointed—

4           (A) 1/3 of such members shall serve for a  
5 term of 1 year;

6           (B) 1/3 of such members shall serve for a  
7 term of 2 years; and

8           (C) 1/3 of such members shall serve for a  
9 term of 3 years.

10          (2) VACANCIES.—

11           (A) IN GENERAL.—A vacancy on the Advi-  
12 sory Committee shall be filled in the manner in  
13 which the original appointment was made and  
14 shall be subject to any conditions which applied  
15 with respect to the original appointment.

16           (B) FILLING UNEXPIRED TERM.—An indi-  
17 vidual chosen to fill a vacancy shall be ap-  
18 pointed for the unexpired term of the member  
19 replaced.

20          (d) DUTIES.—

21           (1) IN GENERAL.—The Advisory Committee  
22 shall—

23           (A) provide advice and recommendations to  
24 the Secretary concerning policy and program

1 development and other matters of significance  
2 concerning activities under this part; and

3 (B) not later than 2 years after the date  
4 of enactment of this section, and annually  
5 thereafter, prepare and submit to the Secretary,  
6 and the Committee on Health, Education,  
7 Labor and Pensions of the Senate, and the  
8 Committee on Energy and Commerce of the  
9 House of Representatives, a report describing  
10 the activities of the Committee.

11 (2) CONSULTATION WITH STUDENTS.—In car-  
12 rying out duties under paragraph (1), the Advisory  
13 Committee shall consult with individuals who are at-  
14 tending health professions schools with which this  
15 part is concerned.

16 (e) MEETINGS AND DOCUMENTS.—

17 (1) MEETINGS.—The Advisory Committee shall  
18 meet not less than 2 times each year. Such meetings  
19 shall be held jointly with other related entities estab-  
20 lished under this title where appropriate.

21 (2) DOCUMENTS.—Not later than 14 days prior  
22 to the convening of a meeting under paragraph (1),  
23 the Advisory Committee shall prepare and make  
24 available an agenda of the matters to be considered  
25 by the Advisory Committee at such meeting. At any

1 such meeting, the Advisory Committee shall dis-  
2 tribute materials with respect to the issues to be ad-  
3 dressed at the meeting. Not later than 30 days after  
4 the adjourning of such a meeting, the Advisory Com-  
5 mittee shall prepare and make available a summary  
6 of the meeting and any actions taken by the Com-  
7 mittee based upon the meeting.

8 (f) COMPENSATION AND EXPENSES.—

9 (1) COMPENSATION.—Each member of the Ad-  
10 visory Committee shall be compensated at a rate  
11 equal to the daily equivalent of the annual rate of  
12 basic pay prescribed for level IV of the Executive  
13 Schedule under section 5315 of title 5, United  
14 States Code, for each day (including travel time)  
15 during which such member is engaged in the per-  
16 formance of the duties of the Committee.

17 (2) EXPENSES.—The members of the Advisory  
18 Committee shall be allowed travel expenses, includ-  
19 ing per diem in lieu of subsistence, at rates author-  
20 ized for employees of agencies under subchapter I of  
21 chapter 57 of title 5, United States Code, while  
22 away from their homes or regular places of business  
23 in the performance of services for the Committee.

24 (g) FACA.—The Federal Advisory Committee Act  
25 shall apply to the Advisory Committee under this section

1 only to the extent that the provisions of such Act do not  
2 conflict with the requirements of this section.

3 **SEC. 314. MCNAIR POSTBACCALAUREATE ACHIEVEMENT**  
4 **PROGRAM.**

5 Section 402E of the Higher Education Act of 1965  
6 (20 U.S.C. 1070a–15) is amended by striking subsection  
7 (f) and inserting the following:

8 “(f) **COLLABORATION IN HEALTH PROFESSION DI-**  
9 **VERSITY TRAINING PROGRAMS.**—The Secretary of Edu-  
10 cation shall coordinate with the Secretary of Health and  
11 Human Services to ensure that there is collaboration be-  
12 tween the goals of the program under this section and pro-  
13 grams of the Health Resources and Services Administra-  
14 tion that promote health workforce diversity. The Sec-  
15 retary of Education shall take such measures as may be  
16 necessary to encourage participants in programs under  
17 this section to consider health profession careers.

18 “(g) **FUNDING.**—From amounts appropriated pursu-  
19 ant to the authority of section 402A(f), the Secretary  
20 shall, to the extent practicable, allocate funds for projects  
21 authorized by this section in an amount which is not less  
22 than \$31,000,000 for each of the fiscal years 2006  
23 through 2012.”.

1 **TITLE IV—REDUCING DISEASE**  
 2 **AND DISEASE-RELATED COM-**  
 3 **PLICATIONS**

4 **Subtitle A—Education and**  
 5 **Outreach**

6 **SEC. 401. PREVENTIVE HEALTH SERVICES BLOCK GRANTS;**  
 7 **USE OF ALLOTMENTS.**

8 Section 1904(a)(1) of the Public Health Service Act  
 9 (42 U.S.C. 300w-3(a)(1)) is amended—

10 (1) in subparagraph (G)—

11 (A) by striking “through (F)” and insert-  
 12 ing “through (G)”; and

13 (B) by redesignating such subparagraph as  
 14 subparagraph (H); and

15 (2) by inserting after subparagraph (F), the fol-  
 16 lowing:

17 “(G) Community outreach and education pro-  
 18 grams and other activities designed to address and  
 19 prevent minority health conditions (as defined in  
 20 section 485E(c)(2)).”.

21 **SEC. 402. INDIGENOUS, RACIAL, AND ETHNIC APPROACHES**  
 22 **TO COMMUNITY HEALTH.**

23 (a) PURPOSE.—It is the purpose of this section to  
 24 provide for the awarding of grants to assist communities  
 25 in mobilizing and organizing resources in support of effec-

1 tive and sustainable programs that will reduce or eliminate  
 2 disparities in health and healthcare experienced by indige-  
 3 nous, racial, and ethnic minority individuals.

4 (b) **AUTHORITY TO AWARD GRANTS.**—The Secretary,  
 5 acting through the Centers for Disease Control and Pre-  
 6 vention and the Office of Minority Health, shall award  
 7 planning, implementation, and evaluation grants to eligi-  
 8 ble entities to assist in designing, implementing, and eval-  
 9 uating culturally and linguistically appropriate, science-  
 10 based, and community-driven strategies to eliminate indig-  
 11 enous, racial, and ethnic health and healthcare disparities.

12 (c) **ELIGIBLE ENTITIES.**—To be eligible to receive a  
 13 grant under this section, an entity shall—

14 (1) represent a coalition—

15 (A) whose principal purpose is to develop  
 16 and implement interventions to reduce or elimi-  
 17 nate a health or healthcare disparity in a tar-  
 18 geted indigenous, racial, or ethnic minority  
 19 group in the community served by the coalition;  
 20 and

21 (B) that includes—

22 (i) at least 3 members selected from  
 23 among—

24 (I) public health departments;

- 1 (II) community-based organiza-  
2 tions;
- 3 (III) university and/or research  
4 organizations;
- 5 (IV) Indian tribal organizations  
6 or national Indian organizations;
- 7 (V) Native Hawaiian organiza-  
8 tions (defined for purposes of this  
9 subclause as an organization that  
10 serves and represents the interests of  
11 Native Hawaiians and has as a pri-  
12 mary and stated purpose the provision  
13 of services to Native Hawaiians); and
- 14 (VI) interested public or private  
15 sector healthcare providers or organi-  
16 zations;
- 17 (ii) at least 1 member that is from a  
18 community-based organization that rep-  
19 resents the targeted indigenous, racial, or  
20 ethnic minority group; and
- 21 (iii) at least 1 member that is a Na-  
22 tional Center for Minority Health and  
23 Health Disparities Center of Excellence  
24 (unless such a Center does not exist within  
25 the community involved, declines or refuses

1 to participate, or the coalition dem-  
2 onstrates to the Secretary that such par-  
3 ticipation would not further the goals of  
4 the program or would be unduly burden-  
5 some); and

6 (2) submit to the Secretary an application, at  
7 such time, in such manner, and containing such in-  
8 formation as the Secretary may require, including—

9 (A) a description of the targeted indige-  
10 nous, racial, or ethnic population in the commu-  
11 nity to be served under the grant;

12 (B) a description of at least 1 health dis-  
13 parity that exists in the indigenous, racial, or  
14 ethnic targeted population; and

15 (C) a demonstration of the proven record  
16 of accomplishment of the coalition members in  
17 serving and working with the targeted commu-  
18 nity.

19 (d) PLANNING GRANTS.—

20 (1) IN GENERAL.—The Secretary shall award  
21 grants to eligible entities described in subsection (c)  
22 to support the planning and development of cul-  
23 turally and linguistically appropriate programs that  
24 utilize science-based and community-driven strate-  
25 gies to reduce or eliminate a health or healthcare

1       disparity in the targeted population. Such grants  
2       may be used to—

3               (A) expand the coalition that is rep-  
4               resented by the entity through the identification  
5               of additional partners, particularly among the  
6               targeted community, and establish linkages with  
7               national and State public and private partners;

8               (B) establish community working groups;

9               (C) conduct a needs assessment for the  
10              targeted population in the area of the health  
11              disparity using input from the targeted commu-  
12              nity;

13             (D) participate in workshops sponsored by  
14             the Office of Minority Health or the Centers for  
15             Disease Control and Prevention for technical  
16             assistance, planning, evaluation, and other pro-  
17             grammatic issues;

18             (E) identify promising intervention strate-  
19             gies; and

20             (F) develop a plan with the input of the  
21             targeted community that includes strategies  
22             for—

23                   (i) implementing intervention strate-  
24                   gies that have the most promising potential

1 for reducing the health disparity in the  
2 target population;

3 (ii) identifying other sources of rev-  
4 enue and integrating current and proposed  
5 funding sources to ensure long-term sus-  
6 tainability of the program; and

7 (iii) evaluating the program, including  
8 collecting data and measuring progress to-  
9 ward reducing or eliminating the health  
10 disparity in the targeted population that  
11 takes into account the evaluation model de-  
12 veloped by the Centers for Disease Control  
13 and Prevention in collaboration with the  
14 Office of Minority Health.

15 (2) DURATION.—The period during which pay-  
16 ments may be made under a grant under paragraph  
17 (1) shall not exceed 1 year, except where the Sec-  
18 retary determines that extraordinary circumstances  
19 exist as described in section 340(c)(3) of the Public  
20 Health Service Act.

21 (e) IMPLEMENTATION GRANTS.—

22 (1) IN GENERAL.—The Secretary shall award  
23 grants to eligible entities that have received a plan-  
24 ning grant under subsection (d) to enable such enti-  
25 ty to—

1 (A) implement a plan to address the se-  
2 lected health disparity for the target population,  
3 in an effective and timely manner;

4 (B) collect data appropriate for monitoring  
5 and evaluating the program carried out under  
6 the grant;

7 (C) analyze and interpret data, or collabo-  
8 rate with academic or other appropriate institu-  
9 tions, for such analysis and collection;

10 (D) participate in conferences and work-  
11 shops for the purpose of informing and edu-  
12 cating others regarding the experiences and les-  
13 sons learned from the project;

14 (E) collaborate with appropriate partners  
15 to publish the results of the project for the ben-  
16 efit of the public health community;

17 (F) establish mechanisms with other public  
18 or private groups to maintain financial support  
19 for the program after the grant terminates; and

20 (G) maintain relationships with local part-  
21 ners and continue to develop new relationships  
22 with State and national partners.

23 (2) DURATION.—The period during which pay-  
24 ments may be made under a grant under paragraph  
25 (1) shall not exceed 4 years. Such payments shall be

1 subject to annual approval by the Secretary and to  
2 the availability of appropriations for the fiscal year  
3 involved.

4 (f) EVALUATION GRANTS.—

5 (1) IN GENERAL.—The Secretary shall award  
6 grants to eligible entities that have received an im-  
7 plementation grant under subsection (e) that require  
8 additional assistance for the purpose of rigorous  
9 data analysis, program evaluation (including process  
10 and outcome measures), or dissemination of find-  
11 ings.

12 (2) PRIORITY.—In awarding grants under this  
13 subsection, the Secretary shall give priority to—

14 (A) entities that in previous funding cy-  
15 cles—

16 (i) have received a planning grant  
17 under subsection (d); and

18 (ii) implemented activities of the type  
19 described in subsection (e)(1);

20 (B) entities that fulfilled the goals of their  
21 planning grant under subsection (d) in an espe-  
22 cially timely manner;

23 (C) entities that incorporate best practices  
24 or build on successful models in their action

1 plan, including the use of community health  
2 workers; and

3 (D) entities that would enable the Sec-  
4 retary to provide for an equitable distribution of  
5 such grants among the 5 categories for race  
6 and ethnicity described in the 1997 Office of  
7 Management and Budget Standards for Main-  
8 taining, Collecting, and Presenting Federal  
9 Data on Race and Ethnicity.

10 (g) MAINTENANCE OF EFFORT.—The Secretary may  
11 not award a grant to an eligible entity under this section  
12 unless the entity agrees that, with respect to the costs to  
13 be incurred by the entity in carrying out the activities for  
14 which the grant was awarded, the entity (and each of the  
15 participating partners in the coalition represented by the  
16 entity) will maintain its expenditures of non-Federal funds  
17 for such activities at a level that is not less than the level  
18 of such expenditures during the fiscal year immediately  
19 preceding the first fiscal year for which the grant is  
20 awarded.

21 (h) TECHNICAL ASSISTANCE.—The Secretary may,  
22 either directly or by grant or contract, provide any entity  
23 that receives a grant under this section with technical and  
24 other nonfinancial assistance necessary to meet the re-  
25 quirements of this section.

1 (i) ADMINISTRATIVE BURDENS.—The Secretary shall  
2 make every effort to minimize duplicative or unnecessary  
3 administrative burdens on grantees in the process of ap-  
4 plying for grants under subsection (d), (e), or (f).

5 (j) REPORT.—Not later than September 30, 2009,  
6 the Secretary shall publish a report that describes the ex-  
7 tent to which the activities funded under this section have  
8 been successful in reducing and eliminating disparities in  
9 health and healthcare in targeted populations, and pro-  
10 vides examples of best practices or model programs funded  
11 under this section.

12 (k) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated such sums as may be nec-  
14 essary to carry out this section for each of fiscal years  
15 2007 through 2012.

16 **SEC. 403. GRANTS TO PROMOTE POSITIVE HEALTH BEHAV-**  
17 **IORS IN WOMEN.**

18 Part P of title III of the Public Health Service Act  
19 (42 U.S.C. 280g et seq.) is amended by adding at the end  
20 the following:

21 **“SEC. 3990. GRANTS TO PROMOTE POSITIVE HEALTH BE-**  
22 **HAVIORS IN WOMEN.**

23 “(a) GRANTS AUTHORIZED.—The Secretary, in col-  
24 laboration with the Director of the Centers for Disease  
25 Control and Prevention and other Federal officials deter-

1 mined appropriate by the Secretary, is authorized to  
2 award grants to States or local or tribal units, to promote  
3 positive health behaviors for women in target populations,  
4 especially racial and ethnic minority women in medically  
5 underserved communities.

6 “(b) USE OF FUNDS.—Grants awarded pursuant to  
7 subsection (a) may be used to support community health  
8 workers—

9 “(1) to educate, guide, and provide outreach in  
10 a community setting regarding health problems prev-  
11 alent among women including racial and ethnic mi-  
12 nority women;

13 “(2) to educate, guide, and provide experiential  
14 learning opportunities that target behavioral risk  
15 factors;

16 “(3) to educate and guide regarding effective  
17 strategies to promote positive health behaviors with-  
18 in the family;

19 “(4) to educate and provide outreach regarding  
20 enrollment in health insurance including the State  
21 Children’s Health Insurance Program under title  
22 XXI of the Social Security Act, medicare under title  
23 XVIII of such Act and medicaid under title XIX of  
24 such Act;

1           “(5) to promote community wellness and aware-  
2           ness; and

3           “(6) to educate and refer target populations to  
4           appropriate health care agencies and community-  
5           based programs and organizations in order to in-  
6           crease access to quality health care services, includ-  
7           ing preventive health services.

8           “(c) APPLICATION.—

9           “(1) IN GENERAL.—Each State or local or trib-  
10          al unit (including federally recognized tribes and  
11          Alaska native villages) that desires to receive a grant  
12          under subsection (a) shall submit an application to  
13          the Secretary, at such time, in such manner, and ac-  
14          companied by such additional information as the  
15          Secretary may require.

16          “(2) CONTENTS.—Each application submitted  
17          pursuant to paragraph (1) shall—

18                 “(A) describe the activities for which as-  
19                 sistance under this section is sought;

20                 “(B) contain an assurance that with re-  
21                 spect to each community health worker pro-  
22                 gram receiving funds under the grant awarded,  
23                 such program provides training and supervision  
24                 to community health workers to enable such  
25                 workers to provide authorized program services;

1           “(C) contain an assurance that the appli-  
2           cant will evaluate the effectiveness of commu-  
3           nity health worker programs receiving funds  
4           under the grant;

5           “(D) contain an assurance that each com-  
6           munity health worker program receiving funds  
7           under the grant will provide services in the cul-  
8           tural context most appropriate for the individ-  
9           uals served by the program;

10          “(E) contain a plan to document and dis-  
11          seminate project description and results to  
12          other States and organizations as identified by  
13          the Secretary; and

14          “(F) describe plans to enhance the capac-  
15          ity of individuals to utilize health services and  
16          health-related social services under Federal,  
17          State, and local programs by—

18                 “(i) assisting individuals in estab-  
19                 lishing eligibility under the programs and  
20                 in receiving the services or other benefits  
21                 of the programs; and

22                 “(ii) providing other services as the  
23                 Secretary determines to be appropriate,  
24                 that may include transportation and trans-  
25                 lation services.

1       “(d) PRIORITY.—In awarding grants under sub-  
2 section (a), the Secretary shall give priority to those appli-  
3 cants—

4           “(1) who propose to target geographic areas—

5               “(A) with a high percentage of residents  
6 who are eligible for health insurance but are  
7 uninsured or underinsured;

8               “(B) with a high percentage of families for  
9 whom English is not their primary language;  
10 and

11               “(C) that encompass the United States-  
12 Mexico border region;

13           “(2) with experience in providing health or  
14 health-related social services to individuals who are  
15 underserved with respect to such services; and

16           “(3) with documented community activity and  
17 experience with community health workers.

18       “(e) COLLABORATION WITH ACADEMIC INSTITU-  
19 TIONS.—The Secretary shall encourage community health  
20 worker programs receiving funds under this section to col-  
21 laborate with academic institutions. Nothing in this sec-  
22 tion shall be construed to require such collaboration.

23       “(f) QUALITY ASSURANCE AND COST-EFFECTIVE-  
24 NESS.—The Secretary shall establish guidelines for assur-  
25 ing the quality of the training and supervision of commu-

1 nity health workers under the programs funded under this  
2 section and for assuring the cost-effectiveness of such pro-  
3 grams.

4 “(g) MONITORING.—The Secretary shall monitor  
5 community health worker programs identified in approved  
6 applications and shall determine whether such programs  
7 are in compliance with the guidelines established under  
8 subsection (e).

9 “(h) TECHNICAL ASSISTANCE.—The Secretary may  
10 provide technical assistance to community health worker  
11 programs identified in approved applications with respect  
12 to planning, developing, and operating programs under the  
13 grant.

14 “(i) REPORT TO CONGRESS.—

15 “(1) IN GENERAL.—Not later than 4 years  
16 after the date on which the Secretary first awards  
17 grants under subsection (a), the Secretary shall sub-  
18 mit to Congress a report regarding the grant  
19 project.

20 “(2) CONTENTS.—The report required under  
21 paragraph (1) shall include the following:

22 “(A) A description of the programs for  
23 which grant funds were used.

24 “(B) The number of individuals served.

25 “(C) An evaluation of—

1           “(i) the effectiveness of these pro-  
2           grams;

3           “(ii) the cost of these programs; and

4           “(iii) the impact of the project on the  
5           health outcomes of the community resi-  
6           dents.

7           “(D) Recommendations for sustaining the  
8           community health worker programs developed  
9           or assisted under this section.

10          “(E) Recommendations regarding training  
11          to enhance career opportunities for community  
12          health workers.

13          “(j) DEFINITIONS.—In this section:

14           “(1) COMMUNITY HEALTH WORKER.—The term  
15           ‘community health worker’ means an individual who  
16           promotes health or nutrition within the community  
17           in which the individual resides—

18           “(A) by serving as a liaison between com-  
19           munities and health care agencies;

20           “(B) by providing guidance and social as-  
21           sistance to community residents;

22           “(C) by enhancing community residents’  
23           ability to effectively communicate with health  
24           care providers;

1           “(D) by providing culturally and linguis-  
2           tically appropriate health or nutrition edu-  
3           cation;

4           “(E) by advocating for individual and com-  
5           munity health or nutrition needs; and

6           “(F) by providing referral and follow-up  
7           services.

8           “(2) COMMUNITY SETTING.—The term ‘commu-  
9           nity setting’ means a home or a community organi-  
10          zation located in the neighborhood in which a partic-  
11          ipant resides.

12          “(3) MEDICALLY UNDERSERVED COMMUNITY.—  
13          The term ‘medically underserved community’ means  
14          a community identified by a State—

15                 “(A) that has a substantial number of in-  
16                 dividuals who are members of a medically un-  
17                 derserved population, as defined by section  
18                 330(b)(3); and

19                 “(B) a significant portion of which is a  
20                 health professional shortage area as designated  
21                 under section 332.

22          “(4) SUPPORT.—The term ‘support’ means the  
23          provision of training, supervision, and materials  
24          needed to effectively deliver the services described in

1 subsection (b), reimbursement for services, and  
2 other benefits.

3 “(5) TARGET POPULATION.—The term ‘target  
4 population’ means women of reproductive age, re-  
5 gardless of their current childbearing status.

6 “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section,  
8 such sums as may be necessary for each of fiscal years  
9 2007 through 2012.”.

10 **SEC. 404. PROVISIONS REGARDING NATIONAL ASTHMA**  
11 **EDUCATION AND PREVENTION PROGRAM OF**  
12 **NATIONAL HEART, LUNG, AND BLOOD INSTI-**  
13 **TUTE.**

14 In addition to any other authorization of appropria-  
15 tions that is available to the National Heart, Lung, and  
16 Blood Institute for the purpose of carrying out the Na-  
17 tional Asthma Education and Prevention Program, there  
18 is authorized to be appropriated to such Institute for such  
19 purpose such sums as may be necessary for each of fiscal  
20 years 2007 through 2012. Amounts appropriated under  
21 the preceding sentence shall be expended to expand such  
22 Program.

1 **SEC. 405. ASTHMA-RELATED ACTIVITIES OF CENTERS FOR**  
2 **DISEASE CONTROL AND PREVENTION.**

3 (a) EXPANSION OF PUBLIC HEALTH SURVEILLANCE  
4 ACTIVITIES; PROGRAM FOR PROVIDING INFORMATION  
5 AND EDUCATION TO PUBLIC.—The Secretary of Health  
6 and Human Services, acting through the Director of the  
7 Centers for Disease Control and Prevention, shall collabo-  
8 rate with the States to expand the scope of—

9 (1) activities that are carried out to determine  
10 the incidence and prevalence of asthma; and

11 (2) activities that are carried out to prevent the  
12 health consequences of asthma, including through  
13 the provision of information and education to the  
14 public regarding asthma, which may include the use  
15 of public service announcements through the media  
16 and such other means as such Director determines  
17 to be appropriate.

18 (b) COMPILATION OF DATA.—The Secretary of  
19 Health and Human Services, acting through the Director  
20 of the Centers for Disease Control and Prevention and in  
21 consultation with the National Asthma Education Preven-  
22 tion Program Coordinating Committee, shall—

23 (1) conduct local asthma surveillance activities  
24 to collect data on the prevalence and severity of  
25 asthma and the quality of asthma management, in-  
26 cluding—

1 (A) telephone surveys to collect sample  
2 household data on the local burden of asthma;  
3 and

4 (B) health care facility specific surveillance  
5 to collect asthma data on the prevalence and se-  
6 verity of asthma, and on the quality of asthma  
7 care; and

8 (2) compile and annually publish data on—

9 (A) the prevalence of children suffering  
10 from asthma in each State; and

11 (B) the childhood mortality rate associated  
12 with asthma nationally and in each State.

13 (c) **ADDITIONAL FUNDING.**—In addition to any other  
14 authorization of appropriations that is available to the  
15 Centers for Disease Control and Prevention for the pur-  
16 pose of carrying out this section, there is authorized to  
17 be appropriated to such Centers for such purpose such  
18 sums as may be necessary for each of fiscal years 2007  
19 through 2012.

20 **SEC. 406. GRANTS FOR COMMUNITY OUTREACH REGARD-**  
21 **ING ASTHMA INFORMATION, EDUCATION,**  
22 **AND SERVICES.**

23 (a) **IN GENERAL.**—The Secretary may make grants  
24 to nonprofit private entities for projects to carry out, in  
25 communities identified by entities applying for the grants,

1 outreach activities to provide for residents of the commu-  
2 nities the following:

3 (1) Information and education on asthma.

4 (2) Referrals to health programs of public and  
5 nonprofit private entities that provide asthma-re-  
6 lated services, including such services for low-income  
7 individuals. The grant may be expended to make ar-  
8 rangements to coordinate the activities of such enti-  
9 ties in order to establish and operate networks or  
10 consortia regarding such referrals.

11 (b) PREFERENCES IN MAKING GRANTS.—In making  
12 grants under subsection (a), the Secretary shall give pref-  
13 erence to applicants that will carry out projects under such  
14 subsection in communities that are disproportionately af-  
15 fected by asthma or underserved with respect to the activi-  
16 ties described in such subsection and in which a significant  
17 number of low-income individuals reside.

18 (c) EVALUATIONS.—A condition for a grant under  
19 subsection (a) is that the applicant for the grant agree  
20 to provide for the evaluation of the projects carried out  
21 under such subsection by the applicant to determine the  
22 extent to which the projects have been effective in carrying  
23 out the activities referred to in such subsection.

24 (d) FUNDING.—For the purpose of carrying out this  
25 section, there is authorized to be appropriated such sums

1 as may be necessary for each of fiscal years 2007 through  
2 2012.

3 **SEC. 407. ACTION PLANS OF LOCAL EDUCATIONAL AGEN-**  
4 **CIES REGARDING ASTHMA.**

5 (a) IN GENERAL.—

6 (1) SCHOOL-BASED ASTHMA ACTIVITIES.—The  
7 Secretary of Education (in this section referred to as  
8 the “Secretary”), in consultation with the Director  
9 of the Centers for Disease Control and Prevention  
10 and the Director of the National Institutes of  
11 Health, may make grants to local educational agen-  
12 cies for programs to carry out at elementary and  
13 secondary schools specified in paragraph (2) asthma-  
14 related activities for children who attend such  
15 schools.

16 (2) ELIGIBLE SCHOOLS.—The elementary and  
17 secondary schools referred to in paragraph (1) are  
18 such schools that are located in communities with a  
19 significant number of low-income or underserved in-  
20 dividuals (as defined by the Secretary).

21 (b) DEVELOPMENT OF PROGRAMS.—Programs under  
22 subsection (a) shall include grants under which local edu-  
23 cation agencies and State public health officials collabo-  
24 rate to develop programs to improve the management of  
25 asthma in school settings.

1 (c) CERTAIN GUIDELINES.—Programs under sub-  
2 section (a) shall be carried out in accordance with applica-  
3 ble guidelines or other recommendations of the National  
4 Institutes of Health (including the National Heart, Lung,  
5 and Blood Institute) and the Environmental Protection  
6 Agency.

7 (d) CERTAIN ACTIVITIES.—Activities that may be  
8 carried out in programs under subsection (a) include the  
9 following:

10 (1) Identifying and working directly with local  
11 hospitals, community clinics, advocacy organizations,  
12 parent-teacher associations, minority health organi-  
13 zations, and asthma coalitions.

14 (2) Identifying asthmatic children and training  
15 them and their families in asthma self-management.

16 (3) Purchasing asthma equipment.

17 (4) Hiring school nurses.

18 (5) Training teachers, nurses, coaches, and  
19 other school personnel in asthma-symptom recogni-  
20 tion and emergency responses.

21 (6) Simplifying procedures to improve students'  
22 safe access to their asthma medications.

23 (7) Such other asthma-related activities as the  
24 Secretary determines to be appropriate.

1 (e) DEFINITIONS.—For purposes of this section, the  
2 terms “elementary school”, “local educational agency”,  
3 and “secondary school” have the meanings given such  
4 terms in the Elementary and Secondary Education Act of  
5 1965.

6 (f) FUNDING.—For the purpose of carrying out this  
7 section, there is authorized to be appropriated such sums  
8 as may be necessary for each of fiscal years 2007 through  
9 2012.

10 **SEC. 408. PROGRAMS OF CENTERS FOR DISEASE CONTROL**  
11 **AND PREVENTION.**

12 Part B of title III of the Public Health Service Act  
13 (42 U.S.C. 243 et seq.) is amended by striking section  
14 317H and inserting the following:

15 **“SEC. 317H. DIABETES IN CHILDREN AND YOUTH.**

16 “(a) SURVEILLANCE ON TYPE 1 DIABETES.—The  
17 Secretary, acting through the Director of the Centers for  
18 Disease Control and Prevention and in consultation with  
19 the Director of the National Institutes of Health, shall de-  
20 velop a sentinel system to collect data on type 1 diabetes,  
21 including the incidence and prevalence of type 1 diabetes  
22 and shall establish a national database for such data.

23 “(b) TYPE 2 DIABETES IN YOUTH.—The Secretary  
24 shall implement a national public health effort to address  
25 type 2 diabetes in youth, including—

1           “(1) enhancing surveillance systems and ex-  
2           panding research to better assess the prevalence and  
3           incidence of type 2 diabetes in youth and determine  
4           the extent to which type 2 diabetes is incorrectly di-  
5           agnosed as type 1 diabetes among children;

6           “(2) standardizing and improving methods to  
7           assist in diagnosis, treatment, and prevention of dia-  
8           betes including developing less invasive ways to mon-  
9           itor blood glucose to prevent hypoglycemia such as  
10          nonmydriatic retinal imaging and improving existing  
11          glucometers that measure blood glucose; and

12          “(3) developing methods to identify obstacles  
13          facing children in traditionally underserved popu-  
14          lations to obtain care to prevent or treat type 2 dia-  
15          betes.

16          “(c) LONG-TERM EPIDEMIOLOGICAL STUDIES ON DI-  
17          ABETES IN CHILDREN.—The Secretary, acting through  
18          the Director of the Centers for Disease Control and Pre-  
19          vention and the Director of the National Institute of Dia-  
20          betes and Digestive and Kidney Diseases, shall conduct  
21          or support long-term epidemiology studies in children with  
22          diabetes or at risk for diabetes. Such studies shall inves-  
23          tigate the causes and characteristics of the disease and  
24          its complications.

1       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section,  
3 such sums as may be necessary for each of fiscal years  
4 2007 through 2012.”.

5 **SEC. 409. RESEARCH WITH RESPECT TO UTERINE**  
6 **FIBROIDS.**

7       (a) IN GENERAL.—The Director of the National In-  
8 stitutes of Health (in this section referred to as the “Di-  
9 rector of NIH”) shall expand, intensify, and coordinate  
10 programs for the conduct and support of research with  
11 respect to uterine fibroids.

12       (b) ADMINISTRATION.—

13           (1) IN GENERAL.—The Director of NIH shall  
14 carry out this section through the appropriate insti-  
15 tutes, offices, and centers, including the National In-  
16 stitute of Child Health and Human Development,  
17 the National Institute of Environmental Health  
18 Sciences, the Office of Research on Women’s Health,  
19 the National Center on Minority Health and Health  
20 Disparities, and any other agencies that the Director  
21 of NIH determines to be appropriate.

22           (2) COORDINATION OF ACTIVITIES.—The Office  
23 of Research on Women’s Health shall coordinate ac-  
24 tivities under paragraph (1) among the institutes,

1 offices, and centers of the National Institutes of  
2 Health.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—For the  
4 purpose of carrying out this section, there are authorized  
5 to be appropriated such sums as may be necessary for  
6 each of the fiscal years 2007 through 2012.

7 **SEC. 410. INFORMATION AND EDUCATION WITH RESPECT**  
8 **TO UTERINE FIBROIDS.**

9 (a) UTERINE FIBROIDS PUBLIC EDUCATION PRO-  
10 GRAM.—

11 (1) IN GENERAL.—The Secretary of Health and  
12 Human Services (referred to in this section as the  
13 “Secretary”), acting through the Director of the  
14 Centers for Disease Control and Prevention, shall  
15 develop and disseminate to the public information  
16 regarding uterine fibroids, including information  
17 on—

18 (A) the incidence and prevalence of uterine  
19 fibroids;

20 (B) the elevated risk for minority women;  
21 and

22 (C) the availability, as medically appro-  
23 priate, of a range of treatment options for  
24 symptomatic uterine fibroids.

1           (2) DISSEMINATION.—The Secretary may dis-  
2           seminate information under paragraph (1) directly,  
3           or through arrangements with nonprofit organiza-  
4           tions, consumer groups, institutions of higher edu-  
5           cation (as defined in section 101 of the Higher Edu-  
6           cation Act of 1965 (20 U.S.C. 1001)), Federal,  
7           State, or local agencies, or the media.

8           (3) AUTHORIZATION OF APPROPRIATIONS.—For  
9           the purpose of carrying out this subsection, there  
10          are authorized to be appropriated such sums as may  
11          be necessary for each of the fiscal years 2007  
12          through 2012.

13          (b) UTERINE FIBROIDS INFORMATION PROGRAM FOR  
14          HEALTH CARE PROVIDERS.—

15               (1) IN GENERAL.—The Secretary, acting  
16               through the Administrator of the Health Resources  
17               and Services Administration, shall develop and dis-  
18               seminate to health care providers information on  
19               uterine fibroids, including information on the ele-  
20               vated risk for minority women and the range of  
21               available options for the treatment of symptomatic  
22               uterine fibroids.

23               (2) AUTHORIZATION OF APPROPRIATIONS.—For  
24               the purpose of carrying out this subsection, there  
25               are authorized to be appropriated such sums as may

1 be necessary for each of the fiscal years 2007  
2 through 2012.

3 (c) DEFINITION.—For purposes of this section, the  
4 term “minority”, with respect to women, means women  
5 who are members of racial or ethnic minority groups with-  
6 in the meaning of section 1707 of the Public Health Serv-  
7 ice Act (42 U.S.C. 300u–6).

## 8 **Subtitle B—Research and Training**

### 9 **SEC. 431. INNOVATIVE CHRONIC DISEASE MANAGEMENT** 10 **PROGRAMS.**

11 (a) IN GENERAL.—The Secretary, acting in coordina-  
12 tion with the Administrator of the Centers for Medicare  
13 and Medicaid Services, the Administrator of the Health  
14 Resources and Services Administration, the Director of  
15 the National Institutes of Health, the Director of the Cen-  
16 ters for Disease Control and Prevention, and the Director  
17 of the Office of Minority Health, shall award grants to  
18 eligible entities for the identification, implementation, and  
19 evaluation of programs for patients with chronic disease.

20 (b) ELIGIBILITY.—To be eligible to receive a grant  
21 under subsection (a), an entity shall—

22 (1) be a health center or clinic, public health  
23 department, health plan, hospital, health system,  
24 community-based or non-profit organization, or

1 other health entity determined appropriate by the  
2 Secretary; and

3 (2) prepare and submit to the Secretary an ap-  
4 plication at such time, in such manner, and con-  
5 taining such information as the Secretary may re-  
6 quire.

7 (c) USE OF FUNDS.—An entity shall use amounts re-  
8 ceived under a grant under subsection (a) to identify, im-  
9 plement, and evaluate chronic disease management pro-  
10 grams that are tailored for racially and ethnically diverse  
11 populations. In carrying out such activities, an entity shall  
12 focus on—

13 (1) self-management training;

14 (2) patient empowerment;

15 (3) group visits;

16 (4) community health workers;

17 (5) case management;

18 (6) work- and school-based interventions;

19 (7) home visitation; or

20 (8) other activities determined appropriate by  
21 the Secretary.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section,  
24 such sums as may be necessary for each of fiscal years  
25 2007 through 2012.

1 **SEC. 432. RESEARCH FUNDING FOR AUTOIMMUNE DISEASE**  
2 **IN MINORITY POPULATIONS.**

3 Part B of title IV of the Public Health Service Act  
4 is amended by inserting after section 409E (42 U.S.C.  
5 284i) the following:

6 **“SEC. 490E-1. RESEARCH FUNDING FOR AUTOIMMUNE DIS-**  
7 **EASE IN MINORITY POPULATIONS.**

8 “(a) EXPANSION AND INTENSIFICATION OF ACTIVI-  
9 TIES REGARDING AUTOIMMUNE DISEASES ON MINORI-  
10 TIES.—With respect to the plan under section 409E(c)(1),  
11 the Coordinating Committee shall ensure that provisions  
12 of the plan developed under paragraph (2) of such sub-  
13 section include provisions for the following:

14 “(1)(A) Basic research, epidemiological re-  
15 search, and other appropriate research concerning  
16 the etiology and causes of autoimmune diseases in  
17 all minorities, including genetic, hormonal, and envi-  
18 ronmental factors.

19 “(B)(i) Giving priority under subparagraph (A)  
20 to research regarding environmental factors.

21 “(ii) The coordination of (to the extent prac-  
22 ticable and appropriate), and providing additional  
23 support for, research described in clause (i) that is  
24 conducted by public or nonprofit private entities.

25 “(2)(A) The development of information and  
26 education programs for patients, healthcare pro-

1       viders, and others as appropriate on genetic, hor-  
2       monal, and environmental risk factors associated  
3       with autoimmune diseases in minorities, and on the  
4       importance of the prevention or control of such risk  
5       factors and timely referral with appropriate diag-  
6       nosis and treatment.

7               “(B) The inclusion in programs under subpara-  
8       graph (A) of information and education on the prev-  
9       alence and nature of autoimmune diseases, on risk  
10      factors, and on health-related behaviors that can im-  
11      prove health status in minority populations.

12              “(3) Outreach programs for purposes of para-  
13      graphs (1) and (2) that—

14                      “(A) are directed toward minority individ-  
15                      uals, particularly those who are at-risk for auto-  
16                      immune diseases; and

17                      “(B) are carried out through community  
18                      health centers, community clinics, or other  
19                      health centers under section 330, through  
20                      State, territory, or local health departments, In-  
21                      dian tribes, or through primary care physicians.

22              “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
23      is authorized to be appropriated to carry out this section,  
24      such sums as may be necessary for each of fiscal years  
25      2007 through 2012.”.

1 **SEC. 433. RESEARCH ON EFFECTIVE MESSAGES FOR COM-**  
2 **BATING STIGMA.**

3 (a) RESEARCH.—The Administrator of the Substance  
4 Abuse and Mental Health Services Administration (in this  
5 section referred to as the “Administrator”) , in collabora-  
6 tion with the Director of the National Institute of Mental  
7 Health, shall conduct research to determine—

8 (1) the most effective messages for combating  
9 stigma in communities of color; and

10 (2) the most effective media through which to  
11 convey those messages.

12 (b) MEDIA.—In making a determination under sub-  
13 section (a)(2), the Administrator shall consider a diverse  
14 selection of media, including—

15 (1) newspapers;

16 (2) radio and television stations, including sta-  
17 tions in languages other than English;

18 (3) posters or pamphlets in community health  
19 centers, emergency rooms, and primary health care  
20 settings; and

21 (4) outreach in schools.

22 **SEC. 434. FETAL ALCOHOL SYNDROME.**

23 Subtitle C of title XXIX of the Public Health Service  
24 Act, as added by section 442(b), is amended by adding  
25 at the end the following:

1                   **“CHAPTER 2—FETAL ALCOHOL**  
2                   **SYNDROME TREATMENT AND DIAGNOSIS**

3                   **“SEC. 2922. FETAL ALCOHOL SYNDROME.**

4                   “(a) SURVEILLANCE AND IDENTIFICATION RE-  
5 SEARCH.—The Secretary shall direct the National Center  
6 for Birth Defects and Developmental Disabilities (referred  
7 to in this section as the ‘Center’) to—

8                   “(1) develop a uniform surveillance case defini-  
9 tion for Fetal Alcohol Syndrome (referred to in this  
10 section as ‘FAS’) and a uniform surveillance defini-  
11 tion for Alcohol Related Neurodevelopmental Dis-  
12 order (referred to in this section as ‘ARND’);

13                   “(2) develop a comprehensive screening process  
14 for FAS and ARND to include all age groups; and

15                   “(3) disseminate the screening process devel-  
16 oped under paragraph (2) to—

17                   “(A) hospitals, outpatient programs, and  
18 other healthcare providers;

19                   “(B) incarceration and detainment facili-  
20 ties;

21                   “(C) primary and secondary schools;

22                   “(D) social work and child welfare offices;

23                   “(E) State offices and others providing  
24 services to individuals with disabilities; and

1                   “(F) others determined appropriate by the  
2                   Secretary.

3           “(b) CLINICAL CHARACTERIZATION OF FAS AND RE-  
4 LATED DISEASES.—The Secretary shall direct the Na-  
5 tional Institute of Alcohol Abuse and Alcoholism to—

6                   “(1) research methods to quantify the central  
7                   nervous system impairments associated with fetal al-  
8                   cohol exposure and to develop clinical diagnostic  
9                   tools for the intellectual and behavioral problems as-  
10                  sociated with FAS and related diseases;

11                  “(2) develop a neurocognitive phenotype for  
12                  FAS and ARND; and

13                  “(3) include all relevant scientific and clinical  
14                  characterizations of FAS and related diseases in rel-  
15                  evant diagnostic codes.

16           “(c) COMMUNITY-BASED AND SUPPORT SERVICES  
17 COORDINATION GRANTS.—The Secretary shall award  
18 grants to States, Indian tribes and tribal organizations,  
19 and nongovernmental organizations for the establishment  
20 of—

21                   “(1) pilot projects to identify and implement  
22                   best practices for—

23                           “(A) educating children with fetal alcohol  
24                           spectrum disorders, including—

1           “(i) activities and programs designed  
2           specifically for the identification, treat-  
3           ment, and education of such children; and

4           “(ii) curricula development and  
5           credentialing of teachers, administrators,  
6           and social workers who implement such  
7           programs;

8           “(B) educating judges, attorneys, child ad-  
9           vocates, law enforcement officers, prison war-  
10          dens, alternative incarceration administrators,  
11          and incarceration officials on how to treat and  
12          support individuals suffering from a fetal alco-  
13          hol spectrum disorder within the criminal jus-  
14          tice system, including—

15               “(i) programs designed specifically for  
16               the identification, treatment, and education  
17               of those with a fetal alcohol spectrum dis-  
18               order; and

19               “(ii) curricula development and  
20               credentialing within justice system for indi-  
21               viduals who implement such programs; and

22           “(C) educating adoption or foster care  
23           agency officials about available and necessary  
24           services for children with fetal alcohol spectrum  
25           disorders, including—

1                   “(i) programs designed specifically for  
2                   the identification, treatment, and education  
3                   of those with a fetal alcohol spectrum dis-  
4                   order; and

5                   “(ii) education and training for poten-  
6                   tial parents of an adopted child with a  
7                   fetal alcohol spectrum disorder;

8                   “(2) nationally coordinated systems that inte-  
9                   grate transitional services for those affected by pre-  
10                  natal alcohol exposure such as housing assistance,  
11                  vocational training and placement, and medication  
12                  monitoring by—

13                  “(A) providing training and support to  
14                  family services programs, children’s mental  
15                  health programs, and other local efforts;

16                  “(B) recruiting and training mentors for  
17                  teenagers with a fetal alcohol spectrum dis-  
18                  order; and

19                  “(C) maintaining a clearinghouse including  
20                  all relevant neurobehavioral information needed  
21                  for supporting individuals with a fetal alcohol  
22                  spectrum disorder; and

23                  “(3) programs to disseminate and coordinate  
24                  fetal alcohol spectrum disorder awareness and iden-

1 tification efforts by community health centers, in-  
2 cluding—

3 “(A) education of health professionals re-  
4 garding available support services; and

5 “(B) implementation of a tracking system  
6 targeting the rates of fetal alcohol spectrum  
7 disorders among individuals from certain racial,  
8 ethnic, and economic backgrounds.

9 “(d) APPLICATION.—To be eligible to receive a grant  
10 under subsection (g), an entity shall submit to the Sec-  
11 retary an application in such form, in such manner, and  
12 containing such agreements, assurances, and information  
13 as the Secretary determines to be necessary to carry out  
14 this section.

15 “(e) BUILDING STATE FASD SYSTEMS.—

16 “(1) IN GENERAL.—The Secretary, acting  
17 through the Administrator of the Substance Abuse  
18 and Mental Health Services Administration, shall  
19 award grants, contracts, or cooperative agreements  
20 to States for the purpose of establishing or expand-  
21 ing statewide programs of surveillance, prevention,  
22 and treatment of individuals with Fetal Alcohol  
23 Spectrum Disorders.

1           “(2) ELIGIBILITY.—To be eligible to receive a  
2           grant, contract, or cooperative agreement under  
3           paragraph (1) a State shall—

4                   “(A) prepare and submit to the Secretary  
5                   an application at such time, in such manner,  
6                   and containing such information as the Sec-  
7                   retary may reasonably require;

8                   “(B) develop and implement a statewide  
9                   strategic plan for preventing and treating Fetal  
10                  Alcohol Spectrum Disorders;

11                  “(C) consult with public and private non-  
12                  profit entities with relevant expertise on Fetal  
13                  Alcohol Spectrum Disorders within the State,  
14                  including—

15                          “(i) parent-led groups and other orga-  
16                          nizations that support and advocate for in-  
17                          dividuals with Fetal Alcohol Spectrum Dis-  
18                          orders; and

19                          “(ii) Indian tribes and tribal organiza-  
20                          tions; and

21                  “(D) designate an individual to serve as  
22                  the coordinator of the State’s Fetal Alcohol  
23                  Spectrum Disorders program.

1           “(3) STRATEGIC PLAN.—The statewide stra-  
2           tegic plan prepared under paragraph (2)(B) shall in-  
3           clude—

4                   “(A) the identification of existing State  
5           programs and systems that could be used to  
6           identify and treat individuals with Fetal Alcohol  
7           Spectrum Disorders and prevent alcohol con-  
8           sumption during pregnancy, such as—

9                           “(i) programs for the developmentally  
10           disabled, the mentally ill, and individuals  
11           with alcohol dependency;

12                          “(ii) primary and secondary edu-  
13           cational systems;

14                          “(iii) judicial systems for juveniles  
15           and adults;

16                          “(iv) child welfare programs and so-  
17           cial service programs; and

18                          “(v) other programs or systems the  
19           State determines to be appropriate;

20                   “(B) the identification of any barriers for  
21           individuals with Fetal Alcohol Spectrum Dis-  
22           orders or women at risk for alcohol consump-  
23           tion during pregnancy to access the programs  
24           identified under subparagraph (A); and

1           “(C) proposals to eliminate barriers to pre-  
2           vention and treatment programs and coordinate  
3           the activities of such programs.

4           “(4) USE OF FUNDS.—Amounts received under  
5           a grant, contract, or cooperative agreement under  
6           paragraph (1) shall be used for one or more of the  
7           following activities:

8           “(A) Establishing a statewide surveillance  
9           system.

10          “(B) Collecting, analyzing and interpreting  
11          data.

12          “(C) Establishing a diagnostic center.

13          “(D) Developing, implementing, and evalu-  
14          ating population-based and targeted prevention  
15          programs for Fetal Alcohol Spectrum Dis-  
16          orders, including public awareness campaigns.

17          “(E) Referring individuals with Fetal Alco-  
18          hol Spectrum Disorders to appropriate support  
19          services.

20          “(F) Developing and sharing best practices  
21          for the prevention, identification, and treatment  
22          of Fetal Alcohol Spectrum Disorders.

23          “(G) Providing training to health care pro-  
24          viders on the prevention, identification, and  
25          treatment of Fetal Alcohol Spectrum Disorders.

1           “(H) Disseminating information about  
2           Fetal Alcohol Spectrum Disorders and the  
3           availability of support services to families of in-  
4           dividuals with Fetal Alcohol Spectrum Dis-  
5           orders.

6           “(I) Other activities determined appro-  
7           priate by the Secretary.

8           “(5) MULTI-STATE PROGRAMS.—The Secretary  
9           shall permit the formation of multi-State Fetal Alco-  
10          hol Spectrum Disorders programs under this sub-  
11          section.

12          “(6) OTHER CONTRACTS AND AGREEMENTS.—  
13          A State may carry out activities under paragraph  
14          (4) through contacts or cooperative agreements with  
15          public and private non-profit entities with a dem-  
16          onstrated expertise in Fetal Alcohol Spectrum Dis-  
17          orders.

18          “(7) AUTHORIZATION OF APPROPRIATIONS.—  
19          There are authorized to be appropriated to carry out  
20          this subsection, such sums as may be necessary for  
21          fiscal years 2006 through 2010.

22          “(f) PROMOTING COMMUNITY PARTNERSHIPS.—

23                 “(1) IN GENERAL.—The Secretary shall award  
24                 grants, contracts, or cooperative agreements to eligi-  
25                 ble entities to enable such entities to establish, en-

1 hance, or improve community partnerships for the  
2 purpose of collaborating on common objectives and  
3 integrating the services available to individuals with  
4 Fetal Alcohol Spectrum Disorders, such as surveil-  
5 lance, prevention, treatment, and provision of sup-  
6 port services.

7 “(2) ELIGIBLE ENTITIES.—To be eligible to re-  
8 ceive a grant, contract, or cooperative agreement  
9 under paragraph (1), an entity shall—

10 “(A) be a public or private nonprofit enti-  
11 ty, including—

12 “(i) a health care provider or health  
13 professional;

14 “(ii) a primary or secondary school;

15 “(iii) a social work or child welfare of-  
16 fice;

17 “(iv) an incarceration or detainment  
18 facility;

19 “(v) a parent-led group or other orga-  
20 nization that supports and advocates for  
21 individuals with Fetal Alcohol Spectrum  
22 Disorders;

23 “(vi) an Indian tribe or tribal organi-  
24 zation;

1                   “(vii) any other entity the Secretary  
2                   determines to be appropriate; or

3                   “(viii) a consortium of any of the enti-  
4                   ties described in clauses (i) through (vii);  
5                   and

6                   “(B) prepare and submit to the Secretary  
7                   an application at such time, in such manner,  
8                   and containing such information as the Sec-  
9                   retary may reasonably require, including assur-  
10                  ances that the entity submitting the application  
11                  does, at the time of application, or will, within  
12                  a reasonable amount of time from the date of  
13                  application, include substantive participation of  
14                  a broad range of entities that work with or pro-  
15                  vide services for individuals with Fetal Alcohol  
16                  Spectrum Disorders.

17                  “(3) ACTIVITIES.—An eligible entity shall use  
18                  amounts received under a grant, contract, or cooper-  
19                  ative agreement under this subsection shall carry out  
20                  1 or more of the following activities:

21                  “(A) Identifying and integrating existing  
22                  programs and services available in the commu-  
23                  nity for individuals with Fetal Alcohol Spec-  
24                  trum Disorders.

1           “(B) Conducting a needs assessment to  
2 identify services that are not available in a com-  
3 munity.

4           “(C) Developing and implementing com-  
5 munity-based initiatives to prevent, diagnose,  
6 treat, and provide support services to individ-  
7 uals with Fetal Alcohol Spectrum Disorders.

8           “(D) Disseminating information about  
9 Fetal Alcohol Spectrum Disorders and the  
10 availability of support services.

11           “(E) Developing and implementing a com-  
12 munity-wide public awareness and outreach  
13 campaign focusing on the dangers of drinking  
14 alcohol while pregnant.

15           “(F) Providing mentoring or other support  
16 to families of individuals with Fetal Alcohol  
17 Spectrum Disorders.

18           “(G) Other activities determined appro-  
19 priate by the Secretary.

20           “(4) AUTHORIZATION OF APPROPRIATION.—  
21 There are authorized to be appropriated to carry out  
22 this subsection, such sums as may be necessary for  
23 each of fiscal years 2006 through 2010.

24           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
25 is authorized to be appropriated to carry out this section

1 (other than subsections (e) and (f)), such sums as may  
2 be necessary for each of fiscal years 2005 through 2010.”.

3 **Subtitle C—Innovative Treatment**  
4 **Modalities and Services Deliv-**  
5 **ery Models**

6 **SEC. 441. GUIDELINES FOR DISEASE SCREENING FOR MI-**  
7 **NORITY PATIENTS.**

8 (a) IN GENERAL.—The Secretary, acting through the  
9 Director of the Agency for Healthcare Research and Qual-  
10 ity, shall convene a series of meetings to develop guidelines  
11 for disease screening for minority patient populations  
12 which have a higher than average risk for many chronic  
13 diseases and cancers.

14 (b) PARTICIPANTS.—In convening meetings under  
15 subsection (a), the Secretary shall ensure that meeting  
16 participants include representatives of—

- 17 (1) professional societies and associations;
- 18 (2) minority health organizations;
- 19 (3) healthcare researchers and providers, in-  
20 cluding those with expertise in minority health;
- 21 (4) Federal health agencies, including the Of-  
22 fice of Minority Health and the National Institutes  
23 of Health; and
- 24 (5) other experts determined appropriate by the  
25 Secretary.

1 (c) DISEASES.—Screening guidelines for minority  
2 populations shall be developed under subsection (a) for—

- 3 (1) hypertension;
- 4 (2) hypercholesterolemia;
- 5 (3) diabetes;
- 6 (4) cardiovascular disease;
- 7 (5) prostate cancer;
- 8 (6) breast cancer;
- 9 (7) colon cancer;
- 10 (8) kidney disease;
- 11 (9) glaucoma; and
- 12 (10) other diseases determined appropriate by  
13 the Secretary.

14 (d) DISSEMINATION.—Not later than 24 months  
15 after the date of enactment of this title, the Secretary  
16 shall publish and disseminate to healthcare provider orga-  
17 nizations the guidelines developed under subsection (a).

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section,  
20 sums as may be necessary for each of fiscal years 2007  
21 through 2012.

22 **SEC. 442. CANCER REDUCTION.**

23 (a) PREVENTIVE HEALTH MEASURES WITH RE-  
24 SPECT TO BREAST AND CERVICAL CANCER.—

1           (1) IN GENERAL.—Section 1510(a) of the Pub-  
 2           lic Health Service Act (42 U.S.C. 300n-5(a)) is  
 3           amended by striking “2005” and inserting “2012”.

4           (2) SUPPLEMENTAL GRANTS FOR ADDITIONAL  
 5           PREVENTIVE HEALTH SERVICES.—Section  
 6           1509(d)(1) of the Public Health Service Act (42  
 7           U.S.C. 300n-4a(d)(1)) is amended by striking  
 8           “2005” and inserting “2012”.

9           (b) TREATMENT AND PREVENTION.—Title XXIX of  
 10          the Public Health Service Act, as amended by section 302,  
 11          is further amended by adding at the end the following:

12          **“Subtitle B—Reducing Disease and**  
 13          **Disease-related Complications**

14          **“CHAPTER 1—CANCER REDUCTION**

15          **“SEC. 2921. CANCER PREVENTION AND TREATMENT FOR**  
 16                                **UNDERSERVED MINORITY OR OTHER POPU-**  
 17                                **LATIONS.**

18          “(a) GRANTS.—The Secretary may make grants to  
 19          qualifying health centers, non-profit organizations, and  
 20          public institutions for the development, expansion, or oper-  
 21          ation of programs that, for individuals otherwise served  
 22          by such centers, provide—

23                        “(1) information and education on cancer pre-  
 24                        vention;

25                        “(2) screenings for cancer;

1           “(3) counseling on cancer, including counseling  
2 upon a diagnosis of cancer; and

3           “(4) treatment for cancer.

4           “(b) QUALIFYING HEALTH CENTERS AND PUBLIC  
5 INSTITUTIONS.—For purposes of this section:

6           “(1) QUALIFYING HEALTH CENTERS.—The  
7 term ‘qualifying health center’ includes community  
8 health centers, migrant health centers, health cen-  
9 ters for the homeless, health centers for residents of  
10 public housing, and community clinics.

11           “(2) QUALIFYING PUBLIC INSTITUTIONS.—The  
12 term ‘qualifying public institutions’ means an entity  
13 that meets the requirements of section 2971(b)(1).

14           “(c) PREFERENCE IN MAKING GRANTS.—In making  
15 grants under subsection (a), the Secretary shall give pref-  
16 erence to applicants that—

17           “(1) have service populations that include a sig-  
18 nificant number of low-income minority individuals  
19 who are at-risk for cancer;

20           “(2) will, through programs under subsection  
21 (b)—

22           “(A) emphasize early detection of and com-  
23 prehensive treatment for cancer;

24           “(B) provide comprehensive treatment  
25 services for cancer in its earliest stages; and

1                   “(C) carry out subparagraphs (A) and (B)  
2                   for two or more types of cancer; and

3                   “(3) in order to provide treatment for cancer,  
4                   have established or will establish referral arrange-  
5                   ments with entities that provide screenings for low-  
6                   income individuals.

7                   “(d) APPROPRIATE CULTURAL CONTEXT.—As a con-  
8                   dition for the receipt of a grant under subsection (a), the  
9                   applicant shall agree that, in the program carried out with  
10                  the grant, services will be provided in the languages most  
11                  appropriate for, and with consideration for the cultural  
12                  background of, the individuals for whom the services are  
13                  provided.

14                  “(e) OUTREACH SERVICES.—As a condition for the  
15                  receipt of a grant under subsection (a), the applicant shall  
16                  agree to provide outreach activities to inform the public  
17                  of the services of the program, and to provide information  
18                  on cancer; and

19                  “(f) APPLICATION FOR GRANT.—A grant may be  
20                  made under subsection (a) only if an application for the  
21                  grant is submitted to the Secretary and the application  
22                  is in such form, is made in such manner, and contains  
23                  such agreements, assurances, and information as the Sec-  
24                  retary determines to be necessary to carry out this section.



1 **SEC. 444. DIABETES PREVENTION, TREATMENT, AND CON-**  
2 **TROL.**

3 (a) DETERMINATION.—The Secretary, in consulta-  
4 tion with Indian tribes and tribal organizations, shall de-  
5 termine—

6 (1) by tribe, tribal organization, and service  
7 unit of the Service, the prevalence of, and the types  
8 of complications resulting from, diabetes among In-  
9 dians; and

10 (2) based on paragraph (1), the measures (in-  
11 cluding patient education) each service unit should  
12 take to reduce the prevalence of, and prevent, treat,  
13 and control the complications resulting from, diabe-  
14 tes among Indian tribes within that service unit.

15 (b) SCREENING.—The Secretary shall screen each In-  
16 dian who receives services from the Service for diabetes  
17 and for conditions which indicate a high risk that the indi-  
18 vidual will become diabetic. Such screening may be done  
19 by an Indian tribe or tribal organization operating  
20 healthcare programs or facilities with funds from the Serv-  
21 ice under the Indian Self-Determination and Education  
22 Assistance Act.

23 (c) CONTINUED FUNDING.—The Secretary shall con-  
24 tinue to fund, through fiscal year 2015, each effective  
25 model diabetes project in existence on the date of the en-  
26 actment of this Act and such other diabetes programs op-

1 erated by the Secretary or by Indian tribes and tribal or-  
2 ganizations and any additional programs added to meet  
3 existing diabetes needs. Indian tribes and tribal organiza-  
4 tions shall receive recurring funding for the diabetes pro-  
5 grams which they operate pursuant to this section. Model  
6 diabetes projects shall consult, on a regular basis, with  
7 tribes and tribal organizations in their regions regarding  
8 diabetes needs and provide technical expertise as needed.

9 (d) DIALYSIS PROGRAMS.—The Secretary shall pro-  
10 vide funding through the Service, Indian tribes and tribal  
11 organizations to establish dialysis programs, including  
12 funds to purchase dialysis equipment and provide nec-  
13 essary staffing.

14 (e) OTHER ACTIVITIES.—The Secretary shall, to the  
15 extent funding is available—

16 (1) in each area office of the Service, consult  
17 with Indian tribes and tribal organizations regarding  
18 programs for the prevention, treatment, and control  
19 of diabetes;

20 (2) establish in each area office of the Service  
21 a registry of patients with diabetes to track the  
22 prevalence of diabetes and the complications from  
23 diabetes in that area; and

24 (3) ensure that data collected in each area of-  
25 fice regarding diabetes and related complications

1 among Indians is disseminated to tribes, tribal orga-  
2 nizations, and all other area offices.

3 (f) DEFINITIONS.—For purposes of this section, the  
4 definitions contained in section 4 of the Indian Health  
5 Care Improvement Act shall apply.

6 **SEC. 445. GENETICS OF DIABETES.**

7 Title IV of the Public Health Service Act (42 U.S.C.  
8 281 et seq.) is amended by inserting after section 430 the  
9 following:

10 **“SEC. 430A. GENETICS OF DIABETES.**

11 “The Diabetes Mellitus Interagency Coordinating  
12 Committee, in collaboration with the Directors of the Na-  
13 tional Human Genome Research Institute, the National  
14 Institute of Diabetes and Digestive and Kidney Diseases,  
15 and the National Institute of Environmental Health  
16 Sciences, and other voluntary organizations and interested  
17 parties, shall—

18 “(1) coordinate and assist efforts of the Type  
19 1 Diabetes Genetics Consortium, which will collect  
20 and share valuable DNA information from type 1 di-  
21 abetes patients from studies around the world; and

22 “(2) provide continued coordination and sup-  
23 port for the consortia of laboratories investigating  
24 the genomics of diabetes.”.

1 **SEC. 446. RESEARCH AND TRAINING ON DIABETES IN UN-**  
2 **DERSERVED AND MINORITY POPULATIONS.**

3 (a) RESEARCH.—Subpart 3 of part C of title IV of  
4 the Public Health Service Act (42 U.S.C. 285c et seq.)  
5 is amended by adding at the end the following:

6 **“SEC. 434B. RESEARCH ON DIABETES IN UNDERSERVED**  
7 **AND MINORITY POPULATIONS.**

8 “(a) IN GENERAL.—The Director of the Institute, in  
9 coordination with the Director of the National Center on  
10 Minority Health and Health Disparities, the Director of  
11 the Office of Minority Health, and other appropriate insti-  
12 tutes and centers, shall expand, intensify, and coordinate  
13 research programs on pre-diabetes, type 1 diabetes and  
14 type 2 diabetes in underserved populations and minority  
15 groups.

16 “(b) RESEARCH.—The research described in sub-  
17 section (a) shall include research on—

18 “(1) behavior, including diet and physical activ-  
19 ity and other aspects of behavior;

20 “(2) environmental factors related to type 2 di-  
21 abetes that are unique to, more serious, or more  
22 prevalent, among underserved or high-risk popu-  
23 lations;

24 “(3) research on the prevention of complica-  
25 tions, which are unique to, more serious, or more  
26 prevalent among minorities, as well as research on

1       how to effectively translate the findings of clinical  
2       trials and research to improve methods for self-man-  
3       agement and health-care delivery; and

4               “(4) genetic studies of diabetes, consistent with  
5       research conducted under section 430A.

6       “(c) **AUTHORIZATION OF APPROPRIATIONS.**—There  
7       are authorized to be appropriated for purposes of carrying  
8       out this section, such sums as may be necessary for each  
9       of fiscal years 2007 through 2012.”.

10       (b) **DIVISION DIRECTORS.**—Section 428(b)(1) of the  
11       Public Health Service Act (42 U.S.C. 285c–2(b)(1)) is  
12       amended by inserting “(including research training of  
13       members of minority populations in order to facilitate  
14       their conduct of diabetes-related research in underserved  
15       populations and minority groups)” after “research pro-  
16       grams”.

17       **SEC. 447. AUTHORIZATION OF APPROPRIATIONS.**

18       Subpart 3 of part C of title IV of the Public Health  
19       Service Act (42 U.S.C. 285c et seq.) (as amended by sec-  
20       tion 448(a)) is amended by adding at the end the fol-  
21       lowing:

22       **“SEC. 434C. AUTHORIZATION OF APPROPRIATIONS.**

23       “For the purpose of carrying out this subpart with  
24       respect to the programs of the National Institute of Diabe-  
25       tes and Digestive and Kidney Diseases, other than section

1 434B, there are authorized to be appropriated such sums  
2 as may be necessary for each of fiscal years 2007 through  
3 2012.”.

4 **SEC. 448. PREVENTION AND CONTROL OF SEXUALLY**  
5 **TRANSMITTED DISEASES.**

6 (a) IN GENERAL.—Section 318(e)(1) of the Public  
7 Health Service Act (42 U.S.C. 247c(e)(1)) is amended by  
8 striking “1998” and inserting “2008”.

9 (b) PREVENTABLE CASES OF INFERTILITY.—Section  
10 318A of the Public Health Service Act (42 U.S.C. 247c–  
11 1) is amended—

12 (1) in subsection (q), by striking “1998” and  
13 inserting “2012”; and

14 (2) in subsection (r)(2), by striking “1998” and  
15 inserting “2012”.

16 **SEC. 449. MODEL COMMUNITY DIABETES AND CHRONIC**  
17 **DISEASE CARE AND PREVENTION AMONG PA-**  
18 **CIFIC ISLANDERS AND NATIVE HAWAIIANS.**

19 Part P of title III of the Public Health Service Act  
20 (42 U.S.C. 280g et seq.), as amended by section 432, is  
21 further amended by adding at the end the following:

1 **“SEC. 399P. MODEL COMMUNITY DIABETES AND CHRONIC**  
2 **DISEASE CARE AND PREVENTION AMONG PA-**  
3 **CIFIC ISLANDERS AND NATIVE HAWAIIANS.**

4 “(a) IN GENERAL.—The Secretary, acting through  
5 the Director of the Centers for Disease Control and Pre-  
6 vention, may award grants and enter into cooperative  
7 agreements and contracts with eligible entities to establish  
8 a model community demonstration project to provide  
9 training and support for community-based prevention and  
10 control programs targeting diabetes, hypertension, cardio-  
11 vascular disease, and other related health problems in  
12 American Samoa, the Commonwealth of the Northern  
13 Mariana Islands, Guam, the Federated States of Micro-  
14 nesia, Hawaii, the Republic of the Marshall Islands, and  
15 the Republic of Palau.

16 “(b) ELIGIBLE ENTITY DEFINED.—In this section  
17 the term ‘eligible entity’ means any organization described  
18 in section 501(c)(3) of the Internal Revenue Code of 1986  
19 and exempt from tax under section 501(a) of such Code.

20 “(c) PRIORITY.—The Secretary shall give priority for  
21 grants, agreements, and contracts under this section to  
22 eligible entities that have previously administered cul-  
23 turally appropriate Centers for Disease Control and Pre-  
24 vention programs intended to prevent and control diabetes  
25 in the areas described in subsection (a).

1       “(d) REGULATIONS.—The Secretary is authorized to  
2 promulgate such regulations as may be necessary to carry  
3 out this section.

4       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated to carry out this section,  
6 such sums as may be necessary for fiscal years 2007  
7 through 2012.”.

8       **SEC. 450. GRANTS TO IMPROVE THE PROVISION OF DENTAL**  
9                                   **SERVICES UNDER MEDICAID AND SCHIP.**

10       Title V of the Social Security Act (42 U.S.C. 701  
11 et seq.) is amended by adding at the end the following:

12       **“SEC. 511. GRANTS TO IMPROVE THE PROVISION OF DEN-**  
13                                   **TAL SERVICES UNDER MEDICAID AND SCHIP.**

14       “(a) AUTHORITY TO MAKE GRANTS.—In addition to  
15 any other payments made under this title to a State, the  
16 Secretary shall award grants to States that satisfy the re-  
17 quirements of subsection (b) to improve the provision of  
18 dental services to children who are enrolled in a State plan  
19 under title XIX or a State child health plan under title  
20 XXI (in this section, collectively referred to as the ‘State  
21 plans’).

22       “(b) REQUIREMENTS.—In order to be eligible for a  
23 grant under this section, a State shall provide the Sec-  
24 retary with the following assurances:

1           “(1) IMPROVED SERVICE DELIVERY.—The  
2 State shall have a plan to improve the delivery of  
3 dental services to children, including children with  
4 special health care needs, who are enrolled in the  
5 State plans, including providing outreach and ad-  
6 ministrative case management, improving collection  
7 and reporting of claims data, and providing incen-  
8 tives, in addition to raising reimbursement rates, to  
9 increase provider participation.

10           “(2) ADEQUATE PAYMENT RATES.—The State  
11 has provided for payment under the State plans for  
12 dental services for children at levels consistent with  
13 the market-based rates and sufficient enough to en-  
14 list providers to treat children in need of dental serv-  
15 ices.

16           “(3) ENSURED ACCESS.—The State shall en-  
17 sure it will make dental services available to children  
18 enrolled in the State plans to the same extent as  
19 such services are available to the general population  
20 of the State.

21           “(c) USE OF FUNDS.—

22           “(1) IN GENERAL.—Funds provided under this  
23 section may be used to provide administrative re-  
24 sources (such as program development, provider  
25 training, data collection and analysis, and research-

1 related tasks) to assist States in providing and as-  
2 ssuming services that include preventive and thera-  
3 peutic dental care regimens.

4 “(2) LIMITATION.—Funds provided under this  
5 section may not be used for payment of direct den-  
6 tal, medical, or other services or to obtain Federal  
7 matching funds under any Federal program.

8 “(d) APPLICATION.—A State shall submit an applica-  
9 tion to the Secretary for a grant under this section in such  
10 form and manner and containing such information as the  
11 Secretary may require.

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to make grants under  
14 this section, such sums as may be necessary for fiscal year  
15 2007 and each fiscal year thereafter.

16 “(f) APPLICATION OF OTHER PROVISIONS OF  
17 TITLE.—

18 “(1) IN GENERAL.—Except as provided in para-  
19 graph (2), the other provisions of this title shall not  
20 apply to a grant made under this section.

21 “(2) EXCEPTIONS.—The following provisions of  
22 this title shall apply to a grant made under sub-  
23 section (a) to the same extent and in the same man-  
24 ner as such provisions apply to allotments made  
25 under section 502(c):

1           “(A) Section 504(b)(6) (relating to prohi-  
2           bition on payments to excluded individuals and  
3           entities).

4           “(B) Section 504(c) (relating to the use of  
5           funds for the purchase of technical assistance).

6           “(C) Section 504(d) (relating to a limita-  
7           tion on administrative expenditures).

8           “(D) Section 506 (relating to reports and  
9           audits), but only to the extent determined by  
10          the Secretary to be appropriate for grants made  
11          under this section.

12          “(E) Section 507 (relating to penalties for  
13          false statements).

14          “(F) Section 508 (relating to non-  
15          discrimination).

16          “(G) Section 509 (relating to the adminis-  
17          tration of the grant program).”.

18 **SEC. 451. STATE OPTION TO PROVIDE WRAP-AROUND**  
19 **SCHIP COVERAGE TO CHILDREN WHO HAVE**  
20 **OTHER HEALTH COVERAGE.**

21         (a) IN GENERAL.—

22             (1) SCHIP.—

23                 (A) STATE OPTION TO PROVIDE WRAP-  
24                 AROUND COVERAGE.—Section 2110(b) of the

1 Social Security Act (42 U.S.C. 1397jj(b)) is  
2 amended—

3 (i) in paragraph (1)(C), by inserting  
4 “, subject to paragraph (5),” after “under  
5 title XIX or”; and

6 (ii) by adding at the end the fol-  
7 lowing:

8 “(5) STATE OPTION TO PROVIDE WRAP-AROUND  
9 COVERAGE.—A State may waive the requirement of  
10 paragraph (1)(C) that a targeted low-income child  
11 may not be covered under a group health plan or  
12 under health insurance coverage, if the State satis-  
13 fies the conditions described in subsection (c)(8).  
14 The State may waive such requirement in order to  
15 provide—

16 “(A) dental services;

17 “(B) cost-sharing protection; or

18 “(C) all services.

19 In waiving such requirement, a State may limit the  
20 application of the waiver to children whose family in-  
21 come does not exceed a level specified by the State,  
22 so long as the level so specified does not exceed the  
23 maximum income level otherwise established for  
24 other children under the State child health plan.”.

1           (B) CONDITIONS DESCRIBED.—Section  
2           2105(c) of the Social Security Act (42 U.S.C.  
3           1397ee(c)) is amended by adding at the end the  
4           following:

5           “(8) CONDITIONS FOR PROVISION OF WRAP-  
6           AROUND COVERAGE.—For purposes of section  
7           2110(b)(5), the conditions described in this para-  
8           graph are the following:

9           “(A) INCOME ELIGIBILITY.—The State  
10           child health plan (whether implemented under  
11           title XIX or this XXI)—

12                   “(i) has the highest income eligibility  
13                   standard permitted under this title as of  
14                   January 1, 2002;

15                   “(ii) subject to subparagraph (B),  
16                   does not limit the acceptance of applica-  
17                   tions for children; and

18                   “(iii) provides benefits to all children  
19                   in the State who apply for and meet eligi-  
20                   bility standards.

21           “(B) NO WAITING LIST IMPOSED.—With  
22           respect to children whose family income is at or  
23           below 200 percent of the poverty line, the State  
24           does not impose any numerical limitation, wait-  
25           ing list, or similar limitation on the eligibility of

1 such children for child health assistance under  
2 such State plan.

3 “(C) NO MORE FAVORABLE TREATMENT.—  
4 The State child health plan may not provide  
5 more favorable coverage of dental services to  
6 the children covered under section 2110(b)(5)  
7 than to children otherwise covered under this  
8 title.”.

9 (C) STATE OPTION TO WAIVE WAITING PE-  
10 RIOD.—Section 2102(b)(1)(B) of the Social Se-  
11 curity Act (42 U.S.C. 1397bb(b)(1)(B)) is  
12 amended—

13 (i) in clause (i), by striking “and” at  
14 the end;

15 (ii) in clause (ii), by striking the pe-  
16 riod and inserting “; and”; and

17 (iii) by adding at the end the fol-  
18 lowing:

19 “(iii) at State option, may not apply  
20 a waiting period in the case of a child de-  
21 scribed in section 2110(b)(5), if the State  
22 satisfies the requirements of section  
23 2105(c)(8).”.

1           (2) APPLICATION OF ENHANCED MATCH UNDER  
2 MEDICAID.—Section 1905 of the Social Security Act  
3 (42 U.S.C. 1396d) is amended—

4           (A) in subsection (b), in the fourth sen-  
5 tence, by striking “or subsection (u)(3)” and  
6 inserting “(u)(3), or (u)(4)”; and

7           (B) in subsection (u)—

8           (i) by redesignating paragraph (4) as  
9 paragraph (5); and

10           (ii) by inserting after paragraph (3)  
11 the following:

12           “(4) For purposes of subsection (b), the ex-  
13 penditures described in this paragraph are expendi-  
14 tures for items and services for children described in  
15 section 2110(b)(5), but only in the case of a State  
16 that satisfies the requirements of section  
17 2105(e)(8).”.

18           (3) APPLICATION OF SECONDARY PAYOR PROVI-  
19 SIONS.—Section 2107(e)(1) of the Social Security  
20 Act (42 U.S.C. 1397gg(e)(1)) is amended—

21           (A) by redesignating subparagraphs (B)  
22 through (D) as subparagraphs (C) through (E),  
23 respectively; and

24           (B) by inserting after subparagraph (A)  
25 the following:

1           “(B) Section 1902(a)(25) (relating to co-  
 2           ordination of benefits and secondary payor pro-  
 3           visions) with respect to children covered under  
 4           a waiver described in section 2110(b)(5).”.

5           (b) **EFFECTIVE DATE.**—The amendments made by  
 6 subsection (a) shall take effect on January 1, 2006, and  
 7 shall apply to child health assistance and medical assist-  
 8           ance provided on or after that date.

9           **SEC. 452. GRANTS TO IMPROVE THE PROVISION OF DENTAL**  
 10                           **HEALTH SERVICES THROUGH COMMUNITY**  
 11                           **HEALTH CENTERS AND PUBLIC HEALTH DE-**  
 12                           **PARTMENTS.**

13           Part D of title III of the Public Health Service Act  
 14 (42 U.S.C. 254b et seq.) is amended by insert before sec-  
 15 tion 330, the following:

16           **“SEC. 329. GRANT PROGRAM TO EXPAND THE AVAIL-**  
 17                           **ABILITY OF SERVICES.**

18           “(a) **IN GENERAL.**—The Secretary, acting through  
 19 the Health Resources and Services Administration, shall  
 20 establish a program under which the Secretary may award  
 21 grants to eligible entities and eligible individuals to expand  
 22 the availability of primary dental care services in dental  
 23 health professional shortage areas or medically under-  
 24 served areas.

25           “(b) **ELIGIBILITY.**—

1           “(1) ENTITIES.—To be eligible to receive a  
2 grant under this section an entity—

3           “(A) shall be—

4           “(i) a health center receiving funds  
5 under section 330 or designated as a Fed-  
6 erally qualified health center;

7           “(ii) a county or local public health  
8 department, if located in a federally-des-  
9 ignated dental health professional shortage  
10 area;

11           “(iii) an Indian tribe or tribal organi-  
12 zation (as defined in section 4 of the In-  
13 dian Self-Determination and Education  
14 Assistance Act (25 U.S.C. 450b));

15           “(iv) a dental education program ac-  
16 credited by the Commission on Dental Ac-  
17 creditation; or

18           “(v) a community-based program  
19 whose child service population is made up  
20 of at least 33 percent of children who are  
21 eligible children, including at least 25 per-  
22 cent of such children being children with  
23 mental retardation or related develop-  
24 mental disabilities, unless specific docu-

1           mentation of a lack of need for access by  
2           this sub-population is established; and

3           “(B) shall prepare and submit to the Sec-  
4           retary an application at such time, in such  
5           manner, and containing such information as the  
6           Secretary may require, including information  
7           concerning dental provider capacity to serve in-  
8           dividuals with developmental disabilities.

9           “(2) INDIVIDUALS.—To be eligible to receive a  
10          grant under this section an individual shall—

11           “(A) be a dental health professional li-  
12           censed or certified in accordance with the laws  
13           of State in which such individual provides den-  
14           tal services;

15           “(B) prepare and submit to the Secretary  
16           an application at such time, in such manner,  
17           and containing such information as the Sec-  
18           retary may require; and

19           “(C) provide assurances that—

20           “(i) the individual will practice in a  
21           federally-designated dental health profes-  
22           sional shortage area; or

23           “(ii) not less than 25 percent of the  
24           patients of such individual are—

1                   “(I) receiving assistance under a  
2                   State plan under title XIX of the So-  
3                   cial Security Act (42 U.S.C. 1396 et  
4                   seq.);

5                   “(II) receiving assistance under a  
6                   State plan under title XXI of the So-  
7                   cial Security Act (42 U.S.C. 1397aa  
8                   et seq.); or

9                   “(III) uninsured.

10                  “(c) USE OF FUNDS.—

11                   “(1) ENTITIES.—An entity shall use amounts  
12                   received under a grant under this section to provide  
13                   for the increased availability of primary dental serv-  
14                   ices in the areas described in subsection (a). Such  
15                   amounts may be used to supplement the salaries of-  
16                   fered for individuals accepting employment as den-  
17                   tists in such areas.

18                   “(2) INDIVIDUALS.—A grant to an individual  
19                   under subsection (a) shall be in the form of a  
20                   \$1,000 bonus payment for each month in which such  
21                   individual is in compliance with the eligibility re-  
22                   quirements of subsection (b)(2)(C).

23                  “(d) AUTHORIZATION OF APPROPRIATIONS.—

24                   “(1) IN GENERAL.—Notwithstanding any other  
25                   amounts appropriated under section 330 for health

1 centers, there is authorized to be appropriated such  
 2 sums as may be necessary for each of fiscal years  
 3 2007 through 2012 to hire and retain dental  
 4 healthcare providers under this section.

5 “(2) USE OF FUNDS.—Of the amount appro-  
 6 priated for a fiscal year under paragraph (1), the  
 7 Secretary shall use—

8 “(A) not less than 65 percent of such  
 9 amount to make grants to eligible entities; and

10 “(B) not more than 35 percent of such  
 11 amount to make grants to eligible individuals.”.

12 **SEC. 453. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS**  
 13 **OF REGIONAL AND NATIONAL SIGNIFICANCE.**

14 Section 509(b)(2) of the Public Health Service Act  
 15 (42 U.S.C. 290bb–2(b)(2)) is amended by inserting before  
 16 the period the following: “and the provision of culturally  
 17 and linguistically appropriate substance abuse treatment  
 18 services in health disparity populations”.

19 **Subtitle D—Studies, Reports, and**  
 20 **Plans**

21 **SEC. 461. IOM STUDY REQUEST.**

22 (a) IN GENERAL.—The Secretary of Health and  
 23 Human Services shall request that the Institute of Medi-  
 24 cine conduct, or contract with another entity to conduct,  
 25 a study to investigate promising strategies for improving

1 minority health and reducing and eliminating racial and  
2 ethnic disparities in health and healthcare.

3 (b) CONTENT.—The study under subsection (a)  
4 shall—

5 (1) identify key stakeholders for intervention in  
6 the public and private sector;

7 (2) identify the barriers to eliminating racial  
8 and ethnic disparities in health and healthcare;

9 (3) explore approaches for addressing dispari-  
10 ties in health and healthcare using a quality im-  
11 provement framework;

12 (4) suggest an evaluation and research agenda  
13 that will advance effective strategies for reducing  
14 and eliminating racial and ethnic disparities in  
15 health and healthcare; and

16 (5) assess the capacity of the Department of  
17 Health and Human Services, as currently struc-  
18 tured, to implement and evaluate promising strate-  
19 gies to improve minority health and reduce and  
20 eliminate racial and ethnic disparities in health and  
21 healthcare.

22 (c) AGENDA.—The agenda described in subsection  
23 (b)(4) shall include a focus on the following:

1           (1) Observational studies of race-discordant and  
2 race-concordant physician-patient clinical encoun-  
3 ters.

4           (2) Studies of the behaviors and expressed atti-  
5 tudes toward race and ethnicity during education  
6 and training of health professionals.

7           (3) Expansion of prospective studies of dispari-  
8 ties in care, combining clinical data with qualitative  
9 interviews with patients and providers.

10          (4) Studies of the natural history of social cat-  
11 egorization in medical education and practice.

12          (5) Studies of the effectiveness of standard clin-  
13 ical guidelines in reducing disparities across disease  
14 categories.

15          (6) Exploration of health system characteristics  
16 that may contribute to or mitigate disparities in  
17 health care.

18          (7) Evaluation of cultural competency programs  
19 and their impact on the attitudes, knowledge, skills,  
20 and behaviors of healthcare providers.

21          (8) Expansion of community-participatory re-  
22 search with a focus on such topics as increasing  
23 trust and patient empowerment.

1           (9) Studies on appropriate indicators of socio-  
2           economic status, and methods for incorporating such  
3           indicators in patient records.

4           (10) Interventional studies designed to elimi-  
5           nate disparities.

6           (d) REPORT.—Not later than 24 months after the  
7           date of enactment of this Act, the Secretary of Health and  
8           Human Services shall submit to the appropriate commit-  
9           tees of Congress a report containing the results of the  
10          study conducted under subsection (a).

11          (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
12          authorized to be appropriated to carry out this section,  
13          such sums as may be necessary for each of fiscal years  
14          2007 and 2008.

15          **SEC. 462. STRATEGIC PLAN.**

16          (a) IN GENERAL.—The Secretary, acting through the  
17          Administrator of the Substance Abuse and Mental Health  
18          Services Administration, shall formulate a strategic plan  
19          for implementing the 2001 report by the Surgeon General  
20          of the Public Health Service entitled “Mental Health: Cul-  
21          ture, Race, and Ethnicity—A Supplement to Mental  
22          Health: A Report of the Surgeon General” and the 2003  
23          report by the President’s New Freedom Commission on  
24          Mental Health entitled “Achieving the Promise: Trans-  
25          forming Mental Health Care in America”.

1 (b) SUBMISSION.—Not later than 6 months after the  
2 date of the enactment of this title, the Secretary shall sub-  
3 mit to the Congress the strategic plan formulated under  
4 this section.

5 **SEC. 463. ADVISORY COUNCIL FOR THE ELIMINATION OF**  
6 **TUBERCULOSIS.**

7 Section 317E(f) of the Public Health Service Act (42  
8 U.S.C. 247b–6(f)) is amended—

9 (1) by redesignating paragraph (5) as para-  
10 graph (6); and

11 (2) by striking paragraphs (2) through (4), and  
12 inserting the following:

13 “(2) DUTIES.—For the purpose of making  
14 progress toward the goal of eliminating tuberculosis  
15 from the United States, the Council shall provide to  
16 the Secretary and other appropriate Federal officials  
17 advice on coordinating the activities of the Public  
18 Health Service and other Federal agencies that re-  
19 late to such disease and on efficiently utilizing the  
20 Federal resources involved.

21 “(3) NATIONAL PLAN.—In carrying out para-  
22 graph (2), the Council, in consultation with appro-  
23 priate public and private entities, shall make rec-  
24 ommendations on the development, revision, and im-  
25 plementation of a national plan to eliminate tuber-

1       culosis in the United States. In carrying out this  
2       paragraph, the Council shall—

3               “(A) consider the recommendations of the  
4       Institute of Medicine regarding the elimination  
5       of tuberculosis;

6               “(B) address the development and applica-  
7       tion of new technologies; and

8               “(C) review the extent to which progress  
9       has been made toward eliminating tuberculosis.

10              “(4) GLOBAL ACTIVITIES.—In carrying out  
11     paragraph (2), the Council, in consultation with ap-  
12     propriate public and private entities, shall make rec-  
13     ommendations for the development and implementa-  
14     tion of a plan to guide the involvement of the United  
15     States in global and cross border tuberculosis-control  
16     activities, including recommendations regarding poli-  
17     cies, strategies, objectives, and priorities. Such rec-  
18     ommendations for the plan shall have a focus on  
19     countries where a high incidence of tuberculosis di-  
20     rectly affects the United States, such as Mexico, and  
21     on access to a comprehensive package of tuberculosis  
22     control measures, as defined by the World Health  
23     Organization directly observed treatment, short  
24     course strategy (commonly known as DOTS).

1           “(5) COMPOSITION.—The Council shall be com-  
2 posed of—

3           “(A) representatives from the Centers for  
4 Disease Control and Prevention, the National  
5 Institutes of Health, the Agency for Healthcare  
6 Research and Quality, the Health Resources  
7 and Services Administration, the U.S.-Mexico  
8 Border Health Commission, and other Federal  
9 departments and agencies that carry out signifi-  
10 cant activities relating to tuberculosis; and

11           “(B) members appointed from among indi-  
12 viduals who are not officers or employees of the  
13 Federal Government.”.

14 **SEC. 464. NATIONAL PROGRAM FOR TUBERCULOSIS ELIMI-**  
15 **NATION.**

16           Section 317E of the Public Health Service Act (42  
17 U.S.C. 247b–6) is amended—

18           (1) by striking the heading for the section and  
19 inserting the following: “**NATIONAL PROGRAM**  
20 **FOR TUBERCULOSIS ELIMINATION**”;

21           (2) by amending subsection (b) to read as fol-  
22 lows:

23           “(b) RESEARCH, DEMONSTRATION PROJECTS, EDU-  
24 CATION, AND TRAINING.—With respect to the prevention,  
25 control, and elimination of tuberculosis, the Secretary

1 may, directly or through grants to public or nonprofit pri-  
2 vate entities, carry out the following:

3 “(1) Research, with priority given to research  
4 concerning—

5 “(A) diagnosis and treatment of latent in-  
6 fection of tuberculosis;

7 “(B) strains of tuberculosis resistant to  
8 drugs;

9 “(C) cases of tuberculosis that affect cer-  
10 tain high-risk populations; and

11 “(D) clinical trials, including those con-  
12 ducted through the Tuberculosis Trials Consor-  
13 tium.

14 “(2) Demonstration projects, including for—

15 “(A) the development of regional capabili-  
16 ties for the prevention, control, and elimination  
17 of tuberculosis particularly in low-incidence re-  
18 gions; and

19 “(B) collaboration with the Immigration  
20 and Naturalization Service to identify and treat  
21 immigrants with active or latent tuberculosis in-  
22 fection.

23 “(3) Public information and education pro-  
24 grams.

1           “(4) Education, training and clinical skills im-  
2           provement activities for health professionals, includ-  
3           ing allied health personnel.

4           “(5) Support of model centers to carry out ac-  
5           tivities under paragraphs (2) through (4).

6           “(6) Collaboration with international organiza-  
7           tions and foreign countries, including Mexico, in co-  
8           ordination with the United States Agency for Inter-  
9           national Development, in carrying out such activi-  
10          ties, including coordinating activities through the  
11          Advisory Council for the Elimination of Tuber-  
12          culosis.

13          “(7) Capacity support to States and large cities  
14          for strengthening tuberculosis programs.”; and

15          (3) by striking subsection (g) and inserting the  
16          following:

17          “(g) REPORTS.—The Secretary, acting through the  
18          Director of the Centers for Disease Control and Preven-  
19          tion and in consultation with the Advisory Council for the  
20          Elimination of Tuberculosis, shall biennially prepare and  
21          submit to the Committee on Health, Education, Labor,  
22          and Pensions of the Senate and the Committee on Energy  
23          and Commerce of the House of Representatives, a report  
24          on the activities carried out under this section. Each re-  
25          port shall include the opinion of the Council on the extent

1 to which its recommendations under section 317E(f)(3)  
2 regarding tuberculosis have been implemented.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the  
4 purpose of carrying out this section, there are authorized  
5 to be appropriated such sums as may be necessary for  
6 each of the fiscal years 2007 through 2012.”.

7 **SEC. 465. INCLUSION OF INPATIENT HOSPITAL SERVICES**  
8 **FOR THE TREATMENT OF TB-INFECTED INDI-**  
9 **VIDUALS.**

10 (a) IN GENERAL.—Section 1902(z)(2) of the Social  
11 Security Act (42 U.S.C. 1396a(z)(2)) is amended by add-  
12 ing at the end the following:

13 “(G) Inpatient hospital services.”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) takes effect on October 1, 2006.

16 **Subtitle E—Miscellaneous**  
17 **Provisions**

18 **SEC. 471. HEALTH EMPOWERMENT ZONES.**

19 (a) HEALTH EMPOWERMENT ZONE PROGRAMS.—

20 (1) GRANTS.—The Secretary, acting through  
21 the Administrator of the Health Resources and Serv-  
22 ices Administration and the Director of the Office of  
23 Minority Health, and in cooperation with the Direc-  
24 tor of the Office of Community Services and the Di-  
25 rector of the National Center for Minority Health

1 and Health Disparities, shall make grants to part-  
2 nerships of private and public entities to establish  
3 health empowerment zone programs in communities  
4 that disproportionately experience disparities in  
5 health status and healthcare for the purpose de-  
6 scribed in paragraph (2).

7 (2) USE OF FUNDS.—

8 (A) IN GENERAL.—Subject to subpara-  
9 graph (B), the purpose of a health empower-  
10 ment zone program under this section shall be  
11 to assist individuals, businesses, schools, minor-  
12 ity health associations, non-profit organizations,  
13 community-based organizations, hospitals,  
14 healthcare clinics, foundations, and other enti-  
15 ties in communities that disproportionately ex-  
16 perience disparities in health status and  
17 healthcare which are seeking—

18 (i) to improve the health or environ-  
19 ment of minority individuals in the com-  
20 munity and to reduce disparities in health  
21 status and healthcare by assisting individ-  
22 uals in accessing Federal programs; and

23 (ii) to coordinate the efforts of gov-  
24 ernmental and private entities regarding

1           the elimination of racial and ethnic dispari-  
2           ties in health status and healthcare.

3           (B) MEDICARE AND MEDICAID.—A health  
4           empowerment zone program under this section  
5           shall not provide any assistance (other than re-  
6           ferral and follow-up services) that is duplicative  
7           of programs under title XVIII or XIX of the  
8           Social Security Act (42 U.S.C. 1395 and 1396  
9           et seq.).

10          (3) DISTRIBUTION.—The Secretary shall make  
11          at least 1 grant under this section to a partnership  
12          for a health empowerment zone program in commu-  
13          nities that disproportionately experience disparities  
14          in health status and healthcare that is located in a  
15          territory or possession of the United States.

16          (4) APPLICATION.—To obtain a grant under  
17          this section, a partnership shall submit to the Sec-  
18          retary an application in such form and in such man-  
19          ner as the Secretary may require. An application  
20          under this paragraph shall—

21                 (A) demonstrate that the communities to  
22                 be served by the health empowerment zone pro-  
23                 gram are those that disproportionately experi-  
24                 ence disparities in health status and healthcare;

1 (B) set forth a strategic plan for accom-  
2 plishing the purpose described in paragraph (2),  
3 by—

4 (i) describing the coordinated health,  
5 economic, human, community, and physical  
6 development plan and related activities  
7 proposed for the community;

8 (ii) describing the extent to which  
9 local institutions and organizations have  
10 contributed and will contribute to the plan-  
11 ning process and implementation;

12 (iii) identifying the projected amount  
13 of Federal, State, local, and private re-  
14 sources that will be available in the area  
15 and the private and public partnerships to  
16 be used (including any participation by or  
17 cooperation with universities, colleges,  
18 foundations, non-profit organizations, med-  
19 ical centers, hospitals, health clinics, school  
20 districts, or other private and public enti-  
21 ties);

22 (iv) identifying the funding requested  
23 under any Federal program in support of  
24 the proposed activities;

1 (v) identifying benchmarks for meas-  
2 uring the success of carrying out the stra-  
3 tegic plan;

4 (vi) demonstrating the ability to reach  
5 and service the targeted underserved mi-  
6 nority community populations in a cul-  
7 turally appropriate and linguistically re-  
8 sponsive manner; and

9 (vii) demonstrating a capacity and in-  
10 frastructure to provide long-term commu-  
11 nity response that is culturally appropriate  
12 and linguistically responsive to commu-  
13 nities that disproportionately experience  
14 disparities in health and healthcare; and

15 (C) include such other information as the  
16 Secretary may require.

17 (5) PREFERENCE.—In awarding grants under  
18 this subsection, the Secretary shall give preference  
19 to proposals from indigenous community entities  
20 that have an expertise in providing culturally appro-  
21 priate and linguistically responsive services to com-  
22 munities that disproportionately experience dispari-  
23 ties in health and health care.

24 (b) FEDERAL ASSISTANCE FOR HEALTH EMPOWER-  
25 MENT ZONE GRANT PROGRAMS.—The Secretary, the Ad-

1 administrator of the Small Business Administration, the  
2 Secretary of Agriculture, the Secretary of Education, the  
3 Secretary of Labor, and the Secretary of Housing and  
4 Urban Development shall each—

5           (1) where appropriate, provide entity-specific  
6           technical assistance and evidence-based strategies to  
7           communities that disproportionately experience dis-  
8           parities in health status and healthcare to further  
9           the purposes served by a health empowerment zone  
10          program established with a grant under subsection  
11          (a);

12           (2) identify all programs administered by the  
13          Department of Health and Human Services, Small  
14          Business Administration, Department of Agri-  
15          culture, Department of Education, Department of  
16          Labor, and the Department of Housing and Urban  
17          Development, respectively, that may be used to fur-  
18          ther the purpose of a health empowerment zone pro-  
19          gram established with a grant under subsection (a);  
20          and

21           (3) in administering any program identified  
22          under paragraph (2), consider the appropriateness of  
23          giving priority to any individual or entity located in  
24          communities that disproportionately experience dis-  
25          parities in health status and healthcare served by a

1 health empowerment zone program established with  
2 a grant under subsection (a), if such priority would  
3 further the purpose of the health empowerment zone  
4 program.

5 (c) HEALTH EMPOWERMENT ZONE COORDINATING  
6 COMMITTEE.—

7 (1) ESTABLISHMENT.—For each health em-  
8 powerment zone program established with a grant  
9 under subsection (a), the Secretary acting through  
10 the Director of Office of Minority Health and the  
11 Administrator of the Health Resources and Services  
12 Administration shall establish a health empowerment  
13 zone coordinating committee.

14 (2) DUTIES.—Each coordinating committee es-  
15 tablished, in coordination with the Director of the  
16 Office of Minority Health and the Administrator of  
17 the Health Resources and Services Administration,  
18 shall provide technical assistance and evidence-based  
19 strategies to the grant recipient involved, including  
20 providing guidance on research, strategies, health  
21 outcomes, program goals, management, implementa-  
22 tion, monitoring, assessment, and evaluation proc-  
23 esses.

24 (3) MEMBERSHIP.—

1 (A) APPOINTMENT.—The Director of the  
2 Office of Minority Health and the Adminis-  
3 trator of the Health Resources and Services Ad-  
4 ministration, in consultation with the respective  
5 grant recipient shall appoint the members of  
6 each coordinating committee.

7 (B) COMPOSITION.—The Director of the  
8 Office of Minority Health, and the Adminis-  
9 trator of the Health Resources and Services Ad-  
10 ministration shall ensure that each coordinating  
11 committee established—

12 (i) has not more than 20 members;

13 (ii) includes individuals from commu-  
14 nities that disproportionately experience  
15 disparities in health status and healthcare;

16 (iii) includes community leaders and  
17 leaders of community-based organizations;

18 (iv) includes representatives of aca-  
19 demia and lay and professional organiza-  
20 tions and associations including those hav-  
21 ing expertise in medicine, technical, social  
22 and behavioral science, health policy, advoca-  
23 cacy, cultural and linguistic competency,  
24 research management, and organization;  
25 and

1 (v) represents a reasonable cross-section  
2 tion of knowledge, views, and application  
3 of expertise on societal, ethical, behavioral,  
4 educational, policy, legal, cultural, linguistic,  
5 and workforce issues related to  
6 eliminating disparities in health and  
7 healthcare.

8 (C) INDIVIDUAL QUALIFICATIONS.—The  
9 Director of the Office of Minority Health and  
10 the Administrator of the Health Resources and  
11 Services Administration may not appoint an individual  
12 to serve on a coordinating committee  
13 unless the individual meets the following qualifications:  
14

15 (i) The individual is not employed by  
16 the Federal Government.

17 (ii) The individual has appropriate experience,  
18 including experience in the areas  
19 of community development, cultural and  
20 linguistic competency, reducing and eliminating  
21 racial and ethnic disparities in  
22 health and health care, or minority health.

23 (D) SELECTION.—In selecting individuals  
24 to serve on a coordinating committee, the Director  
25 of Office of Minority Health and the Ad-

1 administrator Health Resources and Services Ad-  
2 ministration shall give due consideration to the  
3 recommendations of the Congress, industry  
4 leaders, the scientific community (including the  
5 Institute of Medicine), academia, community  
6 based non-profit organizations, minority health  
7 and related organizations, the education com-  
8 munity, State and local governments, and other  
9 appropriate organizations.

10 (E) CHAIRPERSON.—The Director of the  
11 Office of Minority Health and the Adminis-  
12 trator of the Health Resources and Services Ad-  
13 ministration, in consultation with the members  
14 of the coordinating committee involved, shall  
15 designate a chairperson of the coordinating  
16 committee, who shall serve for a term of 3  
17 years and who may be reappointed at the expi-  
18 ration of each such term.

19 (F) TERMS.—Each member of a coordi-  
20 nating committee shall be appointed for a term  
21 of 1 to 3 years in overlapping staggered terms,  
22 as determined by the Director of the Office of  
23 Minority Health and the Administrator of the  
24 Health Resources and Services Administration

1 at the time of appointment, and may be re-  
2 appointed at the expiration of each such term.

3 (G) VACANCIES.—A vacancy on a coordi-  
4 nating committee shall be filled in the same  
5 manner in which the original appointment was  
6 made.

7 (H) COMPENSATION.—Each member of a  
8 coordinating committee shall be compensated at  
9 a rate equal to the daily equivalent of the an-  
10 nual rate of basic pay for level IV of the Execu-  
11 tive Schedule for each day (including travel  
12 time) during which such member is engaged in  
13 the performance of the duties of the coordi-  
14 nating committee.

15 (I) TRAVEL EXPENSES.—Each member of  
16 a coordinating committee shall receive travel ex-  
17 penses, including per diem in lieu of subsist-  
18 ence, in accordance with applicable provisions  
19 under subchapter I of chapter 57 of title 5,  
20 United States Code.

21 (4) MEETINGS.—A coordinating committee  
22 shall meet 3 to 5 times each year, at the call of the  
23 coordinating committee's chairperson and in con-  
24 sultation with the Director of Office of Minority

1 Health and the Administrator Health Resources and  
2 Services Administration.

3 (5) REPORT.—Each coordinating committee  
4 shall transmit to the Congress an annual report  
5 that, with respect to the health empowerment zone  
6 program involved, includes the following:

7 (A) A review of the program’s effectiveness  
8 in achieving stated goals and outcomes.

9 (B) A review of the program’s manage-  
10 ment and the coordination of the entities in-  
11 volved.

12 (C) A review of the activities in the pro-  
13 gram’s portfolio and components.

14 (D) An identification of policy issues raised  
15 by the program.

16 (E) An assessment of the program’s capac-  
17 ity, infrastructure, and number of underserved  
18 minority communities reached.

19 (F) Recommendations for new program  
20 goals, research areas, enhanced approaches,  
21 partnerships, coordination and management  
22 mechanisms, and projects to be established to  
23 achieve the program’s stated goals, to improve  
24 outcomes, monitoring, and evaluation.

1 (G) A review of the degree of minority en-  
2 tity participation in the program, and an identi-  
3 fication of a strategy to increase such participa-  
4 tion.

5 (H) Any other reviews or recommendations  
6 determined to be appropriate by the coordi-  
7 nating committee.

8 (d) REPORT.—The Director of the Office of Minority  
9 Health and the Administrator of the Health Resources  
10 and Services Administration shall submit a joint annual  
11 report to the appropriate committees of Congress on the  
12 results of the implementation of programs under this sec-  
13 tion.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to carry out this section,  
16 such sums as may be necessary for each of fiscal years  
17 2007 through 2012.

18 **SEC. 472. OVERWEIGHT AND OBESITY PREVENTION AND**  
19 **TREATMENT.**

20 (a) IN GENERAL.—The Secretary, in collaboration  
21 with the Director of the Centers for Disease Control and  
22 Prevention, the Administrator of the National Center for  
23 Minority Health and Health Disparities, and the Adminis-  
24 trator of the Health Resources and Services Administra-  
25 tion, shall establish grant programs for the purpose of pre-

1 venting and treating overweight and obesity in under-  
2 served minority populations.

3 (b) DEFINITIONS.—In this section, with respect to an  
4 individual:

5 (1) OBESITY.—The term “obesity” means a  
6 Body Mass Index greater than or equal to 30.0 kg/  
7 m<sup>2</sup>.

8 (2) OVERWEIGHT.—The term “overweight”  
9 means a Body Mass Index of 25 to 29.9 kg/m<sup>2</sup>.

10 (c) CENTERS FOR DISEASE CONTROL AND PREVEN-  
11 TION.—The Director of the Centers for Disease Control  
12 and Prevention shall expand overweight and obesity reduc-  
13 tion activities that include the following:

14 (1) Surveillance in minority racial and ethnic  
15 populations.

16 (2) Communication strategies, including the use  
17 of social marketing for minority populations, about  
18 the dangers of obesity.

19 (3) Creation of partnerships with State health  
20 departments in developing obesity prevention and  
21 treatment interventions.

22 (4) Development of work-based wellness pro-  
23 grams to encourage adoption of healthy lifestyles by  
24 employees.

1 (d) NATIONAL CENTER FOR MINORITY HEALTH AND  
2 HEALTH DISPARITIES.—The Director of the Centers for  
3 Disease Control and Prevention shall establish and imple-  
4 ment a grant program to support research in the following  
5 areas:

6 (1) Behavioral and environmental causes of  
7 overweight and obesity in minority populations.

8 (2) Prevention and treatment interventions for  
9 overweight and obesity, tailored for minority popu-  
10 lations.

11 (3) Disparities in the prevalence of overweight  
12 and obesity among racial and ethnic minority  
13 groups.

14 (4) Development and dissemination of best  
15 practice guidelines for treatment of overweight and  
16 obesity, tailored for gender and age groups within  
17 minority populations.

18 (5) Data collection and reporting relating to  
19 overweight and obesity in minority populations.

20 (e) HEALTH RESOURCES AND SERVICES ADMINIS-  
21 TRATION.—The Administrator of the Health Resources  
22 and Services Administration, in collaboration with the Di-  
23 rector of the Office of Minority Health, the Secretary of  
24 Education, and the Secretary of Agriculture, shall estab-  
25 lish and implement a school-based obesity prevention and

1 treatment program that may include the following activi-  
2 ties:

3           (1) Projects to change the perception of over-  
4 weight and obesity of children from racially and eth-  
5 nically diverse backgrounds at all ages.

6           (2) Culturally appropriate student education  
7 about healthy eating habits, based on the Dietary  
8 Guidelines for Americans.

9           (3) Student programs to increase knowledge,  
10 attitudes, skills, behaviors, and confidence needed to  
11 be physically active for life.

12           (4) Student peer advisor programs to increase  
13 awareness and model healthy lifestyles among fellow  
14 students.

15           (5) Teacher education using scientifically evalu-  
16 ated physical education and nutrition curricula tai-  
17 lored to minority populations.

18           (6) Family-focused initiatives to encourage the  
19 adoption of strategies relating to healthy lifestyles  
20 for parents (or guardians) and children.

21           (7) The creation of partnerships with commu-  
22 nity, fitness, or health organizations that will pro-  
23 mote healthy eating and physical activity among  
24 children.

1           (8) Incentive programs to ensure the provision  
2           of healthful foods and beverages on school campuses  
3           and at school events.

4           (f) EVALUATION.—A grantee under this section shall  
5           submit to the Secretary an evaluation, in collaboration  
6           with an academic health center or other qualified entity,  
7           that describes activities carried out with funds received  
8           under the grant and the effectiveness of such activities in  
9           preventing or treating overweight and obesity.

10          (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
11          authorized to be appropriated to carry out this section,  
12          such sums as may be necessary for each of fiscal years  
13          2007 through 2012.

14          **SEC. 473. BORDER HEALTH GRANTS.**

15          (a) ELIGIBLE ENTITY DEFINED.—In this section,  
16          the term “eligible entity” means a State, public institution  
17          of higher education, local government, tribal government,  
18          nonprofit health organization, community health center, or  
19          community clinic receiving assistance under section 330  
20          of the Public Health Service Act (42 U.S.C. 254b), that  
21          is located in the border area.

22          (b) AUTHORIZATION.—From funds appropriated  
23          under subsection (f), the Secretary, acting through the  
24          United States members of the United States-Mexico Bor-  
25          der Health Commission, shall award grants to eligible en-

1 titles to address priorities and recommendations to im-  
2 prove the health of border area residents that are estab-  
3 lished by—

4 (1) the United States members of the United  
5 States-Mexico Border Health Commission;

6 (2) the State border health offices; and

7 (3) the Secretary.

8 (c) APPLICATION.—An eligible entity that desires a  
9 grant under subsection (b) shall submit an application to  
10 the Secretary at such time, in such manner, and con-  
11 taining such information as the Secretary may require.

12 (d) USE OF FUNDS.—An eligible entity that receives  
13 a grant under subsection (b) shall use the grant funds  
14 for—

15 (1) programs relating to—

16 (A) maternal and child health;

17 (B) primary care and preventative health;

18 (C) public health and public health infra-  
19 structure;

20 (D) health education and promotion;

21 (E) oral health;

22 (F) mental and behavioral health;

23 (G) substance abuse;

24 (H) health conditions that have a high  
25 prevalence in the border area;

1 (I) medical and health services research;

2 (J) workforce training and development;

3 (K) community health workers or  
4 promotoras;

5 (L) health care infrastructure problems in  
6 the border area (including planning and con-  
7 struction grants);

8 (M) health disparities in the border area;

9 (N) environmental health; and

10 (O) outreach and enrollment services with  
11 respect to Federal programs (including pro-  
12 grams authorized under titles XIX and XXI of  
13 the Social Security Act (42 U.S.C. 1396 and  
14 1397aa)); and

15 (2) other programs determined appropriate by  
16 the Secretary.

17 (e) SUPPLEMENT, NOT SUPPLANT.—Amounts pro-  
18 vided to an eligible entity awarded a grant under sub-  
19 section (b) shall be used to supplement and not supplant  
20 other funds available to the eligible entity to carry out the  
21 activities described in subsection (d).

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section,  
24 \$200,000,000 for fiscal year 2007, and such sums as may  
25 be necessary for each succeeding fiscal year.

1 **SEC. 474. UNITED STATES-MEXICO BORDER HEALTH COM-**  
2 **MISSION ACT AMENDMENTS.**

3 The United States-Mexico Border Health Commis-  
4 sion Act (22 U.S.C. 290n et seq.) is amended by adding  
5 at the end the following:

6 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 “There is authorized to be appropriated to carry out  
8 this Act \$10,000,000 for fiscal year 2007 and such sums  
9 as may be necessary for each succeeding fiscal year.”.

10 **SEC. 475. PREVENTION AND CONTROL OF INJURIES.**

11 (a) IN GENERAL.—Section 394A of the Public  
12 Health Service Act (42 U.S.C. 280b–3) is amended—

13 (1) by striking “and” after “1994,”;

14 (2) by striking “and” after “1998,”; and

15 (3) by striking “through 2005” and all that fol-  
16 lows and inserting the following: “through 2006,  
17 \$300,000,000 for fiscal year 2007, and such sums  
18 as may be necessary for each of the fiscal years  
19 2008 through 2012.”.

20 (b) DEMONSTRATION PROJECTS IN URBAN AREAS.—

21 Section 394A of the Public Health Service Act (42 U.S.C.  
22 280b–3) is amended by adding at the end the following  
23 sentence: “For the purpose of carrying out section  
24 393(a)(6) in urban areas, there are authorized to be ap-  
25 propriated such sums as may be necessary for each of the  
26 fiscal years 2007 through 2012, in addition to amounts

1 available for such purpose pursuant to the preceding sen-  
2 tence.”.

3 (c) DEMONSTRATION PROJECTS REGARDING VIO-  
4 LENCE.—Section 393 of the Public Health Service Act (42  
5 U.S.C. 280b–1a) is amended—

6 (1) by redesignating subsection (b) as sub-  
7 section (c); and

8 (2) by inserting after subsection (a) the fol-  
9 lowing subsection:

10 “(b) Grants under subsection (a)(6) shall include  
11 grants to public or nonprofit private trauma centers for  
12 demonstration projects to reduce violence.”.

## 13 **TITLE V—DATA COLLECTION** 14 **AND REPORTING**

### 15 **SEC. 501. AMENDMENT TO THE PUBLIC HEALTH SERVICE** 16 **ACT.**

17 (a) PURPOSE.—It is the purpose of this section to  
18 promote data collection, analysis, and reporting by race,  
19 ethnicity, and primary language among federally sup-  
20 ported health programs.

21 (b) AMENDMENT.—Title XXIX of the Public Health  
22 Service Act, as amended by titles II and III of this Act,  
23 is further amended by adding at the end the following:

1 **“Subtitle C—Strengthening Data**  
2 **Collection, Improving Data**  
3 **Analysis, and Expanding Data**  
4 **Reporting**

5 **“SEC. 2931. DATA ON RACE, ETHNICITY, AND PRIMARY LAN-**  
6 **GUAGE.**

7 **“(a) REQUIREMENTS.—**

8 **“(1) IN GENERAL.—**Each health-related pro-  
9 gram operated by or that receives funding or reim-  
10 bursement, in whole or in part, either directly or in-  
11 directly from the Department of Health and Human  
12 Services shall—

13 **“(A)** require the collection, by the agency  
14 or program involved, of data on the race, eth-  
15 nicity, and primary language of each applicant  
16 for and recipient of health-related assistance  
17 under such program—

18 **“(i)** using, at a minimum, the cat-  
19 egories for race and ethnicity described in  
20 the 1997 Office of Management and Budg-  
21 et Standards for Maintaining, Collecting,  
22 and Presenting Federal Data on Race and  
23 Ethnicity;

1           “(ii) using the standards developed  
2           under subsection (e) for the collection of  
3           language data;

4           “(iii) where practicable, collecting  
5           data for additional population groups if  
6           such groups can be aggregated into the  
7           minimum race and ethnicity categories;  
8           and

9           “(iv) where practicable, through self-  
10          report;

11          “(B) with respect to the collection of the  
12          data described in subparagraph (A) for appli-  
13          cants and recipients who are minors or other-  
14          wise legally incapacitated, require that—

15               “(i) such data be collected from the  
16               parent or legal guardian of such an appli-  
17               cant or recipient; and

18               “(ii) the preferred language of the  
19               parent or legal guardian of such an appli-  
20               cant or recipient be collected;

21          “(C) systematically analyze such data  
22          using the smallest appropriate units of analysis  
23          feasible to detect racial and ethnic disparities in  
24          health and healthcare and when appropriate,  
25          for men and women separately, and report the

1 results of such analysis to the Secretary, the  
2 Director of the Office for Civil Rights, the Com-  
3 mittee on Health, Education, Labor, and Pen-  
4 sions and the Committee on Finance of the  
5 Senate, and the Committee on Energy and  
6 Commerce and the Committee on Ways and  
7 Means of the House of Representatives;

8 “(D) provide such data to the Secretary on  
9 at least an annual basis; and

10 “(E) ensure that the provision of assist-  
11 ance to an applicant or recipient of assistance  
12 is not denied or otherwise adversely affected be-  
13 cause of the failure of the applicant or recipient  
14 to provide race, ethnicity, and primary language  
15 data.

16 “(2) RULES OF CONSTRUCTION.—Nothing in  
17 this subsection shall be construed to—

18 “(A) permit the use of information col-  
19 lected under this subsection in a manner that  
20 would adversely affect any individual providing  
21 any such information; and

22 “(B) require health care providers to col-  
23 lect data.

24 “(b) PROTECTION OF DATA.—The Secretary shall  
25 ensure (through the promulgation of regulations or other-

1 wise) that all data collected pursuant to subsection (a) is  
2 protected—

3 “(1) under the same privacy protections as the  
4 Secretary applies to other health data under the reg-  
5 ulations promulgated under section 264(c) of the  
6 Health Insurance Portability and Accountability Act  
7 of 1996 (Public Law 104–191; 110 Stat. 2033) re-  
8 lating to the privacy of individually identifiable  
9 health information and other protections; and

10 “(2) from all inappropriate internal use by any  
11 entity that collects, stores, or receives the data, in-  
12 cluding use of such data in determinations of eligi-  
13 bility (or continued eligibility) in health plans, and  
14 from other inappropriate uses, as defined by the  
15 Secretary.

16 “(c) NATIONAL PLAN OF THE DATA COUNCIL.—The  
17 Secretary shall develop and implement a national plan to  
18 improve the collection, analysis, and reporting of racial,  
19 ethnic, and primary language data at the Federal, State,  
20 territorial, Tribal, and local levels, including data to be  
21 collected under subsection (a). The Data Council of the  
22 Department of Health and Human Services, in consulta-  
23 tion with the National Committee on Vital Health Statis-  
24 tics, the Office of Minority Health, and other appropriate  
25 public and private entities, shall make recommendations

1 to the Secretary concerning the development, implementa-  
2 tion, and revision of the national plan. Such plan shall  
3 include recommendations on how to—

4           “(1) implement subsection (a) while minimizing  
5 the cost and administrative burdens of data collec-  
6 tion and reporting;

7           “(2) expand awareness among Federal agencies,  
8 States, territories, Indian tribes, health providers,  
9 health plans, health insurance issuers, and the gen-  
10 eral public that data collection, analysis, and report-  
11 ing by race, ethnicity, and primary language is legal  
12 and necessary to assure equity and non-discrimina-  
13 tion in the quality of healthcare services;

14           “(3) ensure that future patient record systems  
15 have data code sets for racial, ethnic, and primary  
16 language identifiers and that such identifiers can be  
17 retrieved from clinical records, including records  
18 transmitted electronically;

19           “(4) improve health and healthcare data collec-  
20 tion and analysis for more population groups if such  
21 groups can be aggregated into the minimum race  
22 and ethnicity categories, including exploring the fea-  
23 sibility of enhancing collection efforts in States for  
24 racial and ethnic groups that comprise a significant  
25 proportion of the population of the State;

1           “(5) provide researchers with greater access to  
2           racial, ethnic, and primary language data, subject to  
3           privacy and confidentiality regulations; and

4           “(6) safeguard and prevent the misuse of data  
5           collected under subsection (a).

6           “(d) COMPLIANCE WITH STANDARDS.—Data col-  
7           lected under subsection (a) shall be obtained, maintained,  
8           and presented (including for reporting purposes) in ac-  
9           cordance with the 1997 Office of Management and Budget  
10          Standards for Maintaining, Collecting, and Presenting  
11          Federal Data on Race and Ethnicity (at a minimum).

12          “(e) LANGUAGE COLLECTION STANDARDS.—Not  
13          later than 1 year after the date of enactment of this title,  
14          the Director of the Office of Minority Health, in consulta-  
15          tion with the Office for Civil Rights of the Department  
16          of Health and Human Services, shall develop and dissemi-  
17          nate Standards for the Classification of Federal Data on  
18          Preferred Written and Spoken Language.

19          “(f) TECHNICAL ASSISTANCE FOR THE COLLECTION  
20          AND REPORTING OF DATA.—

21                 “(1) IN GENERAL.—The Secretary may, either  
22                 directly or through grant or contract, provide tech-  
23                 nical assistance to enable a healthcare program or  
24                 an entity operating under such program to comply  
25                 with the requirements of this section.

1           “(2) TYPES OF ASSISTANCE.—Assistance pro-  
2           vided under this subsection may include assistance  
3           to—

4                   “(A) enhance or upgrade computer tech-  
5                   nology that will facilitate racial, ethnic, and pri-  
6                   mary language data collection and analysis;

7                   “(B) improve methods for health data col-  
8                   lection and analysis including additional popu-  
9                   lation groups beyond the Office of Management  
10                  and Budget categories if such groups can be  
11                  aggregated into the minimum race and ethnicity  
12                  categories;

13                  “(C) develop mechanisms for submitting  
14                  collected data subject to existing privacy and  
15                  confidentiality regulations; and

16                  “(D) develop educational programs to in-  
17                  form health insurance issuers, health plans,  
18                  health providers, health-related agencies, and  
19                  the general public that data collection and re-  
20                  porting by race, ethnicity, and preferred lan-  
21                  guage are legal and essential for eliminating  
22                  health and healthcare disparities.

23           “(g) ANALYSIS OF RACIAL AND ETHNIC DATA.—The  
24           Secretary, acting through the Director of the Agency for  
25           Healthcare Research and Quality and in coordination with

1 the Administrator of the Centers for Medicare and Med-  
2 icaid Services, shall provide technical assistance to agen-  
3 cies of the Department of Health and Human Services in  
4 meeting Federal standards for race, ethnicity, and pri-  
5 mary language data collection and analysis of racial and  
6 ethnic disparities in health and healthcare in public pro-  
7 grams by—

8           “(1) identifying appropriate quality assurance  
9 mechanisms to monitor for health disparities;

10           “(2) specifying the clinical, diagnostic, or thera-  
11 peutic measures which should be monitored;

12           “(3) developing new quality measures relating  
13 to racial and ethnic disparities in health and  
14 healthcare;

15           “(4) identifying the level at which data analysis  
16 should be conducted; and

17           “(5) sharing data with external organizations  
18 for research and quality improvement purposes.

19           “(h) NATIONAL CONFERENCE.—

20           “(1) IN GENERAL.—The Secretary shall spon-  
21 sor a biennial national conference on racial, ethnic,  
22 and primary language data collection to enhance co-  
23 ordination, build partnerships, and share best prac-  
24 tices in racial, ethnic, and primary language data  
25 collection, analysis, and reporting.

1           “(2) REPORTS.—Not later than 6 months after  
2           the date on which a national conference has con-  
3           vened under paragraph (1), the Secretary shall pub-  
4           lish in the Federal Register and submit to the Com-  
5           mittee on Health, Education, Labor, and Pensions  
6           and the Committee on Finance of the Senate and  
7           the Committee on Energy and Commerce and the  
8           Committee on Ways and Means of the House of  
9           Representatives a report concerning the proceedings  
10          and findings of the conference.

11          “(i) REPORT.—Not later than 2 years after the date  
12          of enactment of this title, and biennially thereafter, the  
13          Secretary shall submit to the appropriate committees of  
14          Congress a report on the effectiveness of data collection,  
15          analysis, and reporting on race, ethnicity, and primary  
16          language under the programs and activities of the Depart-  
17          ment of Health and Human Services and under other Fed-  
18          eral data collection systems with which the Department  
19          interacts to collect relevant data on race and ethnicity.  
20          The report shall evaluate the progress made in the De-  
21          partment with respect to the national plan under sub-  
22          section (c) or subsequent revisions thereto.

23          “(j) GRANTS FOR DATA COLLECTION BY HEALTH  
24          PLANS, HEALTH CENTERS, AND HOSPITALS.—

1           “(1) IN GENERAL.—The Secretary, in consulta-  
2           tion with the Administrator of the Centers for Medi-  
3           care and Medicaid Services, is authorized to award  
4           grants for the conduct of 20 demonstration pro-  
5           grams by health plans, health centers, or hospitals  
6           to enhance their ability to collect, analyze, and re-  
7           port the data required under subsection (a).

8           “(2) ELIGIBILITY.—To be eligible to receive a  
9           grant under paragraph (1), a health plan or hospital  
10          shall—

11                 “(A) prepare and submit to the Secretary  
12                 an application at such time, in such manner,  
13                 and containing such information as the Sec-  
14                 retary may require, including a plan to elimi-  
15                 nate racial, ethnic, and primary language dis-  
16                 parities in health and healthcare through one or  
17                 more of the activities described in paragraph  
18                 (3); and

19                 “(B) provide assurances that the health  
20                 plan or hospital will use, at a minimum, the ra-  
21                 cial and ethnic categories and the standards for  
22                 collection described in the 1997 Office of Man-  
23                 agement and Budget Standards for Maintain-  
24                 ing, Collecting, and Presenting Federal Data on

1 Race and Ethnicity and available standards for  
2 language.

3 “(3) ACTIVITIES.—A grantee shall use amounts  
4 received under a grant under paragraph (1) to—

5 “(A) collect, analyze, and report data by  
6 race, ethnicity, and primary language for pa-  
7 tients served by the hospital (including emer-  
8 gency room patients and patients served on an  
9 outpatient basis) or health center, or, in the  
10 case of a private health plan, such data for en-  
11 rollees;

12 “(B) enhance or upgrade computer tech-  
13 nology that will facilitate racial, ethnic, and pri-  
14 mary language data collection and analysis;

15 “(C) provide analyses of racial and ethnic  
16 disparities in health and healthcare, including  
17 specific disease conditions, diagnostic and  
18 therapeutic procedures, or outcomes;

19 “(D) improve health data collection and  
20 analysis for additional population groups be-  
21 yond the Office of Management and Budget  
22 categories if such groups can be aggregated into  
23 the minimum race and ethnicity categories;

1           “(E) develop mechanisms for sharing col-  
2           lected data subject to privacy and confiden-  
3           tiality regulations;

4           “(F) develop educational programs to in-  
5           form health insurance issuers, health plans,  
6           health providers, health-related agencies, pa-  
7           tients, enrollees, and the general public that  
8           data collection, analysis, and reporting by race,  
9           ethnicity, and preferred language are legal and  
10          essential for eliminating disparities in health  
11          and healthcare; and

12          “(G) develop quality assurance systems de-  
13          signed to track disparities and quality improve-  
14          ment systems designed to eliminate disparities.

15          “(k) DEFINITION.—In this section, the term ‘health-  
16          related program’ mean a program—

17                 “(1) under the Social Security Act (42 U.S.C.  
18                 301 et seq.) that pay for healthcare and services;  
19                 and

20                 “(2) under this Act that provide Federal finan-  
21                 cial assistance for healthcare, biomedical research,  
22                 health services research, and programs designed to  
23                 improve the public’s health.

24          “(l) AUTHORIZATION OF APPROPRIATIONS.—There is  
25          authorized to be appropriated to carry out this section,

1 such sums as may be necessary for each of fiscal years  
2 2007 through 2012.

3 **“SEC. 2932. PROVISIONS RELATING TO NATIVE AMERICANS.**

4 “(a) EPIDEMIOLOGY CENTERS.—

5 “(1) ESTABLISHMENT.—

6 “(A) IN GENERAL.—In addition to those  
7 centers operating 1 day prior to the date of en-  
8 actment of this title, (including those centers  
9 for which funding is currently being provided  
10 through funding agreements under the Indian  
11 Self-Determination and Education Assistance  
12 Act), the Secretary shall, not later than 180  
13 days after such date of enactment, establish  
14 and fund an epidemiology center in each service  
15 area which does not have such a center to carry  
16 out the functions described in subparagraph  
17 (B). Any centers established under the pre-  
18 ceding sentence may be operated by Indian  
19 tribes or tribal organizations pursuant to fund-  
20 ing agreements under the Indian Self-Deter-  
21 mination and Education Assistance Act, but  
22 funding under such agreements may not be di-  
23 visible.

24 “(B) FUNCTIONS.—In consultation with  
25 and upon the request of Indian tribes, tribal or-

1 organizations and urban Indian organizations,  
2 each area epidemiology center established under  
3 this subsection shall, with respect to such area  
4 shall—

5 “(i) collect data related to the health  
6 status objective described in section 3(b) of  
7 the Indian Health Care Improvement Act,  
8 and monitor the progress that the Service,  
9 Indian tribes, tribal organizations, and  
10 urban Indian organizations have made in  
11 meeting such health status objective;

12 “(ii) evaluate existing delivery sys-  
13 tems, data systems, and other systems that  
14 impact the improvement of Indian health;

15 “(iii) assist Indian tribes, tribal orga-  
16 nizations, and urban Indian organizations  
17 in identifying their highest priority health  
18 status objectives and the services needed to  
19 achieve such objectives, based on epidemio-  
20 logical data;

21 “(iv) make recommendations for the  
22 targeting of services needed by tribal,  
23 urban, and other Indian communities;

1           “(v) make recommendations to im-  
2           prove healthcare delivery systems for Indi-  
3           ans and urban Indians;

4           “(vi) provide requested technical as-  
5           sistance to Indian tribes and urban Indian  
6           organizations in the development of local  
7           health service priorities and incidence and  
8           prevalence rates of disease and other ill-  
9           ness in the community; and

10           “(vii) provide disease surveillance and  
11           assist Indian tribes, tribal organizations,  
12           and urban Indian organizations to promote  
13           public health.

14           “(C) TECHNICAL ASSISTANCE.—The direc-  
15           tor of the Centers for Disease Control and Pre-  
16           vention shall provide technical assistance to the  
17           centers in carrying out the requirements of this  
18           subsection.

19           “(2) FUNDING.—The Secretary may make  
20           funding available to Indian tribes, tribal organiza-  
21           tions, and eligible intertribal consortia or urban In-  
22           dian organizations to conduct epidemiological studies  
23           of Indian communities.

1 “(b) DEFINITIONS.—For purposes of this section, the  
2 definitions contained in section 4 of the Indian Health  
3 Care Improvement Act shall apply.”.

4 **SEC. 502. COLLECTION OF RACE AND ETHNICITY DATA BY**  
5 **THE SOCIAL SECURITY ADMINISTRATION.**

6 Part A of title XI of the Social Security Act (42  
7 U.S.C. 1301 et seq.) is amended by adding at the end  
8 the following:

9 **“SEC. 1150A. COLLECTION OF RACE AND ETHNICITY DATA**  
10 **BY THE SOCIAL SECURITY ADMINISTRATION.**

11 “(a) REQUIREMENT.—The Commissioner of the So-  
12 cial Security Administration in consultation with the Ad-  
13 ministrator of the Centers for Medicare and Medicaid  
14 Services shall—

15 “(1) require the collection of data on the race,  
16 ethnicity, and primary language of all applicants for  
17 social security numbers, social security income, so-  
18 cial security disability, and medicare—

19 “(A) using, at a minimum, the categories  
20 for race and ethnicity described in the 1997 Of-  
21 fice of Management and Budget Standards for  
22 Maintaining, Collecting, and Presenting Federal  
23 Data on Race and Ethnicity and available lan-  
24 guage standards; and

1           “(B) where practicable, collecting data for  
2           additional population groups if such groups can  
3           be aggregated into the minimum race and eth-  
4           nicity categories;

5           “(2) with respect to the collection of the data  
6           described in paragraph (1) for applicants who are  
7           under 18 years of age or otherwise legally incapac-  
8           tated, require that—

9           “(A) such data be collected from the par-  
10          ent or legal guardian of such an applicant; and

11          “(B) the primary language of the parent  
12          or legal guardian of such an applicant or recipi-  
13          ent be used;

14          “(3) require that such data be uniformly ana-  
15          lyzed and reported at least annually to the Commis-  
16          sioner of Social Security;

17          “(4) be responsible for storing the data re-  
18          ported under paragraph (3);

19          “(5) ensure transmission to the Centers for  
20          Medicare and Medicaid Services and other Federal  
21          health agencies;

22          “(6) provide such data to the Secretary on at  
23          least an annual basis; and

24          “(7) ensure that the provision of assistance to  
25          an applicant is not denied or otherwise adversely af-

1        fected because of the failure of the applicant to pro-  
2        vide race, ethnicity, and primary language data.

3        “(b) PROTECTION OF DATA.—The Commissioner of  
4 Social Security shall ensure (through the promulgation of  
5 regulations or otherwise) that all data collected pursuant  
6 subsection (a) is protected—

7            “(1) under the same privacy protections as the  
8 Secretary applies to other health data under the reg-  
9 ulations promulgated under section 264(c) of the  
10 Health Insurance Portability and Accountability Act  
11 of 1996 (Public Law 104–191; 110 Stat. 2033) re-  
12 lating to the privacy of individually identifiable  
13 health information and other protections; and

14            “(2) from all inappropriate internal use by any  
15 entity that collects, stores, or receives the data, in-  
16 cluding use of such data in determinations of eligi-  
17 bility (or continued eligibility) in health plans, and  
18 from other inappropriate uses, as defined by the  
19 Secretary.

20        “(c) NATIONAL EDUCATION PROGRAM.—Not later  
21 than 18 months after the date of enactment of this sec-  
22 tion, the Secretary, acting through the Director of the Of-  
23 fice of Minority Health and in collaboration with the Com-  
24 missioner of the Social Security Administration, shall de-  
25 velop and implement a program to educate all populations

1 about the purpose and uses of racial, ethnic, and primary  
2 language health data collection.

3 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
4 tion shall be construed to permit the use of information  
5 collected under this section in a manner that would ad-  
6 versely affect any individual providing any such informa-  
7 tion.

8 “(e) **TECHNICAL ASSISTANCE.**—The Secretary may,  
9 either directly or by grant or contract, provide technical  
10 assistance to enable any health entity to comply with the  
11 requirements of this section.

12 “(f) **AUTHORIZATION OF APPROPRIATIONS.**—There  
13 is authorized to be appropriated to carry out this section,  
14 such sums as may be necessary for each of fiscal years  
15 2007 through 2012.”.

16 **SEC. 503. REVISION OF HIPAA CLAIMS STANDARDS.**

17 (a) **IN GENERAL.**—Not later than 1 year after the  
18 date of enactment of this Act, the Secretary of Health and  
19 Human Services shall revise the regulations promulgated  
20 under part C of title XI of the Social Security Act (42  
21 U.S.C. 1320d et seq.), as added by the Health Insurance  
22 Portability and Accountability Act of 1996 (Public Law  
23 104–191), relating to the collection of data on race, eth-  
24 nicity, and primary language in a health-related trans-  
25 action to require—

1           (1) the use, at a minimum, of the categories for  
2           race and ethnicity described in the 1997 Office of  
3           Management and Budget Standards for Maintain-  
4           ing, Collecting, and Presenting Federal Data on  
5           Race and Ethnicity;

6           (2) the establishment of a new data code set for  
7           primary language; and

8           (3) the designation of the racial, ethnic, and  
9           primary language code sets as “required” for claims  
10          and enrollment data.

11          (b) DISSEMINATION.—The Secretary of Health and  
12          Human Services shall disseminate the new standards de-  
13          veloped under subsection (a) to all health entities that are  
14          subject to the regulations described in such subsection and  
15          provide technical assistance with respect to the collection  
16          of the data involved.

17          (c) COMPLIANCE.—The Secretary of Health and  
18          Human Services shall require that health entities comply  
19          with the new standards developed under subsection (a) not  
20          later than 2 years after the final promulgation of such  
21          standards.

22          **SEC. 504. NATIONAL CENTER FOR HEALTH STATISTICS.**

23          Section 306(n) of the Public Health Service Act (42  
24          U.S.C. 242k(n)) is amended—

1 (1) in paragraph (1), by striking “2005” and  
2 inserting “2012”;

3 (2) in paragraph (2), in the first sentence, by  
4 striking “2005” and inserting “2012”; and

5 (3) in paragraph (3), by striking “2002” and  
6 inserting “2012”.

7 **SEC. 505. GEO-ACCESS STUDY.**

8 The Administrator of the Substance Abuse and Men-  
9 tal Health Services Administration shall—

10 (1) conduct a study to—

11 (A) determine which geographic areas of  
12 the United States have shortages of specialty  
13 mental health providers; and

14 (B) assess the preparedness of speciality  
15 mental health providers to deliver culturally and  
16 linguistically appropriate services; and

17 (2) submit a report to the Congress on the re-  
18 sults of such study.

19 **TITLE VI—ACCOUNTABILITY**  
20 **Subtitle A—General Provisions**

21 **SEC. 601. REPORT ON WORKFORCE DIVERSITY.**

22 (a) IN GENERAL.—Not later than July 1, 2007, and  
23 annually thereafter, the Secretary, acting through the di-  
24 rector of each entity within the Department of Health and  
25 Human Services, shall prepare and submit to the Com-

1 mittee on Health, Education, Labor, and Pensions of the  
2 Senate and the Committee on Energy and Commerce of  
3 the House of Representatives a report on healthcare work-  
4 force diversity.

5 (b) REQUIREMENT.—The report under subsection (a)  
6 shall contain the following information:

7 (1) The response of the entity involved to the  
8 2004 Institute of Medicine report entitled “In the  
9 Nation’s Compelling Interest: Ensuring Diversity in  
10 the Health Care Workforce”, the 2002 Institute of  
11 Medicine report entitled “The Future of the Public  
12 Health in the 21st Century”, and the Healthy Peo-  
13 ple 2010 initiative.

14 (2) A description of the personnel in each such  
15 entity who are responsible for overseeing workforce  
16 diversity initiatives.

17 (3) The level of workforce diversity achieved  
18 within each such entity, including absolute numbers  
19 and percentages of minority employees as well as the  
20 rank of such employees.

21 (4) A description of any grant support that is  
22 provided by each entity for workforce diversity ini-  
23 tiatives, including the amount of the grants and the  
24 percentage of grant funds as compared to overall en-  
25 tity funding;

1 (c) PUBLIC AVAILABILITY.—The report under sub-  
2 section (a) shall be made available for public review and  
3 comment.

4 **SEC. 602. FEDERAL AGENCY PLAN TO ELIMINATE DISPARI-**  
5 **TIES AND IMPROVE THE HEALTH OF MINOR-**  
6 **ITY POPULATIONS.**

7 (a) IN GENERAL.—Not later than September 1,  
8 2007, each Federal health agency shall develop and imple-  
9 ment a national strategic action plan to eliminate dispari-  
10 ties on the basis of race, ethnicity, and primary language  
11 and improve the health and healthcare of minority popu-  
12 lations, through programs relevant to the mission of the  
13 agency.

14 (b) PUBLICATION.—Each action plan described in  
15 paragraph (1) shall—

16 (1) be publicly reported in draft form for public  
17 review and comment;

18 (2) include a response to the review and com-  
19 ment described in paragraph (1) in the final plan;

20 (3) include the agency response to the 2002 In-  
21 stitute of Medicine report, Unequal Treatment—  
22 Confronting Racial and Ethnic Disparities in  
23 Healthcare;

24 (4) demonstrate progress in meeting the  
25 Healthy People 2010 objectives; and

1           (5) be updated, including progress reports, for  
2           inclusion in an annual report to Congress.

3 **SEC. 603. ACCOUNTABILITY WITHIN THE DEPARTMENT OF**  
4                                   **HEALTH AND HUMAN SERVICES.**

5           Title XXIX of the Public Health Service Act, as  
6           amended by titles II, III, and V of this Act, is further  
7           amended by adding at the end the following:

8                                   **“Subtitle D—Strengthening**  
9                                   **Accountability**

10 **“SEC. 2941. ELEVATION OF THE OFFICE OF CIVIL RIGHTS.**

11           “(a) IN GENERAL.—The Secretary shall establish  
12           within the Office for Civil Rights an Office of Health Dis-  
13           parities, which shall be headed by a director to be ap-  
14           pointed by the Secretary.

15           “(b) PURPOSE.—The Office of Health Disparities  
16           shall ensure that the health programs, activities, and oper-  
17           ations of health entities which receive Federal financial as-  
18           sistance are in compliance with title VI of the Civil Rights  
19           Act, which prohibits discrimination on the basis of race,  
20           color, or national origin. The activities of the Office shall  
21           include the following:

22                                   “(1) The development and implementation of  
23           an action plan to address racial and ethnic  
24           healthcare disparities, which shall address concerns  
25           relating to the Office for Civil Rights as released by

1 the United States Commission on Civil Rights in the  
2 report entitled ‘Health Care Challenge: Acknowl-  
3 edging Disparity, Confronting Discrimination, and  
4 Ensuring Equity’ (September, 1999). This plan shall  
5 be publicly disclosed for review and comment and  
6 the final plan shall address any comments or con-  
7 cerns that are received by the Office.

8 “(2) Investigative and enforcement actions  
9 against intentional discrimination and policies and  
10 practices that have a disparate impact on minorities.

11 “(3) The review of racial, ethnic, and primary  
12 language health data collected by Federal health  
13 agencies to assess healthcare disparities related to  
14 intentional discrimination and policies and practices  
15 that have a disparate impact on minorities.

16 “(4) Outreach and education activities relating  
17 to compliance with title VI of the Civil Rights Act.

18 “(5) The provision of technical assistance for  
19 health entities to facilitate compliance with title VI  
20 of the Civil Rights Act.

21 “(6) Coordination and oversight of activities of  
22 the civil rights compliance offices established under  
23 section 2942.

24 “(7) Ensuring compliance with the 1997 Office  
25 of Management and Budget Standards for Maintain-

1 ing, Collecting, and Presenting Federal Data on  
2 Race, Ethnicity and the available language stand-  
3 ards.

4 “(c) FUNDING AND STAFF.—The Secretary shall en-  
5 sure the effectiveness of the Office of Health Disparities  
6 by ensuring that the Office is provided with—

7 “(1) adequate funding to enable the Office to  
8 carry out its duties under this section; and

9 “(2) staff with expertise in—

10 “(A) epidemiology;

11 “(B) statistics;

12 “(C) health quality assurance;

13 “(D) minority health and health dispari-  
14 ties; and

15 “(E) civil rights.

16 “(d) REPORT.—Not later than December 31, 2007,  
17 and annually thereafter, the Secretary, in collaboration  
18 with the Director of the Office for Civil Rights, shall sub-  
19 mit a report to the Committee on Health, Education,  
20 Labor, and Pensions of the Senate and the Committee on  
21 Energy and Commerce of the House of Representatives  
22 that includes—

23 “(1) the number of cases filed, broken down by  
24 category;

1           “(2) the number of cases investigated and  
2 closed by the office;

3           “(3) the outcomes of cases investigated; and

4           “(4) the staffing levels of the office including  
5 staff credentials.

6           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section,  
8 such sums as may be necessary for each of fiscal years  
9 2007 through 2012.

10 **“SEC. 2942. ESTABLISHMENT OF HEALTH PROGRAM OF-**  
11 **FICES FOR CIVIL RIGHTS WITHIN FEDERAL**  
12 **HEALTH AND HUMAN SERVICES AGENCIES.**

13           “(a) IN GENERAL.—The Secretary shall establish  
14 civil rights compliance offices in each agency within the  
15 Department of Health and Human Services that admin-  
16 isters health programs.

17           “(b) PURPOSE OF OFFICES.—Each office established  
18 under subsection (a) shall ensure that recipients of Fed-  
19 eral financial assistance under Federal health programs  
20 administer their programs, services, and activities in a  
21 manner that—

22           “(1) does not discriminate, either intentionally  
23 or in effect, on the basis of race, national origin, lan-  
24 guage, ethnicity, sex, age, or disability; and

1           “(2) promotes the reduction and elimination of  
2           disparities in health and healthcare based on race,  
3           national origin, language, ethnicity, sex, age, and  
4           disability.

5           “(c) POWERS AND DUTIES.—The offices established  
6           in subsection (a) shall have the following powers and du-  
7           ties:

8           “(1) The establishment of compliance and pro-  
9           gram participation standards for recipients of Fed-  
10          eral financial assistance under each program admin-  
11          istered by an agency within the Department of  
12          Health and Human Services including the establish-  
13          ment of disparity reduction standards to encompass  
14          disparities in health and healthcare related to race,  
15          national origin, language, ethnicity, sex, age, and  
16          disability.

17          “(2) The development and implementation of  
18          program-specific guidelines that interpret and apply  
19          Department of Health and Human Services guid-  
20          ance under title VI of the Civil Rights Act of 1964  
21          to each Federal health program administered by the  
22          agency.

23          “(3) The development of a disparity-reduction  
24          impact analysis methodology that shall be applied to  
25          every rule issued by the agency and published as

1 part of the formal rulemaking process under sections  
2 555, 556, and 557 of title 5, United States Code.

3 “(4) Oversight of data collection, analysis, and  
4 publication requirements for all recipients of Federal  
5 financial assistance under each Federal health pro-  
6 gram administered by the agency, and compliance  
7 with the 1997 Office of Management and Budget  
8 Standards for Maintaining, Collecting, and Pre-  
9 senting Federal Data on Race and Ethnicity and the  
10 available language standards.

11 “(5) The conduct of publicly available studies  
12 regarding discrimination within Federal health pro-  
13 grams administered by the agency as well as dis-  
14 parity reduction initiatives by recipients of Federal  
15 financial assistance under Federal health programs.

16 “(6) Annual reports to the Committee on  
17 Health, Education, Labor, and Pensions and the  
18 Committee on Finance of the Senate and the Com-  
19 mittee on Energy and Commerce and the Committee  
20 on Ways and Means of the House of Representatives  
21 on the progress in reducing disparities in health and  
22 healthcare through the Federal programs adminis-  
23 tered by the agency.

24 “(d) RELATIONSHIP TO OFFICE FOR CIVIL RIGHTS  
25 IN THE DEPARTMENT OF JUSTICE.—

1           “(1) DEPARTMENT OF HEALTH AND HUMAN  
2 SERVICES.—The Office for Civil Rights in the De-  
3 partment of Health and Human Services shall pro-  
4 vide standard-setting and compliance review inves-  
5 tigation support services to the Civil Rights Compli-  
6 ance Office for each agency.

7           “(2) DEPARTMENT OF JUSTICE.—The Office  
8 for Civil Rights in the Department of Justice shall  
9 continue to maintain the power to institute formal  
10 proceedings when an agency Office for Civil Rights  
11 determines that a recipient of Federal financial as-  
12 sistance is not in compliance with the disparity re-  
13 duction standards of the agency.

14           “(e) DEFINITION.—In this section, the term ‘Federal  
15 health programs’ mean programs—

16           “(1) under the Social Security Act (42 U.S.C.  
17 301 et seq.) that pay for healthcare and services;  
18 and

19           “(2) under this Act that provide Federal finan-  
20 cial assistance for healthcare, biomedical research,  
21 health services research, and programs designed to  
22 improve the public’s health.”.

23 **SEC. 604. OFFICE OF MINORITY HEALTH.**

24           Section 1707 of the Public Health Service Act (42  
25 U.S.C. 300u-6) is amended—

1           (1) by striking the section heading and insert-  
2           ing the following: “**OFFICE OF MINORITY**  
3           **HEALTH AND RACIAL, ETHNIC, AND PRIMARY**  
4           **LANGUAGE HEALTH DISPARITY ELIMINATION**”;

5           (2) by striking “Office of Minority Health”  
6           each place such term appears and inserting “Office  
7           of Minority Health and Racial, Ethnic, and Primary  
8           Language Health Disparities Elimination”;

9           (3) by striking subsection (b) and inserting the  
10          following:

11          “(b) DUTIES.—With respect to improving the health  
12          of racial and ethnic minority groups, the Secretary, acting  
13          through the Deputy Assistant Secretary for Minority  
14          Health and Racial, Ethnic, and Primary Language Health  
15          Disparities Elimination (in this section referred to as the  
16          ‘Deputy Assistant Secretary’), shall carry out the fol-  
17          lowing:

18                 “(1) Establish, implement, monitor, and evalu-  
19                 ate short-range and long-range goals and objectives  
20                 and oversee all other activities within the Public  
21                 Health Service that relate to disease prevention,  
22                 health promotion, service delivery, and research con-  
23                 cerning minority groups. The heads of each of the  
24                 agencies of the Service shall consult with the Deputy

1 Assistant Secretary to ensure the coordination of  
2 such activities.

3 “(2) Oversee all activities within the Depart-  
4 ment of Health and Human Services that relate to  
5 reducing or eliminating disparities in health and  
6 healthcare in racial and ethnic minority populations,  
7 including coordinating—

8 “(A) the design of programs, support for  
9 programs, and the evaluation of programs;

10 “(B) the monitoring of trends in health  
11 and healthcare;

12 “(C) research efforts;

13 “(D) the training of health providers; and

14 “(E) information and education programs  
15 and campaigns.

16 “(3) Enter into interagency and intra-agency  
17 agreements with other agencies of the Public Health  
18 Service.

19 “(4) Ensure that the Federal health agencies  
20 and the National Center for Health Statistics collect  
21 data on the health status and healthcare of each mi-  
22 nority group, using at a minimum the categories  
23 specified in the 1997 OMB Standards for Maintain-  
24 ing, Collecting, and Presenting Federal Data on

1 Race and Ethnicity as required under subtitle B and  
2 available language standards.

3 “(5) Provide technical assistance to States,  
4 local agencies, territories, Indian tribes, and entities  
5 for activities relating to the elimination of racial and  
6 ethnic disparities in health and healthcare.

7 “(6) Support a national minority health re-  
8 source center to carry out the following:

9 “(A) Facilitate the exchange of informa-  
10 tion regarding matters relating to health infor-  
11 mation, health promotion and wellness, preven-  
12 tive health services, and education in the appro-  
13 priate use of health services.

14 “(B) Facilitate timely access to culturally  
15 and linguistically appropriate information.

16 “(C) Assist in the analysis of such infor-  
17 mation.

18 “(D) Provide technical assistance with re-  
19 spect to the exchange of such information (in-  
20 cluding facilitating the development of materials  
21 for such technical assistance).

22 “(7) Carry out programs to improve access to  
23 healthcare services for individuals with limited  
24 English proficiency, including developing and car-  
25 rying out programs to provide bilingual or interpre-

1       tive services through the development and support of  
2       the Robert T. Matsui Center for Cultural and Lin-  
3       guistic Competence in Healthcare as provided for in  
4       section 2903.

5               “(8) Carry out programs to improve access to  
6       healthcare services and to improve the quality of  
7       healthcare services for individuals with low func-  
8       tional health literacy. As used in the preceding sen-  
9       tence, the term ‘functional health literacy’ means the  
10      ability to obtain, process, and understand basic  
11      health information and services needed to make ap-  
12      propriate health decisions.

13              “(9) Advise in matters related to the develop-  
14      ment, implementation, and evaluation of health pro-  
15      fessions education on decreasing disparities in  
16      healthcare outcomes, with focus on cultural com-  
17      petency as a method of eliminating disparities in  
18      health and healthcare in racial and ethnic minority  
19      populations.

20              “(10) Assist healthcare professionals, commu-  
21      nity and advocacy organizations, academic centers  
22      and public health departments in the design and im-  
23      plementation of programs that will improve the qual-  
24      ity of health outcomes by strengthening the pro-  
25      vider-patient relationship.”.

1           (4) by redesignating subsections (c) through (f)  
2           and subsections (g) and (h) as subsections (d)  
3           through (g) and subsections (j) and (k), respectively;  
4           (5) by inserting after subsection (b), the fol-  
5           lowing:

6           “(c) NATIONAL PLAN TO ELIMINATE RACIAL AND  
7           ETHNIC HEALTH AND HEALTHCARE DISPARITIES.—

8           “(1) IN GENERAL.—The Secretary, acting  
9           through the Deputy Assistant Secretary, shall—

10           “(A) not later than 1 year after the date  
11           of enactment of the Healthcare Equality and  
12           Accountability Act, establish and implement a  
13           comprehensive plan to achieve the goal of  
14           Healthy People 2010 to eliminate health dis-  
15           parities in the United States;

16           “(B) establish the plan referred to in sub-  
17           paragraph (A) in consultation with—

18           “(i) the Director of the Centers for  
19           Disease Control and Prevention;

20           “(ii) the Director of the National In-  
21           stitutes of Health;

22           “(iii) the Director of the National  
23           Center on Minority Health and Health  
24           Disparities;

1                   “(iv) the Director of the Agency for  
2                   Healthcare Research and Quality;

3                   “(v) the Administrator of the Health  
4                   Resources and Services Administration;

5                   “(vi) the Administrator of the Centers  
6                   for Medicare and Medicaid Services;

7                   “(vii) the Director of the Office for  
8                   Civil Rights;

9                   “(viii) the Administrator of the Sub-  
10                  stance Abuse and Mental Health Services  
11                  Administration;

12                  “(ix) the Commissioner of Food and  
13                  Drugs; and

14                  “(x) the heads of other appropriate  
15                  public and private entities;

16                  “(C) ensure that the plan includes measur-  
17                  able objectives, describes the means for achiev-  
18                  ing such objectives, and designates a date by  
19                  which such objectives are expected to be  
20                  achieved;

21                  “(D) ensure that all amounts appropriated  
22                  for such activities are expended in accordance  
23                  with the plan;

24                  “(E) review the plan on at least an annual  
25                  basis and revise the plan as appropriate;

1           “(F) ensure that the plan will serve as a  
2 binding statement of policy with respect to the  
3 agencies’ activities related to disparities in  
4 health and healthcare; and

5           “(G) not later than March 1 of each year,  
6 submit the plan (or any revisions to the plan),  
7 to the Committee on Health, Education, Labor,  
8 and Pensions of the Senate and the Committee  
9 on Energy and Commerce of the House of Rep-  
10 resentatives.

11           “(2) COMPONENTS OF THE PLAN.—The Deputy  
12 Assistant Secretary shall ensure that the compre-  
13 hensive plan established under paragraph (1) address-  
14 es—

15           “(A) the recommendations of the 2002 In-  
16 stitute of Medicine report (Unequal Treatment)  
17 with respect to racial and ethnic disparities in  
18 healthcare;

19           “(B) health and disease prevention edu-  
20 cation for racial, ethnic, and primary language  
21 health disparity populations;

22           “(C) research to identify sources of health  
23 and healthcare disparities in minority groups;

24           “(D) the implementation and assessment  
25 of promising intervention strategies;

1           “(E) data collection and the monitoring of  
2 the healthcare and health status of health dis-  
3 parity populations;

4           “(F) care of individuals who lack pro-  
5 ficiency with the English language;

6           “(G) care of individuals with low func-  
7 tional health literacy;

8           “(H) the training, recruitment, and reten-  
9 tion of minority health professionals;

10          “(I) programs to expand and facilitate ac-  
11 cess to healthcare services, including the use of  
12 telemedicine, National Health Service Scholars,  
13 community health workers, and case managers;

14          “(J) public and health provider awareness  
15 of racial and ethnic disparities in healthcare;

16          “(K) methods to evaluate and measure  
17 progress toward the goal of eliminating dispari-  
18 ties in health and healthcare in racial and eth-  
19 nic minority populations;

20          “(L) the promotion of interagency and  
21 intra-agency coordination and collaboration and  
22 public-private and community partnerships; and

23          “(M) the preparedness of health profes-  
24 sionals to care for racially, ethnically, and lin-  
25 guistically diverse populations and low func-

1 tional health literacy populations including eval-  
2 uations.”;

3 (6) in subsection (d) (as so redesignated)—

4 (A) in paragraph (1), by inserting “and  
5 Racial, Ethnic, and Primary Language Health  
6 Disparities Elimination” after “Minority  
7 Health”; and

8 (B) in paragraph (2)—

9 (i) by striking “Deputy Assistant”;

10 and

11 (ii) by striking “(10) of subsection  
12 (b)” and inserting “(9) of subsection (c)”;

13 (7) in subsection (e)(1) (as so redesignated)—

14 (A) in subparagraph (A), by striking “sub-  
15 section (b)(9)” and inserting “subsection  
16 (b)(7)”; and

17 (B) in subparagraph (B), by striking “sub-  
18 section (b)(10)” and inserting “subsection  
19 (b)(8)”;

20 (8) in subsection (f)(3) (as so redesignated), by  
21 striking “subsection (f)” and inserting “subsection  
22 (g)”;

23 (9) in subsection (g)(1) (as so redesignated)—

24 (A) by striking “1999 and each second”  
25 and inserting “2006 and each”;

1 (B) by striking “Labor and Human Re-  
2 sources” and inserting “Health, Education,  
3 Labor, and Pensions”;

4 (C) by striking “2 fiscal years” and insert-  
5 ing “fiscal year”; and

6 (D) by inserting after “improving the  
7 health of racial and ethnic minority groups” the  
8 following: “reducing and eliminating disparities  
9 in health and healthcare in racial and ethnic  
10 minority populations, in accordance with the  
11 national plan specified under subsection (c) and  
12 the goals of Healthy People 2010”;

13 (10) by inserting after subsection (g) (as so re-  
14 designated) the following:

15 “(h) FEDERAL PARTNERSHIP WITH ACCREDITATION  
16 ENTITIES.—

17 “(1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of the Healthcare Equality  
19 and Accountability Act, the Secretary, in collabora-  
20 tion with the Director of the Agency for Healthcare  
21 Research and Quality, the Administrator of the Cen-  
22 ters for Medicare and Medicaid Services, the Direc-  
23 tor of the Office for Minority Health, and the heads  
24 of appropriate State agencies, shall convene a work-  
25 ing group with members of accreditation organiza-

1 tions and other quality standard setting organiza-  
2 tions to develop guidelines to evaluate and report on  
3 the health and healthcare of minority populations  
4 served by health centers, health plans, hospitals, and  
5 other federally funded health entities.

6 “(2) REPORT.—Not later than 6 months after  
7 the convening of the working group under paragraph  
8 (1), the working group shall submit a report to the  
9 Secretary at such time, in such manner, and con-  
10 taining such information as the Secretary may re-  
11 quire, including guidelines and recommendations on  
12 how each accreditation body will work with con-  
13 stituent members to ensure the adoption of such  
14 guidelines.

15 “(3) DEMONSTRATION PROJECTS.—The Sec-  
16 retary, acting through the Administrator of the Cen-  
17 ters for Medicare and Medicaid Services, shall award  
18 grants for the establishment of demonstration  
19 projects to assess the impact of providing financial  
20 incentives for the reporting and analysis of the qual-  
21 ity of minority healthcare by hospitals, health plans,  
22 health centers, and other healthcare entities.

23 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
24 There are authorized to be appropriated to carry out

1 this subsection, such sums as may be necessary for  
2 each of fiscal years 2007 through 2012.

3 “(i) PREPARATION OF HEALTH PROFESSIONALS TO  
4 PROVIDE HEALTHCARE TO MINORITY POPULATIONS.—  
5 The Secretary, in collaboration with the Director of the  
6 Bureau of Health Professions and the Director of the Of-  
7 fice of Minority Health, shall require that health profes-  
8 sional schools that receive Federal funds train future  
9 health professionals to provide culturally and linguistically  
10 appropriate healthcare to diverse populations.”; and

11 (11) by striking subsection (k) (as so redesign-  
12 nated) and inserting the following:

13 “(k) AUTHORIZATION OF APPROPRIATIONS.—For the  
14 purpose of carrying out this section (other than subsection  
15 (h)), there is authorized to be appropriated \$100,000,000  
16 for fiscal year 2006, and such sums as may be necessary  
17 for each of fiscal years 2007 through 2012.”.

18 **SEC. 605. ESTABLISHMENT OF THE INDIAN HEALTH SERV-**  
19 **ICE AS AN AGENCY OF THE PUBLIC HEALTH**  
20 **SERVICE.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—In order to more effectively  
23 and efficiently carry out the responsibilities, authori-  
24 ties, and functions of the United States to provide  
25 healthcare services to Indians and Indian tribes, as

1 are or may be hereafter provided by Federal statute  
2 or treaties, there is established within the Public  
3 Health Service of the Department of Health and  
4 Human Services the Indian Health Service.

5 (2) ASSISTANT SECRETARY OF INDIAN  
6 HEALTH.—The Service shall be administered by an  
7 Assistant Secretary of Indian Health, who shall be  
8 appointed by the President, by and with the advice  
9 and consent of the Senate. The Assistant Secretary  
10 shall report to the Secretary. Effective with respect  
11 to an individual appointed by the President, by and  
12 with the advice and consent of the Senate the term  
13 of service of the Assistant Secretary shall be 4 years.  
14 An Assistant Secretary may serve more than 1 term.

15 (b) AGENCY.—The Service shall be an agency within  
16 the Public Health Service of the Department, and shall  
17 not be an office, component, or unit of any other agency  
18 of the Department.

19 (c) FUNCTIONS AND DUTIES.—The Secretary shall  
20 carry out through the Assistant Secretary of the Service—

21 (1) all functions which were, on the day before  
22 the date of enactment of the Indian Health Care  
23 Amendments of 1988, carried out by or under the  
24 direction of the individual serving as Director of the  
25 Service on such day;

1           (2) all functions of the Secretary relating to the  
2 maintenance and operation of hospital and health fa-  
3 cilities for Indians and the planning for, and provi-  
4 sion and utilization of, health services for Indians;

5           (3) all health programs under which healthcare  
6 is provided to Indians based upon their status as In-  
7 dians which are administered by the Secretary, in-  
8 cluding programs under—

9           (A) the Indian Health Care Improvement  
10 Act;

11           (B) the Act of November 2, 1921 (25  
12 U.S.C. 13);

13           (C) the Act of August 5, 1954 (42 U.S.C.  
14 2001, et seq.);

15           (D) the Act of August 16, 1957 (42  
16 U.S.C. 2005 et seq.);

17           (E) the Indian Self-Determination Act (25  
18 U.S.C. 450f, et seq.); and

19           (F) title XXIX of the Public Health Serv-  
20 ice Act; and

21           (4) all scholarship and loan functions carried  
22 out under title I of the Indian Health Care Improve-  
23 ment Act.

24           (d) AUTHORITY.—

1           (1) IN GENERAL.—The Secretary, acting  
2 through the Assistant Secretary, shall have the au-  
3 thority—

4           (A) except to the extent provided for in  
5 paragraph (2), to appoint and compensate em-  
6 ployees for the Service in accordance with title  
7 5, United States Code;

8           (B) to enter into contracts for the procure-  
9 ment of goods and services to carry out the  
10 functions of the Service; and

11           (C) to manage, expend, and obligate all  
12 funds appropriated for the Service.

13           (2) PERSONNEL ACTIONS.—Notwithstanding  
14 any other provision of law, the provisions of section  
15 12 of the Act of June 18, 1934 (48 Stat. 986; 25  
16 U.S.C. 472), shall apply to all personnel actions  
17 taken with respect to new positions created within  
18 the Service as a result of its establishment under  
19 subsection (a).

20           (e) RATE OF PAY.—

21           (1) POSITIONS AT LEVEL IV.—Section 5315 of  
22 title 5, United States Code, is amended by striking  
23 the following: “Assistant Secretaries of Health and  
24 Human Services (6).” and inserting “Assistant Sec-  
25 retaries of Health and Human Services (7).”.

1           (2) POSITIONS AT LEVEL V.—Section 5316 of  
2 such title is amended by striking the following: “Di-  
3 rector, Indian Health Service, Department of Health  
4 and Human Services.”.

5           (f) DUTIES OF ASSISTANT SECRETARY FOR INDIAN  
6 HEALTH.—Section 601 of the Indian Health Care Im-  
7 provement Act (25 U.S.C. 1661) is amended in subsection  
8 (a)—

9           (1) by inserting “(1)” after “(a)”;

10           (2) in the second sentence of paragraph (1), as  
11 so designated, by striking “a Director,” and insert-  
12 ing “the Assistant Secretary for Indian Health,”;

13           (3) by striking the third sentence of paragraph  
14 (1), as so designated, and all that follows through  
15 the end of the subsection (a) of such section and in-  
16 serting the following: “The Assistant Secretary for  
17 Indian Health shall carry out the duties specified in  
18 paragraph (2).”; and

19           (4) by adding after paragraph (1) the following:

20           “(2) The Assistant Secretary for Indian Health  
21 shall—

22           “(A) report directly to the secretary con-  
23 cerning all policy and budget-related matters  
24 affecting Indian health;

1           “(B) collaborate with the Assistant Sec-  
2           retary for Health concerning appropriate mat-  
3           ters of Indian health that affect the agencies of  
4           the Public Health Service;

5           “(C) advise each Assistant Secretary of the  
6           Department of Health and Human Services  
7           concerning matters of Indian health with re-  
8           spect to which that Assistant Secretary has au-  
9           thority and responsibility;

10          “(D) advise the heads of other agencies  
11          and programs of the Department of Health and  
12          Human Services concerning matters of Indian  
13          health with respect to which those heads have  
14          authority and responsibility; and

15          “(E) coordinate the activities of the De-  
16          partment of Health and Human Services con-  
17          cerning matters of Indian health.”.

18          (g) CONTINUED SERVICE BY INCUMBENT.—The indi-  
19          vidual serving in the position of Director of the Indian  
20          Health Service on the date preceding the date of enact-  
21          ment of this Act may serve as Assistant Secretary for In-  
22          dian Health, at the pleasure of the President after the  
23          date of enactment of this Act.

24          (h) CONFORMING AMENDMENTS.—

1           (1) AMENDMENTS TO INDIAN HEALTH CARE IM-  
2           PROVEMENT ACT.—The Indian Health Care Im-  
3           provement Act (25 U.S.C. 1601 et seq.) is amend-  
4           ed—

5                   (A) in section 601—

6                           (i) in subsection (c), by striking “Di-  
7                           rector of the Indian Health Service” both  
8                           places it appears and inserting “Assistant  
9                           Secretary for Indian Health”; and

10                           (ii) in subsection (d), by striking “Di-  
11                           rector of the Indian Health Service” and  
12                           inserting “Assistant Secretary for Indian  
13                           Health”; and

14                           (B) in section 816(c)(1), by striking “Di-  
15                           rector of the Indian Health Service” and insert-  
16                           ing “Assistant Secretary for Indian Health”.

17           (2) AMENDMENTS TO OTHER PROVISIONS OF  
18           LAW.—The following provisions are each amended  
19           by striking “Director of the Indian Health Service”  
20           each place it appears and inserting “Assistant Sec-  
21           retary for Indian Health”:

22                           (A) Section 203(a)(1) of the Rehabilitation  
23                           Act of 1973 (29 U.S.C. 761b(a)(1)).

1 (B) Subsections (b) and (e) of section 518  
 2 of the Federal Water Pollution Control Act (33  
 3 U.S.C. 1377 (b) and (e)).

4 (C) Section 803B(d)(1) of the Native  
 5 American Programs Act of 1974 (42 U.S.C.  
 6 2991b-2(d)(1)).

7 (i) REFERENCES.—Reference in any other Federal  
 8 law, Executive order, rule, regulation, or delegation of au-  
 9 thority, or any document of or relating to the Director  
 10 of the Indian Health Service shall be deemed to refer to  
 11 the Assistant Secretary for Indian Health.

12 (j) DEFINITIONS.—For purposes of this section, the  
 13 definitions contained in section 4 of the Indian Health  
 14 Care Improvement Act shall apply.

15 **SEC. 606. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MI-**  
 16 **NORITY HEALTH WITHIN AGENCIES OF PUB-**  
 17 **LIC HEALTH SERVICE.**

18 Title XVII of the Public Health Service Act (42  
 19 U.S.C. 300u et seq.) is amended by inserting after section  
 20 1707 the following section:

21 “INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN  
 22 PUBLIC HEALTH SERVICE

23 “SEC. 1707A.

24 “(a) IN GENERAL.—The head of each agency speci-  
 25 fied in subsection (b)(1) shall establish within the agency  
 26 an office to be known as the Office of Minority Health

1 and Racial, Ethnic, and Primary Language Health Dis-  
2 parities Elimination. Each such Office shall be headed by  
3 a director, who shall be appointed by the head of the agen-  
4 cy within which the Office is established, and who shall  
5 report directly to the head of the agency. The head of such  
6 agency shall carry out this section (as this section relates  
7 to the agency) acting through such Director.

8 “(b) SPECIFIED AGENCIES.—

9 “(1) IN GENERAL.—The agencies referred to in  
10 subsection (a) are the following:

11 “(A) The Centers for Disease Control and  
12 Prevention.

13 “(B) The Health Resources and Services  
14 Administration.

15 “(C) The Substance Abuse and Mental  
16 Health Services Administration; and

17 “(D) The Administration on Aging.

18 “(c) COMPOSITION.—The head of each specified  
19 agency shall ensure that the officers and employees of the  
20 minority health office of the agency are, collectively, expe-  
21 rienced in carrying out community-based health programs  
22 for each of the various racial and ethnic minority groups  
23 that are present in significant numbers in the United  
24 States.

1       “(d) DUTIES.—Each Director of a minority health of-  
2       fice shall establish and monitor the programs of the speci-  
3       fied agency of such office in order to carry out the fol-  
4       lowing:

5               “(1) Determine the extent to which the pur-  
6       poses of the programs are being carried out with re-  
7       spect to racial and ethnic minority groups.

8               “(2) Determine the extent to which members of  
9       such groups are represented among the Federal offi-  
10      cers and employees who administer the programs.

11              “(3) Make recommendations to the head of  
12      such agency on carrying out the programs with re-  
13      spect to such groups. In the case of programs that  
14      provide services, such recommendations shall include  
15      recommendations toward ensuring that—

16                      “(A) the services are equitably delivered  
17                      with respect to racial and ethnic minority  
18                      groups;

19                      “(B) the programs provide the services in  
20                      the language and cultural context that is most  
21                      appropriate for the individuals for whom the  
22                      services are intended; and

23                      “(C) the programs utilize racial and ethnic  
24                      minority community-based organizations to de-  
25                      liver services.

1       “(e) BIENNIAL REPORTS TO SECRETARY.—The head  
2 of each specified agency shall submit to the Secretary for  
3 inclusion in each biennial report describing—

4               “(1) the extent to which the minority health of-  
5 fice of the agency employs individuals who are mem-  
6 bers of racial and ethnic minority groups, including  
7 a specification by minority group of the number of  
8 such individuals employed by such office.

9       “(f) FUNDING.—

10               “(1) ALLOCATIONS.—Of the amounts appro-  
11 priated for a specified agency for a fiscal year, the  
12 Secretary must designate an appropriate amount of  
13 funds for the purpose of carrying out activities  
14 under this section through the minority health office  
15 of the agency. In reserving an amount under the  
16 preceding sentence for a minority health office for a  
17 fiscal year, the Secretary shall reduce, by substan-  
18 tially the same percentage, the amount that other-  
19 wise would be available for each of the programs of  
20 the designated agency involved.

21               “(2) AVAILABILITY OF FUNDS FOR STAFF-  
22 ING.—The purposes for which amounts made avail-  
23 able under paragraph may be expended by a minor-  
24 ity health office include the costs of employing staff  
25 for such office.”.

1 **SEC. 607. OFFICE OF MINORITY HEALTH AT THE CENTERS**  
2 **FOR MEDICARE AND MEDICAID SERVICES.**

3 (a) IN GENERAL.—Not later than 60 days after the  
4 date of enactment of this Act, the Secretary of Health and  
5 Human Services shall establish within the Centers for  
6 Medicare and Medicaid Services an Office of Minority  
7 Health (referred to in this section as the “Office”).

8 (b) DUTIES.—The Office shall be responsible for the  
9 coordination and facilitation of activities of the Centers  
10 for Medicare and Medicaid Services to improve minority  
11 health and healthcare and to reduce racial and ethnic dis-  
12 parities in health and healthcare, which shall include—

13 (1) creating a strategic plan, which shall be  
14 made available for public review, to improve the  
15 health and healthcare of Medicare, Medicaid, and  
16 SCHIP beneficiaries;

17 (2) promoting agency-wide policies relating to  
18 healthcare delivery and financing that could have a  
19 beneficial impact on the health and healthcare of mi-  
20 nority populations;

21 (3) assisting health plans, hospitals, and other  
22 health entities in providing culturally and linguis-  
23 tically appropriate healthcare services;

24 (4) increasing awareness and outreach activities  
25 for minority healthcare consumers and providers

1 about the causes and remedies for health and  
2 healthcare disparities;

3 (5) developing grant programs and demonstra-  
4 tion projects to identify, implement and evaluate in-  
5 novative approaches to improving the health and  
6 healthcare of minority beneficiaries in the Medicare,  
7 Medicaid, and SCHIP programs;

8 (6) considering incentive programs relating to  
9 reimbursement that would reward health entities for  
10 providing quality healthcare for minority populations  
11 using established benchmarks for quality of care;

12 (7) collaborating with the compliance office to  
13 ensure compliance with the anti-discrimination provi-  
14 sions under title VI of the Civil Rights Act of 1964;

15 (8) identifying barriers to enrollment in public  
16 programs under the jurisdiction of the Centers for  
17 Medicare and Medicaid Services;

18 (9) monitoring and evaluating on a regular  
19 basis the success of minority health programs and  
20 initiatives;

21 (10) publishing an annual report about the ac-  
22 tivities of the Centers for Medicare and Medicaid  
23 Services relating to minority health improvement;  
24 and

1           (11) other activities determined appropriate by  
2 the Secretary of Health and Human Services.

3           (c) STAFF.—The staff at the Office shall include—

4           (1) one or more individuals with expertise in  
5 minority health and racial and ethnic health dispari-  
6 ties; and

7           (2) one or more individuals with expertise in  
8 healthcare financing and delivery in underserved  
9 communities.

10          (d) COORDINATION.—In carrying out its duties under  
11 this section, the Office shall coordinate with—

12           (1) the Office of Minority Health in the Office  
13 of the Secretary of Health and Human Services;

14           (2) the National Centers for Minority Health  
15 and Health Disparities in the National Institutes of  
16 Health; and

17           (3) the Office of Minority Health in the Centers  
18 for Disease Control and Prevention.

19          (e) AUTHORIZATION OF APPROPRIATIONS.—For the  
20 purpose of carrying out this section, there are authorized  
21 to be appropriated \$10,000,000 for fiscal year 2006, and  
22 such sums may be necessary for each of fiscal years 2007  
23 through 2012.

1 **SEC. 608. OFFICE OF MINORITY AFFAIRS AT THE FOOD AND**  
2 **DRUG ADMINISTRATION.**

3 Chapter IX of the Federal Food, Drug, and Cosmetic  
4 Act (21 U.S.C. 391 et seq.) is amended by adding at the  
5 end the following:

6 **“SEC. 908. OFFICE OF MINORITY AFFAIRS.**

7 “(a) IN GENERAL.—Not later than 60 days after the  
8 date of enactment of this section, the Secretary shall es-  
9 tablish within the Office of the Commissioner of Food and  
10 Drugs an Office of Minority Affairs (referred to in this  
11 section as the ‘Office’).

12 “(b) DUTIES.—The Office shall be responsible for the  
13 coordination and facilitation of activities of the Food and  
14 Drug Administration to improve minority health and  
15 healthcare and to reduce racial and ethnic disparities in  
16 health and healthcare, which shall include—

17 “(1) promoting policies in the development and  
18 review of medical products that reduce racial and  
19 ethnic disparities in health and healthcare;

20 “(2) encouraging appropriate data collection,  
21 analysis, and dissemination of racial and ethnic dif-  
22 ferences using, at a minimum, the categories de-  
23 scribed in the 1997 Office of Management and  
24 Budget standards, in response to different therapies  
25 in both adult and pediatric populations;

1           “(3) providing, in coordination with other ap-  
2           propriate government agencies, education, training,  
3           and support to increase participation of minority pa-  
4           tients and physicians in clinical trials;

5           “(4) collecting and analyzing data using, at a  
6           minimum, the categories described in the 1997 Of-  
7           fice of Management and Budget standards, on the  
8           number of participants from minority racial and eth-  
9           nic backgrounds in clinical trials used to support  
10          medical product approvals;

11          “(5) the identification of methods to reduce lan-  
12          guage and literacy barriers; and

13          “(6) publishing an annual report about the ac-  
14          tivities of the Food and Drug Administration per-  
15          taining to minority health.

16          “(c) STAFF.—The staff of the Office shall include—

17               “(1) one or more individuals with expertise in  
18               the design and conduct of clinical trials of drugs, bi-  
19               ological products, and medical devices; and

20               “(2) one or more individuals with expertise in  
21               therapeutic classes or disease states for which med-  
22               ical evidence suggests a difference based on race or  
23               ethnicity.

24          “(d) COORDINATION.—In carrying out its duties  
25          under this section, the Office shall coordinate with—

1           “(1) the Office of Minority Health in the Office  
2 of the Secretary of Health and Human Services;

3           “(2) the National Center for Minority Health  
4 and Health Disparities in the National Institutes of  
5 Health; and

6           “(3) the Office of Minority Health in the Cen-  
7 ters for Disease Control and Prevention.

8           “(e) AUTHORIZATION OF APPROPRIATIONS.—For the  
9 purpose of carrying out this section, there are authorized  
10 to be appropriated such sums as may be necessary for  
11 each of the fiscal years 2007 through 2012.”.

12 **SEC. 609. SAFETY AND EFFECTIVENESS OF DRUGS WITH**  
13 **RESPECT TO RACIAL AND ETHNIC BACK-**  
14 **GROUND.**

15           (a) IN GENERAL.—Chapter V of the Federal Food,  
16 Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amend-  
17 ed by adding after section 505B the following:

18 **“SEC. 505C. SAFETY AND EFFECTIVENESS OF DRUGS WITH**  
19 **RESPECT TO RACIAL AND ETHNIC BACK-**  
20 **GROUND.**

21           “(a) PRE-APPROVAL STUDIES.—If there is evidence  
22 that there may be a disparity on the basis of racial or  
23 ethnic background as to the safety or effectiveness of a  
24 drug, then—

1           “(1)(A) the investigations required under sec-  
2           tion 505(b)(1)(A) shall include adequate and well-  
3           controlled investigations of the disparity; or

4           “(B) the evidence required under section 351(a)  
5           of the Public Health Service Act for approval of a  
6           biologics license application for the drug shall in-  
7           clude adequate and well-controlled investigations of  
8           the disparity; and

9           “(2) if the investigations confirm that there is  
10          a disparity, the labeling of the drug shall include ap-  
11          propriate information about the disparity.

12          “(b) POST-MARKET STUDIES.—

13                 “(1) IN GENERAL.—If there is evidence that  
14                 there may be a disparity on the basis of racial or  
15                 ethnic background as to the safety or effectiveness  
16                 of a drug for which there is an approved application  
17                 under section 505 or a license under section 351 of  
18                 the Public Health Service Act, the Secretary may by  
19                 order require the holder of the approved application  
20                 or license to conduct, by a date specified by the Sec-  
21                 retary, post-marketing studies to investigate the dis-  
22                 parity.

23                 “(2) LABELING.—If the Secretary determines  
24                 that the post-market studies confirm that there is a  
25                 disparity described in paragraph (1), the labeling of

1 the drug shall include appropriate information about  
2 the disparity.

3 “(3) STUDY DESIGN.—The Secretary may  
4 specify all aspects of study design, including the  
5 number of studies and study participants, in the  
6 order requiring post-market studies of the drug.

7 “(4) MODIFICATIONS OF STUDY DESIGN.—The  
8 Secretary may by order modify any aspect of the  
9 study design as necessary after issuing an order  
10 under paragraph (1).

11 “(5) STUDY RESULTS.—The results from stud-  
12 ies required under paragraph (1) shall be submitted  
13 to the Secretary as supplements to the drug applica-  
14 tion or biological license application.

15 “(c) DISPARITY.—The term ‘evidence that there may  
16 be a disparity on the basis of racial or ethnic background  
17 for adult and pediatric populations as to the safety or ef-  
18 fectiveness of a drug’ includes—

19 “(1) evidence that there is a disparity on the  
20 basis of racial or ethnic background as to safety or  
21 effectiveness of a drug in the same chemical class as  
22 the drug;

23 “(2) evidence that there is a disparity on the  
24 basis of racial or ethnic background in the way the  
25 drug is metabolized; and

1           “(3) other evidence as the Secretary may deter-  
2           mine.

3           “(d) APPLICATIONS UNDER SECTION 505(b)(2) AND  
4 505(j).—

5           “(1) IN GENERAL.—A drug for which an appli-  
6           cation has been submitted or approved under section  
7           505(j) shall not be considered ineligible for approval  
8           under that section or misbranded under section 502  
9           on the basis that the labeling of the drug omits in-  
10          formation relating to a disparity on the basis of ra-  
11          cial or ethnic background as to the safety or effec-  
12          tiveness of the drug, whether derived from investiga-  
13          tions or studies required under this section or de-  
14          rived from other sources, when the omitted informa-  
15          tion is protected by patent or by exclusivity under  
16          clause (iii) or (iv) of section 505(j)(5)(D).

17          “(2) LABELING.—Notwithstanding clauses (iii)  
18          and (iv) of section 505(j)(5)(D), the Secretary may  
19          require that the labeling of a drug approved under  
20          section 505(j) that omits information relating to a  
21          disparity on the basis of racial or ethnic background  
22          as to the safety or effectiveness of the drug include  
23          a statement of any appropriate contraindications,  
24          warnings, or precautions related to the disparity  
25          that the Secretary considers necessary.”.

1 (b) ENFORCEMENT.—Section 502 of the Federal  
2 Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amend-  
3 ed by adding at the end the following:

4 “(w)(1) If it is a drug and the holder of the approved  
5 application under section 505 or license under section 351  
6 of the Public Health Service Act for the drug has failed  
7 to complete the investigations or studies, or comply with  
8 any other requirement, of section 505C.”.

9 (c) DRUG FEES.—Section 736(a)(1)(A)(ii) of the  
10 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h)  
11 is amended by adding after “required” the following: “,  
12 including supplements required under section 505C of the  
13 Act”.

14 **SEC. 610. UNITED STATES COMMISSION ON CIVIL RIGHTS.**

15 (a) COORDINATION WITHIN DEPARTMENT OF JUSTICE OF ACTIVITIES REGARDING HEALTH DISPARITIES.—Section 3 of the Civil Rights Commission Act of  
16 1983 (42 U.S.C. 1975a) is amended—  
17

18 (1) in paragraph (1)(B), by striking “and” at  
19 the end;

20 (2) in paragraph (2), in the matter after and  
21 below subparagraph (D), by striking the period and  
22 inserting “; and”; and  
23

24 (3) by adding at the end the following:

1           “(3) shall, with respect to activities carried out  
2           in healthcare and correctional facilities toward the  
3           goal of eliminating health disparities between the  
4           general population and members of racial or ethnic  
5           minority groups, coordinate such activities of—

6                   “(A) the Office for Civil Rights within the  
7           Department of Justice;

8                   “(B) the Office of Justice Programs within  
9           the Department of Justice;

10                   “(C) the Office for Civil Rights within the  
11           Department of Health and Human Services;  
12           and

13                   “(D) the Office of Minority Health within  
14           the Department of Health and Human Services  
15           (headed by the Deputy Assistant Secretary for  
16           Minority Health).”.

17           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
18   5 of the Civil Rights Commission Act of 1983 (42 U.S.C.  
19   1975c) is amended by striking the first sentence and in-  
20   serting the following: “For the purpose of carrying out  
21   this Act, there are authorized to be appropriated  
22   \$30,000,000 for fiscal year 2007, and such sums as may  
23   be necessary for each of the fiscal years 2008 through  
24   2012.”.

1 **SEC. 610A. SENSE OF CONGRESS CONCERNING FULL FUND-**  
2 **ING OF ACTIVITIES TO ELIMINATE RACIAL**  
3 **AND ETHNIC HEALTH DISPARITIES.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) The health status of the American populace  
7 is declining and the United States currently ranks  
8 below most industrialized nations in health status  
9 measured by longevity, sickness, and mortality.

10 (2) Racial and ethnic minority populations tend  
11 have the poorest health status and face substantial  
12 cultural, social, and economic barriers to obtaining  
13 quality healthcare.

14 (3) Efforts to improve minority health have  
15 been limited by inadequate resources (funding, staff-  
16 ing, and stewardship) and accountability.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that—

19 (1) funding should be doubled by fiscal year  
20 2007 for the National Center for Minority Health  
21 Disparities, the Office of Civil Rights in the Depart-  
22 ment of Health and Human Services, the National  
23 Institute of Nursing Research, and the Office of Mi-  
24 nority Health;

25 (2) adequate funding by fiscal year 2007, and  
26 subsequent funding increases, should be provided for

1 health professions training programs, the Racial and  
2 Ethnic Approaches to Community Health (REACH)  
3 at the Center for Disease Control and Prevention,  
4 the Minority HIV/AIDS Initiative, and the Excel-  
5 lence Centers to Eliminate Ethnic/Racial Disparities  
6 (EXCEED) Program at the Agency for Healthcare  
7 Research and Quality;

8 (3) current and newly-created health disparity  
9 elimination incentives, programs, agencies, and de-  
10 partments under this Act (and the amendments  
11 made by this Act) should receive adequate staffing  
12 and funding by fiscal year 2007; and

13 (4) stewardship and accountability should be  
14 provided by Congress and the President for health  
15 disparity elimination.

## 16 **Subtitle B—Minority Health and** 17 **Genomics Commission**

### 18 **SEC. 611. SHORT TITLE.**

19 This subtitle may be cited as the “Minority Health  
20 and Genomics Act of 2005”.

### 21 **SEC. 612. MINORITY HEALTH AND GENOMICS COMMISSION.**

22 (a) ESTABLISHMENT.—There is established a com-  
23 mission to be known as the Minority Health and Genomics  
24 Commission (in this subtitle referred to as the “Commis-  
25 sion”).

1 (b) DUTIES.—

2 (1) STUDY.—The Commission shall conduct a  
3 thorough study of, and develop recommendations on,  
4 issues relating to genomic research as applied to mi-  
5 nority groups and, under section 516, submit a re-  
6 port to the appropriate committees of Congress that  
7 recommends policies that the Commission finds will  
8 ultimately improve healthcare and promote the elimi-  
9 nation of health disparities.

10 (2) ISSUES.—The study under paragraph (1)  
11 shall address specific issues and the needs of each  
12 minority group described in subparagraph (A) in ad-  
13 dition to issues involving genomic research that af-  
14 fect the groups as a whole. In conducting such study  
15 the Commission shall carry out the following:

16 (A) Establish standards in genomic re-  
17 search and services that will promote the im-  
18 provement of health and health-related services  
19 for the following groups: American Indians and  
20 Alaska Natives, African Americans, Asian  
21 Americans, Hispanics, and Native Hawaiians  
22 and other Pacific Islanders.

23 (B) Recommend minimum requirements  
24 and standards for the equitable use of genetics

1 research in patient care and public health serv-  
2 ices for racial and ethnic minority patients.

3 (C) Examine the accessibility, effective-  
4 ness, availability, and cost efficiency of genomic  
5 research, genetic testing, genetic counseling,  
6 and genetic screening to minority populations.

7 (D) Determine and recommend procedures  
8 and policies to address the need for cultural,  
9 linguistic, and religious sensitivity training for  
10 genetic counselors and researchers who work  
11 with minority groups.

12 (E) Evaluate whether minority persons are  
13 provided with informed consent that is cul-  
14 turally and linguistically appropriate to allow a  
15 fully informed decision about their healthcare,  
16 availability of treatments or options, or partici-  
17 pation in any clinical trial involving the collec-  
18 tion of genetic material.

19 (F) Recommend how population sampling  
20 studies of genetic information can be improved  
21 to aid in the elimination of health disparities  
22 and improve healthcare for minority commu-  
23 nities.

24 (G) Examine how genetic material or in-  
25 formation derived from individual minorities is

1 used the help minority groups with the use of  
2 highly specific drug therapies.

3 (H) Identify the accessibility, effectiveness,  
4 availability, privacy, and benefit of genetic data-  
5 bases and depositories to minority communities.

6 (I) Identify the accessibility, effectiveness,  
7 and affordability of reproductive technologies to  
8 minority groups.

9 (J) Recommend an incentives program for  
10 genomic researchers that will encourage the  
11 study of disease and genetic ailments that dis-  
12 proportionately affect minority communities.

13 **SEC. 613. REPORT.**

14 Not later than 2 years after the date of the enact-  
15 ment of this Act, the Commission shall prepare and sub-  
16 mit to the appropriate committees of Congress, the Presi-  
17 dent, and the general public a report containing a detailed  
18 statement of the findings and conclusions of the Commis-  
19 sion with respect to matters described in section  
20 512(b)(2), together with such recommendations as the  
21 Commission considers appropriate that may be specific to  
22 each minority group.

1 **SEC. 614. MEMBERSHIP.**

2 (a) NUMBER AND APPOINTMENT.—The Commission  
3 shall be composed of 17 members to be appointed as fol-  
4 lows:

5 (1) Four members shall be appointed by the  
6 Speaker of the House of Representatives.

7 (2) Four members shall be appointed by the mi-  
8 nority leader of the House of Representatives.

9 (3) Four members shall be appointed by the  
10 majority leader of the Senate.

11 (4) Four members shall be appointed by the mi-  
12 nority leader of the Senate.

13 (5) One member shall be appointed by the  
14 President.

15 (b) PERSONS ELIGIBLE.—

16 (1) IN GENERAL.—The members of the Com-  
17 mission shall be individuals who have knowledge or  
18 expertise, whether by experience or training, in mat-  
19 ters to be studied by the Commission. The members  
20 may be from the public or private sector, and may  
21 include employees of the Federal Government or of  
22 State, territory, tribal, or local governments, mem-  
23 bers of academia, legal scholars and practitioners,  
24 tribal leaders, representatives of nonprofit organiza-  
25 tions, or other interested individuals who dem-  
26 onstrate a dedication to the use of genomics to im-

1       prove minority healthcare and the elimination of  
2       health disparities among minorities.

3               (2) DIVERSITY.—It is the intent of Congress  
4       that individuals appointed to the Commission rep-  
5       resent diverse interests, ethnicities, various profes-  
6       sional backgrounds, and are from different regions  
7       of the United States.

8       (c) CONSULTATION AND APPOINTMENT.—

9               (1) IN GENERAL.—The President, Speaker of  
10       the House of Representatives, minority leader of the  
11       House of Representatives, majority leader of the  
12       Senate, and minority leader of the Senate shall con-  
13       sult among themselves before appointing the mem-  
14       bers of the Commission in order to achieve, to the  
15       maximum extent practicable, fair and equitable rep-  
16       resentation of various points of view with respect to  
17       matters studied by the Commission.

18              (2) DATE OF APPOINTMENT.—The appoint-  
19       ments of the members of the Commission shall be  
20       made not later than 90 days after the date of enact-  
21       ment of this Act.

22       (d) TERMS.—

23              (1) IN GENERAL.—Each member of the Com-  
24       mission shall be appointed for the life of the Com-  
25       mission.

1           (2) VACANCIES.—A vacancy in the Commission  
2           shall be filled in the manner in which the original  
3           appointment was made.

4           (e) BASIC PAY.—Members of the Commission shall  
5           serve without pay.

6           (f) TRAVEL EXPENSES.—Each member of the Com-  
7           mission shall receive travel expenses, including per diem  
8           in lieu of subsistence, in accordance with applicable provi-  
9           sions under subchapter I of chapter 57 of title 5, United  
10          States Code.

11          (g) CHAIRPERSON AND VICE CHAIRPERSON.—The  
12          members of the Commission shall elect a Chairperson and  
13          Vice Chairperson of the Commission from among the  
14          members.

15          (h) MEETINGS.—

16                (1) IN GENERAL.—The Commission shall meet  
17                at the call of the Chairperson or a majority of its  
18                members.

19                (2) INITIAL MEETING.—Not later than 30 days  
20                after the date on which all members of the Commis-  
21                sion have been appointed, the Commission shall hold  
22                its first meeting.

23 **SEC. 615. POWERS OF COMMISSION.**

24          (a) HEARINGS AND SESSIONS.—The Commission  
25          may, for the purpose of carrying out this subtitle, hold

1 hearings, sit and act at times and places, take testimony,  
2 and receive evidence as the Commission considers appro-  
3 priate to carry out this subtitle.

4 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
5 ber or agent of the Commission may, if authorized by the  
6 Commission, take any action that the Commission is au-  
7 thorized to take by this section.

8 (c) OBTAINING OFFICIAL DATA.—Notwithstanding  
9 sections 552 and 552a of title 5, United States Code, the  
10 Commission may secure directly from any department or  
11 agency of the United States information necessary to en-  
12 able it to carry out this subtitle. Upon request of the Com-  
13 mission, the head of that department or agency shall fur-  
14 nish that information to the Commission.

15 (d) POSTAL SERVICES.—The Commission may use  
16 the United States mails in the same manner and under  
17 the same conditions as other departments and agencies of  
18 the United States.

19 (e) WEBSITE.—For purposes of conducting the study  
20 under section 512(b)(1), the Commission shall establish  
21 and maintain a website to facilitate public comment and  
22 participation.

23 (f) STAFF OF FEDERAL AGENCIES.—Upon request  
24 of the Commission, the head of any Federal department  
25 or agency may detail, on a nonreimbursable basis, any of

1 the personnel of that department or agency to the Com-  
 2 mission to assist it in carrying out its duties under this  
 3 subtitle.

4 (g) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
 5 the request of the Commission, the Administrator of Gen-  
 6 eral Services may provide to the Commission, on a non-  
 7 reimbursable basis, the administrative support services  
 8 necessary for the Commission to carry out its responsibil-  
 9 ities under this subtitle.

10 **SEC. 616. TERMINATION.**

11 The Commission shall terminate 1 year after submit-  
 12 ting its final report pursuant to section 513.

13 **Subtitle C—Improving**  
 14 **Environmental Justice**

15 **SEC. 621. DEFINITIONS.**

16 For purposes of this subtitle:

17 (1) ENVIRONMENTAL JUSTICE.—

18 (A) IN GENERAL.—The term “environ-  
 19 mental justice” means the fair treatment of  
 20 people of all races, cultures, and socioeconomic  
 21 groups with respect to the development, adop-  
 22 tion, implementation, and enforcement of laws,  
 23 regulations, and policies affecting the environ-  
 24 ment.

1           (B) FAIR TREATMENT.—The term “fair  
2           treatment” means policies and practices that  
3           will minimize the likelihood that a minority,  
4           low-income, or Native American community will  
5           bear a disproportionate share of the adverse en-  
6           vironmental consequences, or be denied reason-  
7           able access to the environmental benefits, re-  
8           sulting from implementation of a Federal pro-  
9           gram or policy.

10          (2) FEDERAL AGENCY.—The term “Federal  
11          agency” means—

12                 (A) each Federal entity represented on the  
13          Working Group;

14                 (B) any other entity that conducts any  
15          Federal program or activity that substantially  
16          affects human health or the environment; and

17                 (C) each Federal agency that implements  
18          any program, policy, or activity applicable to  
19          Native Americans.

20          (3) WORKING GROUP.—The term “Working  
21          Group” means the interagency working group estab-  
22          lished by section 413.

23          (4) ADVISORY COMMITTEE.—The term “the Ad-  
24          visory Committee” means the advisory committee es-  
25          tablished by section 415.

1 **SEC. 622. ENVIRONMENTAL JUSTICE RESPONSIBILITIES OF**  
2 **FEDERAL AGENCIES.**

3 (a) ENVIRONMENTAL JUSTICE MISSION.—To the  
4 greatest extent practicable, the head of each Federal agen-  
5 cy shall make achieving environmental justice part of its  
6 mission by identifying and addressing, as appropriate, dis-  
7 proportionately high and adverse human health or envi-  
8 ronmental effects of its programs, policies, and activities  
9 on minority and low-income populations in the United  
10 States and its territories and possessions, including the  
11 District of Columbia, the Commonwealth of Puerto Rico,  
12 Virgin Islands, Guam, and the Commonwealth of the Mar-  
13 iana Islands.

14 (b) NONDISCRIMINATION.—Each Federal agency  
15 shall conduct its programs, policies, and activities in a  
16 manner that ensures that such programs, policies, and ac-  
17 tivities do not have the effect of excluding any person or  
18 group from participation in, denying any person or group  
19 the benefits of, or subjecting any person or group to dis-  
20 crimination under, such programs, policies, and activities,  
21 because of race, color, national origin, or income.

22 **SEC. 623. INTERAGENCY ENVIRONMENTAL JUSTICE WORK-**  
23 **ING GROUP.**

24 (a) CREATION AND COMPOSITION.—There is hereby  
25 established the Interagency Working Group on Environ-

1 mental Justice, comprising the heads of the following execu-  
2 tive agencies and offices, or their designees:

3 (1) The Department of Defense.

4 (2) The Department of Health and Human  
5 Services.

6 (3) The Department of Housing and Urban De-  
7 velopment.

8 (4) The Department of Homeland Security.

9 (5) The Department of Labor.

10 (6) The Department of Agriculture.

11 (7) The Department of Transportation.

12 (8) The Department of Justice;

13 (9) The Department of the Interior.

14 (10) The Department of Commerce.

15 (11) The Department of Energy.

16 (12) The Environmental Protection Agency.

17 (13) The Office of Management and Budget.

18 (14) Any other official of the United States  
19 that the President may designate.

20 (b) FUNCTIONS.—The Working Group shall—

21 (1) provide guidance to Federal agencies on cri-  
22 teria for identifying disproportionately high and ad-  
23 verse human health or environmental effects on mi-  
24 nority, low-income, and Native American popu-  
25 lations;

1           (2) coordinate with, provide guidance to, and  
2           serve as a clearinghouse for, each Federal agency as  
3           it develops or revises an environmental justice strat-  
4           egy as required by this subtitle, in order to ensure  
5           that the administration, interpretation and enforce-  
6           ment of programs, activities, and policies are under-  
7           taken in a consistent manner;

8           (3) assist in coordinating research by, and stim-  
9           ulating cooperation among, the Environmental Pro-  
10          tection Agency, the Department of Health and  
11          Human Services, the Department of Housing and  
12          Urban Development, and other Federal agencies  
13          conducting research or other activities in accordance  
14          with section 7;

15          (4) assist in coordinating data collection, main-  
16          tenance, and analysis required by this subtitle;

17          (5) examine existing data and studies on envi-  
18          ronmental justice;

19          (6) hold public meetings and otherwise solicit  
20          public participation and consider complaints as re-  
21          quired under subsection (c);

22          (7) develop interagency model projects on envi-  
23          ronmental justice that evidence cooperation among  
24          Federal agencies; and

1           (8) in coordination with the Department of the  
2 Interior and after consultation with tribal leaders,  
3 coordinate steps to be taken pursuant to this subtitle  
4 that affect or involve federally-recognized Indian  
5 Tribes.

6           (c) PUBLIC PARTICIPATION.—The Working Group  
7 shall—

8           (1) hold public meetings and otherwise solicit  
9 public participation, as appropriate, for the purpose  
10 of fact-finding with regard to implementation of this  
11 subtitle, and prepare for public review a summary of  
12 the comments and recommendations provided; and

13           (2) receive, consider, and in appropriate in-  
14 stances conduct inquiries concerning complaints re-  
15 garding environmental justice and the implementa-  
16 tion of this subtitle by Federal agencies.

17           (d) ANNUAL REPORTS.—

18           (1) IN GENERAL.—Each fiscal year following  
19 enactment of this Act, the Working Group shall sub-  
20 mit to the President, through the Office of the Dep-  
21 uty Assistant to the President for Environmental  
22 Policy and the Office of the Assistant to the Presi-  
23 dent for Domestic Policy, a report that describes the  
24 implementation of this subtitle, including, but not  
25 limited to, a report of the final environmental justice

1 strategies described in section 6 of this subtitle and  
2 annual progress made in implementing those strate-  
3 gies.

4 (2) COPY OF REPORT.—The President shall  
5 transmit to the Speaker of the House of Representa-  
6 tives and the President of the Senate a copy of each  
7 report submitted to the President pursuant to para-  
8 graph (1).

9 (e) CONFORMING CHANGE.—The Interagency Work-  
10 ing Group on Environmental Justice established under  
11 Executive Order No. 12898, dated February 11, 1994, is  
12 abolished.

13 **SEC. 624. FEDERAL AGENCY STRATEGIES.**

14 (a) AGENCY-WIDE STRATEGIES.—Each Federal  
15 agency shall develop an agency-wide environmental justice  
16 strategy that identifies and addresses disproportionately  
17 high and adverse human health or environmental effects  
18 or disproportionately low benefits of its programs, policies,  
19 and activities with respect to minority, low-income, and  
20 Native American populations.

21 (b) REVISIONS.—Each strategy developed pursuant  
22 to subsection (a) shall identify programs, policies, plan-  
23 ning, and public participation processes, rulemaking, and  
24 enforcement activities related to human health or the envi-  
25 ronment that should be revised to—

1           (1) promote enforcement of all health and envi-  
2           ronmental statutes in areas with minority, low-in-  
3           come, or Native American populations;

4           (2) ensure greater public participation;

5           (3) improve research and data collection relat-  
6           ing to the health of and environment of minority,  
7           low-income, and Native American populations; and

8           (4) identify differential patterns of use of nat-  
9           ural resources among minority, low-income, and Na-  
10          tive American populations.

11          (c) **TIMETABLES.**—Each strategy developed pursuant  
12 to subsection (a) shall include, where appropriate, a time-  
13 table for undertaking revisions identified pursuant to sub-  
14 section (b).

15 **SEC. 625. FEDERAL ENVIRONMENTAL JUSTICE ADVISORY**  
16 **COMMITTEE.**

17          (a) **ESTABLISHMENT.**—There is established a com-  
18 mittee to be known as the “Federal Environmental Justice  
19 Advisory Committee”.

20          (b) **DUTIES.**—The Advisory Committee shall provide  
21 independent advice and recommendations to the Environ-  
22 mental Protection Agency and the Working Group on  
23 areas relating to environmental justice, which may include  
24 any of the following:

1           (1) Advice on Federal agencies' framework de-  
2           velopment for integrating socioeconomic programs  
3           into strategic planning, annual planning, and man-  
4           agement accountability for achieving environmental  
5           justice results agency-wide.

6           (2) Advice on measuring and evaluating agen-  
7           cies' progress, quality, and adequacy in planning, de-  
8           veloping, and implementing environmental justice  
9           strategies, projects, and programs.

10          (3) Advice on agencies' existing and future in-  
11          formation management systems, technologies, and  
12          data collection, and the conduct of analyses that  
13          support and strengthen environmental justice pro-  
14          grams in administrative and scientific areas.

15          (4) Advice to help develop, facilitate, and con-  
16          duct reviews of the direction, criteria, scope, and  
17          adequacy of the Federal agencies' scientific research  
18          and demonstration projects relating to environ-  
19          mental justice.

20          (5) Advice for improving how the Environ-  
21          mental Protection Agency and others participate, co-  
22          operate, and communicate within that agency and  
23          between other Federal agencies, State or local gov-  
24          ernments, federally recognized Tribes, environmental  
25          justice leaders, interest groups, and the public.

1           (6) Advice regarding the Environmental Protec-  
2           tion Agency's administration of grant programs re-  
3           lating to environmental justice assistance (not to in-  
4           clude the review or recommendations of individual  
5           grant proposals or awards).

6           (7) Advice regarding agencies' awareness, edu-  
7           cation, training, and other outreach activities involv-  
8           ing environmental justice.

9           (c) ADVISORY COMMITTEE.—The Advisory Com-  
10          mittee shall be considered an advisory committee within  
11          the meaning of the Federal Advisory Committee Act (5  
12          U.S.C. App.).

13          (d) MEMBERSHIP.—

14               (1) IN GENERAL.—The Advisory Committee  
15               shall be composed of 21 members to be appointed in  
16               accordance with paragraph (2). Members shall in-  
17               clude representatives of—

18                       (A) community-based groups;

19                       (B) industry and business;

20                       (C) academic and educational institutions;

21                       (D) minority health organizations;

22                       (E) State and local governments, federally  
23               recognized tribes, and indigenous groups; and

24                       (F) nongovernmental and environmental  
25               groups.

1           (2) APPOINTMENTS.—Of the members of the  
2       Advisory Committee—

3           (A) five members shall be appointed by the  
4       majority leader of the Senate;

5           (B) five members shall be appointed by the  
6       minority leader of the Senate;

7           (C) five members shall be appointed by the  
8       Speaker of the House of Representatives;

9           (D) five members shall be appointed by the  
10      minority leader of the House of Representa-  
11      tives; and

12          (E) one member to be appointed by the  
13      President.

14      (e) MEETINGS.—The Advisory Committee shall meet  
15      at least twice annually. Meetings shall occur as needed and  
16      approved by the Director of the Office of Environmental  
17      Justice of the Environmental Protection Agency, who shall  
18      serve as the officer required to be appointed under section  
19      10(e) of the Federal Advisory Committee Act (5 U.S.C.  
20      App.) with respect to the Committee (in this subsection  
21      referred to as the “Designated Federal Officer”). The Ad-  
22      ministrators of the Environmental Protection Agency may  
23      pay travel and per diem expenses of members of the Advi-  
24      sory Committee when determined necessary and appro-  
25      priate. The Designated Federal Officer or a designee of

1 such Officer shall be present at all meetings, and each  
2 meeting will be conducted in accordance with an agenda  
3 approved in advance by such Officer. The Designated Fed-  
4 eral Officer may adjourn any meeting when the Des-  
5 igned Federal Officer determines it is in the public inter-  
6 est to do so. As required by the Federal Advisory Com-  
7 mittee Act, meetings of the Advisory Committee shall be  
8 open to the public unless the President determines that  
9 a meeting or a portion of a meeting may be closed to the  
10 public in accordance with subsection (c) of section 552b  
11 of title 5, United States Code. Unless a meeting or portion  
12 thereof is closed to the public, the Designated Federal Of-  
13 ficer shall provide an opportunity for interested persons  
14 to file comments before or after such meeting or to make  
15 statements to the extent that time permits.

16 (f) DURATION.—The Advisory Committee shall re-  
17 main in existence until otherwise provided by law.

18 **SEC. 626. HUMAN HEALTH AND ENVIRONMENTAL RE-**  
19 **SEARCH, DATA COLLECTION AND ANALYSIS.**

20 (a) DISPROPORTIONATE IMPACT.—To the extent per-  
21 mitted by other applicable law, including section 552a of  
22 title 5, United States Code, popularly known as the Pri-  
23 vacy Act of 1974, the Administrator of the Environmental  
24 Protection Agency, or the head of such other Federal  
25 agency as the President may direct, shall collect, maintain,

1 and analyze information assessing and comparing environ-  
2 mental and human health risks borne by populations iden-  
3 tified by race, national origin, or income. To the extent  
4 practical and appropriate, Federal agencies shall use this  
5 information to determine whether their programs, policies,  
6 and activities have disproportionately high and adverse  
7 human health or environmental effects on, or  
8 disproportionately low benefits for, minority, low-income,  
9 and Native American populations.

10 (b) INFORMATION RELATED TO NON-FEDERAL FA-  
11 CILITIES.—In connection with the development and imple-  
12 mentation of agency strategies in section 4, the Adminis-  
13 trator of the Environmental Protection Agency, or the  
14 head of such other Federal agency as the President may  
15 direct, shall collect, maintain, and analyze information on  
16 the race, national origin, and income level, and other read-  
17 ily accessible and appropriate information, for areas sur-  
18 rounding facilities or sites expected to have a substantial  
19 environmental, human health, or economic effect on the  
20 surrounding populations, if such facilities or sites become  
21 the subject of a substantial Federal environmental admin-  
22 istrative or judicial action.

23 (c) IMPACT FROM FEDERAL FACILITIES.—The Ad-  
24 ministrator of the Environmental Protection Agency, or  
25 the head of such other Federal agency as the President

1 may direct, shall collect, maintain, and analyze informa-  
2 tion on the race, national origin, and income level, and  
3 other readily accessible and appropriate information, for  
4 areas surrounding Federal facilities that are—

5 (1) subject to the reporting requirements under  
6 the Emergency Planning and Community Right-to-  
7 Know Act (42 U.S.C. 11001 et seq.) as mandated  
8 in Executive Order No. 12856; and

9 (2) expected to have a substantial environ-  
10 mental, human health, or economic effect on sur-  
11 rounding populations.

12 (d) INFORMATION SHARING.—

13 (1) IN GENERAL.—In carrying out the respon-  
14 sibilities in this section, each Federal agency, to the  
15 extent practicable and appropriate, shall share infor-  
16 mation and eliminate unnecessary duplication of ef-  
17 forts through the use of existing data systems and  
18 cooperative agreements among Federal agencies and  
19 with State, local, and tribal governments.

20 (2) PUBLIC AVAILABILITY.—Except as prohib-  
21 ited by other applicable law, information collected or  
22 maintained pursuant to this section shall be made  
23 available to the public.

24 (e) PUBLIC COMMENT.—Federal agencies shall pro-  
25 vide minority, low-income, and Native American popu-

1 lations the opportunity to participate in the development,  
 2 design, and conduct of activities undertaken pursuant to  
 3 this section.

4 **TITLE VII—STRENGTHENING**  
 5 **HEALTH INSTITUTIONS THAT**  
 6 **PROVIDE HEALTHCARE TO**  
 7 **MINORITY POPULATIONS**  
 8 **Subtitle A—General Provisions**

9 **SEC. 701. AMENDMENT TO THE PUBLIC HEALTH SERVICE**  
 10 **ACT.**

11 Title XXIX of the Public Health Service Act, as  
 12 amended by titles II, III, V, and VI of this Act, is further  
 13 amended by adding at the end the following:

14 **“Subtitle E—Strengthening Health**  
 15 **Institutions That Provide**  
 16 **Healthcare to Minority Popu-**  
 17 **lations**

18 **“CHAPTER 1—GENERAL PROGRAMS**

19 **“SEC. 2951. GRANT SUPPORT FOR QUALITY IMPROVEMENT**  
 20 **INITIATIVES.**

21 “(a) IN GENERAL.—The Secretary, in collaboration  
 22 with the Administrator of the Health Resources and Serv-  
 23 ices Administration, the Director of the Agency for  
 24 Healthcare Research and Quality, and the Administrator  
 25 of the Centers for Medicare and Medicaid Services, shall

1 award grants to eligible entities for the conduct of dem-  
2 onstration projects to improve the quality of and access  
3 to healthcare.

4 “(b) ELIGIBILITY.—To be eligible to receive a grant  
5 under subsection (a), an entity shall—

6 “(1) be a health center, hospital, health plan,  
7 health system, community clinic, or other health en-  
8 tity determined appropriate by the Secretary—

9 “(A) that, by legal mandate or explicitly  
10 adopted mission, provides patients with access  
11 to services regardless of their ability to pay;

12 “(B) that provides care or treatment for a  
13 substantial number of patients who are unin-  
14 sured, are receiving assistance under a State  
15 program under title XIX of the Social Security  
16 Act, or are members of vulnerable populations,  
17 as determined by the Secretary; and

18 “(C)(i) with respect to which, not less than  
19 50 percent of the entity’s patient population is  
20 made up of racial and ethnic minorities; or

21 “(ii) that—

22 “(I) serves a disproportionate percent-  
23 age of local, minority racial and ethnic pa-  
24 tients, or that has a patient population, at

1           least 50 percent of which is limited English  
2           proficient; and

3           “(II) provides an assurance that  
4           amounts received under the grant will be  
5           used only to support quality improvement  
6           activities in the racial and ethnic popu-  
7           lation served; and

8           “(2) prepare and submit to the Secretary an  
9           application at such time, in such manner, and con-  
10          taining such information as the Secretary may re-  
11          quire.

12          “(c) PRIORITY.—In awarding grants under sub-  
13          section (a), the Secretary shall give priority to applicants  
14          under subsection (b)(2) that—

15               “(1) demonstrate an intent to operate as part  
16               of a healthcare partnership, network, collaborative,  
17               coalition, or alliance where each member entity con-  
18               tributes to the design, implementation, and evalua-  
19               tion of the proposed intervention; or

20               “(2) intend to use funds to carry out system-  
21               wide changes with respect to healthcare quality im-  
22               provement, including—

23                       “(A) improved systems for data collection  
24                       and reporting;

1           “(B) innovative collaborative or similar  
2 processes;

3           “(C) group programs with behavioral or  
4 self-management interventions;

5           “(D) case management services;

6           “(E) physician or patient reminder sys-  
7 tems;

8           “(F) educational interventions; or

9           “(G) other activities determined appro-  
10 priate by the Secretary.

11       “(d) USE OF FUNDS.—An entity shall use amounts  
12 received under a grant under subsection (a) to support  
13 the implementation and evaluation of healthcare quality  
14 improvement activities or minority health and healthcare  
15 disparity reduction activities that include—

16           “(1) with respect to healthcare systems, activi-  
17 ties relating to improving—

18           “(A) patient safety;

19           “(B) timeliness of care;

20           “(C) effectiveness of care;

21           “(D) efficiency of care; and

22           “(E) patient centeredness; and

23           “(2) with respect to patients, activities relating  
24 to—

25           “(A) staying healthy;

1           “(B) getting well;

2           “(C) living with illness or disability; and

3           “(D) coping with end of life issues.

4           “(e) COMMON DATA SYSTEMS.—The Secretary shall  
5 provide financial and other technical assistance to grant-  
6 ees under this section for the development of common data  
7 systems.

8           “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
9 is authorized to be appropriated to carry out this section,  
10 such sums as may be necessary for each of fiscal years  
11 2007 through 2012.

12 **“SEC. 2951A. CENTERS OF EXCELLENCE.**

13           “(a) IN GENERAL.—The Secretary, acting through  
14 the Administrator of the Health Resources and Services  
15 Administration, shall designate centers of excellence at  
16 public hospitals, and other health systems serving large  
17 numbers of minority patients, that—

18           “(1) meet the requirements of section  
19 2971(b)(1);

20           “(2) demonstrate excellence in providing care to  
21 minority populations; and

22           “(3) demonstrate excellence in reducing dispari-  
23 ties in health and healthcare.

1       “(b) REQUIREMENTS.—A hospital or health system  
2 that serves as a Center of Excellence under subsection (a)  
3 shall—

4           “(1) design, implement, and evaluate programs  
5 and policies relating to the delivery of care in ra-  
6 cially, ethnically, and linguistically diverse popu-  
7 lations;

8           “(2) provide training and technical assistance  
9 to other hospitals and health systems relating to the  
10 provision of quality healthcare to minority popu-  
11 lations; and

12           “(3) develop activities for graduate or con-  
13 tinuing medical education that institutionalize a  
14 focus on cultural competence training for health care  
15 providers.

16       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated to carry out this section,  
18 such sums as may be necessary for each of fiscal years  
19 2007 through 2012.

20 **“SEC. 2951B. CONSULTATION, CONSTRUCTION AND REN-**  
21 **OVATION OF AMERICAN INDIAN AND ALASKA**  
22 **NATIVE FACILITIES; REPORTS.**

23       “(a) CONSULTATION.—Prior to the expenditure of, or  
24 the making of any firm commitment to expend, any funds  
25 appropriated for the planning, design, construction, or

1 renovation of facilities pursuant to the Act of November  
2 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder  
3 Act), the Secretary, acting through the Service, shall—

4           “(1) consult with any Indian tribe that would  
5           be significantly affected by such expenditure for the  
6           purpose of determining and, whenever practicable,  
7           honoring tribal preferences concerning size, location,  
8           type, and other characteristics of any facility on  
9           which such expenditure is to be made; and

10           “(2) ensure, whenever practicable, that such fa-  
11           cility meets the construction standards of any na-  
12           tionally recognized accrediting body by not later  
13           than 1 year after the date on which the construction  
14           or renovation of such facility is completed.

15           “(b) CLOSURE OF FACILITIES.—

16           “(1) IN GENERAL.—Notwithstanding any provi-  
17           sion of law other than this subsection, no Service  
18           hospital or outpatient healthcare facility or any inpa-  
19           tient service or special care facility operated by the  
20           Service, may be closed if the Secretary has not sub-  
21           mitted to the Congress at least 1 year prior to the  
22           date such proposed closure an evaluation of the im-  
23           pact of such proposed closure which specifies, in ad-  
24           dition to other considerations—

1           “(A) the accessibility of alternative  
2           healthcare resources for the population served  
3           by such hospital or facility;

4           “(B) the cost effectiveness of such closure;

5           “(C) the quality of healthcare to be pro-  
6           vided to the population served by such hospital  
7           or facility after such closure;

8           “(D) the availability of contract healthcare  
9           funds to maintain existing levels of service;

10          “(E) the views of the Indian tribes served  
11          by such hospital or facility concerning such clo-  
12          sure;

13          “(F) the level of utilization of such hos-  
14          pital or facility by all eligible Indians; and

15          “(G) the distance between such hospital or  
16          facility and the nearest operating Service hos-  
17          pital.

18          “(2) TEMPORARY CLOSURE.—Paragraph (1)  
19          shall not apply to any temporary closure of a facility  
20          or of any portion of a facility if such closure is nec-  
21          essary for medical, environmental, or safety reasons.

22          “(c) PRIORITY SYSTEM.—

23                 “(1) ESTABLISHMENT.—The Secretary shall es-  
24                 tablish a healthcare facility priority system, that  
25                 shall—

1           “(A) be developed with Indian tribes and  
2           tribal organizations through negotiated rule-  
3           making;

4           “(B) give the needs of Indian tribes the  
5           highest priority, with additional priority being  
6           given to those service areas where the health  
7           status of Indians within the area, as measured  
8           by life expectancy based upon the most recent  
9           data available, is significantly lower than the  
10          average health status for Indians in all service  
11          areas; and

12          “(C) at a minimum, include the lists re-  
13          quired in paragraph (2)(B) and the method-  
14          ology required in paragraph (2)(E);

15          except that the priority of any project established  
16          under the construction priority system in effect on  
17          the date of this Act shall not be affected by any  
18          change in the construction priority system taking  
19          place thereafter if the project was identified as one  
20          of the top 10 priority inpatient projects or one of the  
21          top 10 outpatient projects in the Indian Health  
22          Service budget justification for fiscal year 2006, or  
23          if the project had completed both Phase I and Phase  
24          II of the construction priority system in effect on  
25          the date of this title.

1           “(2) REPORT.—The Secretary shall submit to  
2 the President and Congress a report that includes—

3           “(A) a description of the healthcare facility  
4 priority system of the Service, as established  
5 under paragraph (1);

6           “(B) healthcare facility lists, including—

7           “(i) the total healthcare facility plan-  
8 ning, design, construction and renovation  
9 needs for Indians;

10           “(ii) the 10 top-priority inpatient care  
11 facilities;

12           “(iii) the 10 top-priority outpatient  
13 care facilities;

14           “(iv) the 10 top-priority specialized  
15 care facilities (such as long-term care and  
16 alcohol and drug abuse treatment); and

17           “(v) any staff quarters associated  
18 with such prioritized facilities;

19           “(C) the justification for the order of pri-  
20 ority among facilities;

21           “(D) the projected cost of the projects in-  
22 volved; and

23           “(E) the methodology adopted by the Serv-  
24 ice in establishing priorities under its healthcare  
25 facility priority system.

1           “(3) CONSULTATION.—In preparing each report  
2 required under paragraph (2) (other than the initial  
3 report) the Secretary shall annually—

4           “(A) consult with, and obtain information  
5 on all healthcare facilities needs from, Indian  
6 tribes and tribal organizations including those  
7 tribes or tribal organizations operating health  
8 programs or facilities under any funding agree-  
9 ment entered into with the Service under the  
10 Indian Self-Determination and Education As-  
11 sistance Act; and

12           “(B) review the total unmet needs of all  
13 tribes and tribal organizations for healthcare  
14 facilities (including staff quarters), including  
15 needs for renovation and expansion of existing  
16 facilities.

17           “(4) CRITERIA.—For purposes of this sub-  
18 section, the Secretary shall, in evaluating the needs  
19 of facilities operated under any funding agreement  
20 entered into with the Service under the Indian Self-  
21 Determination and Education Assistance Act, use  
22 the same criteria that the Secretary uses in evalu-  
23 ating the needs of facilities operated directly by the  
24 Service.

1           “(5) **EQUITABLE INTEGRATION.**—The Secretary  
2 shall ensure that the planning, design, construction,  
3 and renovation needs of Service and non-Service fa-  
4 cilities, operated under funding agreements in ac-  
5 cordance with the Indian Self-Determination and  
6 Education Assistance Act are fully and equitably in-  
7 tegrated into the healthcare facility priority system.

8           “(d) **REVIEW OF NEED FOR FACILITIES.**—

9           “(1) **REPORT.**—Beginning in 2007, the Sec-  
10 retary shall annually submit to the President and  
11 Congress a report which sets forth the needs of the  
12 Service and all Indian tribes and tribal organiza-  
13 tions, including urban Indian organizations, for in-  
14 patient, outpatient and specialized care facilities, in-  
15 cluding the needs for renovation and expansion of  
16 existing facilities.

17           “(2) **CONSULTATION.**—In preparing each report  
18 required under paragraph (1) (other than the initial  
19 report), the Secretary shall consult with Indian  
20 tribes and tribal organizations including those tribes  
21 or tribal organizations operating health programs or  
22 facilities under any funding agreement entered into  
23 with the Service under the Indian Self-Determina-  
24 tion and Education Assistance Act, and with urban  
25 Indian organizations.

1           “(3) CRITERIA.—For purposes of this sub-  
2           section, the Secretary shall, in evaluating the needs  
3           of facilities operated under any funding agreement  
4           entered into with the Service under the Indian Self-  
5           Determination and Education Assistance Act, use  
6           the same criteria that the Secretary uses in evalu-  
7           ating the needs of facilities operated directly by the  
8           Service.

9           “(4) EQUITABLE INTEGRATION.—The Secretary  
10          shall ensure that the planning, design, construction,  
11          and renovation needs of facilities operated under  
12          funding agreements, in accordance with the Indian  
13          Self-Determination and Education Assistance Act,  
14          are fully and equitably integrated into the develop-  
15          ment of the health facility priority system.

16          “(5) ANNUAL NOMINATIONS.—Each year the  
17          Secretary shall provide an opportunity for the nomi-  
18          nation of planning, design, and construction projects  
19          by the Service and all Indian tribes and tribal orga-  
20          nizations for consideration under the healthcare fa-  
21          cility priority system.

22          “(e) INCLUSION OF CERTAIN PROGRAMS.—All funds  
23          appropriated under the Act of November 2, 1921 (25  
24          U.S.C. 13), for the planning, design, construction, or ren-  
25          ovation of health facilities for the benefit of an Indian

1 tribe or tribes shall be subject to the provisions of section  
2 102 of the Indian Self-Determination and Education As-  
3 sistance Act.

4 “(f) INNOVATIVE APPROACHES.—The Secretary shall  
5 consult and cooperate with Indian tribes, tribal organiza-  
6 tions and urban Indian organizations in developing inno-  
7 vative approaches to address all or part of the total unmet  
8 need for construction of health facilities, including those  
9 provided for in other sections of this title and other ap-  
10 proaches.

11 “(g) LOCATION OF FACILITIES.—

12 “(1) PRIORITY.—The Bureau of Indian Affairs  
13 and the Service shall, in all matters involving the re-  
14 organization or development of Service facilities, or  
15 in the establishment of related employment projects  
16 to address unemployment conditions in economically  
17 depressed areas, give priority to locating such facili-  
18 ties and projects on Indian lands if requested by the  
19 Indian owner and the Indian tribe with jurisdiction  
20 over such lands or other lands owned or leased by  
21 the Indian tribe or tribal organization so long as pri-  
22 ority is given to Indian land owned by an Indian  
23 tribe or tribes.

24 “(2) DEFINITION.—In this subsection, the term  
25 ‘Indian lands’ means—

1           “(A) all lands within the exterior bound-  
2           aries of any Indian reservation;

3           “(B) any lands title to which is held in  
4           trust by the United States for the benefit of  
5           any Indian tribe or individual Indian, or held by  
6           any Indian tribe or individual Indian subject to  
7           restriction by the United States against alien-  
8           ation and over which an Indian tribe exercises  
9           governmental power; and

10           “(C) all lands in Alaska owned by any  
11           Alaska Native village, or any village or regional  
12           corporation under the Alaska Native Claims  
13           Settlement Act, or any land allotted to any  
14           Alaska Native.

15           “(h) DEFINITIONS.—For purposes of this section, the  
16           definitions contained in section 4 of the Indian Health  
17           Care Improvement Act shall apply.

18           **“SEC. 2951C. RECONSTRUCTION AND IMPROVEMENT**  
19                           **GRANTS FOR PUBLIC HEALTH CARE FACILI-**  
20                           **TIES SERVING PACIFIC ISLANDERS AND THE**  
21                           **INSULAR AREAS.**

22           “(a) IN GENERAL.—The Secretary shall provide di-  
23           rect financial assistance to designated healthcare providers  
24           and community health centers in American Samoa, Guam,  
25           the Commonwealth of the Northern Mariana Islands, the

1 United States Virgin Islands, Puerto Rico, and Hawaii for  
2 the purposes of reconstructing and improving health care  
3 facilities and services.

4 “(b) ELIGIBILITY.—To be eligible to receive direct fi-  
5 nancial assistance under subsection (a), an entity shall be  
6 a public health facility or community health center located  
7 in American Samoa, Guam, or the Commonwealth of the  
8 Northern Mariana Islands, the United States Virgin Is-  
9 lands, Puerto Rico, and Hawaii that—

10 “(1) is owned or operated by—

11 “(A) the government of American Samoa,  
12 Guam, or the Commonwealth of the Northern  
13 Mariana Islands, the United States Virgin Is-  
14 lands, Puerto Rico, and Hawaii or a unit of  
15 local government; or

16 “(B) a nonprofit organization; and

17 “(2)(A) provides care or treatment for a sub-  
18 stantial number of patients who are uninsured, re-  
19 ceiving assistance under a State program under a  
20 title XVIII of the Social Security Act, or a State  
21 program under title XIX of such Act, or who are  
22 members of a vulnerable population, as determined  
23 by the Secretary; or

24 “(B) serves a disproportionate percentage of  
25 local, minority racial and ethnic patients.

1       “(c) REPORT.—Not later than 180 days after the  
2 date of enactment of this title and annually thereafter, the  
3 Secretary shall submit to the Congress and the President  
4 a report that includes an assessment of health resources  
5 and facilities serving populations in American Samoa,  
6 Guam, and the Commonwealth of the Northern Mariana  
7 Islands, the United States Virgin Islands, Puerto Rico,  
8 and Hawaii. In preparing such report, the Secretary  
9 shall—

10           “(1) consult with and obtain information on all  
11 healthcare facilities needs from the entities described  
12 in subsection (b); and

13           “(2) include all amounts of Federal assistance  
14 received by each entity in the preceding fiscal year;

15           “(3) review the total unmet needs of each juris-  
16 diction for healthcare facilities, including needs for  
17 renovation and expansion of existing facilities; and

18           “(4) include a strategic plan for addressing the  
19 needs of each jurisdiction identified in the report.

20       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
21 is authorized to be appropriated such sums as necessary  
22 to carry out this section.

1 **“CHAPTER 2—NATIONAL HEALTH SAFETY**  
2 **NET INFRASTRUCTURE**

3 **“Subchapter A—General Provisions**

4 **“SEC. 2952. PAYMENTS TO HEALTHCARE FACILITIES.**

5 “(a) IN GENERAL.—The Secretary, with the approval  
6 of the Health Safety Net Infrastructure Trust Fund  
7 Board of Trustees described in section 2972C(d) (here-  
8 after in this subtitle referred to as the ‘Trust Fund  
9 Board’), shall make payments, from amounts in the  
10 Health Safety Net Infrastructure Trust Fund established  
11 under section 2972C(a) (hereafter in this subtitle referred  
12 to as the ‘Trust Fund’), for capital financing assistance  
13 to eligible healthcare facilities whose applications for as-  
14 sistance have been approved under this subtitle.

15 “(b) GENERAL ELIGIBILITY REQUIREMENTS FOR AS-  
16 SISTANCE.—

17 “(1) ELIGIBLE HEALTHCARE FACILITIES DE-  
18 SCRIBED.—

19 “(A) IN GENERAL.—A healthcare facility  
20 shall be generally eligible for capital financing  
21 assistance under this subtitle if the healthcare  
22 facility—

23 “(i) receives an additional payment  
24 under section 1886(d)(5)(F) of the Social  
25 Security Act and is described in clause

1 (i)(II) or clause (vii)(I) of such section, or  
2 is deemed a disproportionate share hospital  
3 under a State plan for medical assistance  
4 under title XIX of the Social Security Act  
5 on the basis described in section  
6 1923(b)(1) of such Act;

7 “(ii) is a hospital which meets the cri-  
8 teria for designation by the Secretary as  
9 an essential access community hospital  
10 under section 1820(i)(1) of such Act or a  
11 rural primary care hospital under section  
12 1820(i)(2) of such Act (whether or not  
13 such hospital is actually designated under  
14 such section);

15 “(iii) is a Federally qualified health  
16 center (as defined in section 1905(l)(2)(B)  
17 of such Act);

18 “(iv) is a hospital which—

19 “(I) is a sole community pro-  
20 vider; or

21 “(II) has closed within the pre-  
22 ceding 12 months;

23 “(v) is a facility which—

24 “(I) provides service to ill or in-  
25 jured individuals prior to the trans-

1 portation of such individuals to a hos-  
2 pital or provides inpatient care to in-  
3 dividuals needing such care for a pe-  
4 riod not longer than 96 hours;

5 “(II) is located in a county (or  
6 equivalent unit of local government)  
7 with fewer than 6 residents per  
8 square mile or is located more than  
9 35 road miles from the nearest hos-  
10 pital;

11 “(III) permits a physician assist-  
12 ant or nurse practitioner to admit and  
13 treat patients under the supervision of  
14 a physician not present in such facil-  
15 ity; and

16 “(IV) has obtained a waiver from  
17 the Secretary permitting the facility  
18 to participate in the medicare pro-  
19 gram under title XVIII of the Social  
20 Security Act; or

21 “(vi) is a hospital that the Secretary  
22 otherwise determines to be an appropriate  
23 recipient of assistance under this subtitle  
24 on the basis of the existence of a patient  
25 care operating deficit, a demonstrated in-

1 ability to secure or repay financing for a  
2 qualifying project on reasonable terms, or  
3 such other criteria as the Secretary con-  
4 siders appropriate.

5 “(B) DEVELOPMENT OF CRITERIA.—For  
6 purposes of subparagraph (A)(vi), with respect  
7 to rural hospitals which are at risk or critical  
8 to healthcare access, the Prospective Payment  
9 Review Commission, not later than January 1,  
10 2006, shall develop criteria to assist the Sec-  
11 retary in deciding if such hospitals deserve as-  
12 sistance, after considering, at a minimum, the  
13 following factors:

14 “(i) AT-RISK RURAL HOSPITALS.—In  
15 the case of rural hospitals the closure of  
16 which within the next year is imminent or  
17 the continued operation of which over a 2-  
18 to 5-year period is questionable, such fac-  
19 tors as the level of health resources avail-  
20 able in a community as measured by physi-  
21 cian supply, the population base of the  
22 area served by the hospital and utilization  
23 of services by such population as measured  
24 by service area population, and financial  
25 indicators predictive of closure.

1                   “(ii) RURAL HOSPITALS CRITICAL TO  
2                   HEALTHCARE ACCESS.—In the case of  
3                   rural hospitals which provide access to es-  
4                   sential health services within a service area  
5                   where no other provider of such essential  
6                   services exists, such factors as the market  
7                   share of the hospital for an area or popu-  
8                   lation, the number of outpatient visits, the  
9                   proximity of the next closest provider of  
10                  such services, and the degree to which the  
11                  area population is medically underserved.

12                  “(2) OWNERSHIP REQUIREMENTS.—In order to  
13                  be eligible for assistance under this subtitle, a  
14                  healthcare facility (other than a healthcare facility  
15                  described in clauses (ii) and (v) of paragraph (1))  
16                  must—

17                         “(A) be owned or operated by a unit of  
18                         State or local government;

19                         “(B) be a quasi-public corporation, defined  
20                         as a private, nonprofit corporation or public  
21                         benefit corporation which is formally granted  
22                         one or more governmental powers by legislative  
23                         action through (or is otherwise partially funded  
24                         by) the State legislature, city or county council;

1           “(C) be a private nonprofit healthcare fa-  
2           cility which has contracted with, or is otherwise  
3           funded by, a governmental agency to provide  
4           healthcare services to low income individuals  
5           not eligible for assistance under title XVIII or  
6           title XIX of the Social Security Act, where rev-  
7           enue from such contracts constitute at least 10  
8           percent of the facility’s operating revenues over  
9           the prior 3 fiscal years; or

10           “(D) be a nonprofit small rural healthcare  
11           facility (as determined by the Secretary).

12           “(3) PRIORITY.—In making payments under  
13           this section, the Secretary shall give priority to eligi-  
14           ble healthcare entities that are federally qualified  
15           health centers (as defined in section 1905(l)(2)(B)  
16           of the Social Security Act), or other similar entities  
17           at least 50 percent of the patients of which are mi-  
18           nority or low-income individuals.

19           “(c) MEETING ADDITIONAL SPECIFIC CRITERIA.—  
20           Healthcare facilities that are generally eligible for assist-  
21           ance under this subtitle under subsection (b) may apply  
22           for the specific programs described in this subtitle and  
23           must meet any additional criteria for participation in such  
24           programs.

1       “(d) ASSISTANCE AVAILABLE.—Capital financing as-  
2       sistance available under this subtitle shall include loan  
3       guarantees, interest rate subsidies, matching loans and di-  
4       rect grants. Healthcare facilities determined to be gen-  
5       erally eligible for assistance under this subtitle may apply  
6       for and receive more than one type of assistance under  
7       this subtitle.

8       **“SEC. 2952A. APPLICATION FOR ASSISTANCE.**

9       “(a) IN GENERAL.—No healthcare facilities may re-  
10      ceive assistance for a qualifying project under this subtitle  
11      unless the healthcare facility—

12             “(1) has filed with the Secretary, in a form and  
13             manner specified by the Secretary, with the advice  
14             and approval of the Trust Fund Board (as described  
15             in section 2972C(d)), an application for assistance  
16             under this subtitle;

17             “(2) establishes in its application (for its most  
18             recent cost reporting period) that it meets the cri-  
19             teria for general eligibility under this subtitle;

20             “(3) includes a description of the project, in-  
21             cluding the community in which it is located, and  
22             describes utilization and services characteristics of  
23             the project and the healthcare facility, and the pa-  
24             tient population that is to be served;

1           “(4) describes the extent to which the project  
2 will include the financial participation of State and  
3 local governments if assistance is granted under this  
4 subtitle, and all other sources of financing sought  
5 for the project; and

6           “(5) establishes, to the satisfaction of the Sec-  
7 retary and the Trust Fund Board, that the project  
8 meets the additional criteria for each type of capital  
9 financing assistance for which it is applying.

10          “(b) CRITERIA FOR APPROVAL.—The Secretary, with  
11 the approval of the Trust Fund Board, shall determine  
12 for each application for assistance under this subtitle—

13           “(1) whether the healthcare facility meets the  
14 general eligibility criteria under section 2972(b);

15           “(2) whether the healthcare facility meets the  
16 specific eligibility criteria of each type of assistance  
17 for which it has applied, including whether the  
18 healthcare facility meets any criteria for priority  
19 consideration for the type of assistance for which it  
20 has applied;

21           “(3) whether the capital project for which as-  
22 sistance is being requested is a qualifying project  
23 under this subtitle; and

1           “(4) whether funds are available, pursuant to  
2           the limitations of each program, to fully fund the re-  
3           quest for assistance.

4           “(c) PRIORITY OF APPLICATIONS.—In addition to  
5           meeting the criteria otherwise described in this subtitle,  
6           at the discretion of the Trust Fund Board, the Secretary  
7           shall give preference to those applications for qualifying  
8           projects that—

9           “(1)(A) are necessary to bring existing safety  
10          net healthcare facilities into compliance with accredi-  
11          tation standards of fire and life safety, seismic, or  
12          other related Federal, State or local regulatory  
13          standards;

14          “(B) improve the provision of essential services  
15          such as emergency medical and trauma services,  
16          AIDS and infectious disease, perinatal, burn, pri-  
17          mary care, and other services which the Trust Fund  
18          Board may designate; or

19          “(C) provide access to otherwise unavailable es-  
20          sential health services to the indigent and other  
21          needy persons within the healthcare facility’s terri-  
22          torial area;

23          “(2) include specific State or local governmental  
24          or other non-Federal assurances of financial support

1 if assistance for a qualifying project is granted  
2 under this subtitle; and

3 “(3) are unlikely to be financed without assist-  
4 ance granted under this subtitle.

5 “(d) SUBMISSION OF APPLICATIONS.—Applications  
6 under this subtitle shall be submitted to the Secretary  
7 through the Trust Fund Board. If two or more healthcare  
8 facilities join in the project, the application shall be sub-  
9 mitted by all participating healthcare facilities jointly.  
10 Such applications shall set forth all of the descriptions,  
11 plans, specifications, and assurances as required by this  
12 subtitle and contain other such information as the Trust  
13 Fund Board shall require.

14 “(e) OPPORTUNITY FOR APPEAL.—The Trust Fund  
15 Board shall afford a healthcare facility applying for a loan  
16 guarantee under this section an opportunity for a hearing  
17 if the guarantee is denied.

18 “(f) APPLICATIONS FOR AMENDMENTS.—Amend-  
19 ment of an approved application shall be subject to ap-  
20 proval in the same manner as an original application.

21 **“SEC. 2952B. PUBLIC SERVICE RESPONSIBILITIES.**

22 “(a) IN GENERAL.—Any healthcare facility accepting  
23 capital financing assistance under this subtitle shall  
24 agree—



1 priations Acts, only for making expenditures to carry out  
2 the purposes of this subtitle.

3 “(d) BOARD OF TRUSTEES; COMPOSITION; MEET-  
4 INGS; DUTIES.—

5 “(1) IN GENERAL.—There shall be created a  
6 Health Safety Net Infrastructure Trust Fund Board  
7 of Trustees composed of the Secretary of Health and  
8 Human Services, the Secretary of the Treasury, the  
9 Assistant Secretary for Health, the Director of the  
10 Office of Minority Health, and the Administrator of  
11 the Centers for Medicare and Medicaid Services (all  
12 serving in their ex officio capacities), and 5 public  
13 members who shall be appointed for 4 year terms by  
14 the President, from the following categories—

15 “(A) one chief health officer from a State;

16 “(B) one chief executive officer of a  
17 healthcare facility that meets the general eligi-  
18 bility criteria of this subtitle;

19 “(C) one representative of the financial  
20 community; and

21 “(D) two additional public or consumer  
22 representatives.

23 “(2) DUTIES.—The Board of Trustees shall  
24 meet no less than quarterly and shall have the re-  
25 sponsibility to approve implementing regulations, to

1 establish criteria, and to recommend and approve ex-  
2 penditures by the Secretary under the programs set  
3 forth in this subtitle.

4 “(3) MANAGING TRUSTEE.—The Secretary of  
5 the Treasury shall serve as the Managing Trustee of  
6 the Trust Fund, and shall be responsible for the in-  
7 vestment of funds. The provisions of subsections (b)  
8 through (e) of section 1817 of the Social Security  
9 Act shall apply to the Trust Fund and the Managing  
10 Trustee of the Trust Fund in the same manner as  
11 they apply to the Federal Hospital Insurance Trust  
12 Fund and the Managing Trustee of that Trust  
13 Fund.

14 **“SEC. 2952D. ADMINISTRATION.**

15 “(a) IN GENERAL.—The Administrator of the Cen-  
16 ters for Medicare and Medicaid Services shall serve as Sec-  
17 retary of the Board of Trustees and shall administer the  
18 programs under this subtitle.

19 “(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—  
20 Not more than 5 percent of the funds annually appro-  
21 priated to the Trust Fund may be available for adminis-  
22 tration of the Trust Fund or programs under this subtitle.

1           **“Subchapter B—Loan Guarantees**

2   **“SEC. 2953. PROVISION OF LOAN GUARANTEES TO SAFETY**

3                           **NET HEALTHCARE FACILITIES.**

4           “(a) IN GENERAL.—The Safety Net Infrastructure  
5 Trust Fund will provide a Federal guarantee of loan re-  
6 payment, including guarantees of repayment of refi-  
7 nancing loans, to non-Federal lenders making loans to eli-  
8 gible healthcare facilities for healthcare facility replace-  
9 ment (either by construction or acquisition), moderniza-  
10 tion and renovation projects, and capital equipment acqui-  
11 sition.

12           “(b) PURPOSES.—The loan guarantee program shall  
13 be designed by the Trust Fund Board with the goal of  
14 rebuilding and maintaining the essential health services of  
15 healthcare facilities eligible for assistance under this sub-  
16 title.

17   **“SEC. 2953A. ELIGIBLE LOANS.**

18           “(a) IN GENERAL.—Loan guarantees under this  
19 chapter are available for loans made to eligible healthcare  
20 facilities for replacement facilities (either newly con-  
21 structed or acquired), modernization and renovation of ex-  
22 isting facilities, and for capital equipment acquisition.

23           “(b) LOAN GUARANTEE MUST BE ESSENTIAL TO  
24 BOND FINANCING.—Eligible healthcare facilities must  
25 demonstrate that a Federal loan guarantee is essential to

1 obtaining bond financing from non-Federal lenders at a  
2 reasonably affordable rate of interest.

3 “(c) ADDITIONAL ELIGIBILITY CRITERIA FOR LOAN  
4 GUARANTEES.—In order to be eligible for assistance  
5 under this chapter, a healthcare facility must demonstrate  
6 that the following criteria are met:

7 “(1) The healthcare facility has evidence of an  
8 ability to meet debt service.

9 “(2) The assistance, when considered with other  
10 resources available to the project, is necessary and  
11 will restore, improve, or maintain the financial or  
12 physical soundness of the healthcare facility.

13 “(3) The applicant agrees to assume the public  
14 service responsibilities described in section 2952B.

15 “(4) The project is being, or will be, operated  
16 and managed in accordance with a management-im-  
17 provement-and-operating plan which is designed to  
18 reduce the operating costs of the project, which has  
19 been approved by the Trust Fund Board, and which  
20 includes—

21 “(A) a detailed maintenance schedule;

22 “(B) a schedule for correcting past defi-  
23 ciencies in maintenance, repairs, and replace-  
24 ments;

1           “(C) a plan to upgrade the project to meet  
2           cost-effective energy efficiency standards pre-  
3           scribed by the Trust Fund Board;

4           “(D) a plan to improve financial and man-  
5           agement control systems;

6           “(E) a detailed annual operating budget  
7           taking into account such standards for oper-  
8           ating costs in the area as may be determined by  
9           the Trust Fund Board; and

10           “(F) such other requirements as the Trust  
11           Fund Board may determine.

12           “(5) The application includes stringent provi-  
13           sions for continued State or local support of the pro-  
14           gram, both with respect to operating and financial  
15           capital.

16           “(6) The terms, conditions, maturity, security  
17           (if any), and schedule and amount of repayments  
18           with respect to the loan are sufficient to protect the  
19           financial interests of the United States and are oth-  
20           erwise reasonable and in accord with regulation, in-  
21           cluding a determination that the rate of interest  
22           does not exceed such annual percentage on the prin-  
23           cipal obligation outstanding as the Trust Fund  
24           Board determines to be reasonable, taking into ac-  
25           count the range of interest rates prevailing in the

1 private market for similar loans and the risks as-  
2 sumed by the United States.

3 “(7) The healthcare facility must meet such  
4 other additional criteria as the Secretary may im-  
5 pose.

6 “(e) STATE OR LOCAL PARTICIPATION.—Projects in  
7 which State or local governmental entities participate in  
8 the form of first guarantees of part or all of the total loan  
9 value shall be given a preference for loan guarantees under  
10 this chapter.

11 **“SEC. 2953B. GUARANTEE ALLOTMENTS.**

12 “(a) IN GENERAL.—\$150,000,000 shall be annually  
13 allocated within the Trust Fund to the loan guarantee pro-  
14 gram established by this chapter in order to create a cu-  
15 mulative reserve in support of loan guarantees.

16 “(b) LOAN GUARANTEES FOR RURAL HEALTHCARE  
17 FACILITIES.—At least 20 percent of the dollar value of  
18 loan guarantees made under this program during any  
19 given year shall be allocated for eligible rural healthcare  
20 facilities, to the extent a sufficient number of applications  
21 are made by such healthcare facilities.

22 “(c) GUARANTEES FOR SMALL LOANS.—At least  
23 \$200,000,000 of the annual dollar value of loan guaran-  
24 tees made under the program shall be reserved for loans

1 of under \$50,000,000, if there are a sufficient number of  
2 applicants for loans of that size.

3 “(d) SPECIAL RULE FOR REFINANCING LOANS.—  
4 Not more than 20 percent of the amount allocated each  
5 year to the loan guarantee program established by this  
6 chapter may be allocated to guarantee refinancing loans  
7 during the year.

8 **“SEC. 2953C. TERMS AND CONDITIONS OF LOAN GUARAN-**  
9 **TEES.**

10 “(a) IN GENERAL.—The principal amount of the  
11 guaranteed loan, when added to any Federal grant assist-  
12 ance made under this subtitle, may not exceed 95 percent  
13 of the total value of the project, including land.

14 “(b) GUARANTEES PROVIDED MAY NOT SUPPLANT  
15 OTHER FUNDS.—Guarantees provided under this chapter  
16 may not be used to supplant other forms of State or local  
17 support.

18 “(c) RIGHT TO RECOVER FUNDS.—The United  
19 States shall be entitled to recover from any applicant  
20 healthcare facility the amount of payments made pursuant  
21 to any loan guarantee under this chapter, unless the Trust  
22 Fund Board for good cause waives its right of recovery,  
23 and the United States shall, upon making any such pay-  
24 ment pursuant to any such loan guarantee be subrogated  
25 to all of the rights of the recipients of the payments.

1       “(d) MODIFICATION OF TERMS.—Loan guarantees  
2 made under this chapter shall be subject to further terms  
3 and conditions as the Trust Fund Board determines to  
4 be necessary to assure that the purposes of this Act will  
5 be achieved, and any such terms and conditions may be  
6 modified by the Trust Fund Board to the extent that it  
7 determines such modifications to be consistent with the  
8 financial interest of the United States.

9       “(e) TERMS ARE INCONTESTABLE ABSENT FRAUD  
10 OR MISREPRESENTATION.—Any loan guarantee made by  
11 the Trust Fund Board pursuant to this chapter shall be  
12 incontestable in the hands of an applicant on whose behalf  
13 such guarantee is made, and as to any person who makes  
14 or contracts to make a loan to such applicant in reliance  
15 thereon, except for fraud or misrepresentation on the part  
16 of such applicant or other person.

17 **“SEC. 2953D. PREMIUMS FOR LOAN GUARANTEES.**

18       “(a) IN GENERAL.—The Trust Fund Board shall de-  
19 termine a reasonable loan insurance premium which shall  
20 be charged for loan guarantees under this chapter, taking  
21 into account the availability of the reserves created under  
22 section 2953B. Premium charges shall be payable in cash  
23 to the Trust Fund Board, either in full upon issuance,  
24 or annually in advance. In addition to the premium charge  
25 herein provided for, the Trust Fund Board is authorized

1 to charge and collect such amount as it may deem reason-  
2 able for the appraisal of a property or project offered for  
3 insurance and for the inspection of such property or  
4 project.

5 “(b) PAYMENT IN ADVANCE.—In the event that the  
6 principal obligation of any loan accepted for insurance  
7 under this chapter is paid in full prior to the maturity  
8 date, the Trust Fund Board is authorized in its discretion  
9 to require the payment by the borrower of an adjusted  
10 premium charge in such amount as the Board determines  
11 to be equitable, but not in excess of the aggregate amount  
12 of the premium charges that the healthcare facility would  
13 otherwise have been required to pay if the loan had contin-  
14 ued to be insured until maturity date.

15 “(c) TRUST FUND BOARD MAY WAIVE PREMIUMS.—  
16 The Trust Fund Board may in its discretion partially or  
17 totally waive premiums charged for loan insurance under  
18 this section for financially distressed healthcare facilities  
19 (as described by the Secretary).

20 **“SEC. 2953E. PROCEDURES IN THE EVENT OF LOAN DE-**  
21 **FAULT.**

22 “(a) IN GENERAL.—Failure of the borrower to make  
23 payments due under or provided by the terms of a loan  
24 accepted for insurance under this chapter shall constitute  
25 a default.

1       “(b) ASSIGNMENT OF DEFAULTED LOANS.—If a de-  
2 fault continues for 30 days, then, upon the lender’s trans-  
3 fer to the Trust Fund Board of all its rights and interests  
4 arising under the defaulted loan or in connection with the  
5 loan transaction, the lender shall be entitled to debentures  
6 which, together with a certificate of claim, are equal in  
7 value to the amount the lender would have received if, on  
8 the date of transfer, the borrower had repaid the loan in  
9 full, together with the amount of necessary expenses in-  
10 curred by the lender in connection with the default.

11       “(c) FORECLOSURE BY LENDER.—Subject to the ap-  
12 proval of the Trust Fund Board, or as provided in regula-  
13 tions, the lender may foreclose on the property securing  
14 the defaulted loan.

15       “(d) FORECLOSURE BY TRUST FUND BOARD.—The  
16 Trust Fund Board is authorized to—

17               “(1) acquire possession of and title to any prop-  
18 erty securing a defaulted loan by voluntary convey-  
19 ance in extinguishment of the indebtedness, or

20               “(2) institute proceedings for foreclosure on the  
21 property securing any such defaulted loan and pros-  
22 ecute such proceedings to conclusion.

23       “(e) HANDLING AND DISPOSAL OF PROPERTY; SET-  
24 TLEMENT OF CLAIMS.—

1           “(1) PAYMENT FOR CERTAIN EXPENSES.—Not-  
2           withstanding any other provision of law relating to  
3           the acquisition, handling, or disposal of real and  
4           other property by the United States, the Trust Fund  
5           Board shall also have power, for the protection of  
6           the interests of the Trust Fund, to pay out of the  
7           Trust Fund all expenses or charges in connection  
8           with, and to deal with, complete, reconstruct, rent,  
9           renovate, modernize, insure, make contracts for the  
10          management of, or establish suitable agencies for  
11          the management of, or sell for cash or credit or lease  
12          in its discretion, any property acquired by the Trust  
13          Fund under this section.

14          “(2) SETTLEMENT OF CLAIMS.—Notwith-  
15          standing any other provision of law, the Trust Fund  
16          Board shall also have the power to pursue to final  
17          collection by way of compromise or otherwise all  
18          claims assigned and transferred to the Trust Fund  
19          in connection with the assignment, transfer, and de-  
20          livery provided for in this section, and at any time,  
21          upon default, to foreclose or refrain from foreclosing  
22          on any property secured by any defaulted loan as-  
23          signed and transferred to or held by the Trust  
24          Fund.



1 or similar facility or equipment failures. Such grants  
2 would provide limited funding for repair and renova-  
3 tion where failure to fund would disrupt the provi-  
4 sion of essential public health services such as emer-  
5 gency care.

6 “(2) Emergency grants would be available for  
7 capital renovation, expansion, or replacement nec-  
8 essary to the maintenance or expansion of essential  
9 safety and health services such as obstetrics,  
10 perinatal, emergency and trauma, primary care and  
11 preventive health services.

12 “(3) Planning grants would be available to eli-  
13 gible healthcare facilities who require pre-approval  
14 assistance to meet regulatory requirements related  
15 to management and finance in order to apply for  
16 loans, loan guarantees, and interest subsidies under  
17 this subtitle.

18 “(c) PRIORITY TO FINANCIALLY DISTRESSED  
19 HEALTHCARE FACILITIES.—Priority for direct grants  
20 under this section would be given to financially distressed  
21 healthcare facilities (as described by the Secretary).

22 “(d) APPLICATION PROCESS.—The Secretary, with  
23 the approval of the Trust Fund Board, shall create an  
24 expedited application process for direct grants.

1 **“SEC. 2956A. ELIGIBLE PROJECTS.**

2 “(a) MATCHING GRANTS.—

3 “(1) LIMITATION ON AMOUNT.—Grants for cap-  
4 ital expenditures by eligible healthcare facilities will  
5 be limited to \$25,000,000.

6 “(2) MATCHING REQUIREMENT.—At least half  
7 of the projects funded in a year must receive at least  
8 50 percent of their funding from State or local  
9 sources. The remaining projects funded during the  
10 year could be financed up to 90 percent with a com-  
11 bination of Federal grants and loans.

12 “(3) RESERVATION FOR RURAL HEALTHCARE  
13 FACILITIES.—No less than 20 percent of the grant  
14 funds in any given year would be reserved for rural  
15 healthcare facilities, provided that a sufficient num-  
16 ber of applications are approved.

17 “(b) PLANNING GRANTS.—Applicants who can dem-  
18 onstrate general qualification for the direct matching loan,  
19 loan guarantee, or interest subsidy programs under this  
20 subtitle or eligibility for mortgage insurance under section  
21 242 of the National Housing Act will be eligible for a  
22 grant of up to \$500,000 to assist in implementation of  
23 key budgetary and financial systems as well as manage-  
24 ment and governance restructuring.”.

1 **SEC. 702. ESTABLISHMENT OF ALEJANDRO GARCIA NA-**  
2 **TIONAL CENTER FOR SOCIAL WORK RE-**  
3 **SEARCH.**

4 Title V of the Public Health Service Act (42 U.S.C.  
5 290aa et seq.) is amended by adding at the end the fol-  
6 lowing:

7 **“PART J—ALEJANDRO GARCIA NATIONAL**  
8 **CENTER FOR SOCIAL WORK RESEARCH**

9 **“SEC. 597. PURPOSE OF CENTER.**

10 “The general purpose of the Alejandro Garcia Na-  
11 tional Center for Social Work Research (referred to in this  
12 part as the ‘Center’) is the conduct and support of, and  
13 dissemination of targeted research on social work methods  
14 and outcomes related to problems of significant social con-  
15 cern. The Center shall promote research and training de-  
16 signed to inform social work practice, thus increasing the  
17 knowledge base which promotes a healthier America. In  
18 addition, the Center shall provide policymakers with em-  
19 pirically-based research information to better understand  
20 complex social issues and make informed funding decisions  
21 about service effectiveness and cost efficiency.

22 **“SEC. 597A. SPECIFIC AUTHORITIES.**

23 “(a) IN GENERAL.—To carry out the purpose de-  
24 scribed in section 597, the Director of the Center may pro-  
25 vide research training and instruction and establish, in the  
26 Center and in other nonprofit institutions, research

1 traineeships and fellowships in the study and investigation  
2 of the prevention of disease, health promotion, the associa-  
3 tion of socioeconomic status, gender, ethnicity, age, and  
4 geographical location and health, the social work care of  
5 persons with and families of individuals with acute and  
6 chronic illnesses, child abuse, neglect, and youth violence,  
7 and child and family care to address problems of signifi-  
8 cant social concern especially in underserved populations  
9 and underserved geographical areas.

10       “(b) STIPENDS AND ALLOWANCES.—The Director of  
11 the Center may provide individuals receiving training and  
12 instruction or traineeships or fellowships under subsection  
13 (a) with such stipends and allowances (including amounts  
14 for travel and subsistence and dependency allowances) as  
15 the Director determines necessary.

16       “(c) GRANTS.—The Director of the Center may make  
17 grants to nonprofit institutions to provide training and in-  
18 struction and traineeships and fellowships under sub-  
19 section (a).

20 **“SEC. 597B. ADVISORY COUNCIL.**

21       “(a) DUTIES.—

22               “(1) IN GENERAL.—The Secretary shall estab-  
23 lish an advisory council for the Center that shall ad-  
24 vise, assist, consult with, and make recommenda-  
25 tions to the Secretary and the Director of the Center

1 on matters related to the activities carried out by  
2 and through the Center and the policies with respect  
3 to such activities.

4 “(2) GIFTS.—The advisory council for the Cen-  
5 ter may recommend to the Secretary the acceptance,  
6 in accordance with section 231, of conditional gifts  
7 for study, investigations, and research and for the  
8 acquisition of grounds or construction, equipment, or  
9 maintenance of facilities for the Center.

10 “(3) OTHER DUTIES AND FUNCTIONS.—The  
11 advisory council for the Center—

12 “(A)(i) may make recommendations to the  
13 Director of the Center with respect to research  
14 to be conducted by the Center;

15 “(ii) may review applications for grants  
16 and cooperative agreements for research or  
17 training and recommend for approval applica-  
18 tions for projects that demonstrate the prob-  
19 ability of making valuable contributions to  
20 human knowledge; and

21 “(iii) may review any grant, contract, or  
22 cooperative agreement proposed to be made or  
23 entered into by the Center;

24 “(B) may collect, by correspondence or by  
25 personal investigation, information relating to

1 studies that are being carried out in the United  
2 States or any other country and, with the ap-  
3 proval of the Director of the Center, make such  
4 information available through appropriate publi-  
5 cations; and

6 “(C) may appoint subcommittees and con-  
7 vene workshops and conferences.

8 “(b) MEMBERSHIP.—

9 “(1) IN GENERAL.—The advisory council shall  
10 be composed of the ex officio members described in  
11 paragraph (2) and not more than 18 individuals to  
12 be appointed by the Secretary under paragraph (3).

13 “(2) EX OFFICIO MEMBERS.—The ex officio  
14 members of the advisory council shall include—

15 “(A) the Secretary of Health and Human  
16 Services, the Director of NIH, the Director of  
17 the Center, the Director of the Office of Behav-  
18 ioral and Social Sciences Research, the Chief  
19 Social Work Officer of the Veterans’ Adminis-  
20 tration, the Assistant Secretary of Defense for  
21 Health Affairs, the Associate Director of Pre-  
22 vention Research at the National Institute of  
23 Mental Health, the Director of the Centers for  
24 Disease Control and Prevention, the Director of  
25 the Division of Epidemiology and Services Re-

1 search, the Assistant Secretary of Health and  
2 Human Services for the Administration for  
3 Children and Families, the Assistant Secretary  
4 of Education for the Office of Educational Re-  
5 search and Improvement, the Assistant Sec-  
6 retary of Housing and Urban Development for  
7 Community Planning and Development, and the  
8 Assistant Attorney General for Office of Justice  
9 Programs (or the designees of such officers);  
10 and

11 “(B) such additional officers or employees  
12 of the United States as the Secretary deter-  
13 mines necessary for the advisory council to ef-  
14 fectively carry out its functions.

15 “(3) APPOINTED MEMBERS.—The Secretary  
16 shall appoint not to exceed 18 individuals to the ad-  
17 visory council, of which—

18 “(A) not more than two-thirds of such in-  
19 dividual shall be appointed from among the  
20 leading representatives of the health and sci-  
21 entific disciplines (including public health and  
22 the behavioral or social sciences) relevant to the  
23 activities of the Center, and at least 7 such in-  
24 dividuals shall be professional social workers

1           who are recognized experts in the area of clin-  
2           ical practice, education, policy, or research; and

3           “(B) not more than one-third of such indi-  
4           viduals shall be appointed from the general  
5           public and shall include leaders in fields of pub-  
6           lic policy, law, health policy, economics, and  
7           management.

8           The Secretary shall make appointments to the advi-  
9           sory council in such a manner as to ensure that the  
10          terms of the members do not all expire in the same  
11          year.

12          “(4) COMPENSATION.—Members of the advi-  
13          sory council who are officers or employees of the  
14          United States shall not receive any compensation for  
15          service on the advisory council. The remaining mem-  
16          bers shall receive, for each day (including travel  
17          time) they are engaged in the performance of the  
18          functions of the advisory council, compensation at  
19          rates not to exceed the daily equivalent of the annual  
20          rate in effect for an individual at grade GS–18 of  
21          the General Schedule.

22          “(c) TERMS.—

23          “(1) IN GENERAL.—The term of office of an in-  
24          dividual appointed to the advisory council under sub-  
25          section (b)(3) shall be 4 years, except that any indi-

1       vidual appointed to fill a vacancy on the advisory  
2       council shall serve for the remainder of the unex-  
3       pired term. A member may serve after the expiration  
4       of the member's term until a successor has been ap-  
5       pointed.

6               “(2) REAPPOINTMENTS.—A member of the ad-  
7       visory council who has been appointed under sub-  
8       section (b)(3) for a term of 4 years may not be re-  
9       appointed to the advisory council prior to the expira-  
10      tion of the 2-year period beginning on the date on  
11      which the prior term expired.

12              “(3) VACANCY.—If a vacancy occurs on the ad-  
13      visory council among the members under subsection  
14      (b)(3), the Secretary shall make an appointment to  
15      fill that vacancy not later than 90 days after the  
16      date on which the vacancy occurs.

17              “(d) CHAIRPERSON.—The chairperson of the advi-  
18      sory council shall be selected by the Secretary from among  
19      the members appointed under subsection (b)(3), except  
20      that the Secretary may select the Director of the Center  
21      to be the chairperson of the advisory council. The term  
22      of office of the chairperson shall be 2 years.

23              “(e) MEETINGS.—The advisory council shall meet at  
24      the call of the chairperson or upon the request of the Di-  
25      rector of the Center, but not less than 3 times each fiscal

1 year. The location of the meetings of the advisory council  
2 shall be subject to the approval of the Director of the Cen-  
3 ter.

4 “(f) ADMINISTRATIVE PROVISIONS.—The Director of  
5 the Center shall designate a member of the staff of the  
6 Center to serve as the executive secretary of the advisory  
7 council. The Director of the Center shall make available  
8 to the advisory council such staff, information, and other  
9 assistance as the council may require to carry out its func-  
10 tions. The Director of the Center shall provide orientation  
11 and training for new members of the advisory council to  
12 provide such members with such information and training  
13 as may be appropriate for their effective participation in  
14 the functions of the advisory council.

15 “(g) COMMENTS AND RECOMMENDATIONS.—The ad-  
16 visory council may prepare, for inclusion in the biennial  
17 report under section 597C—

18 “(1) comments with respect to the activities of  
19 the advisory council in the fiscal years for which the  
20 report is prepared;

21 “(2) comments on the progress of the Center in  
22 meeting its objectives; and

23 “(3) recommendations with respect to the fu-  
24 ture direction and program and policy emphasis of  
25 the center.

1 The advisory council may prepare such additional reports  
2 as it may determine appropriate.

3 **“SEC. 597C. BIENNIAL REPORT.**

4 “The Director of the Center, after consultation with  
5 the advisory council for the Center, shall prepare for inclu-  
6 sion in the biennial report under section 403, a biennial  
7 report that shall consist of a description of the activities  
8 of the Center and program policies of the Director of the  
9 Center in the fiscal years for which the report is prepared.  
10 The Director of the Center may prepare such additional  
11 reports as the Director determines appropriate. The Di-  
12 rector of the Center shall provide the advisory council of  
13 the Center an opportunity for the submission of the writ-  
14 ten comments described in section 597B(g).

15 **“SEC. 597D. QUARTERLY REPORT.**

16 “The Director of the Center shall prepare a quarterly  
17 report to Congress with a summary of findings and policy  
18 implications from research conducted or supported  
19 through the Center.

20 **“SEC. 597E. AUTHORIZATION OF APPROPRIATIONS.**

21 “For the purpose of carrying out this part, there is  
22 authorized to be appropriated \$30,000,000 for each of the  
23 fiscal years 2006 through 2010.”.

1 **SEC. 703. ANNIE DODGE WAUNKA AND SUSAN LAFLESCHE-**  
 2 **PICOTTE NATIVE AMERICAN HEALTH AND**  
 3 **WELLNESS FOUNDATION.**

4 (a) IN GENERAL.—The Indian Self-Determination  
 5 and Education Assistance Act (25 U.S.C. 450 et seq.) is  
 6 amended by adding at the end the following:

7 **“TITLE VIII—ANNIE DODGE**  
 8 **WAUNKA AND SUSAN**  
 9 **LAFLESCHE-PICOTTE NATIVE**  
 10 **AMERICAN HEALTH AND**  
 11 **WELLNESS FOUNDATION**

12 **“SEC. 801. DEFINITIONS.**

13 “In this title:

14 “(1) BOARD.—The term ‘Board’ means the  
 15 Board of Directors of the Foundation.

16 “(2) COMMITTEE.—The term ‘Committee’  
 17 means the Committee for the Establishment of the  
 18 Annie Dodge Wauneka and Susan Laflesche-Picotte  
 19 Native American Health and Wellness Foundation  
 20 established under section 802(f).

21 “(3) FOUNDATION.—The term ‘Foundation’  
 22 means the Annie Dodge Wauneka and Susan  
 23 Laflesche-Picotte Native American Health and  
 24 Wellness Foundation established under section 802.

25 “(4) SECRETARY.—The term ‘Secretary’ means  
 26 the Secretary of Health and Human Services.

1           “(5) SERVICE.—The term ‘Service’ means the  
2           Indian Health Service of the Department of Health  
3           and Human Services.

4   **“SEC. 802. ANNIE DODGE WAUNKA AND SUSAN**  
5           **LAFLESCHE-PICOTTE NATIVE AMERICAN**  
6           **HEALTH AND WELLNESS FOUNDATION.**

7           “(a) IN GENERAL.—As soon as practicable after the  
8           date of enactment of this title, the Secretary shall estab-  
9           lish, under the laws of the District of Columbia and in  
10          accordance with this title, the Annie Dodge Wauneka and  
11          Susan Laflesche-Picotte Native American Health and  
12          Wellness Foundation.

13          “(b) PERPETUAL EXISTENCE.—The Foundation  
14          shall have perpetual existence.

15          “(c) NATURE OF CORPORATION.—The Foundation—

16                 “(1) shall be a charitable and nonprofit feder-  
17                 ally chartered corporation; and

18                 “(2) shall not be an agency or instrumentality  
19                 of the United States.

20          “(d) PLACE OF INCORPORATION AND DOMICILE.—

21          The Foundation shall be incorporated and domiciled in the  
22          District of Columbia.

23          “(e) DUTIES.—The Foundation shall—

24                 “(1) encourage, accept, and administer private  
25                 gifts of real and personal property, and any income

1 from or interest in such gifts, for the benefit of, or  
2 in support of, the mission of the Service;

3 “(2) undertake and conduct such other activi-  
4 ties as will further the health and wellness activities  
5 and opportunities of Native Americans; and

6 “(3) participate with and assist Federal, State,  
7 and tribal governments, agencies, entities, and indi-  
8 viduals in undertaking and conducting activities that  
9 will further the health and wellness activities and op-  
10 portunities of Native Americans.

11 “(f) COMMITTEE FOR THE ESTABLISHMENT OF THE  
12 ANNIE DODGE WAUNKA AND SUSAN LAFLESCHÉ-  
13 PICOTTE NATIVE AMERICAN HEALTH AND WELLNESS  
14 FOUNDATION.—

15 “(1) IN GENERAL.—The Secretary shall estab-  
16 lish the Committee for the Establishment of the  
17 Annie Dodge Wauneka and Susan Laflesche-Picotte  
18 Native American Health and Wellness Foundation  
19 to assist the Secretary in establishing the Founda-  
20 tion.

21 “(2) DUTIES.—Not later than 180 days after  
22 the date of enactment of this section, the Committee  
23 shall—

24 “(A) carry out such activities as are nec-  
25 essary to incorporate the Foundation under the

1 laws of the District of Columbia, including act-  
2 ing as incorporators of the Foundation;

3 “(B) ensure that the Foundation qualifies  
4 for and maintains the status required to carry  
5 out this section, until the Board is established;

6 “(C) establish the constitution and initial  
7 bylaws of the Foundation;

8 “(D) provide for the initial operation of  
9 the Foundation, including providing for tem-  
10 porary or interim quarters, equipment, and  
11 staff; and

12 “(E) appoint the initial members of the  
13 Board in accordance with the constitution and  
14 initial bylaws of the Foundation.

15 “(g) BOARD OF DIRECTORS.—

16 “(1) IN GENERAL.—The Board of Directors  
17 shall be the governing body of the Foundation.

18 “(2) POWERS.—The Board may exercise, or  
19 provide for the exercise of, the powers of the Foun-  
20 dation.

21 “(3) SELECTION.—

22 “(A) IN GENERAL.—Subject to subpara-  
23 graph (B), the number of members of the  
24 Board, the manner of selection of the members  
25 (including the filling of vacancies), and the

1 terms of office of the members shall be as pro-  
2 vided in the constitution and bylaws of the  
3 Foundation.

4 “(B) REQUIREMENTS.—

5 “(i) NUMBER OF MEMBERS.—The  
6 Board shall have at least 11 members, who  
7 shall have staggered terms.

8 “(ii) INITIAL VOTING MEMBERS.—The  
9 initial voting members of the Board—

10 “(I) shall be appointed by the  
11 Committee not later than 180 days  
12 after the date on which the Founda-  
13 tion is established; and

14 “(II) shall have staggered terms.

15 “(iii) QUALIFICATION.—The members  
16 of the Board shall be United States citi-  
17 zens who are knowledgeable or experienced  
18 in Native American health care and related  
19 matters.

20 “(C) COMPENSATION.—A member of the  
21 Board shall not receive compensation for service  
22 as a member, but shall be reimbursed for actual  
23 and necessary travel and subsistence expenses  
24 incurred in the performance of the duties of the  
25 Foundation.

1 “(h) OFFICERS.—

2 “(1) IN GENERAL.—The officers of the Founda-  
3 tion shall be—

4 “(A) a secretary, elected from among the  
5 members of the Board; and

6 “(B) any other officers provided for in the  
7 constitution and bylaws of the Foundation.

8 “(2) SECRETARY.—The secretary of the Foun-  
9 dation shall serve, at the direction of the Board, as  
10 the chief operating officer of the Foundation.

11 “(3) ELECTION.—The manner of election, term  
12 of office, and duties of the officers of the Founda-  
13 tion shall be as provided in the constitution and by-  
14 laws of the Foundation.

15 “(i) POWERS.—The Foundation—

16 “(1) shall adopt a constitution and bylaws for  
17 the management of the property of the Foundation  
18 and the regulation of the affairs of the Foundation;

19 “(2) may adopt and alter a corporate seal;

20 “(3) may enter into contracts;

21 “(4) may acquire (through a gift or otherwise),  
22 own, lease, encumber, and transfer real or personal  
23 property as necessary or convenient to carry out the  
24 purposes of the Foundation;

25 “(5) may sue and be sued; and

1           “(6) may perform any other act necessary and  
2 proper to carry out the purposes of the Foundation.

3           “(j) PRINCIPAL OFFICE.—

4           “(1) IN GENERAL.—The principal office of the  
5 Foundation shall be in the District of Columbia.

6           “(2) ACTIVITIES; OFFICES.—The activities of  
7 the Foundation may be conducted, and offices may  
8 be maintained, throughout the United States in ac-  
9 cordance with the constitution and bylaws of the  
10 Foundation.

11          “(k) SERVICE OF PROCESS.—The Foundation shall  
12 comply with the law on service of process of each State  
13 in which the Foundation is incorporated and of each State  
14 in which the Foundation carries on activities.

15          “(l) LIABILITY OF OFFICERS, EMPLOYEES, AND  
16 AGENTS.—

17          “(1) IN GENERAL.—The Foundation shall be  
18 liable for the acts of the officers, employees, and  
19 agents of the Foundation acting within the scope of  
20 their authority.

21          “(2) PERSONAL LIABILITY.—A member of the  
22 Board shall be personally liable only for gross neg-  
23 ligence in the performance of the duties of the mem-  
24 ber.

25          “(m) RESTRICTIONS.—

1           “(1) LIMITATION ON SPENDING.—Beginning  
2 with the fiscal year following the first full fiscal year  
3 during which the Foundation is in operation, the ad-  
4 ministrative costs of the Foundation shall not exceed  
5 10 percent of the sum of—

6           “(A) the amounts transferred to the Foun-  
7 dation under subsection (o) during the pre-  
8 ceding fiscal year; and

9           “(B) donations received from private  
10 sources during the preceding fiscal year.

11           “(2) APPOINTMENT AND HIRING.—

12           “(A) IN GENERAL.—The appointment of  
13 officers and employees of the Foundation shall  
14 be subject to the availability of funds.

15           “(B) KNOWLEDGE OF RESERVATION GOV-  
16 ERNANCE AND SOCIAL LIFE.—The Secretary  
17 shall encourage the Foundation to hire individ-  
18 uals who have an extensive knowledge of res-  
19 ervation governance and social life.

20           “(3) STATUS.—A member of the Board or offi-  
21 cer, employee, or agent of the Foundation shall not  
22 by reason of association with the Foundation be con-  
23 sidered to be an officer, employee, or agent of the  
24 United States.

1       “(n) AUDITS.—The Foundation shall comply with  
2 section 10101 of title 36, United States Code, as if the  
3 Foundation were a corporation under part B of subtitle  
4 II of that title.

5       “(o) FUNDING.—

6           “(1) AUTHORIZATION OF APPROPRIATIONS.—  
7 There is authorized to be appropriated to carry out  
8 subsection (e)(1) \$1,000,000 for each fiscal year, as  
9 adjusted to reflect changes in the Consumer Price  
10 Index for all-urban consumers published by the De-  
11 partment of Labor.

12           “(2) TRANSFER OF DONATED FUNDS.—The  
13 Secretary shall transfer to the Foundation funds  
14 held by the Department of Health and Human Serv-  
15 ices under the Act of August 5, 1954 (42 U.S.C.  
16 2001 et seq.), if the transfer or use of the funds is  
17 not prohibited by any term under which the funds  
18 were donated.

19 **“SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.**

20       “(a) PROVISION OF SUPPORT BY SECRETARY.—Sub-  
21 ject to subsection (b), during the 5-year period beginning  
22 on the date on which the Foundation is established, the  
23 Secretary—

24           “(1) may provide personnel, facilities, and other  
25 administrative support services to the Foundation;

1           “(2) may provide funds to reimburse the travel  
2 expenses of the members of the Board; and

3           “(3) shall require and accept reimbursements  
4 from the Foundation for—

5           “(A) services provided under paragraph  
6 (1); and

7           “(B) funds provided under paragraph (2).

8           “(b) REIMBURSEMENT.—Reimbursements accepted  
9 under subsection (a)(3)—

10           “(1) shall be deposited in the Treasury of the  
11 United States to the credit of the applicable appro-  
12 priations account; and

13           “(2) shall be chargeable for the cost of pro-  
14 viding services described in subsection (a)(1) and  
15 travel expenses described in subsection (a)(2).

16           “(c) CONTINUATION OF CERTAIN SERVICES.—The  
17 Secretary may continue to provide facilities and necessary  
18 support services to the Foundation after the termination  
19 of the 5-year period specified in subsection (a) if the facili-  
20 ties and services—

21           “(1) are available; and

22           “(2) are provided on reimbursable cost basis.”.

23           (b) TECHNICAL AMENDMENTS.—The Indian Self-De-  
24 termination and Education Assistance Act is amended—

1 (1) by redesignating title V (as added by sec-  
 2 tion 1302 of the American Indian Education Foun-  
 3 dation Act of 2000) (25 U.S.C. 458bbb et seq.) as  
 4 title VII;

5 (2) by redesignating sections 501, 502, and 503  
 6 (as added by section 1302 of the American Indian  
 7 Education Foundation Act of 2000) as sections 701,  
 8 702, and 703, respectively; and

9 (3) in subsection (a)(2) of section 702 and  
 10 paragraph (2) of section 703 (as redesignated by  
 11 paragraph (2)), by striking “section 501” and in-  
 12 serting “section 701”.

13 **Subtitle B—Rural and Underserved**  
 14 **Urban America Telehealth Pro-**  
 15 **grams**

16 **SEC. 711. INCREASING TYPES OF ORIGINATING TELE-**  
 17 **HEALTH SITES AND FACILITATING THE PRO-**  
 18 **VISION OF TELEHEALTH SERVICES ACROSS**  
 19 **STATE LINES.**

20 (a) INCREASING TYPES OF ORIGINATING SITES.—  
 21 Section 1834(m)(4)(C)(ii) of the Social Security Act (42  
 22 U.S.C. 1395m(m)(4)(C)(ii)) is amended by adding at the  
 23 end the following:

24 “(VI) A skilled nursing facility  
 25 (as defined in section 1819(a)).

1           “(VII) An assisted-living facility  
2 (as defined by the Secretary).

3           “(VIII) A board-and-care home  
4 (as defined by the Secretary).

5           “(IX) A county or community  
6 health clinic (as defined by the Sec-  
7 retary).

8           “(X) A community mental health  
9 center (as described in section  
10 1861(ff)(2)(B)).

11           “(XI) A facility operated by the  
12 Indian Health Service or by an Indian  
13 tribe, tribal organization, or an urban  
14 Indian organization (as such terms  
15 are defined in section 4 of the Indian  
16 Health Care Improvement Act (25  
17 U.S.C. 1603)) directly, or under con-  
18 tract or other arrangement.

19           “(XII) A site in a State in which  
20 the respective State medical board has  
21 adopted a formal policy regarding li-  
22 censing or certification requirements  
23 for providers at distant sites who do  
24 not have a license to practice medicine  
25 at the originating site.”.

1 (b) EXPANDING ELIGIBILITY FOR REIMBURSE-  
 2 MENT.—Section 1834(m)(4)(C)(i)(I) of the Social Secu-  
 3 rity Act (42 U.S.C. 1395m(m)(4)(C)(i)(I)) is amended by  
 4 striking “rural”.

5 **SEC. 712. STRENGTHENING TELEHEALTH SERVICES IN**  
 6 **RURAL AND UNDERSERVED URBAN AMERICA.**

7 Subpart I of part D of title III of the Public Health  
 8 Service Act (42 U.S.C. 254b et seq.) is amended—

9 (1) in section 330L—

10 (A) by redesignating subsection (b) as sub-  
 11 section (c); and

12 (B) by inserting after subsection (a) the  
 13 following:

14 “(b) CONFERENCE.—Within 1 year of the date of en-  
 15 actment of the Telehealth Improvement Act of 2004, the  
 16 Secretary shall convene a conference of State licensing  
 17 boards, local telehealth projects, health care practitioners,  
 18 and patient advocates to promote interstate licensure for  
 19 telehealth projects.”; and

20 (2) by adding at the end the following:

21 **“SEC. 330M. INTEGRATIVE ELDERCARE TELEHEALTH DEM-**  
 22 **ONSTRATION PROJECT.**

23 “(a) PURPOSES.—The purposes of this section are to  
 24 encourage the creation of programs to—

1           “(1) evaluate the use of telehealth services in  
2           an integrative eldercare setting;

3           “(2) eliminate fragmented service delivery while  
4           promoting enhanced continuity of care and more  
5           simplified access to services;

6           “(3) develop community-based options that pro-  
7           mote patient independence and leverage telehealth  
8           services and equipment to enable the use of the most  
9           cost-effective, least restrictive care settings; and

10          “(4) promote access for elderly patients in rural  
11          and underserved urban areas to improvements in  
12          medical technology and training across an integrated  
13          spectrum of care; and to make health care services  
14          more flexible and responsive to the diverse and  
15          changing needs of elderly patients in rural areas.

16          “(b) GRANTS AUTHORIZED.—

17                 “(1) IN GENERAL.—The Director may award  
18                 grants to eligible providers for projects to dem-  
19                 onstrate how telehealth technologies can be used  
20                 through telehealth networks in rural areas, frontier  
21                 communities, and medically underserved areas, and  
22                 for medically underserved populations, to—

23                         “(A) expand access to, coordinate, and im-  
24                         prove the quality of health care services;

1           “(B) improve and expand the training of  
2 health care providers; and

3           “(C) expand and improve the quality of  
4 health information available to health care pro-  
5 viders, and patients and their families, for deci-  
6 sionmaking.

7           “(2) GRANT PERIOD.—The Director shall  
8 award grants under this subsection for a period of  
9 up to 4 years.

10           “(3) NUMBER OF GRANTS.—Not to exceed 20  
11 grants shall be awarded under this subsection, of  
12 which at least  $\frac{1}{2}$  shall be dedicated to providing  
13 services in rural communities.

14           “(c) USE OF FUNDS.—Grants awarded pursuant to  
15 subsection (b) may be used for activities including—

16           “(1) improving access to coordinated health  
17 care services at the lowest intensity and resource  
18 level of care consistent with quality health care serv-  
19 ices and optimal patient outcomes, improving the  
20 quality of such care, increasing patient satisfaction  
21 with such care, and reducing the cost of such care  
22 through advanced telecommunication technologies;

23           “(2) developing effective care management  
24 practices and educational curricula to train health  
25 care professionals, paraprofessionals, and caregivers,

1 including family members, and to increase the gen-  
2 eral level of competency of such individuals through  
3 such training; and

4 “(3) developing curricula to train health care  
5 professionals, paraprofessionals, and caregivers, in-  
6 cluding family members, serving integrative  
7 eldercare patients in the use of telecommunications.

8 “(d) APPLICATIONS.—To be eligible to receive a  
9 grant under subsection (b), an eligible provider, in con-  
10 sultation with the appropriate State office of rural health  
11 or another appropriate State entity, shall prepare and sub-  
12 mit to the Director an application, at such time, in such  
13 manner, and containing such information as the Director  
14 may require, including—

15 “(1) a description of the project that the eligi-  
16 ble entity will carry out using the funds provided  
17 under the grant;

18 “(2) a description of the manner in which the  
19 project funded under the grant will meet the health  
20 care needs of rural or other populations to be served  
21 through the project, or improve the access to serv-  
22 ices of, and the quality of the services received by,  
23 those populations;

24 “(3) evidence of local support for the project,  
25 and a description of how the areas, communities, or

1 populations to be served will be involved in the devel-  
2 opment and ongoing operations of the project;

3 “(4) a plan for sustaining the project after Fed-  
4 eral support for the project has ended;

5 “(5) information on the source and amount of  
6 non-Federal funds that the entity will provide for  
7 the project;

8 “(6) information demonstrating the long-term  
9 viability of the project, and other evidence of institu-  
10 tional commitment of the entity to the project;

11 “(7) in the case of an application for a project  
12 involving a telehealth network, information dem-  
13 onstrating how the project will promote the integra-  
14 tion of telehealth technologies into the operations of  
15 health care providers, to avoid redundancy, and im-  
16 prove access to and the quality of care; and

17 “(8) other such information as the Director de-  
18 termines to be appropriate.

19 “(e) REPORT.—

20 “(1) FINAL REPORT.—Not later than 9 months  
21 after the date of termination of the last grant to be  
22 awarded under this section, the Director shall sub-  
23 mit to Congress a final report—

1           “(A) describing the results of the programs  
2 funded by grants awarded pursuant to this sec-  
3 tion; and

4           “(B) evaluating the impact of the use of  
5 telehealth services in an integrative eldercare  
6 setting on—

7                 “(i) access to care for patients served  
8 by integrative eldercare programs; and

9                 “(ii) the quality of, patient satisfac-  
10 tion with, and the cost of, such care.

11           “(2) ENSURING ACCESS TO QUALITY CARE.—In  
12 conducting the evaluation under paragraph (1)(B),  
13 the Director shall—

14                 “(A) give special consideration to the im-  
15 pact of programs funded under this section on  
16 face-to-face access to medical providers; and

17                 “(B) develop specific measures to evaluate  
18 the quality of care provided to those partici-  
19 pating in such programs to ensure that tele-  
20 health augments the plan of care.

21           “(f) ELIGIBLE PROVIDER.—The term ‘eligible pro-  
22 vider’ means a consortia of home and facility-based care  
23 providers that includes providers from no less than 2 of  
24 the following:

25                 “(1) An adult congregate care facility.

1           “(2) A continuing care retirement community.

2           “(3) An assisted living facility.

3           “(4) An Alzheimer’s facility.

4           “(5) An institutional hospice facility.

5           “(6) A residential care facility.

6           “(7) An adult foster home.

7           “(8) A State-licensed nursing home, including a  
8 skilled nursing facility, an intermediate care facility,  
9 licensed home health provider or other health care  
10 provider that the Director deems appropriate and  
11 consistent with the purposes of this section.

12          “(g) DEFINITIONS.—In this section:

13           “(1) DIRECTOR; OFFICE.—The terms ‘Director’  
14 and ‘Office’ mean the Director of the Office for the  
15 Advancement of Telehealth and the Office for the  
16 Advancement of Telehealth.

17           “(2) INTEGRATIVE ELDERCARE.—The term ‘in-  
18 tegrative eldercare’ includes case management and  
19 coordination of care for elderly patients recovering  
20 from acute illness or coping with chronic disease at  
21 the lowest intensity and resource level of care con-  
22 sistent with quality health care services and optimal  
23 patient outcomes.



1           “(1) IN GENERAL.—The Director may award  
2           grants to eligible providers, individually or as part of  
3           a network of eligible providers, for the provision of  
4           telehealth services to improve patient care, prevent  
5           health care complications, improve patient outcomes,  
6           and achieve efficiencies in the delivery of care to pa-  
7           tients who reside in areas under the jurisdiction of  
8           Indian tribes or tribal organizations.

9           “(2) GRANT PERIOD.—The Director shall  
10          award grants under this section for a period of up  
11          to 4 years.

12          “(3) NUMBER OF GRANTS.—Not to exceed 20  
13          grants shall be awarded under this section, of which  
14          at least ½ shall be dedicated to providing services  
15          in rural communities.

16          “(c) USE OF FUNDS.—Grants awarded under this  
17          section may be used for activities including—

18                 “(1) improving access to care for home care pa-  
19                 tients served by eligible providers, improving the  
20                 quality of such care, increasing patient satisfaction  
21                 with such care, and reducing the cost of such care  
22                 through advanced telecommunication technologies;

23                 “(2) developing effective telehealth management  
24                 practices and educational curricula to train health  
25                 professionals and paraprofessionals and increase

1 their general level of competency through such train-  
2 ing; and

3 “(3) developing curricula to train health care  
4 professionals and paraprofessionals serving patients  
5 of eligible providers in the use of telecommuni-  
6 cations.

7 “(d) COLLABORATION.—The Director shall ensure  
8 that eligible providers receiving grants under this section  
9 collaborate to enable comparisons across programs and to  
10 share relevant, de-identified information to better facili-  
11 tate program performance evaluation.

12 “(e) APPLICATIONS.—To be eligible to receive a grant  
13 under subsection (b), an eligible entity, in consultation  
14 with the appropriate State office of rural health or another  
15 appropriate State entity, shall prepare and submit to the  
16 Director an application, at such time, in such manner, and  
17 containing such information as the Director may require,  
18 including—

19 “(1) a description of the project that the eligi-  
20 ble entity will carry out using the funds provided  
21 under the grant;

22 “(2) a description of the manner in which the  
23 project funded under the grant will meet the health  
24 care needs of rural or other populations to be served  
25 through the project, or improve the access to serv-

1       ices of, and the quality of the services received by,  
2       those populations;

3               “(3) evidence of local support for the project,  
4       and a description of how the areas, communities, or  
5       populations to be served will be involved in the devel-  
6       opment and ongoing operations of the project;

7               “(4) a plan for sustaining the project after Fed-  
8       eral support for the project has ended;

9               “(5) information on the source and amount of  
10       non-Federal funds that the entity will provide for  
11       the project;

12               “(6) information demonstrating the long-term  
13       viability of the project, and other evidence of institu-  
14       tional commitment of the entity to the project;

15               “(7) in the case of an application for a project  
16       involving a telehealth network, information dem-  
17       onstrating how the project will promote the integra-  
18       tion of telehealth technologies into the operations of  
19       health care providers, to avoid redundancy, and im-  
20       prove access to and the quality of care; and

21               “(8) other such information as the Director de-  
22       termines to be appropriate.

23       “(f) REPORT.—

24               “(1) FINAL REPORT.—Not later than 9 months  
25       after the date of termination of the last grant to be

1 awarded under this section, the Director shall sub-  
2 mit to Congress a final report—

3 “(A) describing the results of the programs  
4 funded by grants awarded pursuant to this sec-  
5 tion; and

6 “(B) evaluating the impact of telehealth  
7 services in an institutional long-term care set-  
8 ting on—

9 “(i) access to care for patients of eli-  
10 gible providers; and

11 “(ii) the quality of, patient satisfac-  
12 tion with, and the cost of, such care.

13 “(2) ENSURING ACCESS TO QUALITY CARE.—In  
14 conducting the evaluation under paragraph (1)(B),  
15 the Director shall—

16 “(A) give special consideration to the im-  
17 pact of programs funded under this section on  
18 face-to-face access to medical providers; and

19 “(B) develop specific measures to evaluate  
20 the quality of care provided to those partici-  
21 pating in such programs to ensure that tele-  
22 medicine augments the plan of care.

23 “(g) DEFINITIONS.—In this section:

24 “(1) DIRECTOR; OFFICE.—The terms ‘Director’  
25 and ‘Office’ mean the Director of the Office for the

1 Advancement of Telehealth and the Office for the  
2 Advancement of Telehealth.

3 “(2) ELIGIBLE PROVIDER.—The term ‘eligible  
4 provider’ includes any public or private nonprofit  
5 health care provider a majority of whose patient  
6 practice is Native American or any Indian tribe or  
7 tribal organization that provides health care services  
8 for its members.

9 “(3) INDIAN TRIBE.—The term ‘Indian tribe’  
10 has the meaning given such term in section 4 of the  
11 Indian Self-Determination and Education Assistance  
12 Act (25 U.S.C. 450b).

13 “(4) NATIVE AMERICAN.—The term ‘Native  
14 American’ means a member of an Indian tribe, a  
15 Native Hawaiian (as defined in section 338K(c)), or  
16 a Native American Pacific Islander.

17 “(5) NATIVE AMERICAN PACIFIC ISLANDER.—  
18 The term ‘Native American Pacific Islander’ means  
19 an individual who is indigenous to a United States  
20 territory or possession located in the Pacific Ocean.

21 “(6) TRIBAL ORGANIZATION.—The term ‘tribal  
22 organization’ has the meaning given such term in  
23 section 4 of the Indian Self-Determination and Edu-  
24 cation Assistance Act (25 U.S.C. 450b).

1       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$30,000,000 for fiscal year 2006 and such sums as may  
4 be necessary for each of fiscal years 2007 through 2009.

5       **“SEC. 3300. ORAL HEALTH TELEHEALTH DEMONSTRATION**  
6                               **PROJECT.**

7       “(a) PURPOSE.—The purpose of this section is to  
8 evaluate the use of telehealth services to expand access  
9 to oral health services and improve oral health outcomes  
10 among rural and underserved urban patients.

11       “(b) GRANTS AUTHORIZED.—

12               “(1) IN GENERAL.—The Director is authorized  
13 to award competitive grants to eligible providers, in-  
14 dividually or as part of a network of eligible pro-  
15 viders, for the provision of oral health services to im-  
16 prove patient care, prevent health care complica-  
17 tions, improve patient outcomes, and achieve effi-  
18 ciencies in the delivery of oral health care to patients  
19 who reside in rural areas.

20               “(2) GRANT PERIOD.—The Director shall  
21 award grants under this section for a period of up  
22 to 4 years.

23               “(3) NUMBER OF GRANTS.—The number of  
24 grants awarded under this section shall not exceed  
25 10 grants.

1       “(c) USE OF FUNDS.—Grants awarded pursuant to  
2 subsection (b) may be used for activities including—

3           “(1) improving access to care for rural and un-  
4 derserved urban patients served by eligible providers,  
5 improving the quality of that care, increasing patient  
6 satisfaction with that care, and reducing the cost of  
7 that care through advanced telecommunication tech-  
8 nologies;

9           “(2) developing effective oral telehealth care  
10 management practices and educational curricula to  
11 train oral health professionals and paraprofessionals  
12 and increase their general level of competency  
13 through that training; and

14           “(3) developing curricula to train health care  
15 professionals and paraprofessionals, serving rural  
16 and underserved urban patients in the use of tele-  
17 communications.

18       “(d) APPLICATIONS.—To be eligible to receive a  
19 grant under subsection (b), an eligible entity, in consulta-  
20 tion with the appropriate State office of rural health or  
21 another appropriate State entity, shall prepare and submit  
22 to the Director an application, at such time, in such man-  
23 ner, and containing such information as the Director may  
24 require, including—

1           “(1) a description of the project that the eligi-  
2           ble entity will carry out using the funds provided  
3           under the grant;

4           “(2) a description of the manner in which the  
5           project funded under the grant will meet the health  
6           care needs of rural or other populations to be served  
7           through the project, or improve the access to serv-  
8           ices of, and the quality of the services received by,  
9           those populations;

10           “(3) evidence of local support for the project,  
11           and a description of how the areas, communities, or  
12           populations to be served will be involved in the devel-  
13           opment and ongoing operations of the project;

14           “(4) a plan for sustaining the project after Fed-  
15           eral support for the project has ended;

16           “(5) information on the source and amount of  
17           non-Federal funds that the entity will provide for  
18           the project;

19           “(6) information demonstrating the long-term  
20           viability of the project, and other evidence of institu-  
21           tional commitment of the entity to the project;

22           “(7) in the case of an application for a project  
23           involving a telehealth network, information dem-  
24           onstrating how the project will promote the integra-  
25           tion of telehealth technologies into the operations of

1 health care providers, to avoid redundancy, and im-  
2 prove access to and the quality of care; and

3 “(8) other such information as the Director de-  
4 termines to be appropriate.

5 “(e) REPORT.—

6 “(1) FINAL REPORT.—Not later than 9 months  
7 after the date of termination of the last grant to be  
8 awarded under this section, the Director shall sub-  
9 mit to Congress a final report—

10 “(A) describing the results of the programs  
11 funded by grants awarded pursuant to this sec-  
12 tion; and

13 “(B) including an evaluation of the impact  
14 of the use of oral telehealth services on—

15 “(i) access to oral health care for  
16 rural patients; and

17 “(ii) the quality of, patient satisfac-  
18 tion with, and the cost of, that care.

19 “(2) ENSURING ACCESS TO QUALITY CARE.—In  
20 conducting the evaluation under paragraph (1)(B),  
21 the Director shall—

22 “(A) give special consideration to the im-  
23 pact of programs funded under this section on  
24 face-to-face access to medical providers; and

1           “(B) develop specific measures to evaluate  
2           the quality of care provided to those partici-  
3           pating in such programs to ensure that tele-  
4           medicine augments the plan of care.

5           “(f) DEFINITION OF ELIGIBLE PROVIDER.—In this  
6 section the term ‘eligible provider’ includes dentists,  
7 periodontists, orthodontists, dental and oral health clinics,  
8 and schools of dentistry and oral health, where a majority  
9 of the patient population resides in a rural area, and may  
10 include other rural oral health providers that the Director  
11 deems appropriate.

12           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to carry out this section  
14 \$30,000,000 for fiscal year 2006 and such sums as may  
15 be necessary for each of fiscal years 2007 through 2009.”.

16 **SEC. 713. JOINT WORKING GROUP ON TELEHEALTH.**

17           (a) IN GENERAL.—

18           (1) REPRESENTATION OF RURAL AREAS.—The  
19 Secretary of Health and Human Services shall es-  
20 tablish, within the Health Resources and Services  
21 Administration Office for the Advancement of Tele-  
22 health, and under the leadership of the Director of  
23 the Office for the Advancement of Telehealth, a  
24 Joint Working Group on Telehealth. In establishing  
25 such Group, the Secretary shall ensure that all rel-

1       evant Federal agencies are represented and that  
2       input from relevant industry groups, including rep-  
3       resentatives of rural areas and medically under-  
4       served areas, is fully considered.

5               (2) MISSION.—The mission of the Joint Work-  
6       ing Group on Telehealth is—

7                       (A) to identify, monitor, and coordinate  
8       Federal telehealth projects, data sets, and pro-  
9       grams;

10                      (B) to analyze—

11                               (i) how telehealth systems are expand-  
12       ing access to health care services, edu-  
13       cation, and information;

14                               (ii) the clinical, educational, or admin-  
15       istrative efficacy and cost-effectiveness of  
16       telehealth applications; and

17                               (iii) the quality of the telehealth serv-  
18       ices delivered; and

19                      (C) to make further recommendations for  
20       coordinating Federal and State efforts to in-  
21       crease access to health services, education, and  
22       information in rural and medically underserved  
23       areas.

24               (3) ANNUAL REPORTS.—Not later than 2 years  
25       after the date of enactment of this Act, and each

1       January 1 thereafter, the Joint Working Group on  
2       Telehealth shall submit to Congress a report on the  
3       status of the Group’s mission and the state of the  
4       telehealth field generally.

5       (b) REPORT SPECIFICS.—The annual report required  
6       under subsection (a)(3) shall provide—

7               (1) an analysis of—

8                       (A) the matters described in subsection  
9                       (a)(2)(B);

10                      (B) Federal activities with respect to tele-  
11                      health; and

12                      (C) the process of the Joint Working  
13                      Group on Telehealth’s efforts to coordinate  
14                      Federal telehealth programs; and

15               (2) recommendations for a coordinated Federal  
16       strategy to increase health care access through tele-  
17       health.

18       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
19       are authorized to be appropriated such sums as may be  
20       necessary to enable the Joint Working Group on Tele-  
21       health to carry out this section.

1       **TITLE VIII—MISCELLANEOUS**  
2                                   **PROVISIONS**

3       **SEC. 801. DEFINITIONS.**

4           For purposes of this Act (including the amendments  
5 made by this Act other than the amendments made by  
6 subtitles A through G of title I):

7           (1) **APPROPRIATE HEALTHCARE SERVICES.**—

8           The term “appropriate healthcare services” includes  
9 services or treatments to address physical, mental,  
10 and behavioral diseases, conditions, or syndromes.

11          The definition contained in this paragraph shall not  
12 apply for purposes of sections 206 and 606.

13          (2) **HEALTH.**—The term “health” includes oral  
14 health and dental hygiene.

15          (3) **HEALTH PROFESSION.**—The term “health  
16 professions” includes mental and behavioral health  
17 professions.

18          (4) **HISPANIC.**—The term “Hispanic” means  
19 individuals whose origin is Mexican, Puerto Rican,  
20 Cuban, Central or South American, or any other  
21 Spanish-speaking country.

22          (5) **INDIAN.**—The term “Indian”, unless other-  
23 wise designated, means any person who is a member  
24 of an Indian tribe

1           (6) INDIAN TRIBE.—The term “Indian tribe”  
2 means any Indian tribe, band, nation, or other orga-  
3 nized group or community, including any Alaska Na-  
4 tive village or group or regional or village corpora-  
5 tion as defined in or established pursuant to the  
6 Alaska Native Claims Settlement Act (85 Stat. 688)  
7 (43 U.S.C. 1601 et seq.), which is recognized as eli-  
8 gible for the special programs and services provided  
9 by the United States to Indians because of their sta-  
10 tus as Indians.

11           (7) LIMITED ENGLISH PROFICIENT.—The term  
12 “limited English proficient” with respect to an indi-  
13 vidual means an individual who cannot speak, read,  
14 write, or understand the English language at a level  
15 that permits them to interact effectively with clinical  
16 or nonclinical staff at a healthcare organization.

17           (8) MINORITY.—

18           (A) IN GENERAL.—The terms “minority”  
19 and “minorities” refer to individuals from a mi-  
20 nority group.

21           (B) POPULATIONS.—The term “minority”,  
22 with respect to populations, refers to racial and  
23 ethnic minority groups.

1           (9) MINORITY GROUP.—The term “minority  
2 group” has the meaning given the term “racial and  
3 ethnic minority group”.

4           (10) RACIAL AND ETHNIC MINORITY GROUP.—  
5 The term “racial and ethnic minority group” means  
6 American Indians and Alaska Natives, African  
7 Americans (including Blacks), Asian Americans,  
8 Hispanics (including Latinos), and Native Hawai-  
9 ians and other Pacific Islanders.

10          (11) SECRETARY.—The term “Secretary”  
11 means the Secretary of Health and Human Services.

12          (12) STATE.—The term “State” means each of  
13 the several states, the District of Columbia, the  
14 Commonwealth of Puerto Rico, the Indian tribes,  
15 the Virgin Islands, Guam, American Samoa, and the  
16 Commonwealth of the Northern Mariana Islands.

17          (13) TRIBAL ORGANIZATION.—The term “tribal  
18 organization” means the elected governing body of  
19 any Indian tribe or any legally established organiza-  
20 tion of Indians which is controlled by one or more  
21 such bodies or by a board of directors elected or se-  
22 lected by one or more such bodies (or elected by the  
23 Indian population to be served by such organization)  
24 and which includes the maximum participation of  
25 Indians in all phases of its activities.

1           (14) UNDERREPRESENTED MINORITY.—The  
2 terms “underrepresented minority” and “underrep-  
3 resented minorities” refer to individuals who are  
4 members of racial or ethnic minority groups that are  
5 underrepresented in the health professions relative  
6 to their numbers in the general population.

7           (15) UNDERSERVED POPULATIONS.—The term  
8 “underserved population” means the population of  
9 an urban or rural area designated by the Secretary  
10 as an area with a shortage of personal health serv-  
11 ices or a population group designated by the Sec-  
12 retary as having a shortage of such services.

13 **SEC. 802. DAVIS-BACON ACT.**

14       All laborers and mechanics employed by contractors  
15 or subcontractors in the performance of construction work  
16 financed in whole or in part with assistance under this  
17 Act (or an amendment made by this Act), including cap-  
18 ital financing assistance, or grants or loan guarantees  
19 from the Safety Net Infrastructure Trust Fund (estab-  
20 lished under section 2952C of the Public Health Service  
21 Act), shall be paid wages at rates not less than those pre-  
22 vailing on similar work in the locality involved as deter-  
23 mined by the Secretary of Labor in accordance with sub-  
24 chapter IV of chapter 31 of title 40, United States Code  
25 (commonly referred to as the Davis-Bacon Act). The Sec-

1 retary of Labor shall have, with respect to such labor  
2 standards, the authority and functions set forth in Reor-  
3 ganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64  
4 Stat 1267) and section 3145 of title 40, United States  
5 Code.

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