

109TH CONGRESS
1ST SESSION

S. 1687

To amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2005

Ms. MIKULSKI (for herself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Breast and
5 Cervical Cancer Early Detection Program Reauthorization
6 Act of 2005”.

1 **SEC. 2. WAIVERS RELATING TO GRANTS FOR PREVENTIVE**
2 **HEALTH MEASURES WITH RESPECT TO**
3 **BREAST AND CERVICAL CANCERS.**

4 (a) IN GENERAL.—Section 1503 of the Public Health
5 Service Act (42 U.S.C. 300m) is amended by adding at
6 the end the following:

7 “(d) WAIVER OF SERVICES REQUIREMENT ON DIVI-
8 SION OF FUNDS.—

9 “(1) IN GENERAL.—The Secretary may waive
10 the requirements of paragraphs (1) and (4) of sub-
11 section (a) if—

12 “(A)(i) the State involved will use the
13 waiver to leverage private funds to supplement
14 each of the services or activities described in
15 paragraphs (1) and (2) of section 1501(a); or

16 “(ii) the application of such requirement
17 would result in a barrier to the enrollment of
18 qualifying women;

19 “(B) the Secretary finds that granting
20 such a waiver to a State will not reduce the
21 number of women in the State that receive each
22 of the services or activities described in para-
23 graphs (1) and (2) of section 1501(a), including
24 making available screening procedures for both
25 breast and cervical cancers; and

1 “(C) the Secretary finds that granting
2 such a waiver to a State will not adversely af-
3 fect the quality of each of the services or activi-
4 ties described in paragraphs (1) and (2) of sec-
5 tion 1501(a).

6 “(2) DURATION OF WAIVER.—

7 “(A) IN GENERAL.—In granting waivers
8 under paragraph (1), the Secretary—

9 “(i) shall grant such waivers for a pe-
10 riod of 2 years; and

11 “(ii) upon request of a State, may ex-
12 tend a waiver for additional 2-year periods
13 in accordance with subparagraph (B).

14 “(B) ADDITIONAL PERIODS.—The Sec-
15 retary, upon the request of a State that has re-
16 ceived a waiver under paragraph (1), shall, at
17 the end of each 2-year waiver period described
18 in subparagraph (A), review performance under
19 the waiver and may extend the waiver for an
20 additional 2-year period if the Secretary deter-
21 mines that—

22 “(i)(I) without an extension of the
23 waiver, there will be a barrier to the enroll-
24 ment of qualifying women; or

1 “(II) the State requesting such ex-
2 tended waiver will use the waiver to lever-
3 age private funds to supplement each of
4 the services or activities described in para-
5 graphs (1) and (2) of section 1501(a);

6 “(ii) the waiver has not, and will not,
7 reduce the number of women in the State
8 that receive each of the services or activi-
9 ties described in paragraphs (1) and (2) of
10 section 1501(a); and

11 “(iii) the waiver has not, and will not,
12 result in lower quality in the State of each
13 of the services or activities described in
14 paragraphs (1) and (2) of section 1501(a).

15 “(3) REPORTING REQUIREMENTS.—The Sec-
16 retary shall include as part of the evaluations and
17 reports required under section 1508, the following:

18 “(A) A description of the total amount of
19 dollars leveraged annually from private entities
20 in States receiving a waiver under paragraph
21 (1) and how these amounts were used.

22 “(B) With respect to States receiving a
23 waiver under paragraph (1), a description of
24 the percentage of the grant that is expended on
25 providing each of the services or activities de-

1 scribed in paragraphs (1) and (2) and para-
2 graphs (3) through (6) of section 1501(a).

3 “(C) A description of the number of States
4 receiving waivers under paragraph (1) annually.

5 “(D) With respect to States receiving a
6 waiver under paragraph (1), a description of
7 the number of women receiving services under
8 paragraphs (1), (2), and (3) of section 1501(a)
9 in programs before and after the granting of
10 such waiver.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
12 1510(a) of the Public Health Service Act (42 U.S.C.
13 300n-5(a)) is amended by striking “\$50,000,000” and all
14 that follows through the period and inserting
15 “\$250,000,000 for fiscal year 2006, and such sums as
16 may be necessary for each of fiscal years 2007 through
17 2011.”.

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