

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

# H. R. 1132

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IN THE SENATE OF THE UNITED STATES

MARCH 28, 2007

Received

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Breast and  
3 Cervical Cancer Early Detection Program Reauthorization  
4 Act of 2007”.

5 **SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY**  
6 **DETECTION PROGRAM.**

7 Title XV of the Public Health Service Act (42 U.S.C.  
8 300k et seq.) is amended—

9 (1) in section 1501(d)—

10 (A) in the heading, by striking “2000” and  
11 inserting “2020”; and

12 (B) by striking “by the year 2000” and in-  
13 serting “by the year 2020”;

14 (2) in section 1503, by adding at the end the  
15 following:

16 “(d) WAIVER OF SERVICES REQUIREMENT ON DIVI-  
17 SION OF FUNDS.—

18 “(1) IN GENERAL.—The Secretary shall estab-  
19 lish a demonstration project under which the Sec-  
20 retary may waive the requirements of paragraphs  
21 (1) and (4) of subsection (a) for not more than 5  
22 States, if—

23 “(A) the State involved will use the waiver  
24 to leverage non-Federal funds to supplement  
25 each of the services or activities described in  
26 paragraphs (1) and (2) of section 1501(a);

1           “(B) the application of such requirement  
2 would result in a barrier to the enrollment of  
3 qualifying women;

4           “(C) the State involved—

5           “(i) demonstrates, to the satisfaction  
6 of the Secretary, the manner in which the  
7 State will use such waiver to expand the  
8 level of screening and follow-up services  
9 provided immediately prior to the date on  
10 which the waiver is granted; and

11           “(ii) provides assurances, satisfactory  
12 to the Secretary, that the State will, on an  
13 annual basis, demonstrate, through such  
14 documentation as the Secretary may re-  
15 quire, that the State has used such waiver  
16 as described in clause (i);

17           “(D) the State involved submits to the  
18 Secretary—

19           “(i) assurances, satisfactory to the  
20 Secretary, that the State will maintain the  
21 average annual level of State fiscal year ex-  
22 penditures for the services and activities  
23 described in paragraphs (1) and (2) of sec-  
24 tion 1501(a) for the period for which the  
25 waiver is granted, and for the period for

1           which any extension of such waiver is  
2           granted, at a level that is not less than—

3                   “(I) the level of the State fiscal  
4                   year expenditures for such services  
5                   and activities for the fiscal year pre-  
6                   ceding the first fiscal year for which  
7                   the waiver is granted; or

8                   “(II) at the option of the State  
9                   and upon approval by the Secretary,  
10                  the average level of the State expendi-  
11                  tures for such services and activities  
12                  for the 3-fiscal year period preceding  
13                  the first fiscal year for which the  
14                  waiver is granted; and

15                  “(ii) a plan, satisfactory to the Sec-  
16                  retary, for maintaining the level of activi-  
17                  ties carried out under the waiver after the  
18                  expiration of the waiver and any extension  
19                  of such waiver;

20                  “(E) the Secretary finds that granting  
21                  such a waiver to a State will increase the num-  
22                  ber of women in the State that receive each of  
23                  the services or activities described in para-  
24                  graphs (1) and (2) of section 1501(a), including

1 making available screening procedures for both  
2 breast and cervical cancers; and

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

8 “(2) DURATION OF WAIVER.—

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

11 “(i) shall grant such waivers for a pe-  
12 riod that is not less than 1 year but not  
13 more than 2 years; and

14 “(ii) upon request of a State, may ex-  
15 tend a waiver for an additional period that  
16 is not less than 1 year but not more than  
17 2 years in accordance with subparagraph  
18 (B).

19 “(B) ADDITIONAL PERIOD.—The Sec-  
20 retary, upon the request of a State that has re-  
21 ceived a waiver under paragraph (1), shall, at  
22 the end of the waiver period described in sub-  
23 paragraph (A)(i), review performance under the  
24 waiver and may extend the waiver for an addi-  
25 tional period if the Secretary determines that—

1           “(i) without an extension of the waiv-  
2 er, there will be a barrier to the enrollment  
3 of qualifying women;

4           “(ii) the State requesting such ex-  
5 tended waiver will use the waiver to lever-  
6 age non-Federal funds to supplement the  
7 services or activities described in para-  
8 graphs (1) and (2) of section 1501(a);

9           “(iii) the waiver has increased, and  
10 will continue to increase, the number of  
11 women in the State that receive the serv-  
12 ices or activities described in paragraphs  
13 (1) and (2) of section 1501(a);

14           “(iv) the waiver has not, and will not,  
15 result in lower quality in the State of the  
16 services or activities described in para-  
17 graphs (1) and (2) of section 1501(a); and

18           “(v) the State has maintained the av-  
19 erage annual level of State fiscal expendi-  
20 tures for the services and activities de-  
21 scribed in paragraphs (1) and (2) of sec-  
22 tion 1501(a) for the period for which the  
23 waiver was granted at a level that is not  
24 less than—

1                   “(I) the level of the State fiscal  
2                   year expenditures for such services  
3                   and activities for the fiscal year pre-  
4                   ceding the first fiscal year for which  
5                   the waiver is granted; or

6                   “(II) at the option of the State  
7                   and upon approval by the Secretary,  
8                   the average level of the State expendi-  
9                   tures for such services and activities  
10                  for the 3-fiscal year period preceding  
11                  the first fiscal year for which the  
12                  waiver is granted.

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

16                  “(A) A description of the total amount of  
17                  dollars leveraged annually from Non-Federal  
18                  entities in States receiving a waiver under para-  
19                  graph (1) and how these amounts were used.

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

1 “(i) paragraphs (1) and (2) of section  
2 1501(a); and

3 “(ii) paragraphs (3) through (6) of  
4 section 1501(a).

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

7 “(D) With respect to States receiving a  
8 waiver under paragraph (1), a description of—

9 “(i) the number of women receiving  
10 services under paragraphs (1), (2), and (3)  
11 of section 1501(a) in programs before and  
12 after the granting of such waiver; and

13 “(ii) the average annual level of State  
14 fiscal expenditures for the services and ac-  
15 tivities described in paragraphs (1) and (2)  
16 of section 1501(a) for the year preceding  
17 the first year for which the waiver was  
18 granted.

19 “(4) LIMITATION.—Amounts to which a waiver  
20 applies under this subsection shall not be used to in-  
21 crease the number of salaried employees.

22 “(5) DEFINITIONS.—In this subsection:

23 “(A) INDIAN TRIBE.—The term ‘Indian  
24 tribe’ has the meaning given the term in section



1           4 of the Indian Health Care Improvement Act  
2           (25 U.S.C. 1603).

3           “(B) TRIBAL ORGANIZATION.—The term  
4           ‘tribal organization’ has the meaning given the  
5           term in section 4 of the Indian Health Care Im-  
6           provement Act.

7           “(C) STATE.—The term ‘State’ means  
8           each of the several States of the United States,  
9           the District of Columbia, the Commonwealth of  
10          Puerto Rico, American Samoa, the Common-  
11          wealth of the Northern Mariana Islands, the  
12          Republic of the Marshall Islands, the Federated  
13          States of Micronesia, the Republic of Palau, an  
14          Indian tribe, and a tribal organization.

15          “(6) SUNSET.—The Secretary may not grant a  
16          waiver or extension under this subsection after Sep-  
17          tember 30, 2012.”;

18          (3) in section 1508—

19                 (A) in subsection (a), by striking “evalua-  
20                 tions of the extent to which” and all that fol-  
21                 lows through the period and inserting: “evalua-  
22                 tions of—

23                 “(1) the extent to which States carrying out  
24                 such programs are in compliance with section  
25                 1501(a)(2) and with section 1504(c); and

1           “(2) the extent to which each State receiving a  
2 grant under this title is in compliance with section  
3 1502, including identification of—

4                   “(A) the amount of the non-Federal con-  
5 tributions by the State for the preceding fiscal  
6 year, disaggregated according to the source of  
7 the contributions; and

8                   “(B) the proportion of such amount of  
9 non-Federal contributions relative to the  
10 amount of Federal funds provided through the  
11 grant to the State for the preceding fiscal  
12 year.”; and

13                   (B) in subsection (b), by striking “not  
14 later than 1 year after the date on which  
15 amounts are first appropriated pursuant to sec-  
16 tion 1509(a), and annually thereafter” and in-  
17 serting “not later than 1 year after the date of  
18 the enactment of the National Breast and Cer-  
19 vical Cancer Early Detection Program Reau-  
20 thorization of 2007, and annually thereafter”;  
21 and

22                   (4) in section 1510(a)—

23                           (A) by striking “and” after “\$150,000,000  
24 for fiscal year 1994,”; and

1                   (B) by inserting “, \$225,000,000 for fiscal  
2                   year 2008, \$245,000,000 for fiscal year 2009,  
3                   \$250,000,000 for fiscal year 2010,  
4                   \$255,000,000 for fiscal year 2011, and  
5                   \$275,000,000 for fiscal year 2012” before the  
6                   period at the end.

Passed the House of Representatives March 27,  
2007.

Attest:                   LORRAINE C. MILLER,  
*Clerk.*