

Union Calendar No. 42

110TH CONGRESS
1ST SESSION

H. R. 1132

[Report No. 110-76]

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 HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Ms. BALDWIN (for herself, Mrs. MYRICK, Mr. WAXMAN, Mrs. BLACKBURN, and Mrs. CAPP) introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH 27, 2007

Additional sponsors: Mr. BERMAN, Mr. SHAYS, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. McDERMOTT, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Mr. BURTON of Indiana, Mr. HIGGINS, Mr. ALLEN, Mrs. NAPOLITANO, Ms. HERSETH, Mr. UDALL of New Mexico, Ms. CORRINE BROWN of Florida, Mr. TERRY, Mr. SAXTON, Ms. CARSON, Mr. GRIJALVA, Mrs. MALONEY of New York, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Ms. HOOLEY, Ms. BORDALLO, Ms. SCHWARTZ, Mr. KIND, Ms. LEE, Mr. BOUSTANY, Mr. PLATTS, Mr. COHEN, Ms. WOOLSEY, Mr. McNULTY, Ms. BERKLEY, Mr. McHUGH, Mr. CLEAVER, Mr. COURTNEY, Mr. MOORE of Kansas, Mr. RUSH, Mr. TIM MURPHY of Pennsylvania, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. GORDON of Tennessee, Mr. UDALL of Colorado, Mr. KENNEDY, Mr. ELLISON, Mrs. DAVIS of California, Mr. MCINTYRE, Ms. SOLIS, Ms. SUTTON, Ms. HIRONO, Ms. ROS-LEHTINEN, Mr. KING of New York, Mr. OLVER, Mr. CAPUANO, Mr. GILLMOR, Mr. STARK, Mr. KAGEN, Ms. DEGETTE, Mr. TOWNS, Mr. CUMMINGS, Mr. GONZALEZ, and Ms. ZOE LOFGREN of California

MARCH 27, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 16, 2007]

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 2007”.*

7 **SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY**
8 **DETECTION PROGRAM.**

9 *Title XV of the Public Health Service Act (42 U.S.C.*
10 *300k et seq.) is amended—*

11 *(1) in section 1501(d)—*

12 *(A) in the heading, by striking “2000” and*
13 *inserting “2020”; and*

14 *(B) by striking “by the year 2000” and in-*
15 *serting “by the year 2020”;*

16 *(2) in section 1503, by adding at the end the fol-*
17 *lowing:*

1 “(d) *WAIVER OF SERVICES REQUIREMENT ON DIVI-*
2 *SION OF FUNDS.—*—

3 “(1) *IN GENERAL.—The Secretary shall establish*
4 *a demonstration project under which the Secretary*
5 *may waive the requirements of paragraphs (1) and*
6 *(4) of subsection (a) for not more than 5 States, if—*

7 “(A) *the State involved will use the waiver*
8 *to leverage non-Federal funds to supplement each*
9 *of the services or activities described in para-*
10 *graphs (1) and (2) of section 1501(a);*

11 “(B) *the application of such requirement*
12 *would result in a barrier to the enrollment of*
13 *qualifying women;*

14 “(C) *the State involved—*

15 “(i) *demonstrates, to the satisfaction of*
16 *the Secretary, the manner in which the*
17 *State will use such waiver to expand the*
18 *level of screening and follow-up services pro-*
19 *vided immediately prior to the date on*
20 *which the waiver is granted; and*

21 “(ii) *provides assurances, satisfactory*
22 *to the Secretary, that the State will, on an*
23 *annual basis, demonstrate, through such*
24 *documentation as the Secretary may re-*

1 *quire, that the State has used such waiver*
2 *as described in clause (i);*

3 “(D) *the State involved submits to the Sec-*
4 *retary—*

5 “(i) *assurances, satisfactory to the Sec-*
6 *retary, that the State will maintain the av-*
7 *erage annual level of State fiscal year ex-*
8 *penditures for the services and activities de-*
9 *scribed in paragraphs (1) and (2) of section*
10 *1501(a) for the period for which the waiver*
11 *is granted, and for the period for which any*
12 *extension of such waiver is granted, at a*
13 *level that is not less than—*

14 “(I) *the level of the State fiscal*
15 *year expenditures for such services and*
16 *activities for the fiscal year preceding*
17 *the first fiscal year for which the waiv-*
18 *er is granted; or*

19 “(II) *at the option of the State*
20 *and upon approval by the Secretary,*
21 *the average level of the State expendi-*
22 *tures for such services and activities*
23 *for the 3-fiscal year period preceding*
24 *the first fiscal year for which the waiv-*
25 *er is granted; and*

1 “(ii) a plan, satisfactory to the Sec-
2 retary, for maintaining the level of activi-
3 ties carried out under the waiver after the
4 expiration of the waiver and any extension
5 of such waiver;

6 “(E) the Secretary finds that granting such
7 a waiver to a State will increase the number of
8 women in the State that receive each of the serv-
9 ices or activities described in paragraphs (1) and
10 (2) of section 1501(a), including making avail-
11 able screening procedures for both breast and cer-
12 vical cancers; and

13 “(F) the Secretary finds that granting such
14 a waiver to a State will not adversely affect the
15 quality of each of the services or activities de-
16 scribed in paragraphs (1) and (2) of section
17 1501(a).

18 “(2) DURATION OF WAIVER.—

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

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

24 “(ii) upon request of a State, may ex-
25 tend a waiver for an additional period that

1 *is not less than 1 year but not more than*
2 *2 years in accordance with subparagraph*
3 *(B).*

4 *“(B) ADDITIONAL PERIOD.—The Secretary,*
5 *upon the request of a State that has received a*
6 *waiver under paragraph (1), shall, at the end of*
7 *the waiver period described in subparagraph*
8 *(A)(i), review performance under the waiver and*
9 *may extend the waiver for an additional period*
10 *if the Secretary determines that—*

11 *“(i) without an extension of the waiv-*
12 *er, there will be a barrier to the enrollment*
13 *of qualifying women;*

14 *“(ii) the State requesting such extended*
15 *waiver will use the waiver to leverage non-*
16 *Federal funds to supplement the services or*
17 *activities described in paragraphs (1) and*
18 *(2) of section 1501(a);*

19 *“(iii) the waiver has increased, and*
20 *will continue to increase, the number of*
21 *women in the State that receive the services*
22 *or activities described in paragraphs (1)*
23 *and (2) of section 1501(a);*

24 *“(iv) the waiver has not, and will not,*
25 *result in lower quality in the State of the*

1 *services or activities described in para-*
2 *graphs (1) and (2) of section 1501(a); and*

3 *“(v) the State has maintained the av-*
4 *erage annual level of State fiscal expendi-*
5 *tures for the services and activities described*
6 *in paragraphs (1) and (2) of section*
7 *1501(a) for the period for which the waiver*
8 *was granted at a level that is not less*
9 *than—*

10 *“(I) the level of the State fiscal*
11 *year expenditures for such services and*
12 *activities for the fiscal year preceding*
13 *the first fiscal year for which the waiv-*
14 *er is granted; or*

15 *“(II) at the option of the State*
16 *and upon approval by the Secretary,*
17 *the average level of the State expendi-*
18 *tures for such services and activities*
19 *for the 3-fiscal year period preceding*
20 *the first fiscal year for which the waiv-*
21 *er is granted.*

22 *“(3) REPORTING REQUIREMENTS.—The Sec-*
23 *retary shall include as part of the evaluations and re-*
24 *ports required under section 1508, the following:*

1 “(A) A description of the total amount of
2 dollars leveraged annually from Non-Federal en-
3 tities in States receiving a waiver under para-
4 graph (1) and how these amounts were used.

5 “(B) With respect to States receiving a
6 waiver under paragraph (1), a description of the
7 percentage of the grant that is expended on pro-
8 viding each of the services or activities described
9 in—

10 “(i) paragraphs (1) and (2) of section
11 1501(a); and

12 “(ii) paragraphs (3) through (6) of sec-
13 tion 1501(a).

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

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

18 “(i) the number of women receiving
19 services under paragraphs (1), (2), and (3)
20 of section 1501(a) in programs before and
21 after the granting of such waiver; and

22 “(ii) the average annual level of State
23 fiscal expenditures for the services and ac-
24 tivities described in paragraphs (1) and (2)

1 of section 1501(a) for the year preceding the
2 first year for which the waiver was granted.

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

6 “(5) *DEFINITIONS.*—In this subsection:

7 “(A) *INDIAN TRIBE.*—The term ‘Indian
8 tribe’ has the meaning given the term in section
9 4 of the Indian Health Care Improvement Act
10 (25 U.S.C. 1603).

11 “(B) *TRIBAL ORGANIZATION.*—The term
12 ‘tribal organization’ has the meaning given the
13 term in section 4 of the Indian Health Care Im-
14 provement Act.

15 “(C) *STATE.*—The term ‘State’ means each
16 of the several States of the United States, the
17 District of Columbia, the Commonwealth of
18 Puerto Rico, American Samoa, the Common-
19 wealth of the Northern Mariana Islands, the Re-
20 public of the Marshall Islands, the Federated
21 States of Micronesia, the Republic of Palau, an
22 Indian tribe, and a tribal organization.

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

1 (3) in section 1508—

2 (A) in subsection (a), by striking “evalua-
3 tions of the extent to which” and all that follows
4 through the period and inserting: “evaluations
5 of—

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

9 “(2) the extent to which each State receiving a
10 grant under this title is in compliance with section
11 1502, including identification of—

12 “(A) the amount of the non-Federal con-
13 tributions by the State for the preceding fiscal
14 year, disaggregated according to the source of the
15 contributions; and

16 “(B) the proportion of such amount of non-
17 Federal contributions relative to the amount of
18 Federal funds provided through the grant to the
19 State for the preceding fiscal year.”; and

20 (B) in subsection (b), by striking “not later
21 than 1 year after the date on which amounts are
22 first appropriated pursuant to section 1509(a),
23 and annually thereafter” and inserting “not
24 later than 1 year after the date of the enactment
25 of the National Breast and Cervical Cancer

1 *Early Detection Program Reauthorization of*
2 *2007, and annually thereafter*”; and
3 (4) *in section 1510(a)—*
4 (A) *by striking “and” after “\$150,000,000*
5 *for fiscal year 1994,”; and*
6 (B) *by inserting “, \$225,000,000 for fiscal*
7 *year 2008, \$245,000,000 for fiscal year 2009,*
8 *\$250,000,000 for fiscal year 2010, \$255,000,000*
9 *for fiscal year 2011, and \$275,000,000 for fiscal*
10 *year 2012” before the period at the end.*

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