

Union Calendar No. 424

109TH CONGRESS
2^D SESSION

H. R. 5472

[Report No. 109-705]

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

MAY 24, 2006

Mrs. MYRICK (for herself, Ms. BALDWIN, Mr. NORWOOD, Mr. MURPHY, Mrs. CAPPS, Ms. ESHOO, Mr. WAXMAN, and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER 29, 2006

Additional sponsors: Mr. REYES, Mr. UPTON, Ms. SOLIS, Ms. WOOLSEY, Mrs. BLACKBURN, Mr. KILDEE, Mrs. CHRISTENSEN, Mr. LEACH, Ms. KILPATRICK of Michigan, Mrs. JO ANN DAVIS of Virginia, Mr. DELAHUNT, Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mrs. LOWEY, Ms. MATSUI, Ms. GINNY BROWN-WAITE of Florida, Mr. McDERMOTT, Mr. CAPUANO, Ms. DELAURO, Mr. CONYERS, Mr. HINCHEY, Mr. GRIJALVA, Ms. BERKLEY, Mr. MCINTYRE, Mr. PORTER, Mr. NEAL of Massachusetts, Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. BROWN of Ohio, Mr. TERRY, Mr. KENNEDY of Rhode Island, Mr. GENE GREEN of Texas, Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, Mr. McCOTTER, Ms. HARMAN, Mr. HIGGINS, Mr. MILLER of North Carolina, Mr. COSTA, Mr. DOGGETT, Mr. BUYER, Mr. MORAN of Virginia, Mr. ALLEN, Mr. SANDERS, Mr. HASTINGS of Florida, Mr. CLEAVER, Ms. HOOLEY, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. HINOJOSA, Mr. NADLER, Mr. CARDIN, Mr. RANGEL, Mr. WALSH, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. KING of New York, Mr. KIRK, Mr. GONZALEZ, Mr. EMANUEL, Mr. STARK, Mrs. WILSON of New Mexico, Mr. FRANK of Massachusetts, Mr. ISSA, Mr. LARSON of Connecticut, Mr. FOLEY, Mrs. BIGGERT, Mr. LEVIN, Mr. SHAYS, Mr. GILLMOR, Mr. UDALL of New Mexico, Mr. LIPINSKI, Mr. CUMMINGS, Mr. HALL, Ms. LINDA T. SÁNCHEZ of California, Mr. HOB-

SON, Mr. OLVER, Mr. MOORE of Kansas, Mr. MCGOVERN, Mr. SIMMONS, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. BOSWELL, Mrs. DAVIS of California, Mr. MEEHAN, Mrs. MALONEY, Mr. BOEHLERT, Mr. LATHAM, Mr. RYAN of Wisconsin, Mr. COSTELLO, Mr. FITZPATRICK of Pennsylvania, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mrs. MCCARTHY, Ms. VELÁZQUEZ, Ms. MILLENDER-MCDONALD, Mr. SCHIFF, Mr. LOBIONDO, Ms. HERSETH, Mr. WELDON of Pennsylvania, Mr. ORTIZ, Mr. MATHE-SON, Mr. PETERSON of Minnesota, Ms. HARRIS, Mrs. CAPITO, Mr. PICKERING, Mr. PALLONE, Mrs. NAPOLITANO, Mr. SAXTON, Mr. BURGESS, Mr. CAMP of Michigan, Mr. CALVERT, Ms. DEGETTE, Mr. WHITFIELD, Mr. BASS, and Mrs. BONO

SEPTEMBER 29, 2006

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 May 24, 2006]

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 2006”.*

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)—*

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

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

5 (2) in section 1503, by adding at the end the fol-
6 lowing:

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 the Secretary finds that—*

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

16 “(ii) *the application of such requirements*
17 *would result in a barrier to the participation of*
18 *qualifying women in the services or activities de-*
19 *scribed in paragraphs (1) and (2) of section*
20 *1501(a);*

21 “(B) *granting such a waiver to the State*
22 *will not reduce the number of women in the*
23 *State who receive any of the services or activities*
24 *described in paragraphs (1) and (2) of section*

1 1501(a), including screening procedures for both
2 breast and cervical cancers; and

3 “(C) granting such a waiver to the State
4 will not adversely affect the quality of any of the
5 services or activities described in paragraphs (1)
6 and (2) of section 1501(a).

7 “(2) DURATION OF WAIVER.—

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

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

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

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

22 “(i)(I) the State involved will use the
23 waiver to leverage private funds to supple-
24 ment each of the services or activities de-

1 scribed in paragraphs (1) and (2) of section
2 1501(a); or

3 “(II) without an extension of the waiver,
4 the application of the requirements of
5 paragraphs (1) and (4) of subsection (a)
6 would result in a barrier to the participa-
7 tion of qualifying women in the services or
8 activities described in paragraphs (1) and
9 (2) of section 1501(a);

10 “(ii) the waiver has not reduced, and
11 granting the waiver extension will not re-
12 duce, the number of women in the State
13 who receive any of the services or activities
14 described in paragraphs (1) and (2) of sec-
15 tion 1501(a); and

16 “(iii) the waiver has not adversely af-
17 fected, and granting the waiver extension
18 will not adversely affect, the quality in the
19 State of any of the services or activities de-
20 scribed in paragraphs (1) and (2) of section
21 1501(a).

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 private entities
3 in States receiving a waiver under this sub-
4 section and how these amounts were used.

5 “(B) With respect to States receiving a
6 waiver under this subsection, a description of—

7 “(i) the percentage of the grant that is
8 expended on services or activities described
9 in paragraphs (1) and (2) of section
10 1501(a); and

11 “(ii) the percentage of the grant that is
12 expended on services or activities described
13 in paragraphs (3) through (6) of section
14 1501(a).

15 “(C) A description of the number of States
16 receiving waivers under this subsection annually.

17 “(D) With respect to States receiving a
18 waiver under this subsection, a description of the
19 number of women receiving services under para-
20 graphs (1), (2), and (3) of section 1501(a) in
21 programs before and after the granting of such
22 waiver.”;

23 (3) in section 1504(a), by striking “pursuant to
24 paragraphs (1) and (2) of section 1501(a)” and in-

1 serting “pursuant to paragraphs (1), (2), and (3) of
2 section 1501(a)”; 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 “, and \$250,000,000 for
7 each of fiscal years 2007 through 2011” before
8 the period at the end.

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