

110TH CONGRESS  
1ST SESSION

# H. R. 1624

To amend the Public Health Service Act to establish a program of grants for the detection and control of colorectal cancer.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2007

Mr. KENNEDY (for himself, Mr. McNULTY, Mr. GRIJALVA, Mr. BOREN, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to establish a program of grants for the detection and control of colorectal cancer.

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 “Colorectal Cancer Mor-

5 tality Prevention Act of 2007”.

1 **SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS TO**  
2 **STATES FOR DETECTION AND CONTROL OF**  
3 **COLORECTAL CANCER.**

4 The Public Health Service Act (42 U.S.C. 201 et  
5 seq.) is amended by inserting after title XXIX the fol-  
6 lowing new title:

7 **“TITLE XXX—PREVENTIVE**  
8 **HEALTH MEASURES WITH RE-**  
9 **SPECT TO COLORECTAL CAN-**  
10 **CERS**

11 **“SEC. 3001. ESTABLISHMENT OF PROGRAM OF GRANTS TO**  
12 **STATES.**

13 “(a) IN GENERAL.—The Secretary, acting through  
14 the Director of the Centers for Disease Control and Pre-  
15 vention, may make grants to States on the basis of an  
16 established competitive review process for the purpose of  
17 carrying out programs—

18 “(1) to screen for colorectal cancer as a preven-  
19 tive health measure;

20 “(2) to provide appropriate referrals for medical  
21 treatment of individuals screened pursuant to para-  
22 graph (1) and to ensure, to the extent practicable,  
23 the provision of appropriate follow-up services;

24 “(3) to develop and disseminate public informa-  
25 tion and education programs for the detection and  
26 control of colorectal cancer;

1           “(4) to improve the education, training, and  
2           skills of health professionals (including allied health  
3           professionals) in the detection and control of  
4           colorectal cancer;

5           “(5) to establish mechanisms through which the  
6           States can monitor the quality of screening proce-  
7           dures for colorectal cancer, including the interpreta-  
8           tion of such procedures; and

9           “(6) to evaluate activities conducted under  
10          paragraphs (1) through (5) through appropriate sur-  
11          veillance or program-monitoring activities.

12          “(b) GRANT AND CONTRACT AUTHORITY OF  
13 STATES.—A State receiving a grant under subsection (a)  
14 may expend the grant to carry out the purpose described  
15 in such subsection through grants to, and contracts with,  
16 public or nonprofit private entities.

17 **“SEC. 3002. REQUIREMENT OF MATCHING FUNDS.**

18          “(a) IN GENERAL.—The Secretary may not make a  
19 grant under section 3001 unless the State involved agrees,  
20 with respect to the costs to be incurred by the State in  
21 carrying out the purpose described in such section, to  
22 make available non-Federal contributions (in cash or in  
23 kind under subsection (b)) toward such costs in an amount  
24 that is not less than \$1 for each \$3 of Federal funds pro-

1 vided in the grant. Such contributions may be made di-  
2 rectly or through donations from public or private entities.

3 “(b) DETERMINATION OF AMOUNT OF NON-FED-  
4 ERAL CONTRIBUTION.—

5 “(1) IN GENERAL.—Non-Federal contributions  
6 required in subsection (a) may be in cash or in kind,  
7 fairly evaluated, including equipment or services  
8 (and excluding indirect or overhead costs). Amounts  
9 provided by the Federal Government, or services as-  
10 sisted or subsidized to any significant extent by the  
11 Federal Government, may not be included in deter-  
12 mining the amount of such non-Federal contribu-  
13 tions.

14 “(2) MAINTENANCE OF EFFORT.—In making a  
15 determination of the amount of non-Federal con-  
16 tributions for purposes of subsection (a), the Sec-  
17 retary may include only non-Federal contributions in  
18 excess of the average amount of non-Federal con-  
19 tributions made by the State involved toward the  
20 purpose described in section 3001 for the 2-year pe-  
21 riod preceding the first fiscal year for which the  
22 State is applying to receive a grant under such sec-  
23 tion.

24 “(3) INCLUSION OF RELEVANT NON-FEDERAL  
25 CONTRIBUTIONS FOR MEDICAID.—In making a de-

1 termination of the amount of non-Federal contribu-  
2 tions for purposes of subsection (a), the Secretary  
3 shall, subject to paragraphs (1) and (2) of this sub-  
4 section, include any non-Federal amounts expended  
5 pursuant to title XIX of the Social Security Act by  
6 the State involved toward the purpose described in  
7 paragraphs (1) and (2) of section 3001(a).

8 **“SEC. 3003. REQUIREMENTS WITH RESPECT TO TYPE AND**  
9 **QUALITY OF SERVICES.**

10 “(a) REQUIREMENT OF PROVISION OF ALL SERVICES  
11 BY DATE CERTAIN.—The Secretary may not make a  
12 grant under section 3001 unless the State involved  
13 agrees—

14 “(1) to ensure that, initially and throughout the  
15 period during which amounts are received pursuant  
16 to the grant, not less than 60 percent of the grant  
17 is expended to provide each of the services or activi-  
18 ties described in paragraphs (1) and (2) of section  
19 3001(a), including making available screening proce-  
20 dures for colorectal cancer;

21 “(2) to ensure that, by the end of any second  
22 fiscal year of payments pursuant to the grant, each  
23 of the services or activities described in section  
24 3001(a) is provided; and

1           “(3) to ensure that not more than 40 percent  
2           of the grant is expended to provide the services or  
3           activities described in paragraphs (3) through (6) of  
4           such section.

5           “(b) QUALITY ASSURANCE REGARDING SCREENING  
6 FOR COLORECTAL CANCER.—The Secretary may not  
7 make a grant under section 3001 unless the State in-  
8 volved—

9           “(1) assures the quality of any screening proce-  
10          dure for colorectal cancer conducted pursuant to  
11          such section; and

12          “(2) assures that, with respect to the first  
13          colorectal cancer screening performed on an indi-  
14          vidual for which payment is made pursuant to sec-  
15          tion 3001(a), there are satisfactory assurances that  
16          the results of the screening will be placed in perma-  
17          nent medical records maintained with respect to the  
18          individual.

19          “(c) ISSUANCE BY SECRETARY OF GUIDELINES  
20 WITH RESPECT TO QUALITY OF COLORECTAL SERV-  
21 ICES.—

22          “(1) IN GENERAL.—The Secretary shall issue  
23          guidelines for assuring the quality of any colorectal  
24          screening procedure conducted pursuant to section  
25          3001(a).

1           “(2) APPLICABILITY WITH RESPECT TO  
2           GRANTS.—The Secretary may not make a grant  
3           under section 3001 unless the State involved agrees  
4           that the State will, with respect to any colorectal  
5           screening procedure conducted pursuant to such sec-  
6           tion, ensure that the procedure is conducted in ac-  
7           cordance with the guidelines issued by the Secretary  
8           under paragraph (1).

9           **“SEC. 3004. ADDITIONAL REQUIRED AGREEMENTS.**

10          “(a) PRIORITY FOR LOW-INCOME INDIVIDUALS.—  
11          The Secretary may not make a grant under section 3001  
12          unless the State involved agrees that low-income individ-  
13          uals will be given priority in the provision of services and  
14          activities pursuant to paragraphs (1) and (2) of section  
15          3001(a).

16          “(b) LIMITATION ON IMPOSITION OF FEES FOR  
17          SERVICES.—The Secretary may not make a grant under  
18          section 3001 unless the State involved agrees that, if a  
19          charge is imposed for the provision of services or activities  
20          under the grant, such charge—

21                  “(1) will be made according to a schedule of  
22                  charges that is made available to the public;

23                  “(2) will be adjusted to reflect the income of  
24                  the individuals involved; and

1           “(3) will not be imposed on any individual with  
2           an income of less than 100 percent of the official  
3           poverty line, as established by the Director of the  
4           Office of Management and Budget and revised by  
5           the Secretary in accordance with section 673(2) of  
6           the Omnibus Budget Reconciliation Act of 1981.

7           “(c) STATEWIDE PROVISION OF SERVICES.—

8           “(1) IN GENERAL.—The Secretary may not  
9           make a grant under section 3001 unless the State  
10          involved agrees that services and activities under the  
11          grant will be made available throughout the State,  
12          including availability to members of any Indian tribe  
13          or tribal organization (as such terms are defined in  
14          section 4 of the Indian Self-Determination and Edu-  
15          cation Assistance Act).

16          “(2) WAIVER.—The Secretary may waive the  
17          requirement established in paragraph (1) for a State  
18          if the Secretary determines that compliance by the  
19          State with the requirement would result in an ineffi-  
20          cient allocation of resources with respect to carrying  
21          out the purpose described in section 3001(a).

22          “(d) RELATIONSHIP TO ITEMS AND SERVICES  
23          UNDER OTHER PROGRAMS.—The Secretary may not  
24          make a grant under section 3001 unless the State involved  
25          agrees that the grant will not be expended to make pay-

1 ment for any item or service to the extent that payment  
2 has been made, or can reasonably be expected to be made,  
3 with respect to such item or service—

4 “(1) under any State compensation program,  
5 under an insurance policy, or under any Federal or  
6 State health benefits program; or

7 “(2) by an entity that provides health services  
8 on a prepaid basis.

9 “(e) COORDINATION WITH OTHER COLORECTAL  
10 CANCER PROGRAMS.—The Secretary may not make a  
11 grant under section 3001 unless the State involved agrees  
12 that the services and activities funded through the grant  
13 will be coordinated with other Federal, State, and local  
14 colorectal cancer programs.

15 “(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—  
16 The Secretary may not make a grant under section 3001  
17 unless the State involved agrees that not more than 10  
18 percent of the grant will be expended for administrative  
19 expenses with respect to the grant.

20 “(g) RESTRICTIONS ON USE OF GRANT.—The Sec-  
21 retary may not make a grant under section 3001 unless  
22 the State involved agrees that the grant will not be ex-  
23 pended to provide inpatient hospital services (as that term  
24 is defined by the Secretary for purposes of this sub-  
25 section).

1       “(h) RECORDS AND AUDITS.—The Secretary may not  
2 make a grant under section 3001 unless the State involved  
3 agrees that—

4           “(1) the State will establish such fiscal control  
5 and fund accounting procedures as may be necessary  
6 to ensure the proper disbursement of, and account-  
7 ing for, amounts received by the State under such  
8 section; and

9           “(2) upon request, the State will provide  
10 records maintained pursuant to paragraph (1) to the  
11 Secretary or the Comptroller General of the United  
12 States for purposes of auditing the expenditures by  
13 the State of the grant.

14       “(i) REPORTS TO SECRETARY.—The Secretary may  
15 not make a grant under section 3001 unless the State in-  
16 volved agrees to submit to the Secretary such reports as  
17 the Secretary may require with respect to the grant.

18 **“SEC. 3005. DESCRIPTION OF INTENDED USES OF GRANT.**

19       “The Secretary may not make a grant under section  
20 3001 unless—

21           “(1) the State involved submits to the Secretary  
22 a description of the purposes for which the State in-  
23 tends to expend the grant;

1           “(2) the description identifies the populations,  
2           areas, and localities in the State with a need for the  
3           services or activities described in section 3001(a);

4           “(3) the description provides information relat-  
5           ing to the services and activities to be provided, in-  
6           cluding a description of the manner in which the  
7           services and activities will be coordinated with any  
8           similar services or activities of public or nonprofit  
9           entities; and

10           “(4) the description provides assurances that  
11           the grant funds be used in the most cost-effective  
12           manner.

13   **“SEC. 3006. REQUIREMENT OF SUBMISSION OF APPLICA-**  
14                           **TION.**

15           “The Secretary may not make a grant under section  
16   3001 unless an application for the grant is submitted to  
17   the Secretary, the application contains the description of  
18   intended uses required in section 3005, and the applica-  
19   tion is in such form, is made in such manner, and contains  
20   such agreements, assurances, and information as the Sec-  
21   retary determines to be necessary to carry out this title.

1 **“SEC. 3007. TECHNICAL ASSISTANCE AND PROVISION OF**  
2 **SUPPLIES AND SERVICES IN LIEU OF GRANT**  
3 **FUNDS.**

4 “(a) TECHNICAL ASSISTANCE.—The Secretary may  
5 provide training and technical assistance with respect to  
6 the planning, development, and operation of any program  
7 or service carried out pursuant to section 3001. The Sec-  
8 retary may provide such technical assistance directly or  
9 through grants to, or contracts with, public and private  
10 entities.

11 “(b) PROVISION OF SUPPLIES AND SERVICES IN  
12 LIEU OF GRANT FUNDS.—

13 “(1) IN GENERAL.—Upon the request of a  
14 State receiving a grant under section 3001, the Sec-  
15 retary may, subject to paragraph (2), provide sup-  
16 plies, equipment, and services for the purpose of aid-  
17 ing the State in carrying out such section and, for  
18 such purpose, may detail to the State any officer or  
19 employee of the Department of Health and Human  
20 Services.

21 “(2) CORRESPONDING REDUCTION IN PAY-  
22 MENTS.—With respect to a request described in  
23 paragraph (1), the Secretary shall reduce the  
24 amount of payments under the grant under section  
25 3001 to the State involved by an amount equal to  
26 the costs of detailing personnel (including pay, al-

1 lowances, and travel expenses) and the fair market  
2 value of any supplies, equipment, or services pro-  
3 vided by the Secretary. The Secretary shall, for the  
4 payment of expenses incurred in complying with  
5 such request, expend the amounts withheld.

6 **“SEC. 3008. EVALUATIONS AND REPORTS.**

7 “(a) EVALUATIONS.—The Secretary shall, directly or  
8 through contracts with public or private entities, provide  
9 for annual evaluations of programs carried out pursuant  
10 to section 3001.

11 “(b) REPORT TO CONGRESS.—The Secretary shall,  
12 not later than 1 year after the date on which amounts  
13 are first appropriated pursuant to 2909(a) to carry out  
14 this title, and annually thereafter, submit to the appro-  
15 priate congressional committees a report summarizing  
16 evaluations carried out pursuant to subsection (a) during  
17 the preceding fiscal year and making such recommenda-  
18 tions for administrative and legislative initiatives with re-  
19 spect to this title as the Secretary determines to be appro-  
20 priate.

21 **“SEC. 3009. FUNDING.**

22 “(a) AUTHORIZATION OF APPROPRIATIONS.—For the  
23 purpose of carrying out this title, there is authorized to  
24 be appropriated \$25,000,000 for each of the fiscal years  
25 2008 through 2011.

1       “(b) SET-ASIDE FOR TECHNICAL ASSISTANCE AND  
2 PROVISION OF SUPPLIES AND SERVICES.—Of the  
3 amounts appropriated under subsection (a) for a fiscal  
4 year, the Secretary shall reserve not more than 10 percent  
5 for carrying out section 3007.”.

○