

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5472

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

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## 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

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## 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”.

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 the Secretary finds that—

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 requirements  
17 would result in a barrier to the participation of  
18 qualifying women in the services or activities  
19 described 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 activi-  
24 ties described in paragraphs (1) and (2) of sec-  
25 tion 1501(a), including screening procedures for  
26 both breast and cervical cancers; and

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

5           “(2) DURATION OF WAIVER.—

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

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

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

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

21                   “(i)(I) the State involved will use the  
22 waiver to leverage private funds to supple-  
23 ment each of the services or activities de-  
24 scribed in paragraphs (1) and (2) of sec-  
25 tion 1501(a); or

1           “(II) without an extension of the  
2           waiver, the application of the requirements  
3           of paragraphs (1) and (4) of subsection (a)  
4           will result in a barrier to the participation  
5           of qualifying women in the services or ac-  
6           tivities described in paragraphs (1) and (2)  
7           of section 1501(a);

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

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

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

23                 “(A) A description of the total amount of  
24                 dollars leveraged annually from private entities

1 in States receiving a waiver under this sub-  
2 section and how these amounts were used.

3 “(B) With respect to States receiving a  
4 waiver under this subsection, a description of  
5 the percentage of the grant that is expended on  
6 providing each of the services or activities de-  
7 scribed in paragraphs (1) and (2) and para-  
8 graphs (3) through (6) of section 1501(a).

9 “(C) A description of the number of States  
10 receiving waivers under this subsection annu-  
11 ally.

12 “(D) With respect to States receiving a  
13 waiver under this subsection, a description of  
14 the number of women receiving services under  
15 paragraphs (1), (2), and (3) of section 1501(a)  
16 in programs before and after the granting of  
17 such waiver.”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
19 1510(a) of the Public Health Service Act (42 U.S.C.  
20 300n–5(a)) is amended—

21 (1) by striking “and” after “\$150,000,000 for  
22 fiscal year 1994,”; and

23 (2) by inserting “, \$250,000,000 for fiscal year  
24 2007, and such sums as may be necessary for each

1 of fiscal years 2008 through 2012” before the period  
2 at the end.

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