

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2202

To amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1993

Mr. WAXMAN (for himself, Mr. BLILEY, Mr. DINGELL, Mr. MOORHEAD, Mr. HALL of Texas, Mr. ROWLAND, Mr. TOWNS, Mr. STUDDS, Mr. KREIDLER, Mr. BILIRAKIS, Mr. McMILLAN, and Mr. GREENWOOD) 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 revise and extend the program of grants relating to preventive health measures with respect to breast and cervical 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 “Breast and Cervical  
5 Cancer Amendments of 1993”.

1 **SEC. 2. REVISIONS IN PROGRAM OF STATE GRANTS RE-**  
2 **GARDING BREAST AND CERVICAL CANCER.**

3 (a) LIMITED AUTHORITY REGARDING FOR-PROFIT  
4 ENTITIES.—

5 (1) IN GENERAL.—Section 1501(b) of the Pub-  
6 lic Health Service Act (42 U.S.C. 300k(b)) is  
7 amended—

8 (A) by striking “STATES.—A State” and  
9 all that follows through “may expend” and in-  
10 serting the following: “STATES.—

11 “(1) IN GENERAL.—A State receiving a grant  
12 under subsection (a) may, subject to paragraph (2),  
13 expend”; and

14 (B) by adding at the end the following  
15 paragraph:

16 “(2) LIMITED AUTHORITY REGARDING OTHER  
17 ENTITIES.—In addition to the authority established  
18 in paragraph (1) for a State with respect to grants  
19 and contracts, the State may provide for screenings  
20 under subsection (a)(1) through entering into con-  
21 tracts with private entities. The amount paid by a  
22 State to a private entity under the preceding sen-  
23 tence for a screening procedure may not exceed the  
24 amount that would be paid under part B of title  
25 XVIII of the Social Security Act if payment were

1 made under such part for furnishing the procedure  
2 to a woman enrolled under such part.”.

3 (2) CONFORMING AMENDMENT.—Section  
4 1505(3) of the Public Health Service Act (42 U.S.C.  
5 300n–1(3)) is amended by inserting before the semi-  
6 colon the following: “(and additionally, in the case of  
7 services and activities under section 1501(a)(1), with  
8 any similar services or activities of private entities)”.

9 (b) QUALITY ASSURANCE REGARDING SCREENING  
10 PROCEDURES.—

11 (1) IN GENERAL.—Section 1503 of the Public  
12 Health Service Act (42 U.S.C. 300m) is amended by  
13 striking subsections (c) through (e) and inserting  
14 the following:

15 “(c) QUALITY ASSURANCE REGARDING SCREENING  
16 PROCEDURES.—The Secretary may not make a grant  
17 under section 1501 unless the State involved agrees that  
18 the State will, in accordance with applicable law, assure  
19 the quality of screening procedures conducted pursuant to  
20 such section.”.

21 (2) TRANSITION RULE REGARDING  
22 MAMMOGRAPHIES.—With respect to the screening  
23 procedure for breast cancer known as a mammo-  
24 graphy, the requirements in effect on the day before  
25 the date of the enactment of this Act under section

1 1503(c) of the Public Health Service Act remain in  
2 effect (for an individual or facility conducting such  
3 procedures pursuant to a grant to a State under sec-  
4 tion 1501 of such Act) until there is in effect for the  
5 facility a certificate (or provisional certificate) issued  
6 under section 354 of such Act.

7 (c) STATEWIDE PROVISION OF SERVICES.—Section  
8 1504(c) of the Public Health Service Act (42 U.S.C.  
9 300n(c)) is amended by adding at the end the following  
10 paragraph:

11 “(3) GRANTS TO TRIBES AND TRIBAL ORGANI-  
12 ZATIONS.—

13 “(A) The Secretary, acting through the Di-  
14 rector of the Centers for Disease Control and  
15 Prevention, may make grants to tribes and trib-  
16 al organizations (as such terms are used in  
17 paragraph (1)) for the purpose of carrying out  
18 programs described in section 1501(a). This  
19 title (other than section 1501(c)) applies to  
20 such a grant (in relation to the jurisdiction of  
21 the tribe or organization) to the same extent  
22 and in the same manner as such title applies to  
23 grants to States under section 1501 (in relation  
24 to the jurisdiction of the States).

1           “(B) If a tribe or tribal organization is re-  
2           ceiving a grant under subparagraph (A) and the  
3           State in which the tribe or organization is lo-  
4           cated is receiving a grant under section 1501,  
5           the requirement established in paragraph (1)  
6           for the State regarding the tribe or organiza-  
7           tion is deemed to have been waived under para-  
8           graph (2).”.

9           (d) EVALUATIONS AND REPORTS.—Section 1508 of  
10          the Public Health Service Act (42 U.S.C. 300n-4) is  
11          amended—

12                 (1) in subsection (a), by adding at the end the  
13                 following sentence: “Such evaluations shall include  
14                 evaluations of the extent to which States carrying  
15                 out such programs are in compliance with section  
16                 1501(a)(2) and with section 1504(c).”; and

17                 (2) in subsection (b), by inserting before the pe-  
18                 riod that following: “, including recommendations re-  
19                 garding compliance by the States with section  
20                 1501(a)(2) and with section 1504(c)”.

21           (e) ESTABLISHMENT OF COORDINATING COMMIT-  
22          TEE.—Section 1501 of the Public Health Service Act (42  
23          U.S.C. 300k) is amended by adding at the end the follow-  
24          ing subsection:

1       “(c) COORDINATING COMMITTEE REGARDING YEAR  
2 2000 HEALTH OBJECTIVES.—The Secretary, acting  
3 through the Director of the Centers for Disease Control  
4 and Prevention, shall establish a committee to coordinate  
5 the activities of the agencies of the Public Health Service  
6 (and other appropriate Federal agencies) that are carried  
7 out toward achieving the objectives established by the Sec-  
8 retary for reductions in the incidence of breast and cer-  
9 vical cancer in the United States by the year 2000. Such  
10 committee shall be comprised of Federal officers or em-  
11 ployees designated by the heads of the agencies involved  
12 to serve on the committee as representatives of the agen-  
13 cies, and such representatives from other public or private  
14 entities as the Secretary determines to be appropriate.”.

15       (f) TECHNICAL CORRECTIONS.—Title XV of the Pub-  
16 lic Health Service Act (42 U.S.C. 300k et seq.) is amend-  
17 ed—

18             (1) in section 1501(a), in the matter preceding  
19 paragraph (1), by striking “Control,” and inserting  
20 “Control and Prevention,”; and

21             (2) in section 1505(4), by inserting “will” be-  
22 fore “be used”.

23 **SEC. 3. FUNDING.**

24       Section 1509(a) of the Public Health Service Act (42  
25 U.S.C. 300n-5(a)) is amended—

- 1 (1) by striking “and” after “1991,”; and
- 2 (2) by inserting before the period the following:
  - 3 “, \$100,000,000 for fiscal year 1994, and such sums
  - 4 as may be necessary for each of the fiscal years
  - 5 1995 through 1998”.

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