

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

# S. 1310

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, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JUNE 30), 1993

Ms. MIKULSKI (for herself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. DODD, and Mr. RIEGLE) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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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, and for other purposes.

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 paragraphs (2)  
13 and (3), expend”; and

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

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.

22 “(3) PAYMENTS FOR SCREENINGS.—The  
23 amount paid by a State to an entity under this sub-  
24 section for a screening procedure under subsection  
25 (a)(1) may not exceed the amount that would be  
26 paid under part B of title XVIII of the Social Secu-

1 rity Act if payment were made under such part for  
2 furnishing the procedure to a woman enrolled under  
3 such part.”.

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

10 (b) SPECIAL CONSIDERATION FOR GRANTS.—Section  
11 1501 of the Public Health Service Act (42 U.S.C. 300k)  
12 is amended by adding at the end thereof the following new  
13 subsection:

14 “(c) SPECIAL CONSIDERATION.—In making grants  
15 under subsection (a) after the date of enactment of this  
16 subsection, the Secretary shall give special consideration  
17 to projects that have been peer reviewed and approved and  
18 that involve areas that—

19 “(1) have high cervical or breast cancer mortal-  
20 ity rates; or

21 “(2) have a high incidence of cervical or breast  
22 cancer.”.

23 (c) EXEMPTION FROM MATCHING REQUIRE-  
24 MENTS.—Section 1502(b)(1) of the Public Health Service  
25 Act (42 U.S.C. 300l(b)(1)) is amended to read as follows:

1 “(1) TYPES OF CONTRIBUTIONS.—

2 “(A) GENERAL RULE.—Non-Federal con-  
3 tributions required in subsection (a) may be in  
4 cash or in kind, fairly evaluated, including  
5 equipment or services (and excluding indirect or  
6 overhead costs). Amounts provided by the Fed-  
7 eral Government, or services assisted or sub-  
8 sidized to any significant extent by the Federal  
9 Government, may not be included in determin-  
10 ing the amount of such non-Federal contribu-  
11 tions.

12 “(B) DONATED TREATMENT SERVICES.—  
13 In meeting the non-Federal contribution re-  
14 quirement of this section, the State involved—

15 “(i) may, with respect to a grant  
16 awarded for a program under paragraph  
17 (1) or (2) of section 1501(a), use the value  
18 of any donated outreach services associated  
19 with the delivery of breast and cervical  
20 cancer screenings conducted under the pro-  
21 gram, and the value of any additional do-  
22 nated breast or cervical cancer diagnostic  
23 or treatment services provided subsequent  
24 to the screening conducted under the pro-  
25 gram; and

1           “(ii) may not, with respect to a grant  
2           awarded for a program under paragraph  
3           (3), (4), (5) or (6) of section 1501(a), in-  
4           clude the value of any donated breast or  
5           cervical cancer outreach, diagnosis, or  
6           treatment services.”.

7           (d) QUALITY ASSURANCE REGARDING SCREENING  
8           PROCEDURES.—

9           (1) IN GENERAL.—Section 1503 of the Public  
10          Health Service Act (42 U.S.C. 300m) is amended—

11           (A) in subsection (a)—

12           (i) in paragraph (1), to read as fol-  
13          lows:

14           “(1) to ensure that, after a limited period of  
15          time and thereafter throughout the period during  
16          which amounts are received pursuant to the grant,  
17          except for the period of the first year when a 50 per-  
18          cent minimum shall apply, not less than 60 percent  
19          of the grant is expended to provide each of the serv-  
20          ices or activities described in paragraphs (1) and (2)  
21          of section 1501(a), including making available  
22          screening procedures for both breast and cervical  
23          cancers;”; and

24           (ii) in paragraph (4), to read as fol-  
25          lows:

1           “(4) 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 section 1501(a), except in the case of the first year  
5 during which the maximum expended for these pur-  
6 poses shall not exceed 50 percent of the grant.”; and

7                       (B) by striking subsections (c) through (e)  
8 and inserting the following:

9           “(c) QUALITY ASSURANCE REGARDING SCREENING  
10 PROCEDURES.—The Secretary may not make a grant  
11 under section 1501 unless the State involved agrees that  
12 the State will, in accordance with applicable law, assure  
13 the quality of screening procedures conducted pursuant to  
14 such section.”.

15           (2) TRANSITION RULE REGARDING  
16 MAMMOGRAPHIES.—With respect to the screening  
17 procedure for breast cancer known as a mammog-  
18 raphy, the requirements in effect on the day before  
19 the date of the enactment of this Act under section  
20 1503(c) of the Public Health Service Act remain in  
21 effect (for an individual or facility conducting such  
22 procedures pursuant to a grant to a State under sec-  
23 tion 1501 of such Act) until there is in effect for the  
24 facility a certificate (or provisional certificate) issued  
25 under section 354 of such Act.

1 (e) STATEWIDE PROVISION OF SERVICES.—Section  
2 1504(c) of the Public Health Service Act (42 U.S.C.  
3 300n(c)) is amended by adding at the end the following  
4 paragraph:

5 “(3) GRANTS TO TRIBES AND TRIBAL ORGANI-  
6 ZATIONS.—

7 “(A) The Secretary, acting through the Di-  
8 rector of the Centers for Disease Control and  
9 Prevention, may make grants to tribes and trib-  
10 al organizations (as such terms are used in  
11 paragraph (1)) for the purpose of carrying out  
12 programs described in section 1501(a). This  
13 title applies to such a grant (in relation to the  
14 jurisdiction of the tribe or organization) to the  
15 same extent and in the same manner as such  
16 title applies to a grant to a State under section  
17 1501 (in relation to the jurisdiction of the  
18 State).

19 “(B) If a tribe or tribal organization is re-  
20 ceiving a grant under subparagraph (A) and the  
21 State in which the tribe or organization is lo-  
22 cated is receiving a grant under section 1501,  
23 the requirement established in paragraph (1)  
24 for the State regarding the tribe or organiza-

1           tion is deemed to have been waived under para-  
2           graph (2).”.

3           (f) EVALUATIONS AND REPORTS.—Section 1508 of  
4 the Public Health Service Act (42 U.S.C. 300n-4) is  
5 amended—

6           (1) in subsection (a), by adding at the end the  
7 following sentence: “Such evaluations shall include  
8 evaluations of the extent to which States carrying  
9 out such programs are in compliance with section  
10 1501(a)(2) and with section 1504(c).”; and

11           (2) in subsection (b), by inserting before the pe-  
12 riod the following: “, including recommendations re-  
13 garding compliance by the States with section  
14 1501(a)(2) and with section 1504(c)”.

15           (g) TECHNICAL CORRECTIONS.—Title XV of the  
16 Public Health Service Act (42 U.S.C. 300k et seq.) is  
17 amended—

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—

22           (A) in paragraph (3), by striking  
23 “nonprivate” and inserting “nonprofit private”;  
24 and

1 (B) in paragraph (4), by inserting “will”  
2 before “be used”.

3 **SEC. 3. ESTABLISHMENT OF DEMONSTRATION PROGRAM**  
4 **OF GRANTS FOR ADDITIONAL PREVENTIVE**  
5 **HEALTH SERVICES FOR WOMEN.**

6 (a) IN GENERAL.—Title XV of the Public Health  
7 Service Act (42 U.S.C. 300k et seq.) is amended—

8 (1) by redesignating section 1509 as section  
9 1510; and

10 (2) by inserting after section 1508 the following  
11 section:

12 **“SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL**  
13 **PREVENTIVE HEALTH SERVICES.**

14 “(a) DEMONSTRATION PROJECTS.—In the case of  
15 States receiving grants under section 1501, the Secretary,  
16 acting through the Director of the Centers for Disease  
17 Control and Prevention, may make grants to not more  
18 than 3 such States to carry out demonstration projects  
19 for the purpose of—

20 “(1) providing preventive health services in ad-  
21 dition to the services authorized in such section, in-  
22 cluding screenings regarding blood pressure and cho-  
23 lesterol, and including health education;

24 “(2) providing appropriate referrals for medical  
25 treatment of women receiving services pursuant to

1 paragraph (1) and ensuring, to the extent prac-  
2 ticable, the provision of appropriate follow-up serv-  
3 ices; and

4 “(3) evaluating activities conducted under para-  
5 graphs (1) and (2) through appropriate surveillance  
6 or program-monitoring activities.

7 “(b) STATUS AS PARTICIPANT IN PROGRAM REGARD-  
8 ING BREAST AND CERVICAL CANCER.—The Secretary  
9 may not make a grant under subsection (a) unless the  
10 State involved agrees that services under the grant will  
11 be provided only through entities that are screening  
12 women for breast or cervical cancer pursuant to a grant  
13 under section 1501.

14 “(c) APPLICABILITY OF PROVISIONS OF GENERAL  
15 PROGRAM.—This title applies to a grant under subsection  
16 (a) to the same extent and in the same manner as such  
17 title applies to a grant under section 1501.

18 “(d) FUNDING.—

19 “(1) IN GENERAL.—Subject to paragraph (2),  
20 for the purpose of carrying out this section, there  
21 are authorized to be appropriated \$3,000,000 for  
22 fiscal year 1994, and such sums as may be nec-  
23 essary for each of the fiscal years 1995 through  
24 1998.

1           “(2) LIMITATION REGARDING FUNDING WITH  
2           RESPECT TO BREAST AND CERVICAL CANCER.—The  
3           authorization of appropriations established in para-  
4           graph (1) is not effective for a fiscal year unless the  
5           amount appropriated under section 1510(a) for the  
6           fiscal year equals or exceeds \$100,000,000.”.

7           (b) CONFORMING AMENDMENT.—Section 1510(a) of  
8           the Public Health Service Act, as redesignated by sub-  
9           section (a)(1) of this section, is amended in the heading  
10          for the section by striking “**FUNDING.**” and inserting  
11          “**FUNDING FOR GENERAL PROGRAM.**”.

12          **SEC. 4. FUNDING FOR GENERAL PROGRAM.**

13          Section 1510(a) of the Public Health Service Act (as  
14          redesignated by section 3(a)(2)) is amended—

15                  (1) by striking “and” after “1991,”; and

16                  (2) by inserting before the period the following:

17                  “, \$200,000,000 for fiscal year 1994, and such sums  
18                  as may be necessary for each of the fiscal years  
19                  1995 through 1998”.

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