

104TH CONGRESS
1ST SESSION

S. 142

To strengthen the capacity of State and local public health agencies to carry out core functions of public health, by eliminating administrative barriers and enhancing State flexibility, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mrs. KASSEBAUM introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To strengthen the capacity of State and local public health agencies to carry out core functions of public health, by eliminating administrative barriers and enhancing State flexibility, 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 “Public Health En-
5 hancement Act of 1995”.

1 **TITLE I—FORMULA GRANTS FOR**
2 **STATE CORE FUNCTIONS OF**
3 **PUBLIC HEALTH**

4 **SEC. 101. PURPOSE.**

5 It is the purpose of this title to strengthen the capac-
6 ity of State and local public health agencies to carry out
7 core functions of public health, by eliminating administra-
8 tive barriers, and enhancing State flexibility.

9 **SEC. 102. FORMULA GRANTS TO STATES FOR CORE FUNC-**
10 **TIONS OF PUBLIC HEALTH.**

11 Part A of title XIX of the Public Health Service Act
12 (42 U.S.C. 300w et seq.) is amended—

13 (1) by striking the part heading and inserting
14 the following:

15 **“PART A—FORMULA GRANTS TO STATES FOR**
16 **CORE FUNCTIONS OF PUBLIC HEALTH”;**

17 (2) by repealing sections 1901 through 1907;

18 (3) by inserting after the part heading the fol-
19 lowing new sections:

20 **“SEC. 1901. GRANTS.**

21 “(a) IN GENERAL.—The Secretary, acting through
22 the Director of the Centers for Disease Control and Pre-
23 vention, shall make grants to States in accordance with
24 the formula described in subsection (d) for the purpose
25 of carrying out the functions described in subsection (b).

1 “(b) CORE FUNCTIONS OF PUBLIC HEALTH PRO-
2 GRAMS.—For purposes of subsection (a) and subject to
3 the funding agreement described in subsection (c), the
4 functions described in this subsection are as follows:

5 “(1) Data collection and activities related to
6 population health measurement and outcomes mon-
7 itoring (including gender differences, ethnic identifi-
8 ers, and health differences between racial and ethnic
9 groups), and analysis for planning and needs assess-
10 ment.

11 “(2) Activities to protect the environment and
12 to assure the safety of housing, workplaces, food and
13 water, and the public health of communities (includ-
14 ing support for poison control centers and preventive
15 health services programs to reduce the prevalence of
16 chronic diseases and to prevent intentional and unin-
17 tentional injuries).

18 “(3) Investigation and control of adverse health
19 conditions.

20 “(4) Public information and education pro-
21 grams to reduce risks to health.

22 “(5) Accountability and quality assurance ac-
23 tivities, including quality of personal health services
24 and any communities’ overall access to health serv-
25 ices.

1 “(6) Provision of public health laboratory serv-
2 ices.

3 “(7) Training and education with special em-
4 phasis placed on the training of public health profes-
5 sions and occupational health professionals.

6 “(8) Leadership, policy development and admin-
7 istration activities.

8 “(c) RESTRICTIONS ON USE OF GRANT.—

9 “(1) IN GENERAL.—A funding agreement for a
10 grant under subsection (a) for a State is that the
11 grant will not be expended—

12 “(A) to provide inpatient services;

13 “(B) to make cash payments to intended
14 recipients of health services;

15 “(C) to purchase or improve land, pur-
16 chase, construct, or permanently improve (other
17 than minor remodeling) any building or other
18 facility, or purchase major medical equipment;
19 or

20 “(D) to satisfy any requirement for the ex-
21 penditure of non-Federal funds as a condition
22 for the receipt of Federal funds.

23 “(2) LIMITATION ON ADMINISTRATIVE EX-
24 PENSES.—A funding agreement for a grant under
25 subsection (a) is that the State involved will not ex-

1 pend more than 10 percent of the grant for adminis-
2 trative expenses with respect to the grant.

3 “(d) FORMULA.—

4 “(1) IN GENERAL.—The Secretary, acting
5 through the Director of the Centers for Disease
6 Control and Prevention, shall develop and implement
7 a formula to distribute funds, which would have oth-
8 erwise been distributed under the provisions of law
9 described in paragraph (2)(B) in effect on January
10 1, 1995, to each State under this title. Such formula
11 shall incorporate measures of population, health sta-
12 tus of the population, and financial resources of the
13 various States. The Secretary shall submit the sug-
14 gested formula and an accompanying report describ-
15 ing the estimated funding impact on States to the
16 appropriate Congressional authorizing committees
17 not later than January 1, 1996.

18 “(2) TRANSITION FORMULA.—

19 “(A) IN GENERAL.—With respect to each
20 of the fiscal years 1997, 1998, and 1999, the
21 Secretary shall ensure that a State under this
22 title receives an allotment that is equal to not
23 less than 90 percent of the amount of the allot-
24 ments the State received in fiscal year 1996
25 under the provisions of law described in sub-

1 paragraph (B). If the total allotment for all
2 States under this subparagraph is less than the
3 total allotment for all States for the previous
4 year under such provisions, the Secretary shall
5 establish a formula for the proportional reduc-
6 tion in each State's allotment.

7 “(B) PROVISIONS OF LAW.—The provi-
8 sions of law referred to in subparagraph (A) are
9 the following:

10 “(i) Section 1902, preventive health
11 and health services block grant.

12 “(ii) Section 318(e), prevention and
13 control of sexually transmitted disease.

14 “(iii) Section 318A(q), infertility and
15 sexually transmitted diseases.

16 “(iv) Section 317(j), immunization
17 grant program.

18 “(v) Section 317E(g), prevention
19 health services regarding tuberculosis.

20 “(vi) Section 399L(a), cancer reg-
21 istries.

22 “(vii) The authority for grants under
23 section 317 for preventive health services
24 programs for diabetes.

1 “(viii) The authority for grants under
2 section 317 for preventive health services
3 programs for tobacco use prevention.

4 “(ix) The authority for grants under
5 section 317 for preventive health services
6 programs for disabilities prevention.

7 “(x) Section 317A(1), lead poisoning
8 prevention.

9 “(xi) Section 1510(a), breast and cer-
10 vical cancer.

11 “(xii) The authority for grants under
12 section 317 for preventive health services
13 programs for human immunodeficiency
14 virus prevention.

15 “(3) WITHHOLDING.—

16 “(A) IN GENERAL.—The Secretary shall,
17 after adequate notice and an opportunity for a
18 hearing conducted within the affected State,
19 withhold funds from any State which does not
20 use its allotment in accordance with the re-
21 quirements of this section. The Secretary shall
22 withhold such funds until the Secretary finds
23 that the reason for the withholding has been re-
24 moved and there is reasonable assurance that it
25 will not recur.

1 “(B) PROCEEDINGS.—The Secretary may
2 not institute proceedings to withhold funds
3 under this paragraph unless the Secretary has
4 conducted an investigation concerning whether
5 the State has used its allotment in accordance
6 with the requirements of this section. Investiga-
7 tions required under this subparagraph shall be
8 conducted within the affected State by qualified
9 investigators.

10 “(C) RESPONSE TO COMPLAINTS.—The
11 Secretary shall respond in an expeditious man-
12 ner to complaints of a substantial or serious na-
13 ture that a State has failed to use funds in ac-
14 cordance with the requirements of this section.

15 “(D) LIMITATION.—The Secretary may
16 not withhold funds under this paragraph from
17 a State for a minor failure to comply with the
18 requirements of this section.

19 “(4) INVESTIGATIONS.—

20 “(A) IN GENERAL.—The Secretary shall
21 conduct in several States in each fiscal year in-
22 vestigations of the use of funds received by the
23 States under this section in order to evaluate
24 compliance with the requirements of this sec-
25 tion.

1 “(B) COMPTROLLER GENERAL.—The
2 Comptroller General of the United States may
3 conduct investigations of the use of funds re-
4 ceived under this section by a State in order to
5 insure compliance with the requirements of this
6 section.

7 “(5) AVAILABILITY OF BOOKS AND RECORDS.—
8 Each State, and each entity which has received
9 funds from an allotment made to a State under this
10 section, shall make appropriate books, documents,
11 papers, and records available to the Secretary or the
12 Comptroller General of the United States, or any of
13 their duly authorized representatives, for examina-
14 tion, copying, or mechanical reproduction on or off
15 the premises of the appropriate entity upon a rea-
16 sonable request therefore.

17 “(6) REQUEST FOR INFORMATION.—

18 “(A) IN GENERAL.—In conducting any in-
19 vestigation in a State under this subsection, the
20 Secretary or the Comptroller General of the
21 United States may not make a request for any
22 information not readily available to such State
23 or an entity which has received funds from an
24 allotment made to the State under this section
25 or make an unreasonable request for informa-

1 tion to be compiled, collected, or transmitted in
2 any form not readily available.

3 “(B) LIMITATION.—Subparagraph (A)
4 shall not apply to the collection, compilation, or
5 transmittal of data in the course of a judicial
6 proceeding.

7 “(e) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—

8 “(1) IN GENERAL.—If the Secretary—

9 “(A) receives a request from the governing
10 body of an Indian tribe or tribal organization
11 within any State that funds under this title be
12 provided directly by the Secretary to such tribe
13 or organization; and

14 “(B) determines that the members of such
15 tribe or tribal organization would be better
16 served by means of grants made directly by the
17 Secretary under this section,

18 the Secretary shall reserve from amounts which
19 would otherwise be allotted to such State under the
20 formula under subsection (d) for the fiscal year the
21 amount determined under paragraph (2).

22 “(2) RESERVATION.—The Secretary shall re-
23 serve, for the purposes of paragraph (1), from
24 amounts that would otherwise be allotted to such
25 State under the formula under subsection (d), an

1 amount equal to the amount which bears the same
2 ratio to the State's allotment for the fiscal year in-
3 volved as the total amount provided or allotted for
4 fiscal year 1996 by the Secretary to such tribe or
5 tribal organization under the provisions of law re-
6 ferred to in subsection (d)(2)(B) bore to the total
7 amount provided or allotted for such fiscal year by
8 the Secretary to the State and entities (including In-
9 dian tribes and tribal organizations) in the State
10 under such provisions of law.

11 “(3) GRANTS.—The amount reserved by the
12 Secretary on the basis of a determination under this
13 subsection shall be granted to the Indian tribe or
14 tribal organization serving the individuals for whom
15 such a determination has been made.

16 “(4) PLAN.—In order for an Indian tribe or
17 tribal organization to be eligible for a grant for a fis-
18 cal year under this subsection, it shall submit to the
19 Secretary a plan for such fiscal year in accordance
20 with section 1902.

21 “(5) DEFINITIONS.—As used in this subsection,
22 the terms ‘Indian tribe’ and ‘tribal organization’
23 have the same meaning given such terms in section
24 4(b) and section 4(c) of the Indian Self-Determina-
25 tion and Education Assistance Act.

1 “(6) ACCOUNTABILITY.—The provisions of sub-
2 section (d)(3) relating to accountability shall apply
3 to this subsection.

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—For the purpose of making
6 grants under this section, there are authorized to be
7 appropriated, \$1,100,000,000 for fiscal year 1997,
8 and such sums as may be necessary for each of the
9 fiscal years 1998 through 2000.

10 “(2) ADMINISTRATIVE EXPENSES.—The Sec-
11 retary may use not more than 5 percent of the
12 amounts appropriated in any fiscal year under para-
13 graph (1) for expenses related to the administration
14 of this part.

15 “(3) REDUCTION IN PAYMENTS.—The Sec-
16 retary, at the request of a State or Indian Tribe,
17 may reduce the amount of payments under sub-
18 section (a) by—

19 “(A) the fair market value of any supplies
20 or equipment furnished the State; and

21 “(B) the amount of the pay, allowances,
22 and travel expenses of any officer, fellow, or
23 employee of the Federal Government when de-
24 tailed to the State or Indian Tribe and the
25 amount of any other costs incurred in connec-

1 tion with the detail of such officer, fellow, or
2 employee;

3 when the furnishing of supplies or equipment or the
4 detail of an officer, fellow, or employee is for the
5 convenience of and at the request of the State or In-
6 dian Tribe and for the purpose of conducting activi-
7 ties described in this section. The amount by which
8 any payment may be reduced under this paragraph
9 shall be available for payment by the Secretary of
10 the costs incurred in furnishing the supplies or
11 equipment or in detailing the personnel, on which
12 the reduction of the payment is based, and the
13 amount shall be deemed to be part of the payment
14 and shall be deemed to have been paid to the State
15 or Indian Tribe.

16 “(g) MAINTENANCE OF EFFORT.—

17 “(1) CURRENT CORE FUNCTIONS OF PUBLIC
18 HEALTH EXPENDITURES.—A funding agreement for
19 a grant under subsection (a) is that the State in-
20 volved will maintain expenditures of non-Federal
21 amounts for core health functions at a level that is
22 not less than the level of such expenditures, adjusted
23 for changes in the Consumer Price Index, main-
24 tained by the State for the fiscal year preceding the
25 first fiscal year for which the State receives such a

1 grant. The Secretary, acting through the Director of
2 the Centers for Disease Control and Prevention,
3 shall develop uniform criteria to help States identify
4 their public health department expenditures that
5 shall be used in calculating core public health func-
6 tion expenditures.

7 “(2) REDUCTIONS.—The Secretary may reduce
8 the amount of any grant awarded to a State under
9 this section by an amount that equals the amount by
10 which the Secretary determines that the State has
11 reduced State expenditures for core public health
12 functions.

13 **“SEC. 1902. APPLICATION.**

14 “(a) DEVELOPMENT OF UNIFORM APPLICATION.—
15 The Secretary, acting through the Director of the Centers
16 for Disease Control and Prevention, shall develop a uni-
17 form application that States shall use to apply for grants
18 under this part. In developing such uniform application,
19 the Secretary shall require the provision of information
20 consistent with data on the interventions comprising and
21 the outcomes attributable to, core public health functions
22 as such data is included in the uniform reporting system
23 in section 1903. Such a uniform application shall be devel-
24 oped to take into account the requirements in of sub-
25 section (b).

1 “(b) STATE ASSURANCES.—An application submitted
2 under this part shall include the following:

3 “(1) A description of the existing deficiencies
4 and successes in the public health system of the
5 State based upon indicators included in the uniform
6 application data set.

7 “(2) A plan to improve such deficiencies and to
8 continue successes. Such plan shall have been devel-
9 oped with the broadest possible input from State
10 and local health departments and public and non-
11 profit private entities performing core functions of
12 public health in that State. In compiling such plan
13 the State shall describe why funding for a successful
14 intervention continues to be needed, including a de-
15 scription of the detriment that would occur if such
16 funding were not to occur using the indicators found
17 in the uniform application data set.

18 “(3) A description of the activities of the State
19 for the previous year, including the problems ad-
20 dressed and changes made in the relevant health in-
21 dicators included in the uniform application data set.

22 “(4) Information concerning the maintenance of
23 effort requirements described in section 1901(h).

1 **“SEC. 1903. UNIFORM CORE PUBLIC HEALTH FUNCTIONS**
2 **REPORTING SYSTEM.**

3 “(a) IN GENERAL.—

4 “(1) DEVELOPMENT.—The Secretary, acting
5 through the Director of the Centers for Disease
6 Control and Prevention, shall develop and implement
7 a Uniform Core Public Health Functions Reporting
8 System to collect program and fiscal data concerning
9 the interventions comprising, and the outcomes at-
10 tributable to, core functions of public health.

11 “(2) REQUIREMENTS.—The system developed
12 under paragraph (1) shall—

13 “(A) use outcomes consistent with the
14 goals of Healthy People 2000;

15 “(B) be designed so that information col-
16 lected will be relevant to the requirements of
17 this part; and

18 “(C) be designed and implemented not
19 later than 2 years after the date of enactment
20 of this section.

21 “(b) STATE PUBLIC HEALTH OFFICERS.—In devel-
22 oping the data set to be used under the Uniform Core
23 Public Health Functions Reporting System the Secretary
24 shall consult with State public health officers.”;

25 (4) in section 1908(b) (42 U.S.C. 300w-7(b)),
26 by striking “1902” and inserting “1901”; and

1 (5) in section 1910(a) (42 U.S.C. 300w-9(a)),
2 by striking “1904(a)(1)(F)” and inserting “1901”.

3 **TITLE II—CENTERS FOR DIS-**
4 **EASE CONTROL AND PREVEN-**
5 **TION ACTIVITIES**

6 **SEC. 201. REPORT OF DIRECTOR OF CENTERS FOR DISEASE**
7 **CONTROL AND PREVENTION.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services, acting through the Director of the Cen-
10 ters for Disease Control and Prevention, shall prepare and
11 submit to the President and to the appropriate committees
12 of Congress a report that shall contain—

13 (1) a description of the activities carried out by
14 and through the Centers for Disease Control and
15 Prevention and the policies with respect to such pro-
16 grams and such recommendations concerning such
17 policies and proposals for legislative changes in the
18 Public Health Service Act as the Secretary considers
19 appropriate; and

20 (2) a description of the activities undertaken to
21 improve and streamline grants and contracting ac-
22 countability within such Centers.

23 (b) TIME FOR REPORTING.—Not later than July 1,
24 1996, the Secretary shall submit the report required under
25 subsection (a). Such report shall relate to fiscal year 1995,

1 to the implementation of part A of title XIX of the Public
2 Health Service Act (as amended by section 101), and to
3 the implementation of a program of the type described in
4 section 301(e) of such Act (as added by section 202).

5 **SEC. 202. PRIORITY PUBLIC HEALTH NEEDS OF REGIONAL**
6 **AND NATIONAL SIGNIFICANCE.**

7 Section 301 of the Public Health Service Act (42
8 U.S.C. 241) is amended by adding at the end thereof the
9 following new subsection:

10 “(e)(1) The Secretary, acting through the Director
11 of the Centers for Disease Control and Prevention, shall
12 address priority public health needs of regional and na-
13 tional significance through the provision of—

14 “(A) training and technical assistance to
15 States, political subdivisions of States, and public or
16 private nonprofit entities through direct assistance
17 or grants or contracts;

18 “(B) applied research into the prevention and
19 control of diseases and conditions; or

20 “(C) demonstration projects for the prevention
21 and control of diseases.

22 In carrying out subparagraphs (B) and (C), the Secretary
23 may make grants to, or enter into cooperative agreements
24 with, States, political subdivisions of States, and public
25 or private nonprofit entities.

1 “(2) Priority public health needs of regional and na-
2 tional significance may include, emerging infectious dis-
3 eases, environmental and occupational threats, chronic
4 diseases, injuries, and other priority diseases and condi-
5 tions as determined appropriate by the Secretary.

6 “(3)(A) Recipients of grants, cooperative agreements,
7 and contracts under this subsection shall comply with in-
8 formation and application requirements determined appro-
9 priate by the Secretary.

10 “(B) With respect to a grant, cooperative agreement,
11 or contract awarded under this subsection, the period dur-
12 ing which payments under such award are made to the
13 recipient may not exceed 5 years. The provision of such
14 payments shall be subject to annual approval by the Sec-
15 retary and the availability of appropriations for the fiscal
16 year involved. This subparagraph may not be construed
17 as limiting the number of awards under the program in-
18 volved that may be made to an entity.

19 “(C) The Secretary may require that an entity that
20 applies for a grant, contract, or cooperative agreement
21 under this subsection provide non-Federal matching
22 funds, as determined appropriate by the Secretary, to en-
23 sure the institutional commitment of the entity to the
24 projects funded under the grant, contract, or cooperative
25 agreement. Such non-Federal matching funds made be

1 provided directly or through donations from public or pri-
2 vate entities and may be in cash or in kind, fairly evalu-
3 ated, including plant, equipment, or services.

4 “(D) With respect to activities for which a grant, co-
5 operative agreement, or contract is awarded under this
6 subsection, the recipient shall agree to maintain expendi-
7 tures of non-Federal amounts for such activities at a level
8 that is not less than the level of such expenditures main-
9 tained by the entity for such fiscal year preceding the fis-
10 cal year for which the entity receives such a grant, con-
11 tract, or cooperative agreement.

12 “(E)(i) An application for a grant, contract, or coop-
13 erative agreement under this subsection shall ensure that
14 amounts received under such grant, contract, or agree-
15 ment will not be expended—

16 “(I) to provide inpatient services;

17 “(II) to make cash payments to intended recipi-
18 ents of health services;

19 “(III) to purchase or improve land, purchase,
20 construct, or permanently improve (other than minor
21 remodeling) any building or other facility, or pur-
22 chase major medical equipment; or

23 “(IV) to satisfy any requirement for the ex-
24 penditure of non-Federal funds as a condition for
25 the receipt of Federal funds.

1 “(ii) A funding agreement for a grant, contract, or
2 cooperative agreement under this subsection is that the
3 entity involved will not expend more than 10 percent of
4 the grant, contract, or agreement for administrative ex-
5 penses with respect to the grant, contract, or agreement.

6 “(4) The Secretary, at the request of a State or a
7 political subdivision of a State, or a public or private non-
8 profit entity, may reduce the amount of payments under
9 this subsection by—

10 “(A) the fair market value of any supplies or
11 equipment furnished the State, political subdivision
12 of the State, or a public of private nonprofit entity;
13 and

14 “(B) the amount of the pay, allowances, and
15 travel expenses of any officer, fellow, or employee of
16 the Government when detailed to the State, a politi-
17 cal subdivision of the State, or a public or private
18 non-profit entity, and the amount of any other costs
19 incurred in connection with the detail of such officer,
20 fellow, or employee;

21 when the furnishing of such officer, fellow, or employee
22 is for the convenience of and at the request of the State,
23 political subdivision of the State, or public or private non-
24 profit entity and for the purpose of conducting activities
25 described in this subsection. The amount by which any

1 payment is so reduced shall be available for payment by
2 the Secretary of the costs incurred in furnishing the sup-
3 plies or equipment or in detailing the personnel, on which
4 the reduction of the payment is based, and the amount
5 shall be deemed to have been paid to the State, political
6 subdivision of the State, or public or private non-profit
7 entity.

8 “(5)(A) The Director of the Centers for Disease Con-
9 trol and Prevention shall establish information and edu-
10 cation programs to disseminate the findings of the re-
11 search, demonstration, and training programs under this
12 section to the general public and to health professionals.

13 “(B) The Director shall take such action as may be
14 necessary to insure that all methods of dissemination and
15 exchange of scientific knowledge and public health infor-
16 mation are maintained between the Centers and the pub-
17 lic, and the Centers and other scientific organizations,
18 both nationally and internationally.

19 “(6) There are authorized to be appropriated to carry
20 out this subsection, \$327,000,000 for fiscal year 1997,
21 and such sums as may be necessary for each of the fiscal
22 years 1998 through 2000.”.

TITLE III—REPEALS**2 SEC. 301. REPEALS.**

3 (a) IN GENERAL.—The following provisions of the
4 Public Health Service Act are repealed:

5 (1) Subparagraph (A) of section 317(j)(1) (42
6 U.S.C. 247b(j)(1)(A))

7 (2) Section 317A (42 U.S.C. 247b-1).

8 (3) Subsection (g) of section 317E (42 U.S.C.
9 247b-6(g)).

10 (4) Subsection (e) of section 318 (42 U.S.C.
11 247c(e)).

12 (5) Subsection (q) of section 318A (42 U.S.C.
13 247c-1(q)).

14 (6) Section 1510 (42 U.S.C. 300n-5).

15 (b) CONFORMING AMENDMENT.—Subparagraph (B)
16 of section 317(j)(1) (42 U.S.C. 247b(j)(1)(A)) is amended
17 by striking the subparagraph designation.

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