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106TH CONGRESS
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H. R. 3250

[Report No. 106–986]

To amend the Public Health Service Act to improve the health of minority individuals.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1999

Mr. THOMPSON of Mississippi (for himself, Mr. LEWIS of Georgia, Mr. NORWOOD, Mr. JACKSON of Illinois, Mr. BROWN of Ohio, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mr. RODRIGUEZ, Mr. UNDERWOOD, Mr. FILNER, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. WYNN, Mr. GONZALEZ, Mr. HILLIARD, Ms. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT, Ms. KILPATRICK, Mr. CLYBURN, Mr. RUSH, Mr. CUMMINGS, Mr. PAYNE, Mr. DIXON, Mr. FORD, Ms. MILLENDER-MCDONALD, Ms. WATERS, Mr. MEEKS of New York, Mr. BISHOP, Mrs. MEEK of Florida, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Ms. LEE, Ms. MCKINNEY, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, Mr. WATT of North Carolina, Mr. FATTAH, Ms. PELOSI, Mr. ABERCROMBIE, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Commerce

OCTOBER 18, 2000

Additional sponsors: Mr. WAXMAN, Mr. WATTS of Oklahoma, Mr. GREEN of Texas, Mr. JEFFERSON, Ms. BROWN of Florida, Mr. OWENS, Mr. FROST, Mr. STARK, Ms. HOOLEY of Oregon, Mr. MATSUI, Mr. HASTINGS of Florida, Ms. NORTON, Mr. LAHOOD, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. SANDLIN, Mr. BONIOR, Mr. EVANS, Mrs. THURMAN, Mr. CARDIN, Mr. BERMAN, Mr. MEEHAN, Mr. RANGEL, Mr. CLAY, Mr. STRICKLAND, Mr. BACA, Ms. ESHOO, Mr. DEFAZIO, Mr. DEUTSCH, Mr. BENTSEN, Mr. HAYWORTH, Mr. UPTON, Mr. NEAL of Massachusetts, Mr. BLAGOJEVICH, Mr. RAHALL, Mr. FALEOMAVAEGA, Mr. BAIRD, Mr. WAMP, Mr. LANTOS, Mr. DICKEY, Mr. ENGEL, Ms. DEGETTE, and Mr. LAMPSON

Deleted sponsor: Mr. COBURN (added May 25, 2000; deleted July 25, 2000)

OCTOBER 18, 2000
Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed
[Strike out all after the enacting clause and insert the part printed in italic]
[For text of introduced bill, see copy of bill as introduced on November 8, 1999]

A BILL

To amend the Public Health Service Act to improve the health of minority individuals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Fairness Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Indians, Alaska Natives, and Asian Pacific Islanders, compared to the United States population as a whole.

(2) Minority Americans lag behind on nearly every health indicator, including health care coverage, access to care, life expectancy, and disease rates. More detailed data on health disparities is needed to evaluate the impact that race, ethnicity, and socioeconomic status have on health status, access to care, and the quality of care. More data is also needed to enforce existing protections for equal access to care.

(3) Despite substantial overall improvements in Americans' health, racial and ethnic disparities persist across age, sex, and income categories. Some striking examples are as follows: (A) The black infant mortality rate, which is twice that of all U.S. infants. (B) A higher breast cancer mortality rate for black women than white women (even though black women have a lower incidence rate). (C) Nearly twice as many Hispanics adults report they do not have a regular doctor compared to white adults.

(4) Minority adults are more likely to lack health insurance than are white adults, a consistent trend over the past decade. Nearly two of five (38 percent) Hispanic adults, one of four (24 percent) black adults, and one of four (24 percent) Asian American adults are uninsured, compared with one of seven (14 percent) white adults.

(5) Differences in the socioeconomic status among U.S. ethnic groups exist. When examined collectively, African Americans and Hispanics are three times as likely as whites to be poor. Low socioeconomic and ethnic minority status are not synonymous, but many members of ethnic minority who also have low income comprise an important proportion of underserved populations in the United States.

(6) The largest numbers of the medically underserved are white, and many of them have the same health care access problems as do members of minority groups. Nearly 20,000,000 white Americans live below the poverty line with many living in non-metropolitan, rural areas. However, there is a higher proportion of racial and ethnic minorities in the United States represented among the medically underserved.

(7) Despite suffering disproportionate rates of illness, death and disability, minorities have not been proportionately represented in many clinical trials, except in studies of behavioral risk factors associated with negative stereotypes.

(8) Many minority groups suffer disproportionately from cancer. Mortality rates remain the most important measure of the overall progress against cancer. Decreasing rates of death from cancer reflect improvements in both prevention and treatment. Among all ethnic groups in the United States, African American males have the highest overall rate of mortality from cancer. Some specific forms of cancer affect other ethnic minority communities at rates up to several times higher than the national averages (such as stomach and liver cancers among Asian American populations, colon and rectal cancer among

Alaska natives, and cervical cancer among Hispanic and Vietnamese-American women).

(9) In Appalachian Kentucky, a region characterized by high rates of poverty, the incidence of lung cancer among white males was 127 per 100,000 in 1992, a rate higher than that for any ethnic minority groups in the United States during the same period.

(10) Major disparities exist among population groups, with a disproportionate burden of death and disability from cardiovascular disease in minority and low-income populations. Compared with rates for whites, coronary heart disease mortality was 40 percent lower for Asian Americans but 40 percent higher for African-Americans.

(11) While racial and ethnic groups account only for about 25 percent of the U.S. population, they account for more than 50 percent of all AIDS cases. While overall AIDS deaths are down dramatically, AIDS remains the leading killer of African-Americans age 25–44. The death rate from HIV/AIDS for African Americans is more than seven times that of whites.

(12) The prevalence of diabetes in African-Americans is approximately 70 percent higher than whites

and the prevalence in Hispanics is nearly double that of whites.

(13) American Indians and Alaska Natives have an infant mortality rate almost double that of whites. The rate of diabetes for this population group is more than twice that for whites. The Pima of Arizona have one of the highest rates of diabetes in the world. American Indians living in North and South Dakota have an average life expectancy that is 11 years less than that for the rest of the U.S. population. Overall, the life expectancy for American Indians and Alaska Native is 71 years of age—nearly five years less than the U.S. Races populations.

(14) Asian and Pacific Islanders, on average, have indicators of being one of the healthiest population groups in the United States. However, there is great diversity within this population group, and health disparities for some specific groups are quite marked. Vietnamese women suffer from cervical cancer at nearly five times the rate of white women. New cases of hepatitis and tuberculosis are also higher in Asian and Pacific Islanders living in the United States than in whites.

(15) Minority populations have a disproportionately higher infection rate of hepatitis C virus than

the general United States Population. The prevalence rate of hepatitis C virus among African Americans is more than twice that of the general population (3.5 to 5 percent and 1.8 percent, respectively).

(16) There is a national need for minority scientists in the fields of biomedical, clinical, behavioral, and health services research. Ninety percent of minority physicians produced by Historically Black Medical Colleges live and serve in minority communities.

(17) The proportion of minorities in high academic ranks, such as professors and associate professors, decreased from 1980 to 1990. Only 1 percent of full professors were minority persons in 1990.

(18) Demographic trends inspire concern about the Nation's ability to meet its future scientific, technological and engineering workforce needs. Historically, non-Hispanic white males have made up the majority of the United States scientific, technological, and engineering workers.

(19) The Hispanic and Black population will increase significantly in the next 50 years. The scientific, technological, and engineering workforce may decrease if participation by underepresented minorities remains the same.

(20) Increasing rates of Black and Hispanic workers must occur in order to ensure strong scientific, technological, and engineering workforce.

(21) Individuals such as underepresented minorities and women in the scientific, technological, and engineering workforce enable society to address its diverse needs.

(22) If there had not been a substantial increase in the number of science and engineering degrees awarded to women and underepresented minorities over the past few decades, the United States would be facing even greater shortages in scientific, technological, and engineering workers.

(23) In order to effectively promote a diverse and strong 21st Century scientific, technological, and engineering workforce: agencies should expand or add programs that effectively overcome barriers such as educational transition from one level to the next and student requirements for financial resources.

(24) Federal agencies should work in concert with the private sector to emphasize the recruitment and retention of qualified individuals from ethnic and gender groups that are currently underrepresented in the scientific, technological, and engineering workforce.

(25) Cultural competency training in medical schools and residency training programs has the potential to reduce disparities in health care and health outcomes.

(26) Culturally sensitive approaches to research are needed to encourage participation of minorities and the socioeconomically disadvantages in research studies.

(27) African Americans with identical complaints of chest pain are less likely than white Americans to be referred by physicians for sophisticated cardiac tests.

(28) Behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness. These factors have the potential to then be modified to help close the health disparities gap among ethnic minority populations. In addition, there is a shortage of minority behavioral science researchers and behavioral health care professionals. According to the National Science Foundation, only 15.5 percent of behavioral research-oriented psychology doctorate degrees were awarded to minority students in 1997. In

addition, only 17.9 percent of practice-oriented psychology doctorate degrees were awarded to ethnic minorities.

TITLE I—IMPROVING MINORITY HEALTH THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

SEC. 101. ESTABLISHMENT OF NATIONAL CENTER FOR RESEARCH ON MINORITY HEALTH AND HEALTH DISPARITIES.

(a) IN GENERAL.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following subpart:

"Subpart 6—National Center for Research on Minority Health and Health Disparities

"SEC. 485E. PURPOSE OF CENTER.

"(a) IN GENERAL.—The general purpose of the National Center for Research on Minority Health and Health Disparities (in this subpart referred to as the 'Center') is the conduct and support of basic and clinical research, training, the dissemination of health information, and other programs with respect to the health of racial and ethnic minority groups and other health disparity populations.

"(b) PRIORITIES.—The Director of the Center shall in expending amounts appropriated under this section give priority to conducting and supporting minority health research.

"(c) MINORITY HEALTH RESEARCH.—For purposes of this subpart:

"(1) The term 'minority health research' means research on minority health conditions (as defined in paragraph (2)), including research on preventing such conditions; research on access, outreach, treatment, and the quality of health care; and research on cultural and linguistic services for decreasing the extent of health problems associated with such conditions.

"(2) The term 'minority health conditions', with respect to individuals who are members of racial and ethnic minority groups, means all diseases, disorders, and conditions (including with respect to mental health and substance abuse)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown

whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

"(3) The term 'racial and ethnic minority group' has the meaning given such term in section 1707.

"(4) The term 'minorities' means individuals from a racial or ethnic minority group.

"(d) HEALTH DISPARITY POPULATIONS.—

"(1) IN GENERAL.—For purposes of this subpart:

"(A) A population is a health disparity population if, as determined by the Director of the Center after consultation with the Director of the Agency for Healthcare Research and Quality, there is a significant disparity in the overall rate of disease incidence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population.

"(B) The term 'health disparity populations' includes racial and ethnic minority groups.

"(C) The term 'health disparities research' means research on health disparity populations

(and individual members and communities of such populations) that relates to the health disparities involved, including basic and applied biomedical and behavioral research on the nature of health disparities, the causes of such disparities, and remedies for such disparities. Such term includes minority health research.

"(2) PRIORITY.—With amounts available under this section for a fiscal year after providing for minority health research in accordance with subsection (b), the Secretary shall conduct and support health disparities research on other health disparity populations, with priority given to such research on health disparity populations for which socioeconomic status is one of the principal causal factors with respect to being a health disparity population.

"(e) COORDINATION OF ACTIVITIES.—The Director of the Center shall act as the primary Federal official with responsibility for overseeing all minority health and other health disparities research conducted or supported by the National Institutes of Health, and—

"(1) shall represent the health disparities research program of the National Institutes of Health, including the minority health research program, at

all relevant Executive branch task forces, committees and planning activities; and

"(2) shall maintain communications with all relevant Public Health Service agencies and with various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in minority health and other health disparities research between these various agencies for dissemination to affected communities and health care providers.

"(f) COLLABORATIVE COMPREHENSIVE PLAN AND BUDGET.—

"(1) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of NIH, the Director of the Center, and the directors of the national research institutes in collaboration (and in consultation with the advisory council for the Center) shall—

"(A) establish a comprehensive plan and budget for the conduct and support of all minority health and other health disparities research activities of the agencies of the National Institutes of Health (which plan and budget shall be first established under this subsection not later

than 12 months after the date of the enactment of this subpart);

"(B) ensure that the plan and budget demonstrate how health disparities research activities address the health needs of specific health disparity populations, taking into account socioeconomic status; the areas in which the population involved resides; attitudes toward health; the language spoken, the extent of formal education; and such other factors as the Director of the Center determines to be appropriate;

"(C) ensure that the plan and budget establish priorities among the health disparities research activities that such agencies are authorized to carry out;

"(D) ensure that the plan and budget establish objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(E) ensure that, with respect to amounts appropriated for activities of the Center, the plan and budget give priority in the expenditure of funds to conducting and supporting minority health research;

"(F) ensure that all amounts appropriated for such activities are expended in accordance with the plan and budget;

"(G) review the plan and budget not less than annually, and revise the plan and budget as appropriate; and

"(H) ensure that the plan and budget serve as a broad, binding statement of policies regarding minority health and other health disparities research activities of the agencies, but do not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the plan and budget.

"(2) CERTAIN COMPONENTS OF PLAN AND BUDGET.—With respect to health disparities research activities of the agencies of the National Institutes of Health, the Director of the Center shall ensure that the plan and budget under paragraph (1) provide for—

"(A) basic research and applied research, including research and development with respect to products;

"(B) research that is conducted by the agencies;

"(C) research that is supported by the agencies;

"(D) proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

"(E) behavioral research and social sciences research, which may include cultural and linguistic research in each of the agencies.

"(3) MINORITY HEALTH RESEARCH.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health research.

"(g) CLINICAL RESEARCH EQUITY.—The Director of the Center shall assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.

"(h) RESEARCH ENDOWMENTS.—The Director of the Center may carry out a program to facilitate minority health research by providing for research endowments at centers of excellence under section 736.

"(i) CERTAIN ACTIVITIES.—In carrying out subsection (a), the Director of the Center—

"(1) shall assist the Director of the National Center for Research Resources in carrying out section 481(c)(3) and in committing resources for construction at Institutions of Emerging Excellence;

"(2) shall establish projects to promote cooperation among Federal agencies, State, local, and regional public health agencies, and private entities in health disparities research;

"(3) may conduct or support research on the use of service delivery models (such as health centers under section 330) to reduce health disparities; and

"(4) may utilize information from previous health initiatives concerning minorities and other health disparity populations.

"(j) ADVISORY COUNCIL.—

"(1) IN GENERAL.—The Secretary shall, in accordance with section 406, establish an advisory council to advise, assist, consult with, and make recommendations to the Director of the Center on matters relating to the activities described in subsection (a), and with respect to such activities to carry out any other functions described in section 406 for advisory councils under such section. Functions under the preceding sentence shall include making recommendations on budgetary allocations made in the plan

under subsection (f), and shall include reviewing reports under subjection (k) before the reports are submitted under such subsection.

"(2) MEMBERSHIP.—With respect to the membership of the advisory council under paragraph (1), a majority of the members shall be representatives of the various racial and ethnic minority groups; representatives of other health disparity populations shall be included; and a diversity of health professionals shall be represented. The membership shall in addition include a representative of the Office of Behavioral and Social Sciences Research under section 404A.

"(k) ANNUAL REPORT.—The Director of the Center shall prepare an annual report on the activities carried out or to be carried out by the Center, and shall submit each such report to the Congress, the Secretary, and the Director of NIH. With respect to the fiscal year involved, the report shall—

"(1) describe and evaluate the progress made in health disparities research conducted or supported by the national research institutes;

"(2) summarize and analyze expenditures made for activities with respect to health disparities re-

search conducted or supported by the National Institutes of Health;

"(3) include a separate statement applying the requirements of paragraphs (1) and (2) specifically to minority health research; and

"(4) contain such recommendations as the Director considers appropriate.

"(l) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for the conduct and support of minority health or other health disparities research by the national research institutes and other agencies of the National Institutes of Health.".

(b) CONFORMING AMENDMENT.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)—

(A) in subparagraph (F), by moving the subparagraph two ems to the left; and

(B) by adding at the end the following subparagraph:

"(G) The National Center for Research on Minority Health and Health Disparities."; and

(2) by striking section 404.

SEC. 102. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

Subpart 6 of part E of title IV of the Public Health Service Act, as added by section 101 of this Act, is amended by adding at the end the following section:

"SEC. 485F. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

"(a) IN GENERAL.—The Director of the Center shall make awards of grants or contracts to designated biomedical and behavioral research institutions under paragraph (1) of subsection (c), or to consortia under paragraph (2) of such subsection, for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research education for individuals who are members of health disparity populations, including minorities.

"(b) REQUIRED USE OF FUNDS.—An award may be made under subsection (a) only if the applicant involved agrees that the grant will be expended—

"(1) to conduct minority health research, including research on the use of service delivery models

(such as health centers under section 330) with respect to minority health conditions;

"(2) to train minorities and other members of health disparities populations as professionals in the area of biomedical or behavioral research or both; or

"(3) to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health research.

"(c) CENTERS OF EXCELLENCE.—

"(1) IN GENERAL.—For purposes of this section, a designated biomedical and behavioral research institution is a biomedical and behavioral research institution that—

"(A) has a significant number of health disparity students, including minorities, enrolled in the institution (including individuals accepted for enrollment in the institution);

"(B) has been effective in assisting such students of the institution to complete the program of education and receive the degree involved;

"(C) has been effective in recruiting members of health disparity populations, including minorities, to enroll in and graduate from the institution, including providing scholarships and

other financial assistance to such individuals and encouraging health disparity students from all levels of the educational pipeline to pursue biomedical research careers; and

"(D) has made significant recruitment efforts to increase the number of members of health disparities populations, including minorities, serving in faculty or administrative positions at the institution.

"(2) CONSORTIUM.—Any designated biomedical and behavioral research institution involved may, with other biomedical and behavioral institutions (designated or otherwise), form a consortium to receive an award under subsection (a).

"(3) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Director of the Center for purposes of determining whether institutions meet the conditions described in paragraph (1), this section may not, with respect to minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(d) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to

annual approval by the Director of the Center and to the availability of appropriations for the fiscal year involved to make the payments.

"(e) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—With respect to activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may not make such an award to a designated research institution or consortium for any fiscal year unless the institution, or institutions in the consortium, as the case may be, agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the institutions involved for the fiscal year preceding the fiscal year for which such institutions receive such an award.

"(2) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a designated research institution or consortium and available for carrying out activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may make such an award only if the institutions involved agree that the institutions will, before expending the award, expend the Federal amounts obtained from sources other than the award.

"(f) CERTAIN EXPENDITURES.—The Director of the Center may authorize a designated biomedical and behavioral research institution to expend a portion of an award under subsection (a) for research endowments.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated biomedical and behavioral research institution' has the meaning indicated for such term in subsection (c)(1). Such term includes any health professions school receiving an award of a grant or contract under section 736.

"(2) The term 'program of excellence' means any program carried out by a designated biomedical and behavioral research institution with an award under subsection (a), if the program is for purposes for which the institution involved is authorized in subsection (b) to expend the grant.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 103. EXTRAMURAL LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH RESEARCH.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following section:

"SEC. 485G. LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH RESEARCH.

"(a) IN GENERAL.—The Director of the Center shall establish a program of entering into contracts with qualified health professionals under which such health professionals agree to engage in minority health research in consideration of the Federal Government agreeing to repay, for each year of engaging in such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(b) SERVICE PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) REQUIREMENT REGARDING HEALTH DISPARITY POPULATIONS.—The Director of the Center shall ensure that not fewer than 50 percent of the contracts entered into under subsection (a) are for appropriately qualified health professionals who are members of a health disparity population.

"(d) PRIORITY.—With respect to minority health research under subsection (a), the Secretary shall ensure that

priority is given to conducting projects of biomedical research.

"(e) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

SEC. 104. GENERAL PROVISIONS REGARDING THE CENTER.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following section:

"SEC. 485H. GENERAL PROVISIONS REGARDING THE CENTER.

"(a) ADMINISTRATIVE SUPPORT FOR CENTER.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Center and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

"(b) EVALUATION AND REPORT.—

"(1) EVALUATION.—Not later than 5 years after the date of the enactment of this part, the Secretary shall conduct an evaluation to—

"(A) determine the effect of this section on the planning and coordination of the health disparities research programs at the institutes, centers and divisions of the National Institutes of Health;

"(B) evaluate the extent to which this part has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

"(C) provide recommendations concerning future legislative and administrative modifications with respect to this part, for both minority health research and research on other health disparity populations.

"(2) MINORITY HEALTH RESEARCH.—The evaluation under paragraph (1) shall include a separate statement that applies subparagraphs (A) and (B) of such paragraph to minority health research.

"(3) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and sub-

mit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Commerce of the House of Representatives, a report concerning the results of such evaluation.''.

SEC. 105. REPORT REGARDING RESOURCES OF NATIONAL INSTITUTES OF HEALTH DEDICATED TO RESEARCH ON MINORITY HEALTH.

Not later than December 1, 2003, the Director of the National Center for Research on Minority Health and Health Disparities (established by the amendment made by section 101(a)), after consultation with the advisory council for such Center, shall submit to the Congress, the Secretary of Health and Human Services, and the Director of the National Institutes of Health a report that provides the following:

(1) Recommendations for the methodology that should be used to determine the extent of the resources of the National Institutes of Health that are dedicated to research on minority health, including determining the amount of funds that are used to conduct and support such research. With respect to such methodology, the report shall address the discrepancies between the methodology used by such Institutes as of the date of the enactment of this Act and the method-

ology used by the Institute of Medicine as of such date.

(2) A determination of whether and to what extent, relative to fiscal year 1999, there has been an increase in the level of resources of the National Institutes of Health that are dedicated to research on minority health, including the amount of funds used to conduct and support such research. The report shall include provisions describing whether and to what extent there have been increases in the number and amount of awards to minority serving institutions.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

SEC. 201. HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

(a) GENERAL.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

"SEC. 903. RESEARCH ON HEALTH DISPARITIES.

"(a) IN GENERAL.—The Director shall—

"(1) conduct and support research to identify how to improve the quality and outcomes of health care services for health disparity populations and the

causes of the health disparities involved, including identifying barriers to health care access and environmental factors leading to health problems;

"(2) conduct and support research and support demonstration projects to identify, test, and evaluate strategies for eliminating health disparities and promoting effective interventions;

"(3) develop measures for the assessment and improvement of the quality and appropriateness of health care services provided to health disparity populations; and

"(4) in carrying out 902(c), provide support to increase the number of researchers who are members of health disparity populations, and the health services research capacity of institutions that train such researchers.

"(b) RESEARCH AND DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director shall conduct and support research to—

"(A) identify the clinical, cultural, socioeconomic, and organizational factors that contribute to health disparities, including for minority populations, which factors include exam-

ination of patterns of clinical decisionmaking and of the availability of support services;

"(B) identify and evaluate clinical and organizational strategies to improve the quality, outcomes, and access to care for health disparity populations, including minority populations;

"(C) support demonstrations to test such strategies; and

"(D) widely disseminate strategies for which there is scientific evidence of effectiveness.

"(2) USE OF CERTAIN STRATEGIES.—In carrying out this section, the Director shall implement research strategies and mechanisms that will enhance the involvement of individuals who are members of health disparity populations (including minority populations), health services researchers who are such individuals, institutions that train such individuals as researchers, members of health disparity populations (including minority populations) for whom the Agency is attempting to improve the quality and outcomes of care, and representatives of appropriate community-based organizations with respect to health disparity populations. Such research strategies and mechanisms may include the use of—

"(A) centers of excellence that can demonstrate, either individually or through consortia, a combination of multi-disciplinary expertise in outcomes or quality improvement research and a demonstrated capacity to engage members and communities of health disparity populations, including minority populations, in the planning, conduct and translation of research, with linkages to relevant sites of care;

"(B) provider-based research networks, including health plans, facilities, or delivery system sites of care (especially primary care), that make extensive use of health care providers who are members of health disparity populations or who serve patients in such populations and have the capacity to evaluate and promote quality improvement;

"(C) service delivery models (such as health centers under section 330) to reduce health disparities; and

"(D) other innovative mechanisms or strategies that will facilitate the translation of past research investments into clinical practices that can reasonably be expected to benefit these populations.

"(c) QUALITY MEASUREMENT DEVELOPMENT.—

"(1) IN GENERAL.—To ensure that health disparity populations, including minority populations, benefit from the progress made in the ability of individuals to measure the quality of health care delivery, the Director shall support the development of quality of health care measures that assess the experience of such populations with health care systems, such as measures that assess the access of such populations to health care, the cultural competence of the care provided, the quality of the care provided, the outcomes of care, or other aspects of health care practice that the Director determines to be important. In carrying out the preceding sentence, the Director shall in consultation with the Administrator of the Health Resources and Services Administration examine the practices of providers (such as health centers under section 330) that have a record of reducing health disparities or have experience in providing culturally competent health services to minority or other health disparity populations.

"(2) REPORT.—Not later than 24 months after the date of the enactment of this section, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a

report describing the state-of-the-art of quality measurement for minority and other health disparity populations that will identify critical unmet needs, the current activities of the Department to address those needs, and a description of related activities in the private sector.

"(d) DEFINITION.—For purposes of this section:

"(1) The term 'health disparity population' has the meaning given such term in section 485E.

"(2) The term 'minority', with respect to populations, refers to racial and ethnic minority groups as defined in section 1707.".

(b) FUNDING.—Section 927 of the Public Health Service Act (42 U.S.C. 299c–6) is amended by adding at the end the following:

"(d) HEALTH DISPARITIES RESEARCH.—For the purpose of carrying out the activities under section 903, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

SEC. 301. STUDY AND REPORT BY NATIONAL ACADEMY OF SCIENCES.

(a) STUDY.—The National Academy of Sciences shall conduct a comprehensive study of the Department of Health and Human Services' data collection systems and practices, and any data collection or reporting systems required under any of the programs or activities of the Department, relating to the collection of data on race or ethnicity, including other Federal data collection systems (such as the Social Security Administration) with which the Department interacts to collect relevant data on race and ethnicity.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that—

(1) identifies the data needed to support efforts to evaluate the effects of race and ethnicity on access to health care and other services and on disparity in health and other social outcomes and the data needed

to enforce existing protections for equal access to health care;

(2) examines the effectiveness of the systems and practices of the Department of Health and Human Services described in subsection (a), including pilot and demonstration projects of the Department, and the effectiveness of selected systems and practices of other Federal and State agencies and the private sector, in collecting and analyzing such data;

(3) contains recommendations for ensuring that the Department of Health and Human Services, in administering its entire array of programs and activities, collects, or causes to be collected, reliable and complete information relating to race and ethnicity; and

(4) includes projections about the costs associated with the implementation of the recommendations described in paragraph (3), and the possible effects of the costs on program operations.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001.

TITLE IV—MEDICAL EDUCATION AND OTHER HEALTH PROFESSIONS EDUCATION

SEC. 401. GRANTS FOR HEALTH CARE EDUCATION CURRICULUM DEVELOPMENT.

Part F of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended by inserting after section 791 the following:

"SEC. 791A. GRANTS FOR HEALTH PROFESSIONAL EDUCATION CURRICULUM DEVELOPMENT.

"(a) GRANTS FOR GRADUATE EDUCATION CURRICULUM DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Director of the Agency for Healthcare Research and Quality and the Deputy Assistant Secretary for Minority Health, may make awards of grants, contracts, or cooperative agreements to public and nonprofit private entities for the purpose of carrying out research projects and demonstration projects to develop curricula to reduce disparities in health care outcomes, including curricula for cultural competency in graduate health professions education.

"(2) ELIGIBILITY.—To be eligible to receive an award under paragraph (1), an entity shall—

"(A) be a school of medicine, school of osteopathic medicine, school of dentistry, school of public health, school of nursing, graduate program in behavioral health and mental health practice, or other recognized health profession school; and

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(3) USE OF FUNDS.—An entity shall use amounts received under an award under paragraph (1) to carry out research projects and demonstration projects to develop curricula to reduce disparity in health care outcomes, including curricula for cultural competency in graduate health professions education.

"(4) NUMBER OF GRANTS AND GRANT TERM.—The Secretary shall award grants, contracts or cooperative agreements (or combination thereof) under paragraph (1) in each of the first and second fiscal years for which funds are available under subsection (f). The term of each such grant, contract or cooperative agreement shall be 3 years.

"(b) GRANTS FOR CONTINUING HEALTH PROFESSIONAL EDUCATION CURRICULUM DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration and the Agency for Healthcare Research Quality and in collaboration with the Office of Minority Health, shall award grants to eligible entities for the establishment of demonstration and pilot projects to develop curricula to reduce disparity in health care and health outcomes, including curricula for cultural competency, in continuing health professions education.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a school of medicine, osteopathic medicine, public health, dentistry, optometry, pharmacy, allied health, chiropractic, podiatric medicine, nursing, and public health and health administration, public or nonprofit private school that offers a graduate program in clinical social work or other graduate programs in behavioral health and mental health practice, program for the training of physician assistants, health professional association, or other public or nonprofit health educational entity, or any con-

sortium of entities described in this subparagraph; and

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(3) USE OF FUNDS.—An entity shall use amounts received under a grant under paragraph (1) to develop and evaluate the effect of curricula for continuing health professions education courses or programs to provide education concerning issues relating to disparity in health care and health outcomes, including cultural competency of health professionals. Such curricula shall focus on the need to remove bias from health care at a personal level as well as at a systemic level.

"(4) NUMBER OF GRANTS AND GRANT TERM.—The Secretary shall award grants under paragraph (1) in each of the first and second fiscal years for which funds are available under subsection (f). The term of each such grant shall be 3 years.

"(c) DISTRIBUTION OF PROJECTS.—The Secretary shall ensure that, to the extent practicable, projects under subsections (a) and (b) are carried out in each of the principal geographic regions of the United States and involve

different health disparity populations (as defined in section 485E) and health professions.

"(d) MONITORING.—An entity that receives a grant, contract or cooperative agreement under subsection (a) or (b) shall ensure that procedures are in place to monitor activities undertaken using grant, contract or cooperative agreement funds. Such entity shall annually prepare and submit to the Secretary a report concerning the effectiveness of curricula developed under the grant contract or cooperative agreement.

"(e) REPORT TO CONGRESS.—Not later than January 1, 2002, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the effectiveness of programs funded under this section and a plan to encourage the implementation and utilization of curricula to reduce disparities in health care and health outcomes. A final report shall be submitted by the Secretary not later than January 1, 2004.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,500,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, $7,000,000 for fiscal year 2003, and $3,500,000 for fiscal year 2004.".

SEC. 402. NATIONAL CONFERENCE ON CONTINUING HEALTH PROFESSIONAL EDUCATION AND DISPARITIES IN HEALTH OUTCOMES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall convene a national conference on continuing medical education as a method for reducing disparities in health care and health outcomes, including continuing medical education on cultural competency. The conference shall include sessions to address measurements of outcomes to assess the effectiveness of curricula in reducing disparities.

(b) PARTICIPANTS.—The Secretary of Health and Human Services shall invite minority and other health disparity populations advocacy groups, health education entities described in section 791A(b)(2)(A) of the Public Health Service Act (as added by section 401), health centers under section 330 of such Act, and other interested parties to attend the conference under subsection (a).

(c) ISSUES.—The national conference convened under subsection (a) shall address issues relating to the role of continuing medical education in the effort to reduce disparities in health care and health outcomes, including the role of continuing medical education in improving the cultural competency of health professionals. The conference shall focus on methods to achieve reductions in the disparities

in health care and health outcomes through continuing medical education courses or programs and on strategies for measuring the effectiveness of curricula to reduce disparities.

(d) PUBLICATION OF FINDINGS.—Not later than 6 months after the convening of the national conference under subsection (a), the Secretary of Health and Human Services shall publish in the Federal Register a summary of the proceedings and the findings of the conference.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 403. CONTINUING MEDICAL EDUCATION INCENTIVE PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services shall develop and implement a program to provide incentives to health maintenance organizations, community health centers, rural health centers, and other entities providing services under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. or 1396 et seq.) to encourage health care professionals employed by, or under contract with, such entities to participate in continuing medical education programs designed to reduce health disparities.

(b) EFFECTIVE PROGRAMS.—In developing the program under subsection (a), the Secretary of Health and Human Services shall ensure that incentives are targeted at programs that address each of the following issues:

(1) Implementing new curricula or strategies for continuing medical education programs designed to reduce health disparities, or continuing medical education curricula or strategies that have been proven effective in reducing such disparities.

(2) Encouraging health professionals to participate in such curricula.

(3) Monitoring health care and health outcomes as a way to evaluate the effectiveness of continuing medical education programs in reducing health disparities.

(c) DEFINITION.—For purposes of this section, the term "health disparities" has the meaning given such term in section 485E of the Public Health Service Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 404. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an advisory committee to provide advice to the Secretary on matters related to the

development, implementation, and evaluation of graduate and continuing education curricula for health care professionals to decrease disparities in health care and health outcomes, including curricula on cultural competency as a method of eliminating health disparities.

(b) MEMBERSHIP.—Not later than 3 months after the date on which amounts are appropriated to carry out this section, the Secretary of Health and Human Services shall appoint the members of the advisory committee. Such members shall be appointed from among individuals who—

(1) are not officers or employees of the Federal Government;

(2) are experienced in issues relating to health disparities;

(3) are minorities or representatives of racial and ethnic minority groups or other health disparity populations; and

(4) meet such other requirements as the Secretary determines appropriate;

Such committee shall include individuals who are experienced in providing health services to racial and ethnic minority groups or other health disparity populations, including representatives of health centers under section 330 of the Public Health Service Act. The committee shall in addition include a representative of the Office of Minority

Health under section 1707 of such Act, a representative of the Health Resources and Services Administration, and such other representatives of offices and agencies of the Public Health Service as the Secretary determines to be appropriate. Such representatives shall include one or more individuals who serve on the advisory committee under section 1707(c) of such Act.

(c) COLLABORATION.—The advisory committee shall carry out its duties under this section in collaboration with the Office of Minority Health of the Department of Health and Human Services, and other offices, centers, and institutes of the Department of Health and Human Services, and other Federal agencies.

(d) TERMINATION.—The advisory committee shall terminate on the date that is 4 years after the date on which the first member of the committee is appointed.

(e) EXISTING COMMITTEE.—The Secretary may designate an existing advisory committee operating under the authority of the Office of Minority Health of the Department of Health and Human Services to serve as the advisory committee under this section.

SEC. 405. CULTURAL COMPETENCY CLEARINGHOUSE.

(a) ESTABLISHMENT.—The Director of the Office of Minority Health of the Department of Health and Human Services shall establish within the Resource Center of the

Office of Minority Health, or through the awarding of a grant provide for the establishment of, an information clearinghouse for curricula to reduce disparities in health care and health outcomes. The clearinghouse shall facilitate and enhance, through the effective dissemination of information, knowledge and understanding of practices that lead to reductions in health disparities (as defined in section 485E of the Public Health Service Act), including curricula for continuing medical education to develop cultural competency in health care professionals.

(b) AVAILABILITY OF INFORMATION.—Information contained in the clearinghouse shall be made available to minority health advocacy groups and other organizations representing health disparity populations, health education entities described in section 791A(b)(2)(A) of the Public Health Service Act (as added by section 401), health maintenance organizations, and other interested parties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. OFFICE FOR CIVIL RIGHTS.

(a) PUBLIC AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a national media campaign for the purpose of informing the public of the programs and activities of the Office for Civil Rights, Department of Health and Human Services. The campaign shall—

(A) have a specific focus on racial and ethnic minority communities, as well as the general public; and

(B) involve racial and ethnic minority media as participants in the design and conduct of the campaign.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated such sums as may be necessary for fiscal year 2001.

(b) OMBUDSMAN DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall carry out a demonstration program under which the Secretary makes grants to States for the purpose of establishing and operating State offices to identify, investigate, and facilitate the resolution of complaints relating to civil rights, and to carry out functions authorized pursuant to para-

graph (3) (which office is referred to in this subsection as the "State Ombudsman Office").

(2) OMBUDSMAN.—The Secretary shall require that each State Ombudsman Office under paragraph (1) be headed by an individual with expertise and experience in the field of civil rights and advocacy.

(3) CERTAIN REQUIREMENTS AND AUTHORITIES.—In carrying out paragraph (1), the Secretary shall consider the requirements and authorities that apply to the operation of State offices under chapter 2 of subtitle A of title VII of the Older Americans Act of 1965 (relating to State Long-Term Care Ombudsman Programs). In providing for State Ombudsman Offices under paragraph (1), the Secretary may establish requirements and authorities with respect to civil rights that are the same as or similar to the requirements and authorities that apply under such chapter 2 with respect to residents of long-term care facilities.

(c) FUNDING.—There are authorized to be appropriated for the Office for Civil Rights, Department of Health and Human Services, $36,000,000 for fiscal year 2001 and each subsequent fiscal year.

SEC. 502. DEVELOPMENT OF OUTCOME MEASURES; STUDY TO MEASURE PATIENT OUTCOMES UNDER THE MEDICARE AND MEDICAID PROGRAMS BY RACE AND ETHNICITY.

(a) DEVELOPMENT OF OUTCOME MEASURES.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Health Care Financing Administration, shall develop outcome measures to evaluate, by race and ethnicity, and on an age-specific and sex-specific basis, the performance of health care programs and projects that provide health care to individuals under the medicare and medicaid programs (under titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.).

(b) STUDY.—After the Secretary develops the outcome measures under subsection (a), the Secretary shall conduct a study that evaluates, by race and ethnicity, and on an age-specific and sex-specific basis, the performance of health care programs and projects referred to in subsection (a) in relation to such outcome measures.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report describing the outcome measures developed under

subsection (a), and the results of the study conducted pursuant to subsection (b).

SEC. 503. DEPARTMENTAL DEFINITION REGARDING MINORITY INDIVIDUALS.

Section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) by striking "Asian Americans and" and inserting "Asian Americans;"; and

(2) by inserting "Native Hawaiians and other" before "Pacific Islanders;".

SEC. 504. CONFORMING PROVISION REGARDING DEFINITIONS.

For purposes of this Act, the term "racial and ethnic minority group" has the meaning given such term in section 1707 of the Public Health Service Act.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

Union Calendar No. 581

106TH CONGRESS
2D SESSION

H. R. 3250

[Report No. 106–986]

A BILL

To amend the Public Health Service Act to improve the health of minority individuals.

OCTOBER 18, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed