

108TH CONGRESS
2D SESSION

H. R. 4093

To amend the Public Health Service Act to establish a program of grants
for the detection and control of colorectal cancer.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2004

Mr. KENNEDY of Rhode Island introduced the following bill; which was
referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to establish a pro-
gram of grants for the detection and control of colorectal
cancer.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Colorectal Cancer Mor-
5 tality Prevention Act of 2004”.

1 **SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS TO**
2 **STATES FOR DETECTION AND CONTROL OF**
3 **COLORECTAL CANCER.**

4 The Public Health Service Act (42 U.S.C. 201 et
5 seq.) is amended by inserting after title XXVIII the fol-
6 lowing new title:

7 **“TITLE XXIX—PREVENTIVE**
8 **HEALTH MEASURES WITH RE-**
9 **SPECT TO COLORECTAL CAN-**
10 **CERS**

11 **“SEC. 2901. ESTABLISHMENT OF PROGRAM OF GRANTS TO**
12 **STATES.**

13 “(a) IN GENERAL.—The Secretary, acting through
14 the Director of the Centers for Disease Control and Pre-
15 vention, may make grants to States on the basis of an
16 established competitive review process for the purpose of
17 carrying out programs—

18 “(1) to screen for colorectal cancer as a preven-
19 tive health measure;

20 “(2) to provide appropriate referrals for medical
21 treatment of individuals screened pursuant to para-
22 graph (1) and to ensure, to the extent practicable,
23 the provision of appropriate follow-up services;

24 “(3) to develop and disseminate public informa-
25 tion and education programs for the detection and
26 control of colorectal cancer;

1 “(4) to improve the education, training, and
2 skills of health professionals (including allied health
3 professionals) in the detection and control of
4 colorectal cancer;

5 “(5) to establish mechanisms through which the
6 States can monitor the quality of screening proce-
7 dures for colorectal cancer, including the interpreta-
8 tion of such procedures; and

9 “(6) to evaluate activities conducted under
10 paragraphs (1) through (5) through appropriate sur-
11 veillance or program-monitoring activities.

12 “(b) GRANT AND CONTRACT AUTHORITY OF
13 STATES.—A State receiving a grant under subsection (a)
14 may expend the grant to carry out the purpose described
15 in such subsection through grants to, and contracts with,
16 public or nonprofit private entities.

17 **“SEC. 2902. REQUIREMENT OF MATCHING FUNDS.**

18 “(a) IN GENERAL.—The Secretary may not make a
19 grant under section 2901 unless the State involved agrees,
20 with respect to the costs to be incurred by the State in
21 carrying out the purpose described in such section, to
22 make available non-Federal contributions (in cash or in
23 kind under subsection (b)) toward such costs in an amount
24 that is not less than \$1 for each \$3 of Federal funds pro-

1 vided in the grant. Such contributions may be made di-
2 rectly or through donations from public or private entities.

3 “(b) DETERMINATION OF AMOUNT OF NON-FED-
4 ERAL CONTRIBUTION.—

5 “(1) IN GENERAL.—Non-Federal contributions
6 required in subsection (a) may be in cash or in kind,
7 fairly evaluated, including equipment or services
8 (and excluding indirect or overhead costs). Amounts
9 provided by the Federal Government, or services as-
10 sisted or subsidized to any significant extent by the
11 Federal Government, may not be included in deter-
12 mining the amount of such non-Federal contribu-
13 tions.

14 “(2) MAINTENANCE OF EFFORT.—In making a
15 determination of the amount of non-Federal con-
16 tributions for purposes of subsection (a), the Sec-
17 retary may include only non-Federal contributions in
18 excess of the average amount of non-Federal con-
19 tributions made by the State involved toward the
20 purpose described in section 2901 for the 2-year pe-
21 riod preceding the first fiscal year for which the
22 State is applying to receive a grant under such sec-
23 tion.

24 “(3) INCLUSION OF RELEVANT NON-FEDERAL
25 CONTRIBUTIONS FOR MEDICAID.—In making a de-

1 termination of the amount of non-Federal contribu-
2 tions for purposes of subsection (a), the Secretary
3 shall, subject to paragraphs (1) and (2) of this sub-
4 section, include any non-Federal amounts expended
5 pursuant to title XIX of the Social Security Act by
6 the State involved toward the purpose described in
7 paragraphs (1) and (2) of section 2901(a).

8 **“SEC. 2903. REQUIREMENTS WITH RESPECT TO TYPE AND**
9 **QUALITY OF SERVICES.**

10 “(a) REQUIREMENT OF PROVISION OF ALL SERVICES
11 BY DATE CERTAIN.—The Secretary may not make a
12 grant under section 2901 unless the State involved
13 agrees—

14 “(1) to ensure that, initially and throughout the
15 period during which amounts are received pursuant
16 to the grant, not less than 60 percent of the grant
17 is expended to provide each of the services or activi-
18 ties described in paragraphs (1) and (2) of section
19 2901(a), including making available screening proce-
20 dures for colorectal cancer;

21 “(2) to ensure that, by the end of any second
22 fiscal year of payments pursuant to the grant, each
23 of the services or activities described in section
24 2901(a) is provided; and

1 “(3) 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 such section.

5 “(b) QUALITY ASSURANCE REGARDING SCREENING
6 FOR COLORECTAL CANCER.—The Secretary may not
7 make a grant under section 2901 unless the State in-
8 volved—

9 “(1) assures the quality of any screening proce-
10 dure for colorectal cancer conducted pursuant to
11 such section; and

12 “(2) assures that, with respect to the first
13 colorectal cancer screening performed on an indi-
14 vidual for which payment is made pursuant to sec-
15 tion 2901(a), there are satisfactory assurances that
16 the results of the screening will be placed in perma-
17 nent medical records maintained with respect to the
18 individual.

19 “(c) ISSUANCE BY SECRETARY OF GUIDELINES
20 WITH RESPECT TO QUALITY OF COLORECTAL SERV-
21 ICES.—

22 “(1) IN GENERAL.—The Secretary shall issue
23 guidelines for assuring the quality of any colorectal
24 screening procedure conducted pursuant to section
25 2901(a).

1 “(2) APPLICABILITY WITH RESPECT TO
2 GRANTS.—The Secretary may not make a grant
3 under section 2901 unless the State involved agrees
4 that the State will, with respect to any colorectal
5 screening procedure conducted pursuant to such sec-
6 tion, ensure that the procedure is conducted in ac-
7 cordance with the guidelines issued by the Secretary
8 under paragraph (1).

9 **“SEC. 2904. ADDITIONAL REQUIRED AGREEMENTS.**

10 “(a) PRIORITY FOR LOW-INCOME INDIVIDUALS.—
11 The Secretary may not make a grant under section 2901
12 unless the State involved agrees that low-income individ-
13 uals will be given priority in the provision of services and
14 activities pursuant to paragraphs (1) and (2) of section
15 2901(a).

16 “(b) LIMITATION ON IMPOSITION OF FEES FOR
17 SERVICES.—The Secretary may not make a grant under
18 section 2901 unless the State involved agrees that, if a
19 charge is imposed for the provision of services or activities
20 under the grant, such charge—

21 “(1) will be made according to a schedule of
22 charges that is made available to the public;

23 “(2) will be adjusted to reflect the income of
24 the individuals involved; and

1 “(3) will not be imposed on any individual with
2 an income of less than 100 percent of the official
3 poverty line, as established by the Director of the
4 Office of Management and Budget and revised by
5 the Secretary in accordance with section 673(2) of
6 the Omnibus Budget Reconciliation Act of 1981.

7 “(c) STATEWIDE PROVISION OF SERVICES.—

8 “(1) IN GENERAL.—The Secretary may not
9 make a grant under section 2901 unless the State
10 involved agrees that services and activities under the
11 grant will be made available throughout the State,
12 including availability to members of any Indian tribe
13 or tribal organization (as such terms are defined in
14 section 4 of the Indian Self-Determination and Edu-
15 cation Assistance Act).

16 “(2) WAIVER.—The Secretary may waive the
17 requirement established in paragraph (1) for a State
18 if the Secretary determines that compliance by the
19 State with the requirement would result in an ineffi-
20 cient allocation of resources with respect to carrying
21 out the purpose described in section 2901(a).

22 “(d) RELATIONSHIP TO ITEMS AND SERVICES
23 UNDER OTHER PROGRAMS.—The Secretary may not
24 make a grant under section 2901 unless the State involved
25 agrees that the grant will not be expended to make pay-

1 ment for any item or service to the extent that payment
2 has been made, or can reasonably be expected to be made,
3 with respect to such item or service—

4 “(1) under any State compensation program,
5 under an insurance policy, or under any Federal or
6 State health benefits program; or

7 “(2) by an entity that provides health services
8 on a prepaid basis.

9 “(e) COORDINATION WITH OTHER COLORECTAL
10 CANCER PROGRAMS.—The Secretary may not make a
11 grant under section 2901 unless the State involved agrees
12 that the services and activities funded through the grant
13 will be coordinated with other Federal, State, and local
14 colorectal cancer programs.

15 “(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—
16 The Secretary may not make a grant under section 2901
17 unless the State involved agrees that not more than 10
18 percent of the grant will be expended for administrative
19 expenses with respect to the grant.

20 “(g) RESTRICTIONS ON USE OF GRANT.—The Sec-
21 retary may not make a grant under section 2901 unless
22 the State involved agrees that the grant will not be ex-
23 pended to provide inpatient hospital services (as that term
24 is defined by the Secretary for purposes of this sub-
25 section).

1 “(h) RECORDS AND AUDITS.—The Secretary may not
2 make a grant under section 2901 unless the State involved
3 agrees that—

4 “(1) the State will establish such fiscal control
5 and fund accounting procedures as may be necessary
6 to ensure the proper disbursement of, and account-
7 ing for, amounts received by the State under such
8 section; and

9 “(2) upon request, the State will provide
10 records maintained pursuant to paragraph (1) to the
11 Secretary or the Comptroller General of the United
12 States for purposes of auditing the expenditures by
13 the State of the grant.

14 “(i) REPORTS TO SECRETARY.—The Secretary may
15 not make a grant under section 2901 unless the State in-
16 volved agrees to submit to the Secretary such reports as
17 the Secretary may require with respect to the grant.

18 **“SEC. 2905. DESCRIPTION OF INTENDED USES OF GRANT.**

19 “The Secretary may not make a grant under section
20 2901 unless—

21 “(1) the State involved submits to the Secretary
22 a description of the purposes for which the State in-
23 tends to expend the grant;

1 “(2) the description identifies the populations,
2 areas, and localities in the State with a need for the
3 services or activities described in section 2901(a);

4 “(3) the description provides information relat-
5 ing to the services and activities to be provided, in-
6 cluding a description of the manner in which the
7 services and activities will be coordinated with any
8 similar services or activities of public or nonprofit
9 entities; and

10 “(4) the description provides assurances that
11 the grant funds be used in the most cost-effective
12 manner.

13 **“SEC. 2906. REQUIREMENT OF SUBMISSION OF APPLICA-**
14 **TION.**

15 “The Secretary may not make a grant under section
16 2901 unless an application for the grant is submitted to
17 the Secretary, the application contains the description of
18 intended uses required in section 2905, and the applica-
19 tion is in such form, is made in such manner, and contains
20 such agreements, assurances, and information as the Sec-
21 retary determines to be necessary to carry out this title.

1 **“SEC. 2907. TECHNICAL ASSISTANCE AND PROVISION OF**
2 **SUPPLIES AND SERVICES IN LIEU OF GRANT**
3 **FUNDS.**

4 “(a) TECHNICAL ASSISTANCE.—The Secretary may
5 provide training and technical assistance with respect to
6 the planning, development, and operation of any program
7 or service carried out pursuant to section 2901. The Sec-
8 retary may provide such technical assistance directly or
9 through grants to, or contracts with, public and private
10 entities.

11 “(b) PROVISION OF SUPPLIES AND SERVICES IN
12 LIEU OF GRANT FUNDS.—

13 “(1) IN GENERAL.—Upon the request of a
14 State receiving a grant under section 2901, the Sec-
15 retary may, subject to paragraph (2), provide sup-
16 plies, equipment, and services for the purpose of aid-
17 ing the State in carrying out such section and, for
18 such purpose, may detail to the State any officer or
19 employee of the Department of Health and Human
20 Services.

21 “(2) CORRESPONDING REDUCTION IN PAY-
22 MENTS.—With respect to a request described in
23 paragraph (1), the Secretary shall reduce the
24 amount of payments under the grant under section
25 2901 to the State involved by an amount equal to
26 the costs of detailing personnel (including pay, al-

1 lowances, and travel expenses) and the fair market
2 value of any supplies, equipment, or services pro-
3 vided by the Secretary. The Secretary shall, for the
4 payment of expenses incurred in complying with
5 such request, expend the amounts withheld.

6 **“SEC. 2908. EVALUATIONS AND REPORTS.**

7 “(a) EVALUATIONS.—The Secretary shall, directly or
8 through contracts with public or private entities, provide
9 for annual evaluations of programs carried out pursuant
10 to section 2901.

11 “(b) REPORT TO CONGRESS.—The Secretary shall,
12 not later than 1 year after the date on which amounts
13 are first appropriated to carry out section 2909(a), and
14 annually thereafter, submit to the appropriate congres-
15 sional committees a report summarizing evaluations car-
16 ried out pursuant to subsection (a) during the preceding
17 fiscal year and making such recommendations for admin-
18 istrative and legislative initiatives with respect to this title
19 as the Secretary determines to be appropriate.

20 **“SEC. 2909. FUNDING.**

21 “(a) AUTHORIZATION OF APPROPRIATIONS.—For the
22 purpose of carrying out this title, there is authorized to
23 be appropriated \$25,000,000 for each of the fiscal years
24 2005 through 2008.

1 “(b) SET-ASIDE FOR TECHNICAL ASSISTANCE AND
2 PROVISION OF SUPPLIES AND SERVICES.—Of the
3 amounts appropriated under subsection (a) for a fiscal
4 year, the Secretary shall reserve not more than 10 percent
5 for carrying out section 2907.”.

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