



## CARE Act Reauthorization Watch

Volume 1, June 17, 2005

The Reauthorization Watch, produced by NASTAD, provides periodic updates on activities related to the reauthorization of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. The first issue provides a summary of activities to date.

### **Administration Activities**

In 2003 and 2004, the U.S. Department of Health and Human Services (HHS) convened an interagency work group to bring Department staff up to speed on the CARE Act and discuss potential areas for change. The work group was convened by Marty McGeein in the office of the Assistant Secretary for Planning and Evaluation and included representatives from Intergovernmental Affairs, Office of General Counsel, Assistant Secretary for Legislation, Assistant Secretary for Budget, Technology and Finance, Office of HIV/AIDS Policy, Presidential Advisory Council on HIV/AIDS, and HRSA's HIV/AIDS Bureau (HAB). The work group is not currently meeting as development of recommendations for reauthorization has shifted to the White House.

In 2003, the CDC/HRSA Advisory Committee on HIV and STD Prevention and Treatment (CHAC), held a series of listening sessions around the country to hear community recommendations for reauthorization. The CHAC established a work group to develop recommendations that would be, once approved by the entire body, put forward to the Secretary of HHS. In November of 2003, the CHAC issued its [first set of recommendations](#) for reauthorization and in December of 2004 issued a [second set](#).

In a June 2004 [speech](#) in Philadelphia, President Bush announced support for reauthorization of the CARE Act and outlined his principles for changing the law. The "Philadelphia Principles" include:

- Focusing resources on care, such as antiretroviral drugs, doctor visits and lab tests;
- Increasing accountability of grantees by measuring progress;
- Increasing the flexibility of funds distributed by the Federal Government to target jurisdictions in need; and

- Encouraging the participation of any provider that show results, including faith-based and community organizations, while recognizing the need for State and local planning.

In November 2004, the [Presidential Advisory Council on HIV/AIDS](#) passed a [resolution](#) in support of reauthorization and outlined seven principles to guide reauthorization.

During his 2005 State of the Union address, President Bush highlighted the reauthorization of the Ryan White CARE Act stating, “[B]ecause HIV/AIDS brings suffering and fear into so many lives, I ask you to reauthorize the Ryan White Act to encourage prevention, and provide care and treatment to the victims of that disease. And as we update this important law, we must focus our efforts on fellow citizens with the highest rates of new cases, African American men and women.”

In January 2005, Claude Allen, former Deputy Secretary of Health and Human Services was appointed Director of the Domestic Policy Council. Mr. Allen will continue his role in shaping HIV/AIDS policy including the reauthorization of the CARE Act. The Director of the Office of National AIDS Policy, Carol Thompson, aided by Dr. Joe O’Neill, are leading the Administration’s efforts in reauthorization of the CARE Act. The Administration’s position is expected to be released in early July.

In May 2005, Health Resources and Services Administration (HRSA)’s HIV AIDS Bureau (HAB) released two sets of policy studies that were conducted in preparation for reauthorization. The [first set of studies](#), "Examination of Fiscal Management and the Allocation of CARE Act Resources," examines three areas: 1) Ryan White CARE Act Reauthorization 2005: Title I and Title II Health Services Expenditures Patterns, 2) Examination of Key Fiscal Issues Related to Grantees of the Ryan White CARE Act (State Match, Maintenance of Effort, and Payer of Last Resort), and 3) Assessing the Impact of the Ryan White CARE Act Title II Emerging Communities Formula Grant Program. The [second set of studies](#), "Maximizing Access to Medications Through Efficient Use of CARE Act Resources," examines four areas: 1) Factors Contributing to Variations in Per Capita State AIDS Drug Assistance Program Expenditures, 2) ADAP Supplemental Funds, 3) The Role of Title I-Funded AIDS Pharmacy Assistance Programs in Ensuring Access to HIV Therapeutics, and 4) Issues Associated With Capped Enrollment and Waiting Lists.

## **Congressional Activities**

### **U.S. Senate**

Historically, the Senate has taken the lead on reauthorizing the CARE Act. The [Senate Health, Education, Labor and Pensions \(HELP\) Committee](#) has jurisdiction over public health, including the Ryan White CARE Act. The HELP Committee is chaired by Mike Enzi (R-WY) and the ranking minority member is Ted Kennedy (D-MA). Other authors of the CARE Act on HELP are Orrin Hatch (R-UT), Bill Frist (R-TN), and Jim Jeffords (I-VT). Currently there is a commitment by HELP staff to draft and introduce a bipartisan bill. HELP Committee staff participate in weekly briefings that include presentations from stakeholders, including the Administration and various

HIV/AIDS organizations. Senator Tom Coburn (R-OK), Chair of the [Subcommittee on Federal Financial Management, Government Information, and International Security](#) of the Senate Committee on Homeland Security and Governmental Affairs, has expressed an interest in examining the CARE Act as well. Other Senators that have expressed strong interest in reauthorization are Rick Santorum (R-PA), Sam Brownback (R- KS), and Barack Obama (D-IL).

On May 17, Senators Christopher Dodd (D-CT) and Kit Bond (R-MO) introduced S 1051, the “Children and Family HIV/AIDS Research and Care Act of 2005” to reauthorize and expand Title IV of the CARE Act. The bill funds demonstration grants to assess the effectiveness of two strategies in reducing mother-to-children transmission: (1) increasing routine, voluntary HIV testing of pregnant women and (2) increasing access to prenatal care, intensive case management, and supportive services for HIV-positive pregnant women. The bill also requires federal agencies funding and regulating HIV vaccine research to develop plans and guidelines for including pediatric populations in clinical trials as quickly as is medically and ethically appropriate. The legislation also seeks to encourage research on key remaining pediatric research questions, including how to provide safer and more effective treatment options for children with HIV/AIDS. The bill contains what the Title IV stakeholders would like to see included in a reauthorized CARE Act.

### **U.S. House of Representatives**

The [House Energy and Commerce Committee](#) has jurisdiction over the CARE Act. The Committee is chaired by Joe Barton (R-TX) and the ranking minority member is John Dingell (D-MI). The Committee has a Health Subcommittee that is chaired by Nathan Deal (R-GA) with Sherrod Brown (D-OH) as the ranking member. Other members of the Energy and Commerce Committee that have expressed interest in taking a role in reauthorization are Mary Bono (R-CA), Joseph Pitts (R-PA), Lois Capps (D-CA), and Henry Waxman (D-CA).

Energy and Commerce staff are committed to moving NIH reauthorization legislation prior to taking up CARE Act reauthorization. NIH reauthorization could take a considerable amount of time due to the complexities and expanse of issues related to our nation’s premier research institution. This is also one of the House committees that is tasked with finding cuts in the Medicaid program, which are expected to be submitted to the House Budget Committee in September.

Despite continued assurances from Congressional committee staff that the Ryan White CARE Act is on track to be reauthorized by September of 2005, time is passing without any legislative language or a draft bill being produced by either the House or Senate committees. It is believed that the process is in part being held up waiting for the Bush Administration to make its recommendations on specific changes to the legislation. Committee staff appear to be waiting for more guidance from the Administration before moving a bill forward.

### **Stakeholder Recommendations**

A number of national AIDS organizations have issued thoughtful position papers providing recommendations for changing the law. The stakeholders that have released papers thus far include:

- In January 2005, the [Human Rights Campaign](#) issued a [letter](#) expressing principles on reauthorization.
- In February 2005, the [Communities Advocating for Emergency AIDS Relief \(CAEAR\) Coalition](#) and [AIDS Action](#) issued "[Strengthening the Circle of care: Policy Recommendations for Reauthorization of the Ryan White CARE Act, 2005.](#)"
- In February 2005, the [National Lieutenant Governors Association](#) adopted a [resolution](#) in support of reauthorization.
- In February 2005, the [National Alliance of State and Territorial AIDS Directors \(NASTAD\)](#) issued "[Recommendations to Guide the 2005 Reauthorization of the Ryan White CARE Act.](#)"
- In March 2005, the [American Academy of HIV Medicine](#) and the [HIV Medicine Association](#) issued "[Strengthening the Ryan White CARE Act: Recommendations for the 2005 Reauthorization of the CARE Act.](#)"
- In March 2005, [AIDS Alliance for Children, Youth and Families](#) issued "[Renewing the Commitment: The 2005 Reauthorization of the Ryan White CARE Act.](#)"
- In March 2005, [AIDS Action](#) issued "[Streamlining and Modernizing the AIDS Drug Assistance Program \(ADAP\) of the Ryan White CARE Act.](#)"
- In March 2005, the [Southern AIDS Coalition](#) issued a "[2006 Ryan White Policy Statement.](#)"
- In March 2005, the [American Psychological Association](#) issued "[Mental Health and Substance Abuse Services are Critical to the Ryan White CARE Act.](#)"
- In April 2005, [The AIDS Institute](#) issued "[The Next Wave in AIDS Care: Reauthorization of the Ryan White CARE Act 2005-2010.](#)"
- In May 2005, the [Title II Community AIDS National Network](#) issued a "[Ryan White CARE Act Reauthorization Position Paper.](#)"
- In June 2005, the [Association of Nurses in AIDS Care](#) issued a [statement](#) on reauthorization.
- In June 2005, [AIDS Healthcare Foundation](#) issued a [press release](#) on reauthorization.

## **Community Activities**

### **FAPP**

The Federal AIDS Policy Partnership's (FAPP) Reauthorization Work Group, comprised of national, regional and local AIDS organizations, seeks to educate Hill staff on the importance of the CARE Act and provide basic education on its composition. The vast majority of Hill staff are new to the CARE Act, not having been on the Hill during the 2000 reauthorization. The Reauthorization Work Group has scheduled meetings with offices on the committees of jurisdiction. The work group also took part in a Senate staff briefing on reauthorization in April 2004. The briefing was [webcast](#) by the Kaiser Family Foundation. The work group has agreed upon a common set of principles articulated in a [letter](#) to all Members of the House and Senate.

### **NORA**

The [National Organizations Responding to AIDS \(NORA\)](#) Coalition issued "Principles for the Reauthorization of the Ryan White CARE Act – 2005."

### **AIDS Watch 2005**

In May, AIDSWatch took place in Washington with approximately 200 people living with HIV/AIDS attending. Advocates representing all 50 states participated in advocacy training and Hill education visits, which included asking for support for reauthorization of the CARE Act. AIDSWatch is an annual event and is organized by the [National Association of People with AIDS](#).

### **Campaign 2 End AIDS**

The [Campaign 2 End AIDS](#) is a nationwide effort to raise attention to domestic HIV/AIDS. It includes local, state, and national advocacy, fundraising, training, mobilization, and media efforts. The campaign hopes to unite all communities struggling with the disease through a national march to Washington in October 2005 that convenes with calls for action and support by the Congress, President, and community leaders. Included in the Campaign's messages is the importance of the reauthorization of the CARE Act.

Please forward the *Reauthorization Watch* to interested colleagues. Please email [Ann Lefert](#) to be added or removed from our email distribution list.

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