



CARE Act Reauthorization Watch

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The Reauthorization Watch, produced by NASTAD, provides monthly updates on activities related to the reauthorization of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. Please see NASTAD's [website](#) for more information.

Congressional Activities

On July 31, Senator Tom Coburn (R-OK) sent a [letter](#) to HHS Secretary Leavitt requesting the financial impact on states and EMAs for FY2007 if the CARE Act is not reauthorized.

On August 2, representatives of the House Energy and Commerce Committee (E&C), the Senate Health, Education, Labor, and Pensions (HELP) Committee and the Administration met with the Governors' Health Representatives to outline the latest version of reauthorization legislation. The four principal staff members are finalizing the details on a bill that numbers 140 pages. The staff expect to have a draft to share in early September. The staff will also release GAO number runs pertaining to the proposed legislation when complete. The number runs will only reflect funding for formula awards for FY2007. One run will include a hold harmless protection and one run will be without hold harmless. The hope is that the legislation will be marked up in E&C Committee in mid September. Once the E&C Committee has completed action on the bill, it will then be sent onto the House and Senate floors for passage. It is understood that the bill being brought to the House and Senate floors will be identical to avoid a conference committee process.

The staff laid out the current formula proposal which would distribute funding based on actual living HIV (not AIDS) cases and actual living AIDS cases. Data from jurisdictions with code-based systems will be included in distribution formulas not to exceed four years (FY07-FY10) under the following conditions: submission of an approved transition plan for reporting name-based data to CDC or a statutory change to a name-based system by October 1, 2006; and reporting name-based data by April 1, 2008. A national duplication penalty of 5 percent will be instituted for jurisdictions that do not have "mature" name-based HIV reporting systems. For jurisdictions with "mature" name-based reporting systems as of December 31, 2005 there is no duplication penalty.

On August 3, the Senate HELP Committee reported out [S 2823](#), the manager's amendment passed in the HELP Committee on May 17th, with no changes and without a written report. The bill has been placed on the Senate Legislative Calendar for consideration. No action is expected to be taken until the House E&C Committee passes the bill.

On August 28, Senators Chuck Schumer (D-NY), Hillary Clinton (D-NY), Diane Feinstein (D-CA), Barbara Boxer (D-CA), Frank Lautenberg (D-NJ), and Robert Menendez (D-NJ) sent a [letter](#) to House and Senate Majority and Minority Leadership requesting that sufficient time be given to understand the fiscal impact of proposed legislation, once made available, prior to the scheduling of a vote in the House or Senate.

The Administration

On August 29 at HRSA's Ryan White All Grantees Meeting, HRSA and CDC staff discussed how HIV case data will be incorporated into formula awards for FY2007 if reauthorization does not occur. Current legislation states that in FY2007, distribution formulas for Titles I and II will include both estimated HIV (non-AIDS) and AIDS cases in determining funding for a state or EMA. In order to determine the "estimated HIV and AIDS cases," HRSA will utilize all CDC certified cases of reported HIV and AIDS for each jurisdiction and apply a survival weighting to each year's cases in the ten year reporting period ending June 30, 2006. The survival weighting for each year, per current law, is determined by CDC utilizing the total number of deaths against certified HIV and AIDS cases and will be recalculated using the same ten year period. Cases will be assigned to jurisdictions based on the first report, therefore, cases that were previously assigned as AIDS cases in one jurisdiction may be reassigned as HIV cases and assigned to the jurisdiction where the case was originally reported, regardless of current residence.

Additionally, should reauthorization not occur, hold harmless provisions in the current law will remain in effect for FY2007. Hold harmless will mitigate the losses to states and EMAs with code-based and immature name-based HIV reporting systems, since those jurisdictions will have few, if any, HIV cases certified and utilized in determining formula distributions.

Updates

On July 21, the [Los Angeles County Commission on HIV](#) issued a [statement](#) in opposition to the current draft of reauthorization legislation, in particular the use of the duplication penalty.

On August 14, the Mayor of Cincinnati, Ohio, sent a [letter](#) to Senator Hillary Clinton (D-NY) expressing concern that she voted against passage of S 2823 during HELP Committee consideration. The Mayor of Dayton, Ohio, sent a similar [letter](#) to Senator Clinton.

On August 17, the National Black Chamber of Commerce sent a [letter](#) to Senator Clinton expressing its concern with her stance on reauthorization.

On August 28, the New York State Health Commissioner, Dr. Antonia Novello, sent a [letter](#) to the four bill authors expressing concern with the creation of two different standards for the acceptance of HIV data for formula distribution and the use of a duplication penalty for states with code-based data that is not based in science.

On August 30, Governor Rick Perry (R-TX) sent a [letter](#) to E&C Chairman Joe Barton (R-TX) requesting that reauthorization legislation use accurate and reliable HIV data.

On September 1, fifteen state AIDS directors sent a [letter](#) to the four principal authors of the bill

expressing their opposition to the creation of two separate standards for the acceptance of HIV data for use in distribution formulas and the use of the duplication penalty. The AIDS directors voiced concern with the “booster pot” to provide one-time funding for the AIDS Drug Assistance Program as well.

Media Coverage

The June/July 2006 issue of *Topics in HIV Medicine* (14(2): 93-94), included a [commentary](#) from Dr. Michael Saag entitled “Ryan White Care Act Reauthorization: We Need Help.” Dr. Saag highlighted the need for the reauthorized CARE Act to focus on increasing access to care, not just medication, given increasing patient loads and sicker individuals entering into care which is more costly.

On August 10, *The Washington Post* published a *Reuters* [article](#) by Lisa Baertlein entitled “AIDS groups battle over federal funding.”

On August 23, *The Washington Post* published an [article](#) by Jeffrey H. Birnbaum entitled “Sen. Clinton Delays AIDS Law's Renewal, Citing Cut in N.Y. Funds.” In response to the article, a number of AIDS organizations submitted letters to the editor, including [AIDS Action](#), [Gay Men's Health Crisis](#), [NY AIDS Coalition](#), [Project Inform](#), and a [woman](#) living with HIV/AIDS.

On August 24, *The Washington Times* published an [editorial](#) entitled “Hillary's HIV/AIDS Mistake.” In response to the article, a letter to the editor from Terje Anderson of Fairfax, Vermont was published on August 27.

On August 30, *Medical News Today* published an [article](#) entitled “The Latino Coalition Calls On Senator Clinton To Allow Passage Of Ryan White CARE Act.”

On August 31, the *Syracuse Post-Standard* published an [editorial](#) by Stephen Waldron of the Central New York HIV CARE Network entitled “Keep current AIDS funding until better formula found.” On September 1, the *Post-Standard* published an [editorial](#) “‘No’ to AIDS Formula: Redistribution proposal shortchanges neediest states.”

On September 1, *The Washington Post* published a [letter](#) to the editor from Congressmen Ed Towns (D-NY) and Elliott Engel (D-NY) responding to the August 17 article by Jeffrey Birnbaum.

On September 1, *The New York Times* published an [editorial](#) entitled “AIDS Money Suddenly at Risk.”

On September 1, the *Washington Blade* published an [article](#) by Joshua Linsen entitled “Congress poised to renew Ryan White Act.”

Community Activities

On August 24, AIDS Alabama sent a [letter](#) to Senator Clinton expressing concern with her opposition to S 2823.

On August 25, seven AIDS organization sent a [letter](#) to the bill drafters expressing concern with prevention provisions that were under consideration for inclusion in the reauthorization legislation. The seven organizations include AIDS Action, AIDS Alliance for Children Youth and Families, Communities Advocating for Emergency AIDS Relief, National Association of People With AIDS, National Minority

AIDS Council, National Alliance of State and Territorial AIDS Directors, and Project Inform.

On August 25, the Ryan White Title II HIV Care Network of the Mid-Hudson Region sent a [letter](#) to the New York congressional delegation expressing concern with the impact of the proposed reauthorization legislation on the funding for and the delivery of services to person living in New York.

On August 30, the Latino AIDS Action Coalition (LAAC), comprised of over 70 leading Latino HIV/AIDS service organizations, announced its [support](#) of Senator Hillary Clinton's strong opposition to S 2823.

On August 31, the Rochester Area Task Force on AIDS sent a [letter](#) to members of the Congressional Black Caucus expressing concern with the potential impact of proposed legislation on the African American Community.

On September 5, a Co-Chair of the Women's Committee of the New York State HIV Prevention Planning Group sent a [letter](#) to the Congressional Women's Caucus requesting that a reauthorized CARE Act appropriately provide services to all women in need of them.

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

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