



CARE Act Reauthorization Watch

Volume 14, September 26, 2006

The Reauthorization Watch, produced by NASTAD, provides 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.

Reauthorization legislation has passed out of the Senate Health, Education, Labor and Pensions (HELP) and House Energy and Commerce (E&C) Committees. At press time it was unclear when the Senate would move the bill and whether it would be attached to another piece of legislation. The House is expected to take the bill up in suspension of the rules shortly. A summary of recent events is outlined below.

Congressional Activities

On September 7, the staff of the four principal Members of Congress drafting the bill – Mike Enzi (R-WY), Ted Kennedy (D-MA), Joe Barton (R-TX) and John Dingell (D-MI) – released an [outline](#) and a 141-page [draft](#) of legislation to be marked up in the House Energy and Commerce (E&C) Committee the week of September 18.

In addition, GAO [number runs](#) were shared reflecting the current formula proposal. The number runs reflect funding for FY2007 for only the formula awards. One run is with hold harmless and one run is without hold harmless. The numbers show that there will be significant winners and losers. The numbers do not reflect Title I, Title II base, Minority AIDS Initiative (MAI), or ADAP supplemental funding.

On September 11, the four principal Congressional offices and Administration representatives briefed stakeholders on the content of the bill. The staff reviewed the contents of the September 7 draft and took comments and questions from the audience. Revisions to the distribution formulas include a 5 percent gain cap for states with code-based data during fiscal years 2007-2009. Clarification on the distribution of funds through the Titles I and II Supplementals was also provided. Funds will be allocated in the following way: first, to fund hold harmless; second, to make jurisdictions who that lose formula funding “whole;” and third, for grants to jurisdictions with demonstrated need determined through competitive applications.

On September 12, representatives of the E&C and the Senate Health, Education, Labor, and Pensions (HELP) Committees and the Administration met with Governors' Health Representatives to discuss the latest version of reauthorization legislation and take questions on the bill draft.

On September 13, the four principal bill drafters released revised [data runs](#) demonstrating how the proposed formula changes would affect the funding distribution.

On September 14, Senators Richard Burr (R-NC), Tom Coburn (R-OK), and Jeff Sessions (R-AL), the National Minority Health Month Foundation (NMHMF) and the Southern AIDS Coalition (SAC) held a press conference calling for the immediate modernization of the Ryan White CARE Act. The Senators called for [immediate reauthorization](#) of the CARE Act. Statements were made by Burr, Coburn, Sessions, [Gary Puckrein](#) of the NMHMF and SAC members, Kathie Hiers of AIDS Alabama, Evelyn Foust of the North Carolina HIV/STD Prevention and Care Branch, Beth Scalco of the Louisiana HIV/AIDS Program Office, and Bambi Gaddist of the South Carolina HIV/AIDS Action Council. At the press release, a sign-on [letter](#) was distributed supporting reauthorization.

On September 15, the four principal Congressional offices and Administration representatives held a stakeholders meeting to discuss changes made to the draft legislation in response to community input. Changes included:

- A back end prevalence test for EMAs dropping between Title I tiers or out of Title I into Title II and for Title II Emerging Communities (EC). After three consecutive years if an EMA or EC is about to drop down, a prevalence test will be conducted. For Tier 1 cities the prevalence test is 3,000 actual living AIDS cases, for Tier 2 cities the test is 1,500 actual living AIDS cases and for Emerging Communities the test is 750 actual living AIDS cases.
- Title II consortia-related expenses will now be counted towards a state's 25 percent supportive services pot and not the 10 percent administrative cap.

On September 18, the four principal bill drafters released a [Committee Print](#) of the bill for mark up.

On September 19, House Minority Leader Nancy Pelosi (D-CA) sent a [letter](#) to Energy and Commerce leaders stating that she could not support the legislation in its current form.

On September 20, the entire New York House Delegation sent a [letter](#) to the four bill drafters expressing opposition to the House bill unless changes to the bill were made.

On September 20, the E&C Committee marked up the "Ryan White HIV/AIDS Treatment Modernization Act of 2006." The bill passed by a vote of 26 to 10. Several amendments were offered to alter significant provisions of the bill.

- Representatives Ed Towns (D-NY), Anna Eshoo (D-CA), Eliot Engel (D-NY), and Lois Capps (D-CA) unsuccessfully offered an [amendment](#) to extend hold harmless from three to five years and increase the authorization levels for Title I by \$120 million and Title II by \$237 million for FY2007. The amendment sponsors asserted that additional dollars are needed to ensure that jurisdictions with historical epidemics are not harmed while attempting to ensure adequate funding for

jurisdictions with emerging epidemics. In addition to the amendment sponsors, Representative Frank Pallone (D-NJ) Henry Waxman (D-CA) and Ed Markey (D-CA) all spoke in support of the amendment. Representatives Joe Barton (R-TX), Nathan Deal (R-GA), and Michael Bilirakis (R-FL) spoke against the amendment. The amendment failed by a vote of 22 to 21.

- Representatives Vito Fossella (R-NY) and Eliot Engel (D-NY) offered a package of [amendments](#) to eliminate the inclusion of state and local resources in the Severity of Need Index (SONI); instruct the Secretary to make grants to jurisdictions who had lost dollars to make them “whole” through grants from the appropriate supplemental pots in amounts equal to or greater than the amount that was lost in FY2006; and added additional requirements to the Secretary’s report to Congress on the SONI. These amendments were withdrawn by Fossella and Engel.
- Representative Pallone introduced an [amendment](#) to provide for a one year reauthorization under current law that allows funding distribution to remain the same as in FY2006; authorize an increase in funding for all Titles for FY2007; and ensures the money will not revert back to the Treasury. This amendment failed by a vote of 23 to 21.
- Representative Towns offered an [amendment](#) that was agreed to by voice vote to add to the list of eligible entities for Title III, community-based organizations, clinics, hospitals, and other health facilities that provide early intervention services to those persons infected with HIV/AIDS through intravenous drug use.
- Representative Jay Inslee (D-WA) asked and received assurances that the following issues would be clarified in report language: medical case management is not a provider or site specific service; the list of support services is not inclusive and that others will be allowable; and, that requesting a waiver for unobligated funds will not make an entity ineligible for supplemental funds.
- Representative Hilda Solis (D-CA) also received assurance that the importance of linguistic services would be included in report language.

On September 21, Senator Enzi issued a [press release](#) encouraging both the House and the Senate to act quickly in passing reauthorization legislation for the President’s signature.

On September 21, Senators Dianne Feinstein (D-CA) and Barbara Boxer (D-CA) sent a [letter](#) to the Senate leadership requesting that the reauthorization legislation be considered under regular order.

On September 22, Representative Mary Bono (R-CA) officially [introduced](#) HR 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006, along with Representatives Joe Pitts (R-PA); Joe Barton (R-TX); Nathan Deal (R-GA); George Radanovich (R-CA); Charles Norwood (R-GA); Fred Upton (R-MI); Steve Buyer (R-IN); Sue Myrick (R-NC); Paul Gillmor (R-OH); and Lee Terry (R-NE).

On September 22, Senators Hillary Clinton and Chuck Schumer sent a [letter](#) to Senate Democratic Leader Harry Reid (D-NV) stating their opposition to the legislation. Senators Clinton and Schumer were joined by Senators Frank Lautenberg (D-NJ), Richard Durbin (D-IL), Bill Nelson (D-FL), Barack Obama (D-IL) and Bob Menendez (D-NJ) in sending a [letter](#) to the Senate leadership stating their collective concerns with the current version of the legislation.

On September 25, Representative Pallone sent a “[Dear Colleague](#)” announcing that he will be introducing [legislation](#) to temporarily reauthorize the program for one year so that negotiations can continue. The bill reflects the Pallone Amendment offered in the E&C markup. Senator Lautenberg is

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introducing the Senate companion.

On September 26, Senator Enzi issued a [press release](#) urging immediate approval of HR 6143 by the Senate and expressing disappointment that three states have placed a hold on the bill.

The Administration

On September 15 and 20, HHS distributed an [outline](#) of funding distribution for FY2007 in the absence of a reauthorized CARE Act.

Updates

On September 11, the New York AIDS Institute issued a [statement](#) for release at the stakeholders briefing.

On September 15, the National Association of County and City Health Officials (NACCHO) sent a [letter](#) to the four principal bill drafters expressing concern regarding the Early Diagnosis Grant Program provision.

On September 18, New York City Mayor Michael Bloomberg sent a [letter](#) opposing the House draft legislation.

On September 22, California Governor Arnold Schwarzenegger sent a [letter](#) to bill drafters asking that they find a reasonable compromise to ensure that California's funding is not drastically reduced in year five of the reauthorization period.

On September 26, the State of New York AIDS Advisory Council sent a [letter](#) to the four principal authors expressing their opposition to the reauthorization legislation.

Media Coverage

On August 31, *Bay Windows* published an [article](#) by Ethan Jacobs entitled "Local HIV/AIDS Advocates Support Senator Clinton's Efforts to Change Ryan White Funding."

On September 14, the *Contra Costa Times* published an AP [article](#) by Ben Evans entitled "Southerners Urge Swift Action on AIDS Legislation."

On September 15, *The Buffalo News* published a [letter](#) to the editor from Senate Majority Leader Bill Frist (R-TN) stating that the Senate version of reauthorization will get money to the "areas facing the greatest growth in HIV/AIDS case loads." On September 22, the paper published a [response](#) to Frist's letter from Ronald Silverio, President and CEO of AIDS Community Services of Western New York Inc.

On September 18, *The Commercial Dispatch* published an AP [article](#) by Ben Evans entitled "South Says Region Shortchanged on AIDS Funding."

On September 20, *The Washington Post* published an AP [article](#) by Erica Werner entitled "AIDS Bill Advances Despite Complaints."

On September 20, the *CQ Today-Health* published an [article](#) by Alex Wayne entitled “Panel Vows to Renew AIDS Programs amid Complaints from Big-State Lawmakers.”

On September 21, the *San Francisco Chronicle* published an [article](#) by Edward Epstein entitled “House Panel Votes to Slash S.F. AIDS funds; New Federal Formula Would Give More to Suburban, Rural Areas.”

On September 21, *The Sacramento Union* published an AP [article](#) by Erica Werner entitled “CA Could Lose \$50 Million in AIDS Money over 5 Years.”

On September 21, the *Bay Area Reporter* published an [article](#) by Bob Roehr entitled “The Scramble to Reauthorize Ryan White.”

On September 21, the *Dallas Voice* published an AP [article](#) by Ben Evans entitled “Lawmakers Wrangle over CARE Act Reauthorization.”

On September 22, the *Washington Blade* published an [article](#) by Lou Chibbaro entitled “AIDS groups divided over revisions to Ryan White Act.”

On September 23, the *South Florida Sun-Sentinel* published an [editorial](#) entitled “ISSUE: The drop in federal HIV/AIDS funding is putting the squeeze on patients.”

On September 25, the *Syracuse Post Standard* published an [article](#) by James Mulder entitled "HIV/AIDS care money might leave New York".

On September 25, the *Rochester Democrat and Chronicle* published an [editorial](#) entitled "A bad move: Congress should rethink change to Ryan White CARE Act."

Community Activities

On September 6, eight AIDS organizations sent a communication to the bill drafters providing an alternative HIV/AIDS Community Compromise for reauthorization. The communication included a [proposal](#) and [number runs](#). The proposal was developed in light of ongoing concerns with the likelihood of passage of the current House draft and the desire to get a bill passed this year. The eight organizations include AIDS Action Council, AIDS Alliance for Children Youth and Families, Communities Advocating Emergency AIDS Relief Coalition (CAEAR), National Association of People With AIDS (NAPWA), National Minority AIDS Council (NMAC), National Alliance of State and Territorial AIDS Directors (NASTAD), Project Inform and the Southern AIDS Coalition (SAC).

During the September 11 briefing of stakeholders, Frank Oldham, Executive Director of NAPWA, read a [joint statement](#) from AIDS Action Council, AIDS Alliance, CAEAR Coalition, NAPWA, NMAC, NASTAD, SAC, and Project Inform, stating the groups did not support the September 7th draft in its current form and requesting a meeting with Members and their staff to discuss necessary changes to the bill.

On September 12, seven of the same eight organizations as above sent a [letter](#) to the four principal

bill drafters stating “we do not support the bill as released on September 7th in its current form.”

On September 11, The AIDS Institute issued a [press release](#) urging passage of the House draft and increased funding for the program.

On September 11, SAVE ADAP issued a [statement](#) released at the stakeholders briefing urging appropriate funding for ADAP that reflects the need.

On September 13, Community HIV/AIDS Mobilization Project (CHAMP) issued an [action alert](#) urging individuals to call their Members of Congress and ask them to keep the Ryan White CARE Act focused on care and treatment and not divert \$30 million in scarce CDC prevention resources.

On September 14, AIDS Action Council, AIDS Alliance, CAEAR Coalition, NAPWA, NMAC, NASTAD, and Project Inform sent [recommendations](#) to the four principal bill drafters for changes to the House legislation.

On September 14, the Southern AIDS Coalition sent [recommendations](#) to the principal bill drafters for improving the House legislation.

On September 16, the National AIDS Treatment Advocacy Project (NATAP) sent a [letter](#) supporting the House version of reauthorization.

On September 17, the Title II Community AIDS National Network sent a [letter](#) to the principal drafters stating their support for the reauthorization legislation publicly and opposing any attempt to move the \$70 million dedicated Title II base funding, which is the keystone that holds the compromise legislation together.

On September 18, AIDS Action Council, AIDS Alliance, CAEAR Coalition, NAPWA, NMAC, NASTAD, and Project Inform sent a [letter](#) to House and Senate Appropriations Committee leadership in support of the \$70 million increase for the Title II base authorized in the reauthorization legislation. The letter also expresses support for a separate increase for the AIDS Drug Assistance Program.

On September 18, the Campaign to End AIDS held a [Town Hall Meeting](#) via conference call to update grassroots activists about the process to reauthorize the CARE Act.

On September 19, [AIDS Action Council](#) and the [Southern AIDS Coalition](#) sent letters of support for the House legislation in anticipation of the mark-up. The CAEAR Coalition sent a [letter](#) stating they were unable to support the bill due to ongoing concerns about specific provisions.

On September 20, The AIDS Institute issued a [press release](#) praising the E&C Committee for passage of the reauthorization legislation.

On September 22, AIDS Project Los Angeles issued a [press release](#) urging California’s congressional delegation to demand increased appropriations for the CARE Act as the only solution to the stalled

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reauthorization process.

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