Ryan White CARE Act Reauthorization
Fact Sheet
April 21st, 2006

This fact sheet is intended to update anyone interested on how the CARE Act reauthorization is proceeding with simple facts and information about where we are in the process and what to expect. The March version of this fact sheet is available at http://64.177.16.246/web//images/stories/pdfs/rw_fact_mar_2006.pdf or by contacting any of the three co-chairs of the FAPP Ryan White reauthorization workgroup. This fact sheet will be updated and distributed roughly once a month until the CARE Act is reauthorized.

Congressional Update

• Although the Executive Branch of government (such as the Department of Health and Human Services or the White House) provided recommendations to Congress on what they would like to see changed in the Ryan White CARE Act, it is the responsibility of Congress to write and pass a new version of the CARE Act.

• The staffs of both the Democrats and the Republicans from both the House and the Senate authorizing committees, along with Administration representatives, are still working together in closed-door meetings in an effort to draft a reauthorization bill. In an effort to speed up the process, the principal Majority and Minority lead staffers of the authorizing committees have begun to meet separately. They are expected to release a timetable to produce a bill in the very near future.

• Congress is in summer recess from July 31st - September 4th of 2006 and the target adjournment for the year is October 6th. Since this is an election year, Congress is not likely to stay in session much past the target date, although they can come back after the election for a lame duck session. The earlier a bill can be filed this year, the better the chance that reauthorization can be passed before this Congress adjourns.

Recent remarks by Congressional staff on the progress of the bill

• On March 30th, the Kaiser Family Foundation and the National Alliance of State & Territorial AIDS Directors (NASTAD) released their National Annual AIDS Drug Assistance Program Monitoring Report. The Senate bi-partisan leaders, Shana Christrup and Connie Garner (the lead Republican and Democratic staffer, respectively) were present and offered comments on the reauthorization process during a panel discussion.

• Their comments indicate that they feel the workgroup still has much work to do ("we are still in the throes of figuring out the basics of the program"), though on the whole their comments may be interpreted that they are further along than that.

• To get a sense of where they are in their process for yourself, please review their comments which begin on page 37 of this transcript: http://www.kaisernetwork.org/health_east/heast_index.cfm?display=detail&hc=1686

Recent report from the General Accountability Office (GAO)

• The Government Accountability Office (GAO) is an agency that works for Congress and, by extension, the public. Congress asks GAO to study the programs and expenditures of the federal government. GAO, commonly called the investigative arm of Congress or the congressional watchdog, is independent and nonpartisan. GAO advises Congress and the heads of executive agencies (such as Health and Human Services) about ways to make government more effective and responsive.
In response to a request by Senators Enzi (R-WY), Coburn (R-OK) and Gregg (R-NH) and Representative Souder (R-IN), the GAO released a report on February 28th entitled: “Changes Needed to Improve the Distribution of Ryan White CARE Act and Housing Funds”. It can be found at: http://www.gao.gov/new.items/d06332.pdf

A one page summary may be found at: http://www.gao.gov/highlights/d06332high.pdf

In addition to examining the CARE Act, per the instructions of the requesters, the report also examined Housing Opportunities for People with AIDS (HOPWA) programs.

The GAO only looked at Titles I and II of the CARE Act (not Titles III, IV or Part F).

The GAO report found that: “multiple provisions in the CARE Act and HOPWA grant funding formulas as enacted result in funding being not comparable per AIDS case across grantees.”

They drew specific conclusions on the:
1. Use of cumulative AIDS cases as a measure of funding
2. Mechanism of counting cases to determine allocations of Title II funding. (Currently, AIDS cases in Eligible Metropolitan Areas (EMAs) are counted for Title I allocations, and counted at 80% for Title II allocations. This is characterized in the GAO report as “double counting”.)
3. Hold harmless and grandfather provisions under Titles I and II.

Other updates

- Senator Richard Burr (R-NC), a member of the HELP Committee, signed on as a co-sponsor to Senator Coburn’s bill to reauthorize the CARE Act. (S 2339). Please see the March update for more information on the Coburn bill.
- Representative David Weldon (R-FL) filed a bill on March 16th identical to Senator Coburn’s legislation (called a “companion bill”) in the House of Representatives. (HR 5009) It was referred to both the Energy and Commerce and Financial Services Committees. Eighteen House Republicans have thus far agreed to co-sponsor the Weldon bill.
- On April 26th, Senator Tom Coburn, as chair of the Senate Subcommittee on Federal Financial Management, will hold a hearing entitled: “Ensuring Early Diagnosis and Access to Treatment for HIV/AIDS: Can Federal Resources Be More Effectively Targeted?”
- The press release on the hearing states the hearing will “examine the findings of a new GAO report analyzing disparities between ADAPs.” The report will likely be released at the hearing.

Panelists will include:
- Dr. Marcia Crosse, GAO
- Dr. Deborah Hopson, HRSA
- Dr. Kevin Fenton, CDC
- Beth Scalco, Louisiana AIDS Director
- Michael Weinstein, AIDS Healthcare Foundation

This fact sheet was produced by the Ryan White Reauthorization Workgroup of the Federal AIDS Policy Partnership (FAPP). Please adapt this form in any way you deem fit to send to your membership.

For questions on this Fact Sheet or on the Workgroup, please contact any of the three co-chairs:
Ryan Clary, Project Inform rclary@projectinform.org
Carl Schmid, The AIDS Institute cschmid@theaidsinstitute.org
Greg Smiley, American Academy of HIV Medicine greg@aaahivm.org