

United States Senate

WASHINGTON, DC 20510-3604

July 31, 2006

Honorable Michael O. Leavitt
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt,

I commend you, President Bush and the Administration for your continuing leadership on HIV/AIDS, both domestically and globally.

Just two weeks ago in his speech before the NAACP, President Bush called on Congress again to reauthorize the Ryan White CARE Act, stating "Congress needs to reform and reauthorize the Ryan White Act, and provide funding to states, so we can end the waiting lists for AIDS medications in this country."

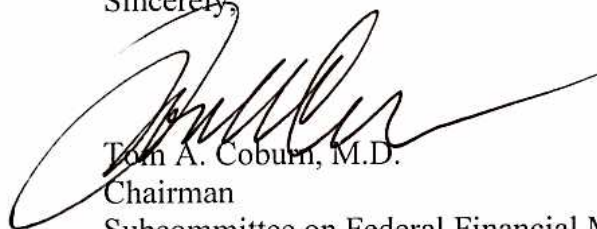
As you know, the CARE Act's authorization expired on September 30, 2005. Unless the Act is re-authorized by September 30 of this year, state and city funding will be determined by the number of reported cases of both HIV and AIDS cases in a jurisdiction rather than the number of estimated AIDS cases, which is the current formula. Public Law 106-345 clearly requires that beginning no later than fiscal year 2007, cases counted for each 12-month period shall be all reported cases of HIV disease. This change is intended to better target federal resources but may result in dramatic funding changes in some areas.

It is important that the impact of these funding changes be outlined so all jurisdictions that will be impacted are prepared to prevent disruptions in services and Congress can take appropriate actions, if necessary.

Utilizing the appropriations levels requested by the President, could you please provide a break down of Title I and II CARE Act funding for cities and states for fiscal year 2007 under the new formulas and how those amounts differ from fiscal year 2006? Please provide a list of cities and states with reporting data that do not meet CDC criteria for accuracy and reliability as well as a list of cities and states with HIV surveillance systems that are not names based but do meet CDC criteria for accuracy and reliability. Finally, what authority—if any—does the Department have to ignore the letter and intent of the law requiring the formula change for Title I and II of the CARE Act mandated by Public Law 106-345 to occur on October 1, 2006?

Thank you for your continued leadership addressing HIV/AIDS and for your attention to this matter. I would appreciate a reply no later than September 1, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom A. Coburn', with a long horizontal flourish extending to the right.

Tom A. Coburn, M.D.

Chairman

Subcommittee on Federal Financial Management,

Government Information, and International Security