

Congress of the United States

Washington, DC 20510

February 7, 2007

The Honorable Mike O. Leavitt
Secretary
United States Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Mr. Secretary:

We are writing to express our concern regarding the Administration's view of the continued eligibility of the Nassau-Suffolk region as an Eligible Metropolitan Area (EMA) under the *Ryan White CARE Act*.

In the recent reauthorization of the *CARE Act*, the language regarding EMA eligibility is as follows:

(b) Continued Status as Eligible Area- Notwithstanding any other provision of this section, a metropolitan area that is an eligible area for a fiscal year continues to be an eligible area until the metropolitan area fails, for three consecutive fiscal years--

(1) to meet the requirements of subsection (a); and

(2) to have a cumulative total of 3,000 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

Our interpretation of this clause is that eligibility is lost only when an area fails to meet both of these requirements. Nothing in this Act specifies that failure to meet one of these requirements in FY 2007 would result in loss of EMA status from FY 2006.

The Nassau-Suffolk EMA does not meet the requirement of subsection (a) – namely, having more than 2,000 AIDS cases diagnosed over the past 5 year period. It does, however, meet the requirement in subsection (2). In the EMA's 2007 Title I application submitted to the Health Resources and Services Administration (HRSA), it is noted that 3,428 individuals are living with AIDS in Nassau and Suffolk Counties. The most recent CDC data, from December 2005, notes that this EMA has 3,291 people living with AIDS. Because this area fulfills the requirement to have more than 3,000 living AIDS cases, we believe that it should maintain EMA status for FY 2007.

As you know, recent advances in treatment have enabled many people living with HIV and AIDS to lead longer, healthier lives. The 5-year lookback period in the *CARE Act* was amended to recognize the need in EMAs that have provided quality care to people living with HIV and AIDS. This new system allows for us to account for individuals who have lived more than 5 years beyond their initial diagnosis with AIDS, rather than inadvertently penalize EMAs that have provided the essential care and support services that help people with AIDS survive.

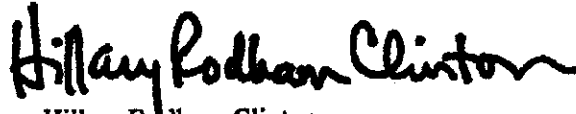
We would urge you to reexamine your implementation of this provision for FY 2007, and ensure that the Nassau-Suffolk region retains its EMA status.

Thank you for your consideration.

Sincerely yours,



Charles E. Schumer
United States Senate



Hillary Rodham Clinton
United States Senate



Peter T. King
United States House of Representatives



Steve Israel
United States House of Representatives

Cc: Elizabeth Duke, Administrator, Health Resources and Services Administration