

Calendar No. 626

107TH CONGRESS
2D SESSION**S. 2980**

To revise and extend the Birth Defects Prevention Act of 1998.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2002

Mr. BOND (for himself, Mr. DODD, Mr. FRIST, Mr. KENNEDY, Mr. HUTCHINSON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

OCTOBER 1, 2002

Reported by Mr. KENNEDY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italics]

A BILL

To revise and extend the Birth Defects Prevention Act of 1998.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “~~Birth Defects and De-~~
5 ~~velopmental Disabilities Prevention Act of 2002~~”.

1 **SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DE-**
2 **VELOPMENTAL DISABILITIES.**

3 Section 317C of the Public Health Service Act (42
4 U.S.C. 247b-4) is amended—

5 (1) in subsection (a)(2)—

6 (A) in subparagraph (A)—

7 (i) by striking “and developmental
8 disabilities” and inserting “, developmental
9 disabilities, and disabilities and health”;
10 and

11 (ii) by striking “subsection (d)(2)”
12 and inserting “subsection (e)(2)”;

13 (B) in subparagraph (B), by striking
14 “and” at the end;

15 (C) in subparagraph (C), by striking the
16 period; and

17 (D) by adding at the end the following:

18 “(D) to conduct research on and to pro-
19 mote the prevention (including the prevention of
20 secondary conditions) of such birth defects and
21 disabilities; and

22 “(E) to support a National Spina Bifida
23 Program to prevent and reduce suffering from
24 the nation’s most common permanently dis-
25 abling birth defect.”;

26 (2) by striking subsection (b);

1 ~~(3)~~ in subsection (d)—

2 (A) in the matter preceding paragraph (1),
3 by striking “1999” and inserting “2004”;

4 ~~(B)~~ in paragraph (1)—

5 (i) by inserting “and developmental
6 disabilities” after “defects” each place that
7 such appears; and

8 (ii) by inserting “and affected quality
9 of life” before the semicolon;

10 ~~(C)~~ in paragraph ~~(3)~~, by inserting “and
11 developmental disabilities” after “defects”;

12 ~~(D)~~ in paragraph (4), by striking “and” at
13 the end;

14 ~~(E)~~ by redesignating paragraph ~~(5)~~ as
15 paragraph (7); and

16 ~~(F)~~ by inserting after paragraph (4), the
17 following:

18 “~~(5)~~ contains information on the incidence and
19 prevalence of individuals living with birth defects
20 and disabilities; any health disparities experienced by
21 such individuals; and recommendations for improv-
22 ing the health and wellness and quality of life of
23 such individuals;

24 “~~(6)~~ contains a summary of recommendations
25 from all birth defects research conferences sponsored

1 by the agency including conferences related to spina
2 bifida; and”;

3 (4) in subsection (c)—

4 (A) by inserting “, including section 444 of
5 the General Education Provisions Act,” after
6 “privacy of information”; and

7 (B) by inserting before the period the fol-
8 lowing: “, except that the Centers for Disease
9 Control and Prevention shall have access to in-
10 formation under section 444(b)(1)(F) of such
11 Act solely for purposes of carrying out sub-
12 section (a)(1) of this section and shall otherwise
13 comply with all other requirements of such sec-
14 tion 444”;

15 (5) by redesignating subsections (c), (d), and
16 (e) as subsections (b), (c), and (d), respectively;

17 (6) by inserting after subsection (d) (as so re-
18 designated), the following:

19 “(e) **ADVISORY COMMITTEE.**—Notwithstanding any
20 other provision of law, the members of the advisory com-
21 mittee appointed by the Director of the National Center
22 for Environmental Health that have expertise in birth de-
23 fects, developmental disabilities, and disabilities and
24 health shall be transferred to the National Center on Birth

1 Defects on the date of enactment of the Birth Defects and
 2 Developmental Disabilities Prevention Act of 2002.”; and
 3 ~~(7) in subsection (f), by striking “\$30,000,000”~~
 4 and all that follows and inserting “such sums as
 5 may be necessary for each of fiscal years 2003
 6 through 2007.”.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Birth Defects and Devel-*
 9 *opmental Disabilities Prevention Act of 2002”.*

10 **SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVEL-**
 11 **OPMENTAL DISABILITIES.**

12 *Section 317C of the Public Health Service Act (42*
 13 *U.S.C. 247b-4) is amended—*

14 *(1) in subsection (a)(2)—*

15 *(A) in subparagraph (A)—*

16 *(i) by striking “and developmental dis-*
 17 *abilities” and inserting “, developmental*
 18 *disabilities, and disabilities and health”;*

19 *and*

20 *(ii) by striking “subsection (d)(2)” and*
 21 *inserting “subsection (c)(2)”;*

22 *(B) in subparagraph (B), by striking “and”*
 23 *at the end;*

24 *(C) in subparagraph (C), by striking the*
 25 *period; and*

1 (D) by adding at the end the following:

2 “(D) to conduct research on and to promote
3 the prevention of such birth defects, disabilities,
4 and the prevention of secondary health condi-
5 tions among individuals with disabilities; and

6 “(E) to support a National Spina Bifida
7 Program to prevent and reduce suffering from
8 the nation’s most common permanently disabling
9 birth defect.”;

10 (2) by striking subsection (b);

11 (3) in subsection (d)—

12 (A) in the matter preceding paragraph (1),
13 by striking “1999” and inserting “2004”;

14 (B) by striking paragraph (1) and inserting
15 the following:

16 “(1) contains information regarding the inci-
17 dence and prevalence of birth defects, developmental
18 disabilities, and the health status of individuals with
19 disabilities and the extent to which these conditions
20 have contributed to the incidence and prevalence of
21 infant mortality and affected quality of life;”;

22 (C) in paragraph (3), by inserting “, devel-
23 opmental disabilities, and secondary health con-
24 ditions among individuals with disabilities”
25 after “defects”;

1 (D) in paragraph (4), by striking “and” at
2 the end;

3 (E) by redesignating paragraph (5) as
4 paragraph (7); and

5 (F) by inserting after paragraph (4), the
6 following:

7 “(5) contains information on the incidence and
8 prevalence of individuals living with birth defects and
9 disabilities, developmental disabilities, and the health
10 status of individuals with disabilities, any health dis-
11 parities experienced by such individuals, and rec-
12 ommendations for improving the health and wellness
13 and quality of life of such individuals;

14 “(6) contains a summary of recommendations
15 from all birth defects research conferences sponsored
16 by the agency including conferences related to spina
17 bifida; and”;

18 (4) in subsection (e)—

19 (A) by inserting “, including section 444 of
20 the General Education Provisions Act,” after
21 “privacy of information”; and

22 (B) by inserting before the period the fol-
23 lowing: “, except that the Centers for Disease
24 Control and Prevention shall have access to in-
25 formation under section 444(b)(1)(F) of such Act

1 *solely for purposes of carrying out subsection*
 2 *(a)(2) of this section and shall otherwise comply*
 3 *with all other requirements of such section 444”;*
 4 *(5) by redesignating subsections (c), (d), and (e)*
 5 *as subsections (b), (c), and (d), respectively;*
 6 *(6) by inserting after subsection (d) (as so red-*
 7 *ignated), the following:*

8 “(e) *ADVISORY COMMITTEE.*—*Notwithstanding any*
 9 *other provision of law, the members of the advisory com-*
 10 *mittee appointed by the Director of the National Center for*
 11 *Environmental Health that have expertise in birth defects,*
 12 *developmental disabilities, and disabilities and health shall*
 13 *be transferred to and shall advise the National Center on*
 14 *Birth Defects and Developmental Disabilities on the date*
 15 *of enactment of the Birth Defects and Developmental Dis-*
 16 *abilities Prevention Act of 2002.”; and*

17 *(7) in subsection (f), by striking “\$30,000,000”*
 18 *and all that follows and inserting “such sums as may*
 19 *be necessary for each of fiscal years 2003 through*
 20 *2007.”.*

21 **SEC. 3. TECHNICAL CORRECTIONS FOR STATE COUNCILS**
 22 **ON DEVELOPMENTAL DISABILITIES.**

23 *Section 122(a) of the Developmental Disabilities As-*
 24 *sistance and Bill of Rights Act of 2000 (42 3 U.S.C.*
 25 *15022(a)) is amended—*

1 (1) in paragraph (3)(A)(ii), by inserting before
2 the period the following: “, the amount received by the
3 State for the previous year, or the amount of Federal
4 appropriations received in fiscal years 2000, 2001, or
5 2002, whichever is greater”; and

6 (2) in paragraph (4)(A)(ii), by inserting before
7 the period the following: “, the amount received by the
8 State for the previous year, or the amount of Federal
9 appropriations received in fiscal years 2000, 2001, or
10 2002, whichever is greater”.

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