

## Union Calendar No. 8

108TH CONGRESS  
1ST SESSION

**H. R. 398****[Report No. 108–14]**

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

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2003

Mr. FERGUSON (for himself, Mr. DINGELL, Mr. BROWN of Ohio, and Mr. STUPAK) introduced the following bill; which was referred to the Committee on Energy and Commerce

FEBRUARY 13, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

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**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 2003”.

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 (c)(2)”;

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

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

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

18 “(D) to conduct research on and to pro-  
19 mote the prevention of such defects and disabil-  
20 ities, and secondary health conditions among in-  
21 dividuals with 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) by striking paragraph (1) and insert-  
3 ing the following:

4 “(1) contains information regarding the inci-  
5 dence and prevalence of birth defects, developmental  
6 disabilities, and the health status of individuals with  
7 disabilities and the extent to which these conditions  
8 have contributed to the incidence and prevalence of  
9 infant mortality and affected quality of life;”;

10 (B) in paragraph (3), by inserting “, devel-  
11 opmental disabilities, and secondary health con-  
12 ditions among individuals with disabilities”  
13 after “defects”;

14 (C) in paragraph (4), by striking “and” at  
15 the end;

16 (D) by redesignating paragraph (5) as  
17 paragraph (7); and

18 (E) by inserting after paragraph (4) the  
19 following:

20 “(5) contains information on the incidence and  
21 prevalence of individuals living with birth defects  
22 and disabilities or developmental disabilities, infor-  
23 mation on the health status of individuals with dis-  
24 abilities, information on any health disparities expe-  
25 rienced by such individuals, and recommendations

1 for improving the health and wellness and quality of  
2 life of such individuals;

3 “(6) contains a summary of recommendations  
4 from all birth defects research conferences sponsored  
5 by the Centers for Disease Control and Prevention,  
6 including conferences related to spina bifida; and”;

7 (4) in subsection (e)—

8 (A) by inserting “, including section 444 of  
9 the General Education Provisions Act,” after  
10 “privacy of information”; and

11 (B) by inserting before the period at the  
12 end of the second sentence the following: “, ex-  
13 cept that the Centers for Disease Control and  
14 Prevention shall have access to information  
15 under section 444(b)(1)(F) of such Act solely  
16 for purposes of carrying out subsection (a)(2)  
17 of this section and shall otherwise comply with  
18 all other requirements of such section 444”;

19 (5) by redesignating subsections (c), (d), and  
20 (e) as subsections (b), (c), and (d), respectively;

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

23 “(e) ADVISORY COMMITTEE.—Notwithstanding any  
24 other provision of law, the members of the advisory com-  
25 mittee appointed by the Director of the National Center

1 for Environmental Health that have expertise in birth de-  
 2 fects, developmental disabilities, and disabilities and  
 3 health shall be transferred to and shall advise the National  
 4 Center on Birth Defects and Developmental Disabilities  
 5 effective on the date of enactment of the Birth Defects  
 6 and Developmental Disabilities Prevention Act of 2003.”;  
 7 and

8 (7) in subsection (f), by striking “\$30,000,000”  
 9 and all that follows and inserting “such sums as  
 10 may be necessary for each of fiscal years 2003  
 11 through 2007.”.

12 **SEC. 3. TECHNICAL CORRECTIONS FOR STATE COUNCILS**  
 13 **ON DEVELOPMENTAL DISABILITIES.**

14 Section 122(a) of the Developmental Disabilities As-  
 15 sistance and Bill of Rights Act of 2000 (42 U.S.C.  
 16 15022(a)) is amended—

17 (1) in paragraph (3)(A)(ii), by inserting before  
 18 the period the following: “, the amount received by  
 19 the State for the previous year, or the amount of  
 20 Federal appropriations received in fiscal year 2000,  
 21 2001, or 2002, whichever is greater”; and

22 (2) in paragraph (4)(A)(ii), by inserting before  
 23 the period the following: “, the amount received by  
 24 the State for the previous year, or the amount of

- 1 Federal appropriations received in fiscal year 2000,
- 2 2001, or 2002, whichever is greater”.



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