

111TH CONGRESS  
1ST SESSION

# S. 1577

To provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2009

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs.

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 “Asthma Act”.

5       **SEC. 2. FINDINGS.**

6       Congress finds as follows:

1           (1) Despite improved therapies, asthma affects  
2           approximately 22,000,000 adults and 6,800,000  
3           children under the age of 18 in the United States.

4           (2) Approximately 1,000,000 hospital emer-  
5           gency room visits are attributed to asthma annually.

6           (3) Asthma can be life-threatening if not prop-  
7           erly managed. Most asthma-related deaths are pre-  
8           ventable, yet such deaths continue to occur in the  
9           United States.

10          (4) Asthma-related health care costs are esti-  
11          mated at \$14,000,000,000 annually.

12          (5) With early recognition of the signs and  
13          symptoms of asthma, proper diagnosis and treat-  
14          ment, and patient education and self-management,  
15          asthma is a controllable disease.

16          (6) Public health interventions have been prov-  
17          en effective in the treatment and management of  
18          asthma. Population-based research supported by the  
19          National Institutes of Health has effectively dem-  
20          onstrated the benefits of combining aggressive med-  
21          ical treatment with patient education to improve the  
22          management of asthma. The National Asthma Edu-  
23          cation and Prevention Program helps raise aware-  
24          ness that asthma is a serious chronic disease, and

1 helps promote more effective management of asthma  
 2 through patient and professional education.

3 (7) The alarming rise in prevalence, asthma-re-  
 4 lated deaths, and expenditures demonstrate that, de-  
 5 spite extensive knowledge on effective asthma man-  
 6 agement strategies, current Federal policy and fund-  
 7 ing regarding the education, treatment, and manage-  
 8 ment of asthma is inadequate.

9 (8) Additional Federal direction, funding, and  
 10 support is necessary to increase awareness of asth-  
 11 ma as a chronic illness, its symptoms, and the envi-  
 12 ronmental factors (indoor and outdoor) that affect  
 13 the disease, as well as to promote education pro-  
 14 grams that teach patients how to better manage  
 15 asthma.

16 **SEC. 3. PROVISIONS REGARDING NATIONAL ASTHMA EDU-**  
 17 **CATION AND PREVENTION PROGRAM OF NA-**  
 18 **TIONAL HEART, LUNG, AND BLOOD INSTI-**  
 19 **TUTE.**

20 (a) **ADDITIONAL FUNDING; EXPANSION OF PRO-**  
 21 **GRAM.**—In addition to any other authorization of appro-  
 22 priations that is available to the National Heart, Lung,  
 23 and Blood Institute for the purpose of carrying out the  
 24 National Asthma Education and Prevention Program,  
 25 there is authorized to be appropriated to such Institute

1 for such purpose \$4,100,000 for each of the fiscal years  
2 2010 through 2014. Amounts appropriated under the pre-  
3 ceding sentence shall be expended to expand such Pro-  
4 gram.

5 (b) COORDINATING COMMITTEE.—

6 (1) REPORT TO CONGRESS.—With respect to  
7 the coordinating committee established for the Na-  
8 tional Asthma Education and Prevention Program of  
9 the National Heart, Lung, and Blood Institute, such  
10 committee shall submit to Congress a report that—

11 (A) contains a determination by the com-  
12 mittee of the scope of the problem of asthma in  
13 the United States;

14 (B) identifies all Federal programs that  
15 carry out asthma-related activities; and

16 (C) contains the recommendations of the  
17 committee for strengthening and better coordi-  
18 nating the asthma-related activities of the Fed-  
19 eral Government.

20 (2) INCLUSION OF REPRESENTATIVE OF DE-  
21 PARTMENT OF EDUCATION.—The Secretary of Edu-  
22 cation or a designee of such Secretary shall be in-  
23 cluded in the membership of the coordinating com-  
24 mittee described in paragraph (1).

1 **SEC. 4. ASTHMA-RELATED ACTIVITIES OF CENTERS FOR**  
2 **DISEASE CONTROL AND PREVENTION.**

3 (a) EXPANSION OF PUBLIC HEALTH SURVEILLANCE  
4 ACTIVITIES; PROGRAM FOR PROVIDING INFORMATION  
5 AND EDUCATION TO PUBLIC.—The Secretary of Health  
6 and Human Services, acting through the Director of the  
7 Centers for Disease Control and Prevention, shall collabo-  
8 rate with the States to expand the scope of—

9 (1) activities that are carried out to determine  
10 the incidence and prevalence of asthma; and

11 (2) activities that are carried out to prevent the  
12 health consequences of asthma, including through  
13 the provision of information and education to the  
14 public regarding asthma, which may include the use  
15 of public service announcements through the media  
16 and such other means as such Director determines  
17 to be appropriate.

18 (b) COMPILATION OF DATA.—The Secretary of  
19 Health and Human Services, acting through the Director  
20 of the Centers for Disease Control and Prevention and in  
21 consultation with the National Asthma Education Preven-  
22 tion Program Coordinating Committee, shall—

23 (1) conduct local asthma surveillance activities  
24 to collect data on the prevalence and severity of  
25 asthma and the quality of asthma management, in-  
26 cluding—

1 (A) telephone surveys to collect sample  
 2 household data on the local burden of asthma;  
 3 and

4 (B) health care facility specific surveillance  
 5 to collect asthma data on the prevalence and se-  
 6 verity of asthma, and on the quality of asthma  
 7 care; and

8 (2) compile and annually publish data on—

9 (A) the prevalence of children suffering  
 10 from asthma in each State; and

11 (B) the childhood mortality rate associated  
 12 with asthma nationally and in each State.

13 (c) ADDITIONAL FUNDING.—In addition to any other  
 14 authorization of appropriations that is available to the  
 15 Centers for Disease Control and Prevention for the pur-  
 16 pose of carrying out this section, there is authorized to  
 17 be appropriated to such Centers for such purpose  
 18 \$8,200,000 for each of the fiscal years 2010 through  
 19 2014.

20 **SEC. 5. GRANTS FOR COMMUNITY OUTREACH REGARDING**  
 21 **ASTHMA INFORMATION, EDUCATION, AND**  
 22 **SERVICES.**

23 (a) IN GENERAL.—The Secretary of Health and  
 24 Human Services (referred to in this section as the “Sec-  
 25 retary”) may make grants to nonprofit private entities for

1 projects to carry out, in communities identified by entities  
2 applying for the grants, outreach activities to provide for  
3 residents of the communities the following:

4 (1) Information and education on asthma.

5 (2) Referrals to health programs of public and  
6 nonprofit private entities that provide asthma-re-  
7 lated services, including such services for low-income  
8 individuals. The grant may be expended to make ar-  
9 rangements to coordinate the activities of such enti-  
10 ties in order to establish and operate networks or  
11 consortia regarding such referrals.

12 (b) PREFERENCES IN MAKING GRANTS.—In making  
13 grants under subsection (a), the Secretary shall give pref-  
14 erence to applicants that will carry out projects under such  
15 subsection in communities that are disproportionately af-  
16 fected by asthma or underserved with respect to the activi-  
17 ties described in such subsection and in which a significant  
18 number of low-income individuals reside.

19 (c) EVALUATIONS.—As a condition for receiving a  
20 grant under subsection (a), the applicant for the grant  
21 shall agree to provide for the evaluation of the projects  
22 carried out under such subsection by the applicant to de-  
23 termine the extent to which the projects have been effec-  
24 tive in carrying out the activities described in such sub-  
25 section.

1 (d) FUNDING.—For the purpose of carrying out this  
 2 section, there is authorized to be appropriated \$4,100,000  
 3 for each of the fiscal years 2010 through 2014.

4 **SEC. 6. ACTION PLANS OF STATES REGARDING ASTHMA; FI-**  
 5 **NANCIAL INCENTIVES REGARDING CHIL-**  
 6 **DREN’S HEALTH INSURANCE PROGRAM.**

7 (a) IN GENERAL.—The Secretary of Health and  
 8 Human Services (in this section referred to as the “Sec-  
 9 retary”) shall in accordance with subsection (b) carry out  
 10 a program to encourage the States to implement plans to  
 11 carry out activities to assist children with respect to asth-  
 12 ma in accordance with guidelines of the National Heart,  
 13 Lung, and Blood Institute.

14 (b) RELATION TO CHILDREN’S HEALTH INSURANCE  
 15 PROGRAM.—

16 (1) IN GENERAL.—Subject to paragraph (2), if  
 17 a State plan under title XXI of the Social Security  
 18 Act (42 U.S.C. 1397aa et seq.) provides for activi-  
 19 ties described in subsection (a) to an extent satisfac-  
 20 tory to the Secretary, the Secretary shall, with  
 21 amounts appropriated under subsection (c), make a  
 22 grant to the State involved to assist the State in car-  
 23 rying out such activities.

24 (2) REQUIREMENT OF MATCHING FUNDS.—



1           (A) IN GENERAL.—With respect to the  
2 costs of the activities to be carried out by a  
3 State under paragraph (1), the Secretary may  
4 make a grant under such paragraph only if the  
5 State agrees to make available (directly or  
6 through donations from public or private enti-  
7 ties) non-Federal contributions toward such  
8 costs in an amount that is not less than 50 per-  
9 cent of the costs (\$1 for each \$1 of Federal  
10 funds provided in the grant).

11           (B) DETERMINATION OF AMOUNT CON-  
12 TRIBUTED.—Non-Federal contributions re-  
13 quired in subparagraph (A) may be in cash or  
14 in kind, fairly evaluated, including plant, equip-  
15 ment, or services. Amounts provided by the  
16 Federal Government, or services assisted or  
17 subsidized to any significant extent by the Fed-  
18 eral Government, may not be included in deter-  
19 mining the amount of such non-Federal con-  
20 tributions.

21           (3) CRITERIA REGARDING ELIGIBILITY FOR  
22 GRANT.—The Secretary shall publish in the Federal  
23 Register criteria describing the circumstances in  
24 which the Secretary will consider a State plan to be  
25 satisfactory for purposes of paragraph (1).

1           (4) TECHNICAL ASSISTANCE.—With respect to  
 2       State plans under title XXI of the Social Security  
 3       Act, the Secretary, acting through the Director of  
 4       the Centers for Disease Control and Prevention,  
 5       shall make available to the States technical assist-  
 6       ance in developing the provisions of such plans that  
 7       will provide for activities pursuant to paragraph (1).

8       (c) FUNDING.—For the purpose of carrying out this  
 9       section, there is authorized to be appropriated \$4,100,000  
 10      for each of the fiscal years 2010 through 2014.

11   **SEC. 7. ACTION PLANS OF LOCAL EDUCATIONAL AGENCIES**

12                   **REGARDING ASTHMA.**

13       (a) IN GENERAL.—

14           (1) SCHOOL-BASED ASTHMA ACTIVITIES.—The  
 15       Secretary of Education (in this section referred to as  
 16       the “Secretary”), in consultation with the Director  
 17       of the Centers for Disease Control and Prevention  
 18       and the Director of the National Institutes of  
 19       Health, may make grants to local educational agen-  
 20       cies to carry out at elementary and secondary  
 21       schools described in paragraph (2) programs for  
 22       asthma-related activities for children who attend  
 23       such schools.

24           (2) ELIGIBLE SCHOOLS.—The elementary and  
 25       secondary schools described in this paragraph are

1       such schools that are located in communities with a  
2       significant number of low-income or underserved in-  
3       dividuals (as defined by the Secretary).

4       (b) DEVELOPMENT OF PROGRAMS.—Programs under  
5       subsection (a) shall include grants under which local edu-  
6       cation agencies and State public health officials collabo-  
7       rate to develop programs to improve the management of  
8       asthma in school settings.

9       (c) CERTAIN GUIDELINES.—Programs under sub-  
10      section (a) shall be carried out in accordance with applica-  
11      ble guidelines or other recommendations of the National  
12      Institutes of Health (including the National Heart, Lung,  
13      and Blood Institute) and the Environmental Protection  
14      Agency.

15      (d) CERTAIN ACTIVITIES.—Activities that may be  
16      carried out in programs under subsection (a) include the  
17      following:

18           (1) Identifying and working directly with local  
19           hospitals, community clinics, advocacy organizations,  
20           parent-teacher associations, and asthma coalitions.

21           (2) Identifying asthmatic children and training  
22           such children and the families of such children in  
23           asthma self-management.

24           (3) Purchasing asthma equipment.

25           (4) Hiring school nurses.

1           (5) Training teachers, nurses, coaches, and  
2           other school personnel in asthma-symptom recogni-  
3           tion and emergency responses.

4           (6) Simplifying procedures to improve safe ac-  
5           cess of students to asthma medications.

6           (7) Such other asthma-related activities as the  
7           Secretary determines to be appropriate.

8           (e) DEFINITIONS.—For purposes of this section, the  
9           terms “elementary school”, “local educational agency”,  
10          and “secondary school” have the meanings given such  
11          terms in section 9101 of the Elementary and Secondary  
12          Education Act of 1965 (20 U.S.C. 7801).

13          (f) FUNDING.—For the purpose of carrying out this  
14          section, there is authorized to be appropriated \$4,100,000  
15          for each of the fiscal years 2010 through 2014.

16      **SEC. 8. SENSE OF CONGRESS REGARDING HOSPITALS AND**  
17                              **MANAGED CARE PLANS.**

18          It is the sense of Congress that—

19               (1) hospitals should be encouraged to offer  
20               asthma-related education and training to asthma pa-  
21               tients and families of asthma patients upon dis-  
22               charge from the hospital of such patients;

23               (2) hospitals should, with respect to information  
24               on asthma, establish telephone services for patients

1 and communicate with providers of primary health  
2 services; and

3 (3) managed care organizations should—

4 (A) be encouraged to disseminate to health  
5 care providers asthma clinical practice guide-  
6 lines developed or endorsed by the Public  
7 Health Service;

8 (B) collect and maintain asthma data; and

9 (C) offer asthma-related education and  
10 training to asthma patients and their families.

11 **SEC. 9. SENSE OF CONGRESS REGARDING IMPLEMENTA-**  
12 **TION OF ACT.**

13 It is the sense of Congress that all Federal, State,  
14 and local asthma-related activities should—

15 (1) promote the guidelines and other rec-  
16 ommendations of the Public Health Service on asth-  
17 ma diagnosis and management; and

18 (2) be designed in consultation with national  
19 and local organizations representing the medical,  
20 educational, and environmental communities, as well  
21 as advocates that represent those affected by asth-  
22 ma.

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