

any day on which the United States flag is displayed.”

(C) DISPLAY ON EXISTING FLAGPOLE.—No element of the United States Government may construe the amendments made by this section as requiring the acquisition of erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.

STAR PRINT—S. 3011

Mr. REID. Mr. President, I ask unanimous consent that S. 3011 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES PREVENTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 626, S. 2980.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2980) to revise and extend the Birth Defect Prevention Act of 1998.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Health, Education, Labor, and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part printed in black brackets and, insert the part printed in italic.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

[This Act may be cited as the “Birth Defects and Developmental Disabilities Prevention Act of 2002”.

**SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.**

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

[(1) in subsection (a)(2)—

[(A) in subparagraph (A)—

[(i) by striking “and developmental disabilities” and inserting “, developmental disabilities, and disabilities and health”; and

[(ii) by striking “subsection (d)(2)” and inserting “subsection (c)(2)”;

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

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

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

[(D) to conduct research on and to promote the prevention (including the prevention of secondary conditions) of such birth defects and disabilities; and

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

[(2) by striking subsection (b);

[(3) in subsection (d)—

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

[(B) in paragraph (1)—

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

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

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

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

[(E) by redesignating paragraph (5) as paragraph (7); and

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

[(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

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

[(4) in subsection (e)—

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

[(B) by inserting before the period the following: “, except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(1) of this section and shall otherwise comply with all other requirements of such section 444”;

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

[(6) by inserting after subsection (d) (as so redesignated), the following:

[(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to the National Center on Birth Defects on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002.”; and

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Birth Defects and Developmental Disabilities Prevention Act of 2002”.*

**SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.**

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

*(1) in subsection (a)(2)—*

*(A) in subparagraph (A)—*

*(i) by striking “and developmental disabilities” and inserting “, developmental disabilities, and disabilities and health”; and*

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

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

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

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

*“(D) to conduct research on and to promote the prevention of such birth defects, disabilities, and the prevention of secondary health conditions among individuals with disabilities; and*

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

*(2) by striking subsection (b);*

*(3) in subsection (d)—*

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

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

*“(1) contains information regarding the incidence and prevalence of birth defects, developmental disabilities, and the health status of in-*

*dividuals with disabilities and the extent to which these conditions have contributed to the incidence and prevalence of infant mortality and affected quality of life.”;*

*(C) in paragraph (3), by inserting “, developmental disabilities, and secondary health conditions among individuals with disabilities” after “defects”;*

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

*(E) by redesignating paragraph (5) as paragraph (7); and*

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

*“(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, developmental disabilities, and the health status of individuals with disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;*

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

*(4) in subsection (e)—*

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

*(B) by inserting before the period the following: “, except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(2) of this section and shall otherwise comply with all other requirements of such section 444”;*

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

*(6) by inserting after subsection (d) (as so redesignated), the following:*

*“(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to and shall advise the National Center on Birth Defects and Developmental Disabilities on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002.”; and*

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

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

*Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15022(a)) is amended—*

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

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

Mr. KENNEDY. Mr. President, birth defects are the leading cause of infant mortality in the United States. They account for more than 20 percent of all infant deaths. Of the nearly 120,000 babies born in the United States each year with a birth defect, 8,000 will die during their first year of life. This tragic loss of life is unconscionable and unacceptable when so many birth defects are preventable.

This legislation will provide new hope for families across the country by