

103^D CONGRESS
1ST SESSION

S. 1249

To amend the Public Health Service Act to provide for the prevention, control, and elimination of tuberculosis, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15 (legislative day, JUNE 30), 1993

Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. METZENBAUM, Mr. JEFFORDS, Mr. HATCH, Mr. WOFFORD, Mr. DURENBERGER, Mr. WELLSTONE, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Public Health Service Act to provide for the prevention, control, and elimination of tuberculosis, and for other purposes.

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 “Tuberculosis Preven-
5 tion and Control Amendments of 1993”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) between 10,000,000 and 15,000,000 people
2 in the United States have been infected with tuber-
3 culosis, nearly 26,000 new active cases are reported
4 each year, and over 1,700 tuberculosis-related
5 deaths occur each year;

6 (2) the number of reported cases of tuberculosis
7 has risen from 22,201 in 1985 to 26,673 in 1992,
8 representing 51,000 more cases than those that
9 would have been expected since 1985;

10 (3) a recent national survey discovered that
11 14.4 percent of all active tuberculosis cases were re-
12 sistant to at least one drug;

13 (4) drug resistant tuberculosis strains can cost
14 more than \$150,000 to treat, and even then, be-
15 tween 40 and 60 percent of the patients receiving
16 such treatment die;

17 (5) in 1992, tuberculosis cases were reported to
18 the Centers for Disease Control and Prevention by
19 all 50 States, and cases resistant to one or more tu-
20 berculosis drugs were reported in at least 36 States,
21 the District of Columbia and Puerto Rico;

22 (6) in 1992, 27 percent of the reported cases of
23 tuberculosis occurred in foreign born persons;

24 (7) one third of the world's population harbors
25 tuberculosis; and

1 (8) among infectious diseases tuberculosis is
2 still the number one killer in the world with an esti-
3 mated 8,000,000 new cases each year and 2,900,000
4 deaths.

5 **SEC. 3. PROGRAMS OF CENTERS FOR DISEASE CONTROL**
6 **AND PREVENTION.**

7 (a) PROVISION OF SERVICES FOR PREVENTION, CON-
8 TROL, AND ELIMINATION.—Section 317(j)(2) of the Pub-
9 lic Health Service Act (42 U.S.C. 247b(j)(2)) is amended
10 in the first sentence by striking “and” after “1991,” and
11 all that follows through “1995” and inserting the follow-
12 ing: “, \$104,000,000 for fiscal year 1994, and such sums
13 as may be necessary for each of the fiscal years 1995
14 through 1997”.

15 (b) STATE TUBERCULOSIS PLAN.—Section 317(j) of
16 the Public Health Service Act (42 U.S.C. 247b(j)) is
17 amended by adding at the end thereof the following new
18 paragraph:

19 “(3)(A) With respect to an application submitted by
20 a State for a grant under this section for the prevention,
21 control and elimination of tuberculosis, such application
22 shall contain a State plan that demonstrates that amounts
23 received under the grant will be expended in a manner
24 that ensures that tuberculosis services will be provided to
25 those at the highest risk of contracting tuberculosis, or

1 in those areas with the highest rates of tuberculosis infec-
2 tion.

3 “(B) Such plans shall demonstrate that the applicant
4 will work closely with and provide support to entities re-
5 ceiving funds under sections 329, 330, 340, 340A, or titles
6 V or XIX, and to correctional facilities, and nongovern-
7 mental organizations such as community-based organiza-
8 tions.

9 “(C) Such plans shall demonstrate that grant funds
10 will be used for directly observed therapy or other effective
11 interventions with respect to populations with the highest
12 rates of active infection with tuberculosis.”.

13 (c) RESEARCH, DEMONSTRATION PROJECTS, EDU-
14 CATION, AND TRAINING.—

15 (1) IN GENERAL.—Section 317(k)(2) of the
16 Public Health Service Act (42 U.S.C. 247b(k)(2)) is
17 amended—

18 (A) by redesignating subparagraphs (A)
19 through (D) as clauses (i) through (iv), respec-
20 tively;

21 (B) by inserting “(A)” after the paragraph
22 designation; and

23 (C) by adding at the end thereof the fol-
24 lowing new subparagraphs:

1 “(B) In support of grants referred to in subpara-
2 graph (A), the Secretary may conduct or support applied
3 research and training regarding the surveillance, diag-
4 nostic methodologies, prevention, control, and treatment
5 of tuberculosis, including intramural projects and extra-
6 mural projects.

7 “(C) For the purpose of carrying out subparagraph
8 (A), there are authorized to be appropriated \$26,000,000
9 for fiscal year 1994, and such sums as may be necessary
10 for each of the fiscal years 1995 through 1997. The au-
11 thorization of appropriations established in the preceding
12 sentence is in addition to the authorization of appropria-
13 tions established in subsection (j)(2) for carrying out this
14 paragraph.”.

15 (2) TECHNICAL AMENDMENT.—Section
16 317(j)(2) of the Public Health Service Act (42
17 U.S.C. 247b(j)(2)) is amended by striking the last
18 sentence.

19 **SEC. 4. RESEARCH THROUGH NATIONAL INSTITUTE OF AL-**
20 **LERGY AND INFECTIOUS DISEASES.**

21 (a) CERTAIN DUTIES.—

22 (1) IN GENERAL.—Subpart 6 of part C of title
23 IV of the Public Health Service Act (42 U.S.C.
24 285f) is amended by inserting after section 446 the
25 following section:

1 purpose of any other authorization of appropria-
2 tions.”.

3 **SEC. 5. RESEARCH THROUGH THE FOOD AND DRUG ADMIN-**
4 **ISTRATION.**

5 Chapter V of the Food, Drug and Cosmetic Act is
6 amended by inserting after section 512 (21 U.S.C. 360b)
7 the following new section:

8 **“SEC. 512A. TUBERCULOSIS DRUG AND DEVICE RESEARCH.**

9 “(a) **AUTHORITY.**—The Commissioner of Food and
10 Drugs shall implement a tuberculosis drug and device re-
11 search program under which the Commissioner shall—

12 “(1) provide assistance to other Federal agen-
13 cies for the development of tuberculosis protocols;

14 “(2) review and evaluate medical devices de-
15 signed for the diagnosis and control of airborne tu-
16 berculosis; and

17 “(3) conduct research concerning drugs or de-
18 vices to be used in diagnosing, controlling and pre-
19 venting tuberculosis.

20 “(b) **AUTHORIZATION OF APPROPRIATIONS.**—There
21 are authorized to be appropriated to carry out this section,
22 \$5,000,000 for each fiscal year.”.

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