

[Committee Print]

[SHOWING THE TEXT OF THE BILL AS FORWARDED BY THE SUBCOMMITTEE
ON HEALTH ON MARCH 11, 2008]

110TH CONGRESS
1ST SESSION

H. R. 1418

To provide for the expansion and improvement of traumatic brain injury
programs.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2007

Mr. PASCARELL (for himself and Mr. PLATTS) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To provide for the expansion and improvement of traumatic
brain injury 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 “Traumatic Brain In-
5 jury Act of 2008”.

1 **SEC. 2. CONFORMING AMENDMENTS RELATING TO RE-**
2 **STRUCTURING.**

3 Part J of title III of the Public Health Service Act
4 (42 U.S.C. 280b et seq.) is amended—

5 (1) by redesignating the section 393B (42
6 U.S.C. 280b–1c) relating to the use of allotments for
7 rape prevention education, as section 393A and mov-
8 ing such section so that it follows section 393;

9 (2) by redesignating existing section 393A (42
10 U.S.C. 280b–1b) relating to prevention of traumatic
11 brain injury, as section 393B; and

12 (3) by redesignating the section 393B (42
13 U.S.C. 280b–1d) relating to traumatic brain injury
14 registries, as section 393C.

15 **SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE**
16 **CENTERS FOR DISEASE CONTROL AND PRE-**
17 **VENTION.**

18 (a) PREVENTION OF TRAUMATIC BRAIN INJURY.—
19 Clause (ii) of section 393B(b)(3)(A) of the Public Health
20 Service Act, as so redesignated, (42 U.S.C. 280b–1b) is
21 amended by striking “from hospitals and trauma centers”
22 and inserting “from hospitals and emergency depart-
23 ments”.

24 (b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN IN-
25 JURY SURVEILLANCE AND REGISTRIES.—Section 393C of

1 the Public Health Service Act, as so redesignated, (42
2 U.S.C. 280b et seq.) is amended—

3 (1) in the section heading, by inserting “**SUR-**
4 **VEILLANCE AND**” after “**NATIONAL PROGRAM**
5 **FOR TRAUMATIC BRAIN INJURY**”; and

6 (2) in subsection (a), in the matter preceding
7 paragraph (1), by striking “may make grants” and
8 all that follows through “to collect data con-
9 cerning—” and inserting “may make grants to
10 States or their designees to develop or operate the
11 State’s traumatic brain injury surveillance system or
12 registry to determine the incidence and prevalence of
13 traumatic brain injury and related disability, to en-
14 sure the uniformity of reporting under such system
15 or registry, to link individuals with traumatic brain
16 injury to services and supports, and to link such in-
17 dividuals with academic institutions to conduct ap-
18 plied research that will support the development of
19 such surveillance systems and registries as may be
20 necessary. A surveillance system or registry under
21 this section shall provide for the collection of data
22 concerning—”.

23 (c) **REPORT.**—Section 393C of the Public Health
24 Service Act (as so redesignated) is amended by adding at
25 the end the following:

1 “(b) Not later than 18 months after the date of en-
2 actment of the Traumatic Brain Injury Act of 2008, the
3 Secretary, acting through the Director of the Centers for
4 Disease Control and Prevention and the Director of the
5 National Institutes of Health and in consultation with the
6 Secretary of Defense and the Secretary of Veterans Af-
7 fairs, shall submit to the relevant committees of Congress
8 a report that contains the findings derived from an evalua-
9 tion concerning activities and procedures that can be im-
10 plemented by the Centers for Disease Control and Preven-
11 tion to improve the collection and dissemination of com-
12 patible epidemiological studies on the incidence and preva-
13 lence of traumatic brain injury in those with traumatic
14 brain injury who were formerly in the military. The report
15 shall include recommendations on the manner in which
16 such agencies can further collaborate on the development
17 and improvement of traumatic brain injury diagnostic
18 tools and treatments.”.

19 **SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.**

20 Part J of title III of the Public Health Service Act
21 (42 U.S.C. 280b et seq.) is amended by inserting after
22 section 393C the following:

23 **“SEC. 393C-1. STUDY ON TRAUMATIC BRAIN INJURY.**

24 “(a) STUDY.—The Secretary, acting through the Di-
25 rector of the Centers for Disease Control and Prevention

1 with respect to paragraph (1) and in consultation with the
2 Director of the National Institutes of Health and other
3 appropriate entities with respect to paragraphs (2), (3),
4 and (4), may conduct a study with respect to traumatic
5 brain injury for the purpose of carrying out the following:

6 “(1) In collaboration with appropriate State
7 and local health-related agencies—

8 “(A) determining the incidence of trau-
9 matic brain injury and prevalence of traumatic
10 brain injury related disability and the clinical
11 aspects of the disability in all age groups and
12 racial and ethnic minority groups in the general
13 population of the United States, including insti-
14 tutional settings, such as nursing homes, cor-
15 rectional facilities, psychiatric hospitals, child
16 care facilities, and residential institutes for peo-
17 ple with developmental disabilities; and

18 “(B) reporting national trends in trau-
19 matic brain injury.

20 “(2) Identifying common therapeutic interven-
21 tions which are used for the rehabilitation of individ-
22 uals with such injuries, and, subject to the avail-
23 ability of information, including an analysis of—

24 “(A) the effectiveness of each such inter-
25 vention in improving the functioning, including

1 return to work or school and community par-
2 ticipation, of individuals with brain injuries;

3 “(B) the comparative effectiveness of inter-
4 ventions employed in the course of rehabilita-
5 tion of individuals with brain injuries to achieve
6 the same or similar clinical outcome; and

7 “(C) the adequacy of existing measures of
8 outcomes and knowledge of factors influencing
9 differential outcomes.

10 “(3) Identifying interventions and therapies
11 that can prevent or remediate the development of
12 secondary neurologic conditions related to traumatic
13 brain injury.

14 “(4) Developing practice guidelines for the re-
15 habilitation of traumatic brain injury at such time
16 as appropriate scientific research becomes available.

17 “(b) DATES CERTAIN FOR REPORTS.—If the study
18 is conducted under subsection (a), the Secretary shall, not
19 later than 3 years after the date of the enactment of the
20 Traumatic Brain Injury Act of 2008, submit to Congress
21 a report describing findings made as a result of carrying
22 out such subsection (a).

23 “(c) DEFINITION.—For purposes of this section, the
24 term ‘traumatic brain injury’ means an acquired injury
25 to the brain. Such term does not include brain dysfunction

1 caused by congenital or degenerative disorders, nor birth
2 trauma, but may include brain injuries caused by anoxia
3 due to trauma including near drowning. The Secretary
4 may revise the definition of such term as the Secretary
5 determines necessary.”.

6 **SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NA-**
7 **TIONAL INSTITUTES OF HEALTH.**

8 Section 1261 of the Public Health Service Act (42
9 U.S.C. 300d–61) is amended—

10 (1) in subsection (b)(2), by striking “Labor and
11 Human Resources” and inserting “Health, Edu-
12 cation, Labor, and Pensions”;

13 (2) in subparagraph (D) of subsection (d)(4),
14 by striking “head brain injury” and inserting “brain
15 injury”; and

16 (3) in subsection (i), by inserting “, and such
17 sums as may be necessary for each of the fiscal
18 years 2009 through 2012” before the period at the
19 end.

20 **SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE**
21 **HEALTH RESOURCES AND SERVICES ADMIN-**
22 **ISTRATION.**

23 (a) STATE GRANTS FOR DEMONSTRATION PROJECTS
24 REGARDING TRAUMATIC BRAIN INJURY.—Section 1252

1 of the Public Health Service Act (42 U.S.C. 300d–52) is
2 amended—

3 (1) in subsection (a)—

4 (A) by striking “may make grants to
5 States” and inserting “may make grants to
6 States and American Indian consortia”; and

7 (B) by striking “health and other services”
8 and inserting “rehabilitation and other serv-
9 ices”;

10 (2) in subsection (b)—

11 (A) in paragraphs (1), (3)(A)(i),
12 (3)(A)(iii), and (3)(A)(iv), by striking the term
13 “State” each place such term appears and in-
14 serting the term “State or American Indian
15 consortium”; and

16 (B) in paragraph (2), by striking “rec-
17 ommendations to the State” and inserting “rec-
18 ommendations to the State or American Indian
19 consortium”;

20 (3) in subsection (c), by striking the term
21 “State” each place such term appears and inserting
22 “State or American Indian consortium”;

23 (4) in subsection (e), by striking “A State that
24 received” and all that follows through the period and
25 inserting “A State or American Indian consortium

1 that received a grant under this section prior to the
2 date of the enactment of the Traumatic Brain In-
3 jury Act of 2008 may complete the activities funded
4 by the grant.”;

5 (5) in subsection (f)—

6 (A) in the subsection heading, by inserting
7 “AND AMERICAN INDIAN CONSORTIUM” after
8 “STATE”;

9 (B) in paragraph (1) in the matter pre-
10 ceeding subparagraph (A), paragraph (1)(E),
11 paragraph (2)(A), paragraph (2)(B), paragraph
12 (3) in the matter preceding subparagraph (A),
13 paragraph (3)(E), and paragraph (3)(F), by
14 striking the term “State” each place such term
15 appears and inserting “State or American In-
16 dian consortium”;

17 (C) in clause (ii) of paragraph (1)(A), by
18 striking “children and other individuals” and
19 inserting “children, youth, and adults”; and

20 (D) in subsection (h)—

21 (i) by striking “Not later than 2 years
22 after the date of the enactment of this sec-
23 tion, the Secretary” and inserting “Not
24 less than biennially, the Secretary”;

1 (ii) by striking “Commerce of the
2 House of Representatives, and to the Com-
3 mittee on Labor and Human Resources”
4 and inserting “Energy and Commerce of
5 the House of Representatives, and to the
6 Committee on Health, Education, Labor,
7 and Pensions”; and

8 (iii) by inserting “and section 1253”
9 after “programs established under this sec-
10 tion,”;

11 (6) by amending subsection (i) to read as fol-
12 lows:

13 “(i) DEFINITIONS.—For purposes of this section:

14 “(1) The terms ‘American Indian consortium’
15 and ‘State’ have the meanings given to those terms
16 in section 1253.

17 “(2) The term ‘traumatic brain injury’ means
18 an acquired injury to the brain. Such term does not
19 include brain dysfunction caused by congenital or
20 degenerative disorders, nor birth trauma, but may
21 include brain injuries caused by anoxia due to trau-
22 ma. The Secretary may revise the definition of such
23 term as the Secretary determines necessary, after
24 consultation with States and other appropriate pub-
25 lic or nonprofit private entities.”; and

1 (7) in subsection (j), by inserting “, and such
2 sums as may be necessary for each of the fiscal
3 years 2009 through 2012” before the period.

4 (b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

7 (1) in subsections (d) and (e), by striking the
8 term “subsection (i)” each place such term appears
9 and inserting “subsection (l)”;

10 (2) in subsection (g), by inserting “each fiscal
11 year not later than October 1,” before “the Administrator shall pay”;

13 (3) by redesignating subsections (i) and (j) as
14 subsections (l) and (m), respectively;

15 (4) by inserting after subsection (h) the following:

17 “(i) DATA COLLECTION.—The Administrator of the
18 Health Resources and Services Administration and the
19 Commissioner of the Administration on Developmental
20 Disabilities shall enter into an agreement to coordinate the
21 collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

23 “(j) TRAINING AND TECHNICAL ASSISTANCE.—

24 “(1) GRANTS.—For any fiscal year for which
25 the amount appropriated to carry out this section is

1 \$6,000,000 or greater, the Administrator shall use 2
2 percent of such amount to make a grant to an eligi-
3 ble national association for providing for training
4 and technical assistance to protection and advocacy
5 systems.

6 “(2) DEFINITION.—In this subsection, the term
7 ‘eligible national association’ means a national asso-
8 ciation with demonstrated experience in providing
9 training and technical assistance to protection and
10 advocacy systems.

11 “(k) SYSTEM AUTHORITY.—In providing services
12 under this section, a protection and advocacy system shall
13 have the same authorities, including access to records, as
14 such system would have for purposes of providing services
15 under subtitle C of the Developmental Disabilities Assist-
16 ance and Bill of Rights Act of 2000.”; and

17 (5) in subsection (l) (as redesignated by this
18 subsection) by striking “2002 through 2005” and
19 inserting “2009 through 2012”.