

Union Calendar No. 349

110TH CONGRESS
2D SESSION

H. R. 1418

[Report No. 110-567]

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

APRIL 8, 2008

Additional sponsors: Mr. HOLT, Mr. CROWLEY, Mr. MARSHALL, Mr. WILSON of South Carolina, Mr. WOLF, Mrs. WILSON of New Mexico, Mr. PAYNE, Mr. FERGUSON, Mr. LOBIONDO, Mr. FORTUÑO, Mrs. BOYDA of Kansas, Mr. CARNEY, Mrs. CHRISTENSEN, Mr. SMITH of New Jersey, Mr. PICKERING, Ms. HERSETH SANDLIN, Mr. THOMPSON of California, Mr. HAYES, Mr. BISHOP of Georgia, Mr. CAPUANO, Mr. SESSIONS, Mr. RYAN of Ohio, Mr. FILNER, Mr. TERRY, Mr. SESTAK, Ms. NORTON, Mr. HINCHEY, Ms. DEGETTE, Mr. DONNELLY, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. MCNULTY, Ms. ZOE LOFGREN of California, Mr. HINOJOSA, Mr. WAXMAN, Ms. SHEA-PORTER, Mr. GORDON of Tennessee, Mr. ROTHMAN, Mr. ROGERS of Alabama, Mr. EMANUEL, Mr. TIM MURPHY of Pennsylvania, Mr. ALTMIRE, Mr. GOODE, Mr. WYNN, Mr. COHEN, and Mr. GRIJALVA

APRIL 8, 2008

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

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 8, 2007]

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 Injury*
5 *Act of 2008”.*

6 **SEC. 2. CONFORMING AMENDMENTS RELATING TO RE-**
7 **STRUCTURING.**

8 *Part J of title III of the Public Health Service Act*
9 *(42 U.S.C. 280b et seq.) is amended—*

10 *(1) by redesignating the section 393B (42 U.S.C.*
11 *280b–1c) relating to the use of allotments for rape*
12 *prevention education, as section 393A and moving*
13 *such section so that it follows section 393;*

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

17 *(3) by redesignating the section 393B (42 U.S.C.*
18 *280b–1d) relating to traumatic brain injury reg-*
19 *istries, as section 393C.*

1 **SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CEN-**
2 **TERS FOR DISEASE CONTROL AND PREVEN-**
3 **TION.**

4 (a) *PREVENTION OF TRAUMATIC BRAIN INJURY.*—
5 *Clause (ii) of section 393B(b)(3)(A) of the Public Health*
6 *Service Act, as so redesignated, (42 U.S.C. 280b–1b) is*
7 *amended by striking “from hospitals and trauma centers”*
8 *and inserting “from hospitals and emergency departments”.*

9 (b) *NATIONAL PROGRAM FOR TRAUMATIC BRAIN IN-*
10 *JURY SURVEILLANCE AND REGISTRIES.*—*Section 393C of*
11 *the Public Health Service Act, as so redesignated, (42*
12 *U.S.C. 280b et seq.) is amended—*

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

16 (2) *in subsection (a), in the matter preceding*
17 *paragraph (1), by striking “may make grants” and*
18 *all that follows through “to collect data concerning—*
19 *” and inserting “may make grants to States or their*
20 *designees to develop or operate the State’s traumatic*
21 *brain injury surveillance system or registry to deter-*
22 *mine the incidence and prevalence of traumatic brain*
23 *injury and related disability, to ensure the uni-*
24 *formity of reporting under such system or registry, to*
25 *link individuals with traumatic brain injury to serv-*
26 *ices and supports, and to link such individuals with*

1 *academic institutions to conduct applied research that*
2 *will support the development of such surveillance sys-*
3 *tems and registries as may be necessary. A surveil-*
4 *lance system or registry under this section shall pro-*
5 *vide for the collection of data concerning—”.*

6 *(c) REPORT.—Section 393C of the Public Health Serv-*
7 *ice Act (as so redesignated) is amended by adding at the*
8 *end the following:*

9 *“(b) Not later than 18 months after the date of enact-*
10 *ment of the Traumatic Brain Injury Act of 2008, the Sec-*
11 *retary, acting through the Director of the Centers for Dis-*
12 *ease Control and Prevention and the Director of the Na-*
13 *tional Institutes of Health and in consultation with the Sec-*
14 *retary of Defense and the Secretary of Veterans Affairs,*
15 *shall submit to the relevant committees of Congress a report*
16 *that contains the findings derived from an evaluation con-*
17 *cerning activities and procedures that can be implemented*
18 *by the Centers for Disease Control and Prevention to im-*
19 *prove the collection and dissemination of compatible epide-*
20 *miological studies on the incidence and prevalence of trau-*
21 *matic brain injury in those with traumatic brain injury*
22 *who were formerly in the military. The report shall include*
23 *recommendations on the manner in which such agencies can*
24 *further collaborate on the development and improvement of*
25 *traumatic brain injury diagnostic tools and treatments.”.*

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

2 *Part J of title III of the Public Health Service Act*
3 *(42 U.S.C. 280b et seq.) is amended by inserting after sec-*
4 *tion 393C, as so redesignated, the following:*

5 **“SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.**

6 *“(a) STUDY.—The Secretary, acting through the Direc-*
7 *tor of the Centers for Disease Control and Prevention with*
8 *respect to paragraph (1) and in consultation with the Di-*
9 *rector of the National Institutes of Health and other appro-*
10 *priate entities with respect to paragraphs (2), (3), and (4),*
11 *may conduct a study with respect to traumatic brain injury*
12 *for the purpose of carrying out the following:*

13 *“(1) In collaboration with appropriate State and*
14 *local health-related agencies—*

15 *“(A) determining the incidence of traumatic*
16 *brain injury and prevalence of traumatic brain*
17 *injury related disability and the clinical aspects*
18 *of the disability in all age groups and racial and*
19 *ethnic minority groups in the general population*
20 *of the United States, including institutional set-*
21 *tings, such as nursing homes, correctional facili-*
22 *ties, psychiatric hospitals, child care facilities,*
23 *and residential institutes for people with devel-*
24 *opmental disabilities; and*

25 *“(B) reporting national trends in traumatic*
26 *brain injury.*

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

5 “(A) *the effectiveness of each such interven-*
6 *tion in improving the functioning, including re-*
7 *turn to work or school and community partici-*
8 *pation, of individuals with brain injuries;*

9 “(B) *the comparative effectiveness of inter-*
10 *ventions employed in the course of rehabilitation*
11 *of individuals with brain injuries to achieve the*
12 *same or similar clinical outcome; and*

13 “(C) *the adequacy of existing measures of*
14 *outcomes and knowledge of factors influencing*
15 *differential outcomes.*

16 “(3) *Identifying interventions and therapies that*
17 *can prevent or remediate the development of sec-*
18 *ondary neurologic conditions related to traumatic*
19 *brain injury.*

20 “(4) *Developing practice guidelines for the reha-*
21 *ilitation of traumatic brain injury at such time as*
22 *appropriate scientific research becomes available.*

23 “(b) *DATES CERTAIN FOR REPORTS.—If the study is*
24 *conducted under subsection (a), the Secretary shall, not*
25 *later than 3 years after the date of the enactment of the*

1 *Traumatic Brain Injury Act of 2008, submit to Congress*
2 *a report describing findings made as a result of carrying*
3 *out such subsection (a).*

4 “(c) *DEFINITION.—For purposes of this section, the*
5 *term ‘traumatic brain injury’ means an acquired injury*
6 *to the brain. Such term does not include brain dysfunction*
7 *caused by congenital or degenerative disorders, nor birth*
8 *trauma, but may include brain injuries caused by anoxia*
9 *due to trauma including near drowning. The Secretary*
10 *may revise the definition of such term as the Secretary de-*
11 *termines necessary.”.*

12 **SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NA-**
13 **TIONAL INSTITUTES OF HEALTH.**

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

16 (1) *in subsection (b)(2), by striking “Labor and*
17 *Human Resources” and inserting “Health, Edu-*
18 *cation, Labor, and Pensions”;*

19 (2) *in subparagraph (D) of subsection (d)(4), by*
20 *striking “head brain injury” and inserting “brain in-*
21 *jury”;* and

22 (3) *in subsection (i), by inserting “, and such*
23 *sums as may be necessary for each of the fiscal years*
24 *2009 through 2012” before the period at the end.*

1 **SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE**
2 **HEALTH RESOURCES AND SERVICES ADMIN-**
3 **ISTRATION.**

4 (a) *STATE GRANTS FOR DEMONSTRATION PROJECTS*
5 *REGARDING TRAUMATIC BRAIN INJURY.*—Section 1252 of
6 *the Public Health Service Act (42 U.S.C. 300d–52) is*
7 *amended—*

8 (1) *in subsection (a)—*

9 (A) *by striking “may make grants to*
10 *States” and inserting “may make grants to*
11 *States and American Indian consortia”;* and

12 (B) *by striking “health and other services”*
13 *and inserting “rehabilitation and other services”;*

14 (2) *in subsection (b)—*

15 (A) *in paragraphs (1), (3)(A)(i),*
16 *(3)(A)(iii), and (3)(A)(iv), by striking the term*
17 *“State” each place such term appears and in-*
18 *serting the term “State or American Indian con-*
19 *sortium”;* and

20 (B) *in paragraph (2), by striking “rec-*
21 *ommendations to the State” and inserting “rec-*
22 *ommendations to the State or American Indian*
23 *consortium”;*

24 (3) *in subsection (c)(1), by striking the term*
25 *“State” each place such term appears and inserting*
26 *“State or American Indian consortium”;*

1 (4) *in subsection (e), by striking “A State that*
2 *received” and all that follows through the period and*
3 *inserting “A State or American Indian consortium*
4 *that received a grant under this section prior to the*
5 *date of the enactment of the Traumatic Brain Injury*
6 *Act of 2008 may complete the activities funded by the*
7 *grant.”;*

8 (5) *in subsection (f)—*

9 (A) *in the subsection heading, by inserting*
10 *“AND AMERICAN INDIAN CONSORTIUM” after*
11 *“STATE”;*

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

20 (C) *in clause (ii) of paragraph (1)(A), by*
21 *striking “children and other individuals” and*
22 *inserting “children, youth, and adults”;*

23 (6) *in subsection (h)—*

24 (A) *by striking “Not later than 2 years*
25 *after the date of the enactment of this section, the*

1 *Secretary*” and inserting “Not less than bienni-
2 *ally, the Secretary*”;

3 (B) by striking “Commerce of the House of
4 Representatives, and to the Committee on Labor
5 and Human Resources” and inserting “Energy
6 and Commerce of the House of Representatives,
7 and to the Committee on Health, Education,
8 Labor, and Pensions”; and

9 (C) by inserting “and section 1253” after
10 “programs established under this section,”;

11 (7) 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 in
16 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 de-
20 generative disorders, nor birth trauma, but may in-
21 clude brain injuries caused by anoxia due to trauma.
22 The Secretary may revise the definition of such term
23 as the Secretary determines necessary, after consulta-
24 tion with States and other appropriate public or non-
25 profit private entities.”; and

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

4 ***(b) STATE GRANTS FOR PROTECTION AND ADVOCACY***
5 ***SERVICES.—Section 1253 of the Public Health Service Act***
6 ***(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 Adminis-*
12 *trator 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 fol-*
16 *lowing:*

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

23 ***“(j) TRAINING AND TECHNICAL ASSISTANCE.—***

24 ***“(1) GRANTS.—For any fiscal year for which the***
25 ***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 eligible
3 national association for providing for training and
4 technical assistance to protection and advocacy sys-
5 tems.

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 sub-
18 section) by striking “2002 through 2005” and insert-
19 ing “2009 through 2012”.

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