

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5738

To amend the Public Health Service Act to provide for the expansion and improvement of traumatic brain injury programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Mr. PASCARELL (for himself, Mr. PLATTS, Mr. ANDREWS, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Mr. BRADY of Pennsylvania, Mr. BROWN of South Carolina, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CLEAVER, Mr. TOM DAVIS of Virginia, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mrs. DRAKE, Mr. EMANUEL, Mr. ETHERIDGE, Mr. FARR, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. HAYES, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. INGLIS of South Carolina, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUHL of New York, Mr. LOBIONDO, Mr. MARKEY, Mrs. MCCARTHY, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. SAXTON, Ms. SCHWARTZ of Pennsylvania, Mr. STRICKLAND, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. WYNN, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to provide for the expansion and improvement of traumatic brain injury programs, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Traumatic Brain In-  
3 jury Act of 2006”.

4 **SEC. 2. PROGRAMS OF CENTERS FOR DISEASE CONTROL**  
5 **AND PREVENTION.**

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

11 (b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN IN-  
12 JURY SURVEILLANCE AND REGISTRIES.—Part J of title  
13 III of the Public Health Service Act (42 U.S.C. 280b et  
14 seq.) is amended—

15 (1) by redesignating the first section 393B (re-  
16 lating to the use of allotments for rape prevention  
17 education) as section 392A and moving such section  
18 so that it follows section 392; and

19 (2) by amending section 393B—

20 (A) in the section heading, by inserting  
21 “SURVEILLANCE AND” after “NATIONAL PRO-  
22 GRAM FOR TRAUMATIC BRAIN INJURY”; and

23 (B) by striking “(a) IN GENERAL.—”; and

24 (C) in the matter preceding paragraph (1),  
25 by striking “may make grants” and all that fol-  
26 lows through “to collect data concerning—”

1 and inserting “may make grants to States or  
2 their designees to operate the State’s traumatic  
3 brain injury surveillance system or registry to  
4 determine the incidence and prevalence of trau-  
5 matic brain-related injury disability, to ensure  
6 the uniformity of reporting under such system  
7 or registry, to link individuals with traumatic  
8 brain injury to services and supports, and to  
9 link such individuals with academic institutions  
10 to conduct applied research that will support  
11 the development of such surveillance systems  
12 and registries as may be necessary. A surveil-  
13 lance system or registry under this section shall  
14 provide for the collection of data  
15 concerning—”.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
17 394A of the Public Health Service Act (42 U.S.C. 280b-  
18 3) is amended—

19 (1) by striking “For the purpose” and inserting  
20 “(a) For the purpose”;

21 (2) by striking “and” after “for fiscal year  
22 1994;”;

23 (3) by striking “and” after “through 1998;”;

24 (4) by striking the second period at the end;

25 and

1           (5) by inserting “, and such sums as may be  
2           necessary for each of fiscal years 2006 through  
3           2010” before the period at the end.

4 **SEC. 3. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.**

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

7           (1) in subparagraph (D) of subsection (d)(4),  
8           by striking “head brain injury” and inserting “brain  
9           injury”; and

10           (2) in subsection (i), by inserting “, and such  
11           sums as may be necessary for each of fiscal years  
12           2006 through 2010” before the period at the end.

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

14           (a) AMENDMENT.—Part J of title III of the Public  
15 Health Service Act (42 U.S.C. 280b et seq.) is amended  
16 by inserting after section 393B the following:

17 **“SEC. 393C. STUDY ON TRAUMATIC BRAIN INJURY.**

18           “(a) STUDY.—The Secretary, acting through the Di-  
19 rector of the Centers for Disease Control and Prevention  
20 with respect to paragraph (1) and the Director of the Na-  
21 tional Institutes of Health with respect to paragraphs (2)  
22 and (3), shall conduct a study with respect to traumatic  
23 brain injury for the purpose of carrying out the following:

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

1           “(A) determining the incidence and preva-  
2           lence of traumatic brain injury in all age groups  
3           in the general population of the United States,  
4           including institutional settings, such as nursing  
5           homes, correctional facilities, psychiatric hos-  
6           pitals, and residential institutes for people with  
7           developmental disabilities;

8           “(B) obtaining and maintaining data on  
9           the incidence and prevalence of mild traumatic  
10          brain injury and report to Congress; and

11          “(C) collecting, maintaining, and reporting  
12          national trends in traumatic brain injury.

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

17                 “(A) the effectiveness of each such inter-  
18                 vention in improving the functioning, including  
19                 return to work or school and community par-  
20                 ticipation, of individuals with brain injuries;

21                 “(B) the comparative effectiveness of inter-  
22                 ventions employed in the course of rehabilita-  
23                 tion of individuals with brain injuries to achieve  
24                 the same or similar clinical outcome; and

1           “(C) the adequacy of existing measures of  
2           outcomes and knowledge of factors influencing  
3           differential outcomes.

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

7           “(b) DATES CERTAIN FOR REPORTS.—Not later than  
8           3 years after the date of the enactment of the Traumatic  
9           Brain Injury Act of 2006, the Secretary shall submit to  
10          the Congress a report describing findings made as a result  
11          of carrying out subsection (a).

12          “(c) DEFINITION.—For purposes of this section, the  
13          term ‘traumatic brain injury’ means an acquired injury  
14          to the brain. Such term does not include brain dysfunction  
15          caused by congenital or degenerative disorders, nor birth  
16          trauma, but may include brain injuries caused by anoxia  
17          due to near drowning. The Secretary may revise the defi-  
18          nition of such term as the Secretary determines necessary.

19          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated to carry out this section  
21          such sums as may be necessary for each of the fiscal years  
22          2006 through 2010.”.

23          (b) CONFORMING AMENDMENT.—Public Law 104–  
24          166 (42 U.S.C. 300d–61 note) is amended by striking sec-  
25          tion 4.

1 **SEC. 5. PROGRAMS OF HEALTH RESOURCES AND SERVICES**

2 **ADMINISTRATION.**

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

6 (1) in subsection (a)—

7 (A) by striking “may make grants to  
8 States” and inserting “may make grants to  
9 States and American Indian consortia”; and

10 (B) by striking “health and other services”  
11 and inserting “rehabilitation and other serv-  
12 ices”;

13 (2) in subsection (b)—

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

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

23 (3) in subsection (c)—

24 (A) in paragraph (1), by striking “\$1 for  
25 each \$2 of Federal funds” and inserting “\$1  
26 for each \$5 of Federal funds”; and

1 (B) by striking the term “State” each  
2 place such term appears and inserting “State or  
3 American Indian consortium”;

4 (4) in subsection (e), by striking “A State that  
5 received” and all that follows through the period and  
6 inserting “A State or American Indian consortium  
7 that received a grant under this section prior to the  
8 date of the enactment of the Traumatic Brain In-  
9 jury Act of 2006 may complete the activities funded  
10 by the grant.”;

11 (5) in subsection (f)—

12 (A) in the subsection heading, by inserting  
13 “AND AMERICAN INDIAN CONSORTIUM” after  
14 “STATE”;

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

23 (C) in clause (ii) of paragraph (1)(A), by  
24 striking “children and other individuals” and  
25 inserting “children, youth, and adults”; and

1 (D) in subsection (h)—

2 (i) by striking “Not later than 2 years  
3 after the date of the enactment of this sec-  
4 tion, the Secretary” and inserting “Not  
5 less than bi-annually, the Secretary”; and

6 (ii) by inserting “section 1253, and  
7 section 1254,” after “programs established  
8 under this section,”;

9 (6) by amending subsection (i) to read as fol-  
10 lows:

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

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

15 “(2) The term ‘traumatic brain injury’ means  
16 an acquired injury to the brain. Such term does not  
17 include brain dysfunction caused by congenital or  
18 degenerative disorders, nor birth trauma, but may  
19 include brain injuries caused by anoxia due to trau-  
20 ma. The Secretary may revise the definition of such  
21 term as the Secretary determines necessary, after  
22 consultation with States and other appropriate pub-  
23 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 2006 through 2010” 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)—

19                      (A) by striking “and” after “fiscal year  
20                      2001,” ; and

21                      (B) by inserting “and such sums as may  
22                      be necessary for each of the fiscal years 2006  
23                      through 2010”.

24              “(c) NATIONAL GRANTS OF SIGNIFICANCE.—Part E  
25      of title XII of the Public Health Service Act (42

1 U.S.C.300d–52 et seq.) is amended by adding at end the  
2 following:

3 **“SEC. 1254. NATIONAL GRANTS OF SIGNIFICANCE.**

4 “(a) IN GENERAL.—The Secretary, acting through  
5 the Administrator of the Health Resources and Services  
6 Administration, may make grants to, or enter into con-  
7 tracts or cooperative agreements with, nonprofit organiza-  
8 tions, education institutions, States, and other such enti-  
9 ties for projects of national significance that—

10 “(1) support the development of national and  
11 State policies that reinforce and promote self-deter-  
12 mination, independence, productivity, integration,  
13 and inclusion in all facets of community life for indi-  
14 viduals with traumatic brain injury;

15 “(2) hold promise to improve or expand oppor-  
16 tunities for such individuals, including projects or  
17 initiatives significant in scope that—

18 “(A) improve access to services and sys-  
19 tems of care and support that reflect best prac-  
20 tices that can be demonstrated and replicated  
21 through technical assistance, training, and edu-  
22 cation;

23 “(B) assist States in developing service ca-  
24 pacity such as community living options and  
25 housing; programs and services that address

1 challenging behaviors of individuals with trau-  
2 matic brain injury and individuals with dual di-  
3 agnosis, such as substance abuse; case manage-  
4 ment; respite; information and referral; and  
5 family and community supports;

6 “(C) improve the capability of systems to  
7 monitor and evaluate quality of rehabilitation,  
8 long-term care, community services and sup-  
9 ports; and

10 “(D) address emerging needs such as  
11 aging caregivers, aging individuals with trau-  
12 matic brain injury, and servicemen, service-  
13 women and veterans with traumatic brain in-  
14 jury; v. address trends and issues in State serv-  
15 ice delivery through data collection and report-  
16 ing of funding, policies, and services on a peri-  
17 odic basis.

18 “(b) DEFINITIONS.—For purposes of this section, the  
19 term ‘traumatic brain injury’ means an acquired injury  
20 to the brain. Such term does not include brain dysfunction  
21 caused by congenital or degenerative disorders, nor birth  
22 trauma, but may include brain injuries caused by anoxia  
23 due to trauma. The Secretary may revise the definition  
24 of such term as the Secretary determines necessary, after

1 consultation with States and other appropriate public or  
2 nonprofit private entities.

3       “(c) AUTHORIZATION OF APPROPRIATIONS.—For the  
4 purpose of carrying out this section, there are authorized  
5 to be appropriated such sums as may be necessary for  
6 each of the fiscal years 2006 through 2010.”.

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