

110TH CONGRESS  
1ST SESSION

# S. 793

---

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2007

Referred to the Committee on Energy and Commerce

---

## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reauthorization of the  
3 Traumatic Brain Injury Act”.

4 **SEC. 2. CONFORMING AMENDMENTS RELATING TO RE-**  
5 **STRUCTURING.**

6 Part J of title III of the Public Health Service Act  
7 (42 U.S.C. 280b et seq.) is amended—

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

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

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

18 **SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE**  
19 **CENTERS FOR DISEASE CONTROL AND PRE-**  
20 **VENTION.**

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

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

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

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

1           (c) REPORT.—Section 393C of the Public Health  
2 Service Act (as so redesignated) is amended by adding at  
3 the end the following:

4           “(b) Not later than 18 months after the date of en-  
5 actment of the Reauthorization of the Traumatic Brain  
6 Injury Act, the Secretary, acting through the Director of  
7 the Centers for Disease Control and Prevention and the  
8 Director of the National Institutes of Health and in con-  
9 sultation with the Secretary of Defense and the Secretary  
10 of Veterans Affairs, shall submit to the relevant commit-  
11 tees of Congress a report that contains the findings de-  
12 rived from an evaluation concerning activities and proce-  
13 dures that can be implemented by the Centers for Disease  
14 Control and Prevention, the Department of Defense, and  
15 the Department of Veterans Affairs to improve the collec-  
16 tion and dissemination of compatible epidemiological stud-  
17 ies on the incidence and prevalence of traumatic brain in-  
18 jury in the military and veterans populations who return  
19 to civilian life. The report shall include recommendations  
20 on the manner in which such agencies can further collabo-  
21 rate on the development and improvement of traumatic  
22 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  
4 section 393C the following:

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

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

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

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

25 “(B) reporting national trends in trau-  
26 matic 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 inter-  
6                   vention in improving the functioning, including  
7                   return to work or school and community par-  
8                   ticipation, of individuals with brain injuries;

9                   “(B) the comparative effectiveness of inter-  
10                  ventions employed in the course of rehabilita-  
11                  tion of individuals with brain injuries to achieve  
12                  the 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  
17           that can prevent or remediate the development of  
18           secondary neurologic conditions related to traumatic  
19           brain injury.

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

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

1 Reauthorization of the Traumatic Brain Injury Act, sub-  
2 mit to Congress a report describing findings made as a  
3 result of carrying 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  
11 determines 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),  
20 by striking “head brain injury” and inserting “brain  
21 injury”; and

22 (3) in subsection (i), by inserting “, and such  
23 sums as may be necessary for each of fiscal years  
24 2008 through 2011” 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  
6 of 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 serv-  
14 ices”;

15 (2) in subsection (b)—

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

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



1           (3) in subsection (c), by striking the term  
2           “State” each place such term appears and inserting  
3           “State or 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 Reauthorization of the  
9           Traumatic Brain Injury Act may complete the ac-  
10          tivities funded 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 biennially, the Secretary”;

6 (ii) by striking “Commerce of the  
7 House of Representatives, and to the Com-  
8 mittee on Labor and Human Resources”  
9 and inserting “Energy and Commerce of  
10 the House of Representatives, and to the  
11 Committee on Health, Education, Labor,  
12 and Pensions”; and

13 (iii) by inserting “and section 1253”  
14 after “programs established under this sec-  
15 tion,”;

16 (6) by amending subsection (i) to read as fol-  
17 lows:

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

19 “(1) The terms ‘American Indian consortium’  
20 and ‘State’ have the meanings given to those terms  
21 in section 1253.

22 “(2) The term ‘traumatic brain injury’ means  
23 an acquired injury to the brain. Such term does not  
24 include brain dysfunction caused by congenital or  
25 degenerative disorders, nor birth trauma, but may

1 include brain injuries caused by anoxia due to trauma.  
2 ma. The Secretary may revise the definition of such  
3 term as the Secretary determines necessary, after  
4 consultation with States and other appropriate public  
5 or nonprofit private entities.”; and

6 (7) in subsection (j), by inserting “, and such  
7 sums as may be necessary for each of the fiscal  
8 years 2008 through 2011” before the period.

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

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

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

18 (3) by redesignating subsections (i) and (j) as  
19 subsections (l) and (m), respectively;

20 (4) by inserting after subsection (h) the following:  
21

22 “(i) DATA COLLECTION.—The Administrator of the  
23 Health Resources and Services Administration and the  
24 Commissioner of the Administration on Developmental  
25 Disabilities shall enter into an agreement to coordinate the

1 collection of data by the Administrator and the Commis-  
2 sioner regarding protection and advocacy services.

3 “(j) TRAINING AND TECHNICAL ASSISTANCE.—

4 “(1) GRANTS.—For any fiscal year for which  
5 the amount appropriated to carry out this section is  
6 \$6,000,000 or greater, the Administrator shall use 2  
7 percent of such amount to make a grant to an eligi-  
8 ble national association for providing for training  
9 and technical assistance to protection and advocacy  
10 systems.

11 “(2) DEFINITION.—In this subsection, the term  
12 ‘eligible national association’ means a national asso-  
13 ciation with demonstrated experience in providing  
14 training and technical assistance to protection and  
15 advocacy systems.

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

22 (5) in subsection (l) (as redesignated by this  
23 subsection) by striking “2005” and inserting  
24 “2011”.

1 **SEC. 7. GAO STUDY WITH RESPECT TO MEMBERS OF THE**  
2 **ARMED FORCES.**

3 (a) IN GENERAL.—The Comptroller General of the  
4 United States shall conduct a study regarding members  
5 of the armed forces who have acquired a disability result-  
6 ing from a traumatic brain injury incurred while serving  
7 in Operation Enduring Freedom and Operation Iraqi  
8 Freedom. Such study shall examine how these individuals  
9 are being reintegrated into their communities, including—

10 (1) what is known about this population; and

11 (2) what challenges they may face in returning  
12 to their communities, such as accessing employment,  
13 housing, transportation, and community care pro-  
14 grams, and coordinating benefits.

15 (b) REPORT.—Not later than 1 year after the date  
16 of enactment of this Act, the Comptroller General of the  
17 United States shall submit to the Committee on Veterans'  
18 Affairs and the Committee on Health, Education, Labor,  
19 and Pensions of the Senate and the Committee on Vet-  
20 erans' Affairs and the Committee on Education and the  
21 Workforce of the House of Representatives, a report sum-

1 marizing the results of the study conducted under sub-  
2 section (a).

Passed the Senate December 11, 2007.

Attest: NANCY ERICKSON,  
*Secretary.*