Traumatic Brain Injury Act of 2006 (Introduced in House)

109th CONGRESS
2d 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.

IN THE HOUSE OF REPRESENTATIVES

June 29, 2006

Mr. PASCRELL (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. HINCHLEY, 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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Traumatic Brain Injury Act of 2006'.

SEC. 2. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) Prevention of Traumatic Brain Injury - Clause (ii) of section 393A(b)(3)(A) of the Public Health Service Act (42 U.S.C. 280b-1b) is amended by striking `from hospitals and trauma centers’ and inserting `from hospitals and emergency departments’.
(b) National Program for Traumatic Brain Injury Surveillance and Registries- Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the first section 393B (relating to the use of allotments for rape prevention education) as section 392A and moving such section so that it follows section 392; and

(2) by amending section 393B--

(A) in the section heading, by inserting 'SURVEILLANCE AND' after 'NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY'; and

(B) by striking '(a) In General- '; and

(C) in the matter preceding paragraph (1), by striking 'may make grants' and all that follows through 'to collect data concerning--' and inserting 'may make grants to States or their designees to operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain-related injury disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning--'.

(c) Authorization of Appropriations- Section 394A of the Public Health Service Act (42 U.S.C. 280b-3) is amended—

(1) by striking 'For the purpose' and inserting '(a) For the purpose';

(2) by striking 'and' after 'for fiscal year 1994';

(3) by striking 'and' after 'through 1998,'

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

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

SEC. 3. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—
(1) in subparagraph (D) of subsection (d)(4), by striking `head brain injury' and inserting `brain injury' ; and

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

SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

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

``SEC. 393C. STUDY ON TRAUMATIC BRAIN INJURY .

`(a) Study- The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and the Director of the National Institutes of Health with respect to paragraphs (2) and (3), shall conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

`(1) In collaboration with appropriate State and local health-related agencies—

`(A) determining the incidence and prevalence of traumatic brain injury in all age groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, and residential institutes for people with developmental disabilities;

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

`(C) collecting, maintaining, and reporting national trends in traumatic brain injury .

`(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

`(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

`(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and
(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(3) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(b) Dates Certain for Reports- Not later than 3 years after the date of the enactment of the Traumatic Brain Injury Act of 2006, the Secretary shall submit to the Congress a report describing findings made as a result of carrying out subsection (a).

(c) Definition- For purposes of this section, the term `traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.

(d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2006 through 2010.

(b) Conforming Amendment- Public Law 104-166 (42 U.S.C. 300d-61 note) is amended by striking section 4.

SEC. 5. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) State Grants for Projects Regarding Traumatic Brain Injury - Section 1252 of the Public Health Service Act (42 U.S.C. 300d-52) is amended—

(1) in subsection (a)—
   (A) by striking `may make grants to States' and inserting `may make grants to States and American Indian consortia'; and
   (B) by striking `health and other services' and inserting `rehabilitation and other services';

(2) in subsection (b)—
   (A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term `State' each place such term appears and inserting the term `State or American Indian consortium'; and
   (B) in paragraph (2), by striking `recommendations to the State' and inserting `recommendations to the State or American Indian consortium';

(3) in subsection (c)—
   (A) in paragraph (1), by striking `$1 for each $2 of Federal funds' and inserting `$1 for each $5 of Federal funds'; and
(B) by striking the term `State' each place such term appears and inserting `State or American Indian consortium';

(4) in subsection (e), by striking `A State that received' and all that follows through the period and inserting `A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Traumatic Brain Injury Act of 2006 may complete the activities funded by the grant.';

(5) in subsection (f)—

(A) in the subsection heading, by inserting `and American Indian Consortium' after `State';

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term `State' each place such term appears and inserting `State or American Indian consortium';

(C) in clause (ii) of paragraph (1)(A), by striking `children and other individuals' and inserting `children, youth, and adults'; and

(D) in subsection (h)—

(i) by striking `Not later than 2 years after the date of the enactment of this section, the Secretary' and inserting `Not less than bi-annually, the Secretary'; and

(ii) by inserting `section 1253, and section 1254,' after `programs established under this section,';

(6) by amending subsection (i) to read as follows:

`(i) Definitions- For purposes of this section:

`(1) The terms `American Indian consortium' and `State' have the meanings given to those terms in section 1253.

`(2) The term `traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities.'; and
(7) in subsection (j), by inserting `, and such sums as may be necessary for each of the fiscal years 2006 through 2010' before the period.

(b) State Grants for Protection and Advocacy Services- Section 1253 of the Public Health Service Act (42 U.S.C. 300d-53) is amended—

(1) in subsections (d) and (e), by striking the term `subsection (i)' each place such term appears and inserting `subsection (l)';

(2) in subsection (g), by inserting `each fiscal year not later than October 1,' before `the Administrator shall pay';

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

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

`(i) Data Collection- The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

`(j) Training and Technical Assistance-

`(1) GRANTS- For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

`(2) DEFINITION- In this subsection, the term `eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

`(k) System Authority- In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.'; and

(5) in subsection (l) (as redesignated by this subsection)—

(A) by striking `and' after `fiscal year 2001,'; and
(B) by inserting ‘and such sums as may be necessary for each of the fiscal years 2006 through 2010’.

(c) National Grants of Significance—Part E of title XII of the Public Health Service Act (42 U.S.C.300d-52 et seq.) is amended by adding at end the following:

`SEC. 1254. NATIONAL GRANTS OF SIGNIFICANCE.

`(a) In General—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to, or enter into contracts or cooperative agreements with, nonprofit organizations, education institutions, States, and other such entities for projects of national significance that—

  `(1) support the development of national and State policies that reinforce and promote self-determination, independence, productivity, integration, and inclusion in all facets of community life for individuals with traumatic brain injury;

  `(2) hold promise to improve or expand opportunities for such individuals, including projects or initiatives significant in scope that—

    `(A) improve access to services and systems of care and support that reflect best practices that can be demonstrated and replicated through technical assistance, training, and education;

    `(B) assist States in developing service capacity such as community living options and housing; programs and services that address challenging behaviors of individuals with traumatic brain injury and individuals with dual diagnosis, such as substance abuse; case management; respite; information and referral; and family and community supports;

    `(C) improve the capability of systems to monitor and evaluate quality of rehabilitation, long-term care, community services and supports; and

    `(D) address emerging needs such as aging caregivers, aging individuals with traumatic brain injury, and servicemen, servicewomen and veterans with traumatic brain injury; v. address trends and issues in State service delivery through data collection and reporting of funding, policies, and services on a periodic basis.

`(b) Definitions—For purposes of this section, the term ‘traumatic brain injury’ means an acquired injury to the brain. Such term does not include brain...
dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities.

`(c) Authorization of Appropriations- For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.'.