

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1418
OFFERED BY MR. PALLONE OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Traumatic Brain In-
3 jury Act of 2008”.

**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.

1 **SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE**
2 **CENTERS FOR DISEASE CONTROL AND PRE-**
3 **VENTION.**

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 depart-
9 ments”.

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

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

17 (2) in subsection (a), in the matter preceding
18 paragraph (1), by striking “may make grants” and
19 all that follows through “to collect data con-
20 cerning—” and inserting “may make grants to
21 States or their designees to develop or operate the
22 State’s traumatic brain injury surveillance system or
23 registry to determine the incidence and prevalence of
24 traumatic brain injury and related disability, to en-
25 sure the uniformity of reporting under such system
26 or registry, to link individuals with traumatic brain

1 injury to services and supports, and to link such in-
2 dividuals with academic institutions to conduct ap-
3 plied research that will support the development of
4 such surveillance systems and registries as may be
5 necessary. A surveillance system or registry under
6 this section shall provide for the collection of data
7 concerning—”.

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

11 “(b) Not later than 18 months after the date of en-
12 actment of the Reauthorization of the Traumatic Brain
13 Injury Act, the Secretary, acting through the Director of
14 the Centers for Disease Control and Prevention and the
15 Director of the National Institutes of Health and in con-
16 sultation with the Secretary of Defense and the Secretary
17 of Veterans Affairs, shall submit to the relevant commit-
18 tees of Congress a report that contains the findings de-
19 rived from an evaluation concerning activities and proce-
20 dures that can be implemented by the Centers for Disease
21 Control and Prevention to improve the collection and dis-
22 semination of compatible epidemiological studies on the in-
23 cidence and prevalence of traumatic brain injury in those
24 with traumatic brain injury who were formerly in the mili-
25 tary. The report shall include recommendations on the

1 manner in which such agencies can further collaborate on
2 the development and improvement of traumatic brain in-
3 jury diagnostic tools and treatments.”.

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

5 Part J of title III of the Public Health Service Act
6 (42 U.S.C. 280b et seq.) is amended by inserting after
7 section 393C the following:

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

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

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

18 “(A) determining the incidence of trau-
19 matic brain injury and prevalence of traumatic
20 brain injury related disability and the clinical
21 aspects of the disability in all age groups and
22 racial and ethnic minority groups in the general
23 population of the United States, including insti-
24 tutional settings, such as nursing homes, cor-
25 rectional facilities, psychiatric hospitals, child

1 care facilities, and residential institutes for peo-
2 ple with developmental disabilities; and

3 “(B) reporting national trends in trau-
4 matic brain injury.

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

9 “(A) the effectiveness of each such inter-
10 vention in improving the functioning, including
11 return to work or school and community par-
12 ticipation, of individuals with brain injuries;

13 “(B) the comparative effectiveness of inter-
14 ventions employed in the course of rehabilita-
15 tion of individuals with brain injuries to achieve
16 the same or similar clinical outcome; and

17 “(C) the adequacy of existing measures of
18 outcomes and knowledge of factors influencing
19 differential outcomes.

20 “(3) Identifying interventions and therapies
21 that can prevent or remediate the development of
22 secondary neurologic conditions related to traumatic
23 brain injury.

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

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

8 **SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE**
9 **HEALTH RESOURCES AND SERVICES ADMIN-**
10 **ISTRATION.**

11 (a) STATE GRANTS FOR DEMONSTRATION PROJECTS
12 REGARDING TRAUMATIC BRAIN INJURY.—Section 1252
13 of the Public Health Service Act (42 U.S.C. 300d–52) is
14 amended—

15 (1) in subsection (a)—

16 (A) by striking “may make grants to
17 States” and inserting “may make grants to
18 States and American Indian consortia”; and

19 (B) by striking “health and other services”
20 and inserting “rehabilitation and other serv-
21 ices”;

22 (2) in subsection (b)—

23 (A) in paragraphs (1), (3)(A)(i),
24 (3)(A)(iii), and (3)(A)(iv), by striking the term
25 “State” each place such term appears and in-

1 serting the term “State or American Indian
2 consortium”; and

3 (B) in paragraph (2), by striking “rec-
4 ommendations to the State” and inserting “rec-
5 ommendations to the State or American Indian
6 consortium”;

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

10 (4) in subsection (e), by striking “A State that
11 received” and all that follows through the period and
12 inserting “A State or American Indian consortium
13 that received a grant under this section prior to the
14 date of the enactment of the Reauthorization of the
15 Traumatic Brain Injury Act may complete the ac-
16 tivities funded by the grant.”;

17 (5) in subsection (f)—

18 (A) in the subsection heading, by inserting
19 “AND AMERICAN INDIAN CONSORTIUM” after
20 “STATE”;

21 (B) in paragraph (1) in the matter pre-
22 ceding subparagraph (A), paragraph (1)(E),
23 paragraph (2)(A), paragraph (2)(B), paragraph
24 (3) in the matter preceding subparagraph (A),
25 paragraph (3)(E), and paragraph (3)(F), by

1 striking the term “State” each place such term
2 appears and inserting “State or American In-
3 dian consortium”;

4 (C) in clause (ii) of paragraph (1)(A), by
5 striking “children and other individuals” and
6 inserting “children, youth, and adults”; and

7 (D) in subsection (h)—

8 (i) by striking “Not later than 2 years
9 after the date of the enactment of this sec-
10 tion, the Secretary” and inserting “Not
11 less than biennially, the Secretary”;

12 (ii) by striking “Commerce of the
13 House of Representatives, and to the Com-
14 mittee on Labor and Human Resources”
15 and inserting “Energy and Commerce of
16 the House of Representatives, and to the
17 Committee on Health, Education, Labor,
18 and Pensions”; and

19 (iii) by inserting “and section 1253”
20 after “programs established under this sec-
21 tion,”;

22 (6) by amending subsection (i) to read as fol-
23 lows:

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

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

4 “(2) The term ‘traumatic brain injury’ means
5 an acquired injury to the brain. Such term does not
6 include brain dysfunction caused by congenital or
7 degenerative disorders, nor birth trauma, but may
8 include brain injuries caused by anoxia due to trau-
9 ma. The Secretary may revise the definition of such
10 term as the Secretary determines necessary, after
11 consultation with States and other appropriate pub-
12 lic or nonprofit private entities.”; and

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

16 (b) STATE GRANTS FOR PROTECTION AND ADVO-
17 CACY SERVICES.—Section 1253 of the Public Health Serv-
18 ice Act (42 U.S.C. 300d–53) is amended—

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

22 (2) in subsection (g), by inserting “each fiscal
23 year not later than October 1,” before “the Adminis-
24 trator shall pay”;

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

3 (4) by inserting after subsection (h) the fol-
4 lowing:

5 “(i) DATA COLLECTION.—The Administrator of the
6 Health Resources and Services Administration and the
7 Commissioner of the Administration on Developmental
8 Disabilities shall enter into an agreement to coordinate the
9 collection of data by the Administrator and the Commis-
10 sioner regarding protection and advocacy services.

11 “(j) TRAINING AND TECHNICAL ASSISTANCE.—

12 “(1) GRANTS.—For any fiscal year for which
13 the amount appropriated to carry out this section is
14 \$6,000,000 or greater, the Administrator shall use 2
15 percent of such amount to make a grant to an eligi-
16 ble national association for providing for training
17 and technical assistance to protection and advocacy
18 systems.

19 “(2) DEFINITION.—In this subsection, the term
20 ‘eligible national association’ means a national asso-
21 ciation with demonstrated experience in providing
22 training and technical assistance to protection and
23 advocacy systems.

24 “(k) SYSTEM AUTHORITY.—In providing services
25 under this section, a protection and advocacy system shall

1 have the same authorities, including access to records, as
2 such system would have for purposes of providing services
3 under subtitle C of the Developmental Disabilities Assist-
4 ance and Bill of Rights Act of 2000.”; and

5 (5) in subsection (1) (as redesignated by this
6 subsection) by striking “2002 through 2005” and
7 inserting “2009 through 2012”.