

110TH CONGRESS  
1ST SESSION

# S. 793

To provide for the expansion and improvement of traumatic brain injury programs.

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IN THE SENATE OF THE UNITED STATES

MARCH 7, 2007

Mr. HATCH (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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 “Reauthorization of the  
5 Traumatic Brain Injury Act”.

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—

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

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

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

11 **SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE**  
12                           **CENTERS FOR DISEASE CONTROL AND PRE-**  
13                           **VENTION.**

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

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

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

4 (2) by striking “(a) **IN GENERAL.—**”; and

5 (3) in the matter preceding paragraph (1), by  
6 striking “may make grants” and all that follows  
7 through “to collect data concerning—” and inserting  
8 “may make grants to States or their designees to  
9 develop or operate the State’s traumatic brain injury  
10 surveillance system or registry to determine the inci-  
11 dence and prevalence of traumatic brain injury and  
12 related disability, to ensure the uniformity of report-  
13 ing under such system or registry, to link individuals  
14 with traumatic brain injury to services and supports,  
15 and to link such individuals with academic institu-  
16 tions to conduct applied research that will support  
17 the development of such surveillance systems and  
18 registries as may be necessary. A surveillance system  
19 or registry under this section shall provide for the  
20 collection of data concerning—”.

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

22 Part J of title III of the Public Health Service Act  
23 (42 U.S.C. 280b et seq.) is amended by inserting after  
24 section 393C the following:

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

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

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

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

20 “(B) reporting national trends in trau-  
21 matic brain injury.

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

1           “(A) the effectiveness of each such inter-  
2           vention in improving the functioning, including  
3           return to work or school and community par-  
4           ticipation, of individuals with brain injuries;

5           “(B) the comparative effectiveness of inter-  
6           ventions employed in the course of rehabilita-  
7           tion of individuals with brain injuries to achieve  
8           the same or similar clinical outcome; and

9           “(C) the adequacy of existing measures of  
10          outcomes and knowledge of factors influencing  
11          differential outcomes.

12          “(3) Identifying interventions and therapies  
13          that can prevent or remediate the development of  
14          secondary neurologic conditions related to traumatic  
15          brain injury.

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

19          “(b) DATES CERTAIN FOR REPORTS.—Not later than  
20          3 years after the date of the enactment of the Reauthor-  
21          ization of the Traumatic Brain Injury Act, the Secretary  
22          shall submit to the Congress a report describing findings  
23          made as a result of carrying out subsection (a).

24          “(c) DEFINITION.—For purposes of this section, the  
25          term ‘traumatic brain injury’ means an acquired injury

1 to the brain. Such term does not include brain dysfunction  
2 caused by congenital or degenerative disorders, nor birth  
3 trauma, but may include brain injuries caused by anoxia  
4 due to trauma. The Secretary may revise the definition  
5 of such term as the Secretary determines necessary.”.

6 **SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NA-**  
7 **TIONAL INSTITUTES OF HEALTH.**

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

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

13 (2) in subsection (i), by inserting “, and such  
14 sums as may be necessary for each of fiscal years  
15 2008 through 2011” before the period at the end.

16 **SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE**  
17 **HEALTH RESOURCES AND SERVICES ADMIN-**  
18 **ISTRATION.**

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

23 (1) in subsection (a)—

1 (A) by striking “may make grants to  
2 States” and inserting “may make grants to  
3 States and American Indian consortia”; and

4 (B) by striking “health and other services”  
5 and inserting “rehabilitation and other serv-  
6 ices”;

7 (2) in subsection (b)—

8 (A) in paragraphs (1), (3)(A)(i),  
9 (3)(A)(iii), and (3)(A)(iv), by striking the term  
10 “State” each place such term appears and in-  
11 sserting the term “State or American Indian  
12 consortium”; and

13 (B) in paragraph (2), by striking “rec-  
14 ommendations to the State” and inserting “rec-  
15 ommendations to the State or American Indian  
16 consortium”;

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

20 (4) in subsection (e), by striking “A State that  
21 received” and all that follows through the period and  
22 inserting “A State or American Indian consortium  
23 that received a grant under this section prior to the  
24 date of the enactment of the Reauthorization of the

1 Traumatic Brain Injury Act may complete the ac-  
2 tivities funded by the grant.”;

3 (5) in subsection (f)—

4 (A) in the subsection heading, by inserting  
5 “AND AMERICAN INDIAN CONSORTIUM” after  
6 “STATE”;

7 (B) in paragraph (1) in the matter pre-  
8 ceeding subparagraph (A), paragraph (1)(E),  
9 paragraph (2)(A), paragraph (2)(B), paragraph  
10 (3) in the matter preceding subparagraph (A),  
11 paragraph (3)(E), and paragraph (3)(F), by  
12 striking the term “State” each place such term  
13 appears and inserting “State or American In-  
14 dian consortium”;

15 (C) in clause (ii) of paragraph (1)(A), by  
16 striking “children and other individuals” and  
17 inserting “children, youth, and adults”; and

18 (D) in subsection (h)—

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

23 (ii) by inserting “section 1253, and  
24 section 1254,” after “programs established  
25 under this section,”;



1           (6) by amending subsection (i) to read as fol-  
2           lows:

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

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

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

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

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

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

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

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

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

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

14          “(j) TRAINING AND TECHNICAL ASSISTANCE.—

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

22                 “(2) DEFINITION.—In this subsection, the term  
23                 ‘eligible national association’ means a national asso-  
24                 ciation with demonstrated experience in providing

1 training and technical assistance to protection and  
2 advocacy systems.

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

9 (5) in subsection (l) (as redesignated by this  
10 subsection) by striking “2005” and inserting  
11 “2011”.

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