

109TH CONGRESS
2D SESSION

S. 3668

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 SENATE OF THE UNITED STATES

JULY 17, 2006

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PROGRAMS OF CENTERS FOR DISEASE CONTROL**
7 **AND PREVENTION.**

8 (a) PREVENTION OF TRAUMATIC BRAIN INJURY.—
9 Clause (ii) of section 393A(b)(3)(A) of the Public Health

1 Service Act (42 U.S.C. 280b–1b) is amended by striking
2 “from hospitals and trauma centers” and inserting “from
3 hospitals and emergency departments”.

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

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

12 (2) by amending section 393B—

13 (A) in the section heading, by inserting
14 “SURVEILLANCE AND” after “NATIONAL PRO-
15 GRAM FOR TRAUMATIC BRAIN INJURY”;

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

17 (C) in the matter preceding paragraph (1),
18 by striking “may make grants” and all that fol-
19 lows through “to collect data concerning—”
20 and inserting “may make grants to States or
21 their designees to develop or operate the State’s
22 traumatic brain injury surveillance system or
23 registry to determine the incidence and preva-
24 lence of traumatic brain-related injury dis-
25 ability, to ensure the uniformity of reporting

1 under such system or registry, to link individ-
2 uals with traumatic brain injury to services and
3 supports, and to link such individuals with aca-
4 demic institutions to conduct applied research
5 that will support the development of such sur-
6 veillance systems and registries as may be nec-
7 essary. A surveillance system or registry under
8 this section shall provide for the collection of
9 data concerning—”.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
11 394A of the Public Health Service Act (42 U.S.C. 280b-
12 3) is amended—

13 (1) by striking “For the purpose” and inserting
14 “(a) For the purpose”;

15 (2) by striking “and” after “for fiscal year
16 1994;”;

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

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

19 and

20 (5) by inserting “, and such sums as may be
21 necessary for each of fiscal years 2006 through
22 2010” before the period at the end.

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

24 Section 1261 of the Public Health Service Act (42
25 U.S.C. 300d-61) is amended—

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

4 (2) in subsection (i), by inserting “, and such
5 sums as may be necessary for each of fiscal years
6 2006 through 2010” before the period at the end.

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

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

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

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

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

20 “(A) determining the incidence and preva-
21 lence of traumatic brain injury in all age groups
22 in the general population of the United States,
23 including institutional settings, such as nursing
24 homes, correctional facilities, psychiatric hos-
25 pitals, child care facilities, and residential insti-

1 tutes for people with developmental disabilities;
2 and

3 “(B) collecting, maintaining, and reporting
4 national trends in traumatic 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) 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.—Not later than
24 3 years after the date of the enactment of the Traumatic
25 Brain Injury Act of 2005, the Secretary shall submit to

1 the Congress a report describing findings made as a result
2 of carrying out subsection (a).

3 “(c) DEFINITION.—For purposes of this section, the
4 term ‘traumatic brain injury’ means an acquired injury
5 to the brain. Such term does not include brain dysfunction
6 caused by congenital or degenerative disorders, nor birth
7 trauma, but may include brain injuries caused by anoxia
8 due to trauma. The Secretary may revise the definition
9 of such term as the Secretary determines necessary.”

10 (b) CONFORMING AMENDMENT.—Public Law 104–
11 166 (42 U.S.C. 300d–61 note) is amended by striking sec-
12 tion 4.

13 **SEC. 5. PROGRAMS OF HEALTH RESOURCES AND SERVICES**
14 **ADMINISTRATION.**

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

19 (1) in subsection (a)—

20 (A) by striking “may make grants to
21 States” and inserting “may make grants to
22 States and American Indian consortia”; and

23 (B) by striking “health and other services”
24 and inserting “rehabilitation and other serv-
25 ices”;

1 (2) in subsection (b)—

2 (A) in paragraphs (1), (3)(A)(i),
3 (3)(A)(iii), and (3)(A)(iv), by striking the term
4 “State” each place such term appears and in-
5 serting the term “State or American Indian
6 consortium”; and

7 (B) in paragraph (2), by striking “rec-
8 ommendations to the State” and inserting “rec-
9 ommendations to the State or American Indian
10 consortium”;

11 (3) in subsection (c)—

12 (A) by striking the term “State” each
13 place such term appears and inserting “State or
14 American Indian consortium”; and

15 (B) in paragraph (1), by striking “ each
16 \$2” and inserting “each \$5”;

17 (4) in subsection (e), by striking “A State that
18 received” and all that follows through the period and
19 inserting “A State or American Indian consortium
20 that received a grant under this section prior to the
21 date of the enactment of the Traumatic Brain In-
22 jury Act of 2005 may complete the activities funded
23 by the grant.”;

24 (5) in subsection (f)—

1 (A) in the subsection heading, by inserting
2 “AND AMERICAN INDIAN CONSORTIUM” after
3 “STATE”;

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

12 (C) in clause (ii) of paragraph (1)(A), by
13 striking “children and other individuals” and
14 inserting “children, youth, and adults”; and

15 (D) in subsection (h)—

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

20 (ii) by inserting “section 1253, and
21 section 1254,” after “programs established
22 under this section,”;

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

25 “(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 near
9 drowning. The Secretary may revise the definition of
10 such term as the Secretary determines necessary,
11 after consultation with States and other appropriate
12 public 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 2006 through 2010” before the period.

16 (b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service 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 Administrator 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 (l) (as redesignated by this
6 subsection)—

7 (A) by striking “and” after “fiscal year
8 2001,” ; and

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

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