AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. LARSON OF CONNECTICUT

At the end of subtitle A of title VII, add the following new section:

SEC. 703. BEHAVIORAL HEALTH TREATMENT OF DEVELOPMENTAL DISABILITIES UNDER THE TRICARE PROGRAM.

(a) Behavioral Health Treatment of Developmental Disabilities Under TRICARE.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) Subject to paragraph (4), in providing health care under subsection (a), the treatment of developmental disabilities (as defined by section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8))), including autism spectrum disorder, shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician or psychologist.

“(2) In carrying out this subsection, the Secretary shall ensure that—
“(A) except as provided by subparagraph (B),
behavioral health treatment is provided pursuant to
this subsection—

“(i) in the case of such treatment provided
in a State that requires licensing or certifi-
cation of applied behavioral analysts by State
law, by an individual who is licensed or certified
to practice applied behavioral analysis in ac-
cordance with the laws of the State; or

“(ii) in the case of such treatment provided
in a State other than a State described in
clause (i), by an individual who is licensed or
certified by a State or an accredited national
certification board; and

“(B) applied behavior analysis or other behav-
ioral health treatment may be provided by an em-
ployee, contractor, or trainee of a person described
in subparagraph (A) if the employee, contractor, or
trainee meets minimum qualifications, training, and
supervision requirements as set forth in applicable
State law, by an appropriate accredited national cer-
tification board, or by the Secretary.

“(3)(A) This subsection shall not apply to a medicare
eligible beneficiary (as defined in section 1111(b) of this
title).
“(B) Nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a covered beneficiary under—

“(i) this chapter;

“(ii) title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

“(iii) any other law.

“(4) In addition to the requirement under section 1100(c)(1) of this title, with respect to retired members of the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or dependents of any such retired members, treatment shall be provided under this subsection in a fiscal year only to the extent that amounts are specifically provided in advance in appropriations Acts for the Defense Health Program Account for the provision of such treatment for such fiscal year.”.

(b) FUNDING MATTERS.—

(1) IN GENERAL.—Section 1100 of title 10, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):
“(c) Behavioral Health Treatment of Developmental Disabilities.—(1) Funds for treatment under section 1077(g) of this title may be derived only from the Defense Health Program Account. Notwithstanding any other provision of law, such funds may not be reimbursed from any account that would otherwise provide funds for the treatment of retired members of the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or dependents of any such retired members.

“(2) As provided for in paragraph (4) of section 1077(g), with respect to retired members of the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or dependents of any such retired members, treatment under such section shall be provided in a fiscal year only to the extent that amounts are specifically provided in advance in appropriation Acts for the Defense Health Program Account for the provision of such treatment for such fiscal year.”.

(2) Increase and Offset.—

(A) Increase.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appro-
appropriated in section 1405 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for Private Sector Care is hereby increased by $20,000,000.

(B) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for the Office of the Secretary of Defense (Line 270) is hereby reduced by $20,000,000.

(c) SENSE OF CONGRESS.—It is the sense of Congress that amounts should be appropriated for behavioral health treatment of TRICARE beneficiaries, pursuant to the amendments made by this section, in a manner to ensure the appropriate and equitable access to such treatment by all such beneficiaries.