

**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:

1 **SEC. 703. BEHAVIORAL HEALTH TREATMENT OF DEVELOP-**
2 **MENTAL DISABILITIES UNDER THE TRICARE**
3 **PROGRAM.**

4 (a) BEHAVIORAL HEALTH TREATMENT OF DEVEL-
5 OPMENTAL DISABILITIES UNDER TRICARE.—Section
6 1077 of title 10, United States Code, is amended by add-
7 ing at the end the following new subsection:

8 “(g)(1) Subject to paragraph (4), in providing health
9 care under subsection (a), the treatment of developmental
10 disabilities (as defined by section 102(8) of the Develop-
11 mental Disabilities Assistance and Bill of Rights Act of
12 2000 (42 U.S.C. 15002(8))), including autism spectrum
13 disorder, shall include behavioral health treatment, includ-
14 ing applied behavior analysis, when prescribed by a physi-
15 cian or psychologist.

16 “(2) In carrying out this subsection, the Secretary
17 shall ensure that—

1 “(A) except as provided by subparagraph (B),
2 behavioral health treatment is provided pursuant to
3 this subsection—

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

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

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

23 “(3)(A) This subsection shall not apply to a medicare
24 eligible beneficiary (as defined in section 1111(b) of this
25 title).

1 “(B) Nothing in this subsection shall be construed
2 as limiting or otherwise affecting the benefits provided to
3 a covered beneficiary under—

4 “(i) this chapter;

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

7 “(iii) any other law.

8 “(4) In addition to the requirement under section
9 1100(c)(1) of this title, with respect to retired members
10 of the Coast Guard, the Commissioned Corps of the Na-
11 tional Oceanic and Atmospheric Administration, or the
12 Commissioned Corps of the Public Health Service, or de-
13 pendants of any such retired members, treatment shall be
14 provided under this subsection in a fiscal year only to the
15 extent that amounts are specifically provided in advance
16 in appropriations Acts for the Defense Health Program
17 Account for the provision of such treatment for such fiscal
18 year.”.

19 (b) FUNDING MATTERS.—

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

22 (A) by redesignating subsection (c) as sub-
23 section (d); and

24 (B) by inserting after subsection (b) the
25 following new subsection (c):

1 “(c) BEHAVIORAL HEALTH TREATMENT OF DEVEL-
2 OPMENTAL DISABILITIES.—(1) Funds for treatment
3 under section 1077(g) of this title may be derived only
4 from the Defense Health Program Account. Notwith-
5 standing any other provision of law, such funds may not
6 be reimbursed from any account that would otherwise pro-
7 vide funds for the treatment of retired members of the
8 Coast Guard, the Commissioned Corps of the National
9 Oceanic and Atmospheric Administration, or the Commis-
10 sioned Corps of the Public Health Service, or dependents
11 of any such retired members.

12 “(2) As provided for in paragraph (4) of section
13 1077(g), with respect to retired members of the Coast
14 Guard, the Commissioned Corps of the National Oceanic
15 and Atmospheric Administration, or the Commissioned
16 Corps of the Public Health Service, or dependents of any
17 such retired members, treatment under such section shall
18 be provided in a fiscal year only to the extent that
19 amounts are specifically provided in advance in appropria-
20 tions Acts for the Defense Health Program Account for
21 the provision of such treatment for such fiscal year.”.

22 (2) INCREASE AND OFFSET.—

23 (A) INCREASE.—Notwithstanding the
24 amounts set forth in the funding tables in divi-
25 sion D, the amount authorized to be appro-

1 appropriated in section 1405 for the Defense Health
2 Program, as specified in the corresponding
3 funding table in section 4501, for Private Sec-
4 tor Care is hereby increased by \$20,000,000.

5 (B) OFFSET.—Notwithstanding the
6 amounts set forth in the funding tables in divi-
7 sion D, the amount authorized to be appro-
8 priated in section 4301 for operation and main-
9 tenance, as specified in the corresponding fund-
10 ing table in section 4301, for the Office of the
11 Secretary of Defense (Line 270) is hereby re-
12 duced by \$20,000,000.

13 (c) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that amounts should be appropriated for behavioral
15 health treatment of TRICARE beneficiaries, pursuant to
16 the amendments made by this section, in a manner to en-
17 sure the appropriate and equitable access to such treat-
18 ment by all such beneficiaries.

