

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960
OFFERED BY MR. SESSIONS OF TEXAS**

Page 308, after line 21, insert the following:

1 **SEC. 726. PILOT PROGRAM FOR INVESTIGATIONAL TREAT-**
2 **MENT OF MEMBERS OF THE ARMED FORCES**
3 **FOR TRAUMATIC BRAIN INJURY AND POST-**
4 **TRAUMATIC STRESS DISORDER.**

5 (a) PROCESS.—The Secretary of Defense shall carry
6 out a five-year pilot program under which the Secretary
7 shall establish a process through which the Secretary shall
8 provide payment for investigational treatments (including
9 diagnostic testing) of traumatic brain injury or post-trau-
10 matic stress disorder received by members of the Armed
11 Forces in health care facilities other than military treat-
12 ment facilities. Such process shall provide that payment
13 be made directly to the health care facility furnishing the
14 treatment.

15 (b) CONDITIONS FOR APPROVAL.—The approval by
16 the Secretary for payment for a treatment pursuant to
17 subsection (a) shall be subject to the following conditions:

18 (1) Any drug or device used in the treatment
19 must be approved or cleared by the Food and Drug

1 Administration for any purpose and its use must
2 comply with rules of the Food and Drug Administra-
3 tion applicable to investigational new drugs or inves-
4 tigational devices.

5 (2) The treatment must be approved by the
6 Secretary following approval by an institutional re-
7 view board operating in accordance with regulations
8 issued by the Secretary of Health and Human Serv-
9 ices.

10 (3) The patient receiving the treatment must
11 demonstrate an improvement under criteria ap-
12 proved by the Secretary, as a result of the treatment
13 on one or more of the following:

14 (A) Standardized independent pre-treat-
15 ment and post-treatment neuropsychological
16 testing.

17 (B) Accepted survey instruments including,
18 such instruments that look at quality of life.

19 (C) Neurological imaging.

20 (D) Clinical examination.

21 (4) The patient receiving the treatment must be
22 receiving the treatment voluntarily and based on in-
23 formed consent.

24 (5) The patient receiving the treatment may not
25 be a retired member of the Armed Forces who is en-

1 titled to benefits under part A, or eligible to enroll
2 under part B, of title XVIII of the Social Security
3 Act.

4 (c) ADDITIONAL RESTRICTIONS AUTHORIZED.—The
5 Secretary may establish additional restrictions or condi-
6 tions for reimbursement as the Secretary determines ap-
7 propriate to ensure the protection of human research sub-
8 jects, appropriate fiscal management, and the validity of
9 the research results.

10 (d) AUTHORITY.—The Secretary shall make pay-
11 ments under this section for treatments received by mem-
12 bers of the Armed Forces using the authority in subsection
13 (c)(1) of section 1074 of title 10, United States Code.

14 (e) AMOUNT.—A payment under this section shall be
15 made at the equivalent Centers for Medicare and Medicaid
16 Services reimbursement rate in effect for appropriate
17 treatment codes for the State or territory in which the
18 treatment is received. If no such rate is in effect, payment
19 shall be made on a cost-reimbursement basis, as deter-
20 mined by the Secretary, in consultation with the Secretary
21 of Health and Human Services.

22 (f) DATA COLLECTION AND AVAILABILITY.—

23 (1) IN GENERAL.—The Secretary shall develop
24 and maintain a database containing data from each
25 patient case involving the use of a treatment under

1 this section. The Secretary shall ensure that the
2 database preserves confidentiality and that any use
3 of the database or disclosures of such data are lim-
4 ited to such use and disclosures permitted by law
5 and applicable regulations.

6 (2) PUBLICATION OF QUALIFIED INSTITU-
7 TIONAL REVIEW BOARD STUDIES.—The Secretary
8 shall ensure that an Internet website of the Depart-
9 ment of Defense includes a list of all civilian institu-
10 tional review board studies that have received a pay-
11 ment under this section.

12 (g) ASSISTANCE FOR MEMBERS TO OBTAIN TREAT-
13 MENT.—

14 (1) ASSIGNMENT TO TEMPORARY DUTY.—The
15 Secretary of a military department may assign a
16 member of the Armed Forces under the jurisdiction
17 of the Secretary to temporary duty or allow the
18 member a permissive temporary duty in order to
19 permit the member to receive treatment for trau-
20 matic brain injury or post-traumatic stress disorder,
21 for which payments shall be made under subsection
22 (a), at a location beyond reasonable commuting dis-
23 tance of the permanent duty station of the member.

24 (2) PER DIEM.—A member who is away from
25 the permanent station of the member may be paid

1 a per diem in lieu of subsistence in an amount not
2 more than the amount to which the member would
3 be entitled if the member were performing travel in
4 connection with a temporary duty assignment.

5 (3) GIFT RULE WAIVER.—The Secretary of De-
6 fense may waive any rule of the Department of De-
7 fense regarding ethics or the receipt of gifts with re-
8 spect to any assistance provided to a member of the
9 Armed Forces for travel or per diem expenses inci-
10 dental to receiving treatment under this section.

11 (h) MEMORANDA OF UNDERSTANDING.—The Sec-
12 retary shall enter into memoranda of understandings with
13 civilian institutions for the purpose of providing members
14 of the Armed Forces with treatment carried out by civilian
15 health care practitioners under treatment—

16 (1) approved by and under the oversight of ci-
17 vilian institutional review boards; and

18 (2) that would qualify for payment under this
19 section.

20 (i) OUTREACH.—The Secretary of Defense shall es-
21 tablish a process to notify members of the Armed Forces
22 of the opportunity to receive treatment pursuant to this
23 section.

24 (j) REPORT TO CONGRESS.—Not later than 30 days
25 after the last day of each fiscal year during which the Sec-

1 retary is authorized to make payments under this section,
2 the Secretary shall submit to Congress an annual report
3 on the implementation of this section and any available
4 results on investigational treatment studies authorized
5 under this section.

6 (k) TERMINATION.—The authority to make a pay-
7 ment under this section shall terminate on the date that
8 is five years after the date of the enactment of this Act.

9 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$10,000,000 for each fiscal year during which the Sec-
12 retary is authorized to make payments under this section.

13 (m) FUNDING INCREASE AND OFFSETTING REDUC-
14 TION.—

15 (1) IN GENERAL.—Notwithstanding the
16 amounts set forth in the funding tables in division
17 D, to carry out this section during fiscal year
18 2014—

19 (A) the amount authorized to be appro-
20 priated in section 1406 for the Defense Health
21 Program, as specified in the corresponding
22 funding table in division D, is hereby increased
23 by \$10,000,000, with the amount of the in-
24 crease allocated to the Defense Health Pro-

1 gram, as set forth in the table under section
2 4501, to carry out this section; and

3 (B) the amount authorized to be appro-
4 priated in section 301 for Operation and Main-
5 tenance, Defense-wide, as specified in the cor-
6 responding funding table in division D, is here-
7 by reduced by \$10,000,000, with the amount of
8 the reduction to be derived from Line 280, Of-
9 fice of the Secretary of Defense as set forth in
10 the table under section 4301.

11 (2) MERIT-BASED OR COMPETITIVE DECI-
12 SIONS.—A decision to commit, obligate, or expend
13 funds referred to in paragraph (1)(A) with or to a
14 specific entity shall—

15 (A) be based on merit-based selection pro-
16 cedures in accordance with the requirements of
17 sections 2304(k), 2361, and 2374 of title 10,
18 United States Code, or on competitive proce-
19 dures; and

20 (B) comply with other applicable provisions
21 of law.

