

110TH CONGRESS
2D SESSION

S. 3621

To amend title 10, United States Code, to authorize extended benefits for certain autistic dependents of certain retirees.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 17), 2008

Mr. MARTINEZ introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize extended benefits for certain autistic dependents of certain retirees.

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. FINDINGS.**

4 The Congress finds the following:

5 (1) The National Institute of Neurological Dis-
6 orders and Stroke states that autism is a common
7 condition in a group of developmental disorders
8 known as the autism spectrum disorders and is char-
9 acterized by impaired social interaction, problems
10 with verbal and nonverbal communication, and un-

1 usual, repetitive, or severely limited activities and in-
2 terests.

3 (2) According to a February 2007 study by the
4 Centers for Disease Control and Prevention, one in
5 150 children that had reached the age of 8 had au-
6 tism or an autism spectrum disorder such as
7 Asperger's syndrome, Rett syndrome, childhood dis-
8 integrative disorder, or a pervasive developmental
9 disorder not otherwise specified.

10 (3) The Department of Defense introduced the
11 Extended Care Health Option program to provide
12 coverage to active duty members of the Armed
13 Forces for applied behavioral analysis, a treatment
14 for the symptoms of autism spectrum disorders. Ac-
15 tive duty member beneficiaries are covered for ap-
16 plied behavioral analysis treatment for up to \$2,500
17 per month with a maximum of \$30,000 per year.

18 (4) According to a Harvard School of Public
19 Health report, without effective intervention, ap-
20 proximately 90 percent of individuals with an autism
21 spectrum disorder require lifelong care, which costs
22 an estimated \$3.2 million over a child's lifetime. Ap-
23 plied behavioral analysis therapy has been shown to
24 be effective in reducing the percentage of individuals
25 with an autism spectrum disorder that require life-

1 long care to less than 50 percent and reducing the
2 costs of lifelong care by two-thirds.

3 (5) Benefits of the Extended Care Health Op-
4 tion program are not available to military retirees
5 enrolled in TRICARE, but in a letter dated June
6 23, 2008, the Department of Defense stated that
7 there are 8,784 retirees with dependants diagnosed
8 with an autism spectrum disorder.

9 **SEC. 2. EXTENDED CARE HEALTH OPTION PROGRAM FOR**
10 **AUTISTIC DEPENDENTS OF CERTAIN RETIR-**
11 **EES.**

12 (a) AUTHORIZATION FOR EXTENDED BENEFITS FOR
13 AUTISTIC DEPENDENTS OF CERTAIN RETIREES.—Sec-
14 tion 1086 of title 10, United States Code, is amended by
15 adding at the end the following new subsection:

16 “(i)(1) The extended benefits program shall apply to
17 any covered retiree with respect to any dependent of such
18 a retiree if the dependent is—

19 “(A) described in subparagraph (D) or (I) of
20 section 1072(2) of this title;

21 “(B) diagnosed with autism; and

22 “(C) not entitled to benefits under part A of
23 title XVIII of the Social Security Act.

24 “(2) In this subsection:

1 “(A) The term ‘extended benefits program’
 2 means the program provided pursuant to subsections
 3 (d), (e), and (f) of section 1079 of this title.

4 “(B) The term ‘covered retiree’ means any per-
 5 son eligible for health benefits under this section by
 6 reason of coverage by section 1074(b) (as described
 7 in subsection (c)(1) of this section) who is—

8 “(i) not entitled to benefits under part A
 9 of title XVIII of the Social Security Act; and

10 “(ii) not enrolled under part B of such
 11 title.

12 “(C) The term ‘autism’ refers to the autism
 13 spectrum disorders, which are developmental disabil-
 14 ities that cause substantial impairments in the areas
 15 of social interaction, emotional regulation, commu-
 16 nication, and the integration of higher-order cog-
 17 nitive processes and are often characterized by the
 18 presence of unusual behaviors and interests. The
 19 term includes autistic disorder, pervasive develop-
 20 mental disorder (not otherwise specified), Asperger’s
 21 syndrome, and any of the pervasive disorders as de-
 22 fined by the most recent edition of the Diagnostic
 23 and Statistical Manual of Mental Disorders.”.

24 (b) EFFECTIVE DATE.—The amendment made by
 25 subsection (a) shall apply to benefits under the extended

- 1 benefits program for items and services furnished on or
- 2 after the date of the enactment of this Act.

