

117TH CONGRESS  
2D SESSION

# S. 3596

To amend title XXI of the Social Security Act to disregard State expenditures on health services initiatives to increase access to behavioral health services for children in schools for purposes of the reimbursement limitation on expenditures under the Children’s Health Insurance Program that are not related to Medicaid or health insurance assistance.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 3), 2022

Mr. THUNE (for himself and Mr. MENENDEZ) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XXI of the Social Security Act to disregard State expenditures on health services initiatives to increase access to behavioral health services for children in schools for purposes of the reimbursement limitation on expenditures under the Children’s Health Insurance Program that are not related to Medicaid or health insurance assistance.

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 “CHIP School Behav-  
5       ioral Health Incentive Act”.

1 **SEC. 2. DISREGARD OF STATE EXPENDITURES ON HEALTH**  
2 **SERVICES INITIATIVES TO INCREASE ACCESS**  
3 **TO BEHAVIORAL HEALTH SERVICES FOR**  
4 **CHILDREN IN SCHOOLS FOR PURPOSES OF**  
5 **THE CHIP REIMBURSEMENT LIMITATION ON**  
6 **EXPENDITURES NOT USED FOR MEDICAID OR**  
7 **HEALTH INSURANCE ASSISTANCE.**

8 Section 2105(c)(2) of the Social Security Act (42  
9 U.S.C. 1397ee(c)(2)) is amended by adding at the end the  
10 following new subparagraph:

11 “(D) DISREGARD OF EXPENDITURES FOR  
12 HEALTH SERVICES INITIATIVE FOR BEHAV-  
13 IORAL HEALTH SERVICES IN SCHOOLS.—

14 “(i) IN GENERAL.—Beginning with  
15 the first fiscal year that begins after the  
16 date of enactment of this subparagraph  
17 (or, if earlier, the fiscal year in which guid-  
18 ance issued by the Secretary to implement  
19 this subparagraph takes effect), the  
20 amount of any expenditures described in  
21 clause (ii) for a fiscal year shall be dis-  
22 regarded for purposes of applying the limi-  
23 tation under subparagraph (A) for such  
24 fiscal year, except that in no case shall the  
25 amount of payment that may be made  
26 under subsection (a) for a fiscal year for

1 expenditures subject to such limitation (in-  
2 cluding expenditures described in clause  
3 (ii)) exceed 15 percent.

4 “(ii) EXPENDITURES DESCRIBED.—  
5 Expenditures described in this clause are  
6 expenditures by a State to implement or  
7 operate a health services initiative under  
8 the State child health plan under this title  
9 that would improve the health of children  
10 by increasing access to behavioral health  
11 services in schools.”.

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