

117TH CONGRESS  
2D SESSION

# H. R. 7767

To amend the Employee Retirement Income Security Act of 1974 to provide for the enforcement of mental health and substance abuse disorder parity requirements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2022

Mr. COURTNEY (for himself and Mr. NORCROSS) introduced the following bill;  
which was referred to the Committee on Education and Labor

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## A BILL

To amend the Employee Retirement Income Security Act of 1974 to provide for the enforcement of mental health and substance abuse disorder parity requirements, and for other purposes.

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 “Strengthening Behav-  
5 ioral Health Benefits Act”.

1 **SEC. 2. ENFORCEMENT OF MENTAL HEALTH AND SUB-**  
2 **STANCE USE DISORDER REQUIREMENTS.**

3 (a) IN GENERAL.—Section 502(a) of the Employee  
4 Retirement Income Security Act of 1974 (29 U.S.C.  
5 1132(a)) is amended—

6 (1) in paragraph (10), by striking “or” at the  
7 end;

8 (2) in paragraph (11), by striking the period at  
9 the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(12) in any case relating to the provision of  
12 mental health benefits and substance use disorder  
13 benefits under a group health plan or under group  
14 health insurance coverage offered by a health insur-  
15 ance issuer in connection with a group health plan  
16 (as such terms are defined in section 733), by the  
17 Secretary, or by a participant, beneficiary, or fidu-  
18 ciary, to enforce any provision of this title or the  
19 terms of the plan or coverage relating to such bene-  
20 fits against a group health plan, a health insurance  
21 issuer, a fiduciary of a plan, or any other person  
22 that contracts with a group health plan to provide  
23 group health insurance coverage or assistance in the  
24 administration of a group health plan (including a  
25 third party administrator, managed behavioral  
26 health organization, and a pharmacy benefit man-

1       ager), if such person participates in or conceals a  
2       violation of any requirement of part 7 relating to  
3       such benefits or a wrongful denial of a claim for  
4       mental health benefits or substance use disorder  
5       benefits under the terms of the plan or coverage, to  
6       obtain appropriate relief, in addition to any other re-  
7       lief otherwise available under this section, includ-  
8       ing—

9               “(A) to recover all losses to participants  
10              and beneficiaries;

11             “(B) to reform impermissible plan or cov-  
12             erage terms and policies (as written or in oper-  
13             ation) in accordance with the requirements of  
14             this title and its implementing regulations; or

15             “(C) to ensure the readjudication of claims  
16             and payment of benefits in accordance with the  
17             plan or coverage terms without any impermis-  
18             sible limitation, plan or coverage term, or pol-  
19             icy.”.

20       (b) CLARIFICATION OF GENERAL ENFORCEMENT  
21       AUTHORITIES.—

22             (1) ACTIONS BROUGHT BY A PARTICIPANT,  
23       BENEFICIARY, OR FIDUCIARY.—Section 502(a)(3) of  
24       such Act (29 U.S.C. 1132(a)(3)) is amended—

1 (A) by striking “or (B)” and inserting  
2 “(B)”; and

3 (B) by inserting before the semicolon at  
4 the end the following: “, or (C) to require re-  
5 adjudication and payment of benefits to remedy  
6 violations of this title notwithstanding the avail-  
7 ability of relief under other provisions of this  
8 title”.

9 (2) ACTIONS BROUGHT BY THE SECRETARY.—  
10 Section 502(a)(5) of such Act (29 U.S.C.  
11 1132(a)(5)) is amended—

12 (A) by striking “or (B)” and inserting  
13 “(B)”; and

14 (B) by inserting before the semicolon at  
15 the end the following: “, or (C) to require re-  
16 adjudication and payment of benefits to remedy  
17 violations of this title notwithstanding the avail-  
18 ability of relief under other provisions of this  
19 title”.

20 (c) EXCEPTION TO THE GENERAL PROHIBITION ON  
21 ENFORCEMENT.—Section 502(b)(3) of such Act (29  
22 U.S.C. 1132(b)(3)) is amended—

23 (1) by inserting “, and except with respect to  
24 enforcement by the Secretary of section 712 or any  
25 other provision of part 7 in any case relating to

1        mental health benefits and substance use disorder  
2        benefits” after “under subsection (c)(9))”; and

3            (2) by striking “706(a)(1)” and inserting  
4        “733(a)(1)”.

5        (d) DEFINITIONS.—Part 7 of title I of such Act (29  
6 U.S.C. 1181 et seq.) is amended—

7            (1) in section 712(e), in the matter preceding  
8        paragraph (1), by inserting “and section  
9        502(a)(12)” after “this section”; and

10          (2) in section 733—

11            (A) in subsection (a), in the matter pre-  
12          ceding paragraph (1), by inserting “and section  
13          502(a)(12)” after “this part”; and

14            (B) in subsection (b), in the matter pre-  
15          ceding paragraph (1), by inserting “and section  
16          502(a)(12)” after “this part”.

17        (e) FUNDING.—

18            (1) IN GENERAL.—In addition to amounts oth-  
19          erwise available, there are appropriated (out of any  
20          money in the Treasury not otherwise appropriated)  
21          to the Department of Labor for fiscal year 2023, to  
22          remain available until September 30, 2032,  
23          \$275,000,000, of which—

24            (A) \$240,000,000 shall be for the Em-  
25          ployee Benefits Security Administration; and

1 (B) \$35,000,000 shall be for the Solicitor  
2 of Labor.

3 (2) USE OF APPROPRIATED FUNDS.—Amounts  
4 made available under paragraph (1) may be used for  
5 audits and investigations, enforcement actions, liti-  
6 gation expenses, issuance of regulations or guidance,  
7 and any other Departmental activities relating to  
8 section 712 of the Employee Retirement Income Se-  
9 curity Act of 1974 and any other provision of title  
10 I of such Act relating to mental health and sub-  
11 stance use disorder benefits.

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