

112TH CONGRESS
2D SESSION

S. 3203

To amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2012

Mr. LAUTENBERG (for himself and Mr. RUBIO) 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 limit increases in the certain costs of health care services under the health care programs of the Department of Defense, 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 “Military Health Care
5 Protection Act of 2012”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

1 (1) career members of the uniformed services
2 and their families endure unique and extraordinary
3 demands and make extraordinary sacrifices over the
4 course of a 20-year to 30-year career in protecting
5 freedom for all Americans; and

6 (2) those decades of sacrifice constitute a sig-
7 nificant pre-paid premium for health care during a
8 career member's retirement that is over and above
9 what the member pays with money.

10 **SEC. 3. LIMITATIONS ON CERTAIN INCREASES IN HEALTH**
11 **CARE COSTS FOR UNIFORMED SERVICES**
12 **BENEFICIARIES.**

13 (a) **PHARMACY BENEFITS PROGRAM.**—Section
14 1074g(a)(6) of title 10, United States Code, is amended
15 by adding at the end the following new subparagraph:

16 “(C) The amount of any cost sharing requirements
17 under this paragraph may not be increased in any year
18 by a percentage that exceeds the percentage by which re-
19 tired pay is increased under section 1401a(b)(2) of this
20 title. Increases shall be made only in whole dollar
21 amounts. To the extent that the percentage increase under
22 such section 1401a(b)(2) in any year would yield an in-
23 crease of less than one dollar, the accumulated increase
24 shall be carried over to the subsequent year, until the ac-
25 cumulated increase equals at least one dollar.”.

1 (b) DEDUCTIBLE AMOUNTS UNDER CHAMPUS.—

2 (1) SELF-ONLY COVERAGE.—Subsection
3 1086(b)(1) of such title is amended by adding at the
4 end the following sentences: “For each fiscal year
5 beginning after September 30, 2012, the Secretary
6 of Defense may only increase the deductible amount
7 by a percentage not to exceed the percentage by
8 which retired pay is increased under section
9 1401a(b)(2) of this title. Any resulting increase shall
10 be rounded down to the nearest whole dollar.”.

11 (2) FAMILY COVERAGE.—Subsection 1086(b)(2)
12 of such title is amended by adding at the end the
13 following sentences: “For each fiscal year beginning
14 after September 30, 2012, the Secretary of Defense
15 may only increase the deductible amount by a per-
16 centage not to exceed the percentage by which re-
17 tired pay is increased under section 1401a(b)(2) of
18 this title. Any resulting increase shall be rounded
19 down to the nearest whole dollar.”.

20 (c) INPATIENT CHARGES UNDER CHAMPUS.—Sec-
21 tion 1086(b)(3) of such title is amended by striking “25
22 percent” and all that follows through “September 30,
23 2011.” and inserting “25 percent of the charges for inpa-
24 tient care, except that in no case shall such charges exceed
25 \$708 per day.”.

1 (d) CATASTROPHIC CAP ON FEES UNDER
2 CHAMPUS.—Section 1086(b)(4) of such title is amend-
3 ed—

4 (1) by striking “A member” and inserting “For
5 fiscal years ending before October 1, 2012, a”; and

6 (2) by adding at the end the following new sen-
7 tences: “For each fiscal year beginning after Sep-
8 tember 30, 2012, the Secretary of Defense may only
9 increase the amount in the preceding sentence by a
10 percentage not to exceed the percentage by which re-
11 tired pay is increased under section 1401a(b)(2) of
12 this title. Any resulting increase shall be rounded
13 down to the nearest whole dollar.”.

14 (e) PROHIBITION OF ENROLLMENT FEES FOR CER-
15 TAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of
16 such title is further amended by adding at the end the
17 following new paragraphs:

18 “(5) A person covered by subsection (c) may
19 not be charged an enrollment fee for coverage under
20 this section.

21 “(6) A person covered by subsection (c) shall
22 not be subject to denial of claims for coverage under
23 this section for failure to enroll for such coverage.
24 To the extent enrollment may be required, enroll-
25 ment shall be automatic for any such person filing

1 a claim under this section. In such cases of auto-
2 matic enrollment, annual re-enrollment shall be
3 automatic unless the beneficiary expressly declines to
4 re-enroll.”.

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