

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 MEMBERS OF THE UNI-**  
12 **FORMED SERVICES.**

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 after 2012 by a percentage that exceeds the percentage  
19 increase of the most recent increase in retired pay for  
20 members of the armed forces under section 1401a(b)(2)  
21 of this title. Increases shall be made only in whole dollar  
22 amounts. To the extent that the percentage increase under  
23 such section 1401a(b)(2) in any year would yield an in-  
24 crease of less than one dollar, the accumulated increase

1 shall be carried over to the subsequent year, until the ac-  
2 cumulated increase equals at least one dollar.”.

3 (b) DEDUCTIBLE AMOUNTS UNDER CHAMPUS.—

4 (1) SELF-ONLY COVERAGE.—Subsection  
5 1086(b)(1) of such title is amended by adding at the  
6 end the following sentences: “For each fiscal year  
7 beginning after September 30, 2012, the Secretary  
8 of Defense may increase the amount under this  
9 paragraph by a percentage not to exceed the per-  
10 centage increase of the most recent increase in re-  
11 tired pay for members of the armed forces under  
12 section 1401a(b)(2) of this title. Any resulting in-  
13 crease shall be rounded down to the nearest whole  
14 dollar.”.

15 (2) FAMILY COVERAGE.—Subsection 1086(b)(2)  
16 of such title is amended by adding at the end the  
17 following sentences: “For each fiscal year beginning  
18 after September 30, 2012, the Secretary of Defense  
19 may increase the amount under this paragraph by a  
20 percentage not to exceed the percentage increase of  
21 the most recent increase in retired pay for members  
22 of the armed forces under section 1401a(b)(2) of  
23 this title. Any resulting increase shall be rounded  
24 down to the nearest whole dollar.”.

1           (c) INPATIENT CHARGES UNDER CHAMPUS.—Sec-  
2 tion 1086(b)(3) of such title is amended by striking “25  
3 percent” and all that follows through “September 30,  
4 2011.” and inserting “25 percent of the charges for inpa-  
5 tient care, except that in no case shall such charges exceed  
6 \$708 per day.”.

7           (d) CATASTROPHIC CAP ON FEES UNDER  
8 CHAMPUS.—Section 1086(b)(4) of such title is amend-  
9 ed—

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

12           (2) by adding at the end the following new sen-  
13 tences: “For each fiscal year beginning after Sep-  
14 tember 30, 2012, the Secretary of Defense may in-  
15 crease the amount in the preceding sentence by a  
16 percentage not to exceed the percentage increase of  
17 the most recent increase in retired pay for members  
18 of the armed forces under section 1401a(b)(2) of  
19 this title. Any resulting increase shall be rounded  
20 down to the nearest whole dollar.”.

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

1           “(5) A person covered by subsection (c) may  
2 not be charged an enrollment fee for coverage under  
3 this section.

4           “(6) A person covered by subsection (c) shall  
5 not be subject to denial of claims for coverage under  
6 this section for failure to enroll for such coverage.  
7 To the extent enrollment may be required, enroll-  
8 ment shall be automatic for any such person filing  
9 a claim under this section. In such cases of auto-  
10 matic enrollment, annual re-enrollment shall be  
11 automatic unless the beneficiary expressly declines to  
12 re-enroll.”.