To amend title 10, United States Code, to authorize the Secretary of Defense to temporarily waive cost-sharing amounts under the TRICARE pharmacy benefits program during certain declared emergencies.

IN THE SENATE OF THE UNITED STATES

Mr. WICKER (for himself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on _____________________

A BILL

To amend title 10, United States Code, to authorize the Secretary of Defense to temporarily waive cost-sharing amounts under the TRICARE pharmacy benefits program during certain declared emergencies.

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 “TRICARE Prescription Relief Act”.

F23 MB G4D
SEC. 2. TEMPORARY WAIVER OF COST-SHARING AMOUNTS UNDER TRICARE PHARMACY BENEFITS PROGRAM DURING DECLARED EMERGENCY.

(a) TEMPORARY WAIVER.—Section 1074g of title 10, United States Code, is amended—

(1) in subsection (a)(6)—

(A) in subparagraph (A), by striking “In the case” and inserting “Except as provided in subparagraph (D), in the case”;

(B) in subparagraph (B), by striking “For any year” and inserting “Except as provided in subparagraph (D), for any year”; and

(C) by adding at the end the following new subparagraph:

“(D)(i) During a covered emergency, the Secretary may waive a requirement for eligible covered beneficiaries to pay cost-sharing amounts under this subsection.

“(ii) In determining whether to waive a requirement under clause (i), the Secretary may consider whether the waiver would—

“(I) increase affordability of all pharmacy alternatives to military medical treatment facilities for eligible covered beneficiaries;

“(II) promote prescription adherence by eligible covered beneficiaries; or
“(III) facilitate any policy of the Federal, State, or local government relating to emergency response during a covered emergency.”; and

(2) in subsection (i), by adding at the end the following new paragraph:

“(5) The term ‘covered emergency’ means—

“(A) a period beginning on the date on which the President declares a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) and ending on the date of the termination of such emergency;

“(B) a period beginning on the date on which the Secretary of Health and Human Services declares a public health emergency pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) and ending on the date of the termination of such emergency;

“(C) with respect to geographic areas covered by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), a period beginning on the date on which the President designates a major disaster or emergency under such Act and ending on the termination of such major disaster or emer-
“(D) such other emergency period as determined by the Secretary of Defense.”.

(b) APPLICATION.—The amendments made by subsection (a) shall apply—

(1) with respect to purchases under the pharmacy benefits program established under section 1074g of title 10, United States Code, occurring on or after the date of the enactment of this Act; and

(2) with respect to covered emergencies (as defined in subsection (i) of such section 1074g, as amended by subsection (a) of this section) in effect on or after the date of the enactment of this Act.