

111TH CONGRESS  
1ST SESSION

# H. R. 816

To amend title 10, United States Code, to prohibit certain increases in fees for military health care.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2009

Mr. EDWARDS of Texas (for himself and Mr. JONES) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to prohibit certain increases in fees for military health care.

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 Retirees  
5       Health Care Protection Act”.

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

7       (a) FINDINGS.—Congress finds the following:

8               (1) Career uniformed service members and their  
9       families endure unique and extraordinary demands

1 and sacrifices during the course of a decades-long  
2 career protecting freedoms for all Americans.

3 (2) The extent of these demands and sacrifices  
4 is never so evident as in wartime, not only in today's  
5 Global War on Terrorism, but also during the last  
6 6 decades of hot and cold wars when today's retired  
7 service members were on continuous call to enter  
8 into harm's way when and as needed.

9 (3) The demands and sacrifices are such that  
10 few Americans are willing to accept them for a  
11 multi-decade career.

12 (4) The primary offset for enduring the ex-  
13 traordinary sacrifices inherent in a military career is  
14 a system of extraordinary retirement benefits, in-  
15 cluding health care coverage considerably better than  
16 that afforded civilian workers, that a grateful Nation  
17 provides for those who choose to subordinate much  
18 of their personal life to the national interest for so  
19 many years.

20 (5) Many private sector firms are curtailing  
21 health benefits and shifting significantly higher costs  
22 to their employees.

23 (6) One effect of such curtailment is that re-  
24 tired service members who work for such employers

1 increasingly depend on the TRICARE coverage they  
2 earned by their military service.

3 (7) While the Department of Defense has made  
4 some efforts to constrain TRICARE program costs,  
5 a large part of the Department's effort has been  
6 aimed at shifting a larger share of cost burdens to  
7 retired service members.

8 (8) The beneficiary cost increases proposed by  
9 the Department of Defense fail to recognize ade-  
10 quately that career service members paid enormous  
11 in-kind premiums through their extended service and  
12 sacrifice.

13 (9) A significant share of the Nation's health  
14 care providers refuse to accept new TRICARE pa-  
15 tients because TRICARE pays them significantly  
16 less than commercial insurance programs and im-  
17 poses unique administrative requirements.

18 (10) The significant majority of the savings  
19 that the Department of Defense associates with the  
20 proposed fee increases is expected to come from de-  
21 terring a large portion of TRICARE beneficiaries  
22 from using their earned military health benefits.

23 (11) The Department of Defense has chosen to  
24 count the accrual deposit to the Department of De-  
25 fense Medicare-Eligible Retiree Health Care Fund

1       against the budget of the Department of Defense,  
2       contrary to the amendments made by section 725 of  
3       Public Law 108–375.

4           (12) Leaders of the Department of Defense  
5       have reported to Congress that counting such depos-  
6       its against the budget of the Department of Defense  
7       is impinging on other readiness needs, including  
8       weapons programs, an inappropriate situation which  
9       section 725 of Public Law 108–375 was intended ex-  
10      pressly to prevent.

11      (b) SENSE OF CONGRESS.—It is the sense of Con-  
12      gress that—

13           (1) the Department of Defense and the Nation  
14      have a committed health benefits obligation to re-  
15      tired uniformed service members that exceeds the  
16      obligation of corporate employers to civilian employ-  
17      ees; and

18           (2) the Department of Defense has many addi-  
19      tional options to constrain the growth of health care  
20      spending in ways that do not disadvantage bene-  
21      ficiaries and should pursue any and all such options  
22      rather than seeking large fee increases for bene-  
23      ficiaries.

1 **SEC. 3. PROHIBITION ON INCREASES IN CERTAIN HEALTH**  
2 **COSTS AND RESTRICTIONS ON HEALTH BEN-**  
3 **EFIT ADJUSTMENTS FOR MEMBERS OF THE**  
4 **UNIFORMED SERVICES.**

5 (a) PROHIBITION ON INCREASE IN CHARGES UNDER  
6 CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of  
7 title 10, United States Code, is amended in the last sen-  
8 tence—

9 (1) by striking “during the period beginning  
10 on” and inserting “after”; and

11 (2) by striking “, and ending on September 30,  
12 2009”.

13 (b) PROHIBITION ON INCREASE IN AMOUNT OF COST  
14 SHARING REQUIREMENT UNDER PHARMACY BENEFITS  
15 PROGRAM.—Section 1074g(a)(6)(A) of title 10, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing: “After September 30, 2009, the dollar amount of  
18 a cost sharing requirement (whether established as a per-  
19 centage or a fixed dollar amount) may not be increased.”.

20 (c) PROHIBITION ON INCREASE IN CHARGES FOR IN-  
21 PATIENT CARE.—Section 1086(b)(3) of title 10, United  
22 States Code, is amended by striking “during the period  
23 beginning on April 1, 2006, and ending on September 30,  
24 2009”.

25 (d) PROHIBITION ON INCREASE IN PREMIUMS  
26 UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS

1 IN THE SELECTED RESERVE.—Section 1076d(d)(3) of  
2 title 10, United States Code, is amended to read as fol-  
3 lows:

4           “(3) Beginning on January 1, 2009, the month-  
5       ly amount of the premium for TRICARE Standard  
6       coverage under this section may not be increased  
7       above the amount in effect for the month of Sep-  
8       tember 2008.”.

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