

116TH CONGRESS  
2D SESSION

# S. 3979

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.

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IN THE SENATE OF THE UNITED STATES

JUNE 17, 2020

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

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## 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 Prescrip-  
5 tion Relief Act”.

1 **SEC. 2. TEMPORARY WAIVER OF COST-SHARING AMOUNTS**  
2 **UNDER TRICARE PHARMACY BENEFITS PRO-**  
3 **GRAM DURING DECLARED EMERGENCY.**

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

6 (1) in subsection (a)(6)—

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

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

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

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

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

21 “(I) increase affordability of all pharmacy alter-  
22 natives to military medical treatment facilities for el-  
23 igible covered beneficiaries;

24 “(II) promote prescription adherence by eligible  
25 covered beneficiaries; or

1 “(III) facilitate any policy of the Federal, State,  
2 or local government relating to emergency response  
3 during a covered emergency.”; and

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

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

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

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

18 “(C) with respect to geographic areas cov-  
19 ered by the Robert T. Stafford Disaster Relief  
20 and Emergency Assistance Act (42 U.S.C. 5121  
21 et seq.), a period beginning on the date on  
22 which the President designates a major disaster  
23 or emergency under such Act and ending on the  
24 termination of such major disaster or emer-  
25 gency; or

1                   “(D) such other emergency period as de-  
2                   termined by the Secretary of Defense.”.

3           (b) APPLICATION.—The amendments made by sub-  
4 section (a) shall apply—

5                   (1) with respect to purchases under the phar-  
6                   macy benefits program established under section  
7                   1074g of title 10, United States Code, occurring on  
8                   or after the date of the enactment of this Act; and

9                   (2) with respect to covered emergencies (as de-  
10                  fined in subsection (i) of such section 1074g, as  
11                  amended by subsection (a) of this section) in effect  
12                  on or after the date of the enactment of this Act.

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