

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4909
OFFERED BY MR. SMITH OF WASHINGTON**

At the end of subtitle B of title VII, add the following new section:

1 **SEC. 723. ACCESS OF COVERED BENEFICIARIES UNDER**
2 **TRICARE PROGRAM TO STATE VACCINATION**
3 **PROGRAMS AND REIMBURSEMENT BY DE-**
4 **PARTMENT OF DEFENSE OF COSTS.**

5 (a) **ACCESS TO VACCINATION PROGRAMS.**—The Sec-
6 retary of Defense shall ensure that covered beneficiaries
7 have access to State vaccination programs for children and
8 adults.

9 (b) **REIMBURSEMENT.**—

10 (1) **IN GENERAL.**—Notwithstanding any provi-
11 sion of law regarding coverage of vaccinations under
12 the TRICARE program, the Secretary shall reim-
13 burse an amount determined under paragraph (2) to
14 each entity carrying out a State vaccination program
15 for the cost of vaccines provided to covered bene-
16 ficiaries through such program.

17 (2) **AMOUNT OF REIMBURSEMENT.**—

1 (A) IN GENERAL.—The amount deter-
2 mined under this paragraph with respect to a
3 State vaccination program shall be the amount
4 assessed by the entity carrying out such pro-
5 gram to purchase vaccines provided to covered
6 beneficiaries through such program unless the
7 Secretary determines that such amount is un-
8 reasonable or lacks basis in fact.

9 (B) ESTABLISHED AMOUNT.—

10 (i) IN GENERAL.—If the Secretary de-
11 termines that the amount assessed by an
12 entity under subparagraph (A) is unrea-
13 sonable or lacks basis in fact, the Sec-
14 retary shall designate an individual—

15 (I) to consider evidence regarding
16 the assessed amount from the entity,
17 the Department of Defense, and any
18 other interested party; and

19 (II) to issue a final and binding
20 decision establishing a proper reim-
21 bursement amount.

22 (ii) PRESUMPTION OF REASONABLE-
23 NESS.—The amount assessed by an entity
24 under subparagraph (A) shall be deemed
25 reasonable if it is computed in the same

1 manner and on the same basis as that
2 used to determine the assessed amount for
3 an insurer licensed in the State in which
4 the entity is located.

5 (iii) DURATION OF ESTABLISHED
6 AMOUNT.—An amount established under
7 clause (i) for an entity shall cover vaccina-
8 tions provided to covered beneficiaries
9 through the State vaccination program car-
10 ried out by the entity during the calendar
11 year in which the amount was established.

12 (c) REGULATIONS.—Not later than 90 days after the
13 date of the enactment of this Act, the Secretary shall pre-
14 scribe regulations to carry out this section, including by
15 creating a process for the submittal of vaccine costs by
16 entities carrying out State vaccination programs and the
17 assessment by the Secretary of the reasonableness and
18 basis in fact of such costs.

19 (d) REPORT.—Not later than one year after the date
20 of the enactment of this Act, and not less frequently than
21 annually thereafter, the Secretary shall submit to Con-
22 gress a report on, for the year preceding the submittal
23 of the report—

24 (1) the access of covered beneficiaries to State
25 vaccination programs; and

1 (2) the amount reimbursed by the Department
2 of Defense to entities carrying out State vaccination
3 programs for vaccines provided to covered bene-
4 ficiaries through such programs.

5 (e) DEFINITIONS.—In this section:

6 (1) COVERED BENEFICIARY; TRICARE PRO-
7 GRAM.—The terms “covered beneficiary” and
8 “TRICARE program” have the meanings given
9 those terms in section 1072 of title 10, United
10 States Code.

11 (2) STATE VACCINATION PROGRAM.—The term
12 “State vaccination program” means a vaccination
13 program that provides vaccinations to individuals in
14 a State and is carried out by an entity (including an
15 agency of the State) within the State.

