

115TH CONGRESS  
1ST SESSION

# H. R. 2243

To amend title 10, United States Code, to provide for the eligibility of certain former members of the Armed Forces who are medically retired and who are entitled to hospital insurance benefits under Medicare part A by reason of previous entitlement to social security disability insurance benefits to enroll in the TRICARE program regardless of whether such members decline enrollment under Medicare part B, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2017

Mr. SAM JOHNSON of Texas (for himself, Mr. ROE of Tennessee, and Mr. WALZ) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend title 10, United States Code, to provide for the eligibility of certain former members of the Armed Forces who are medically retired and who are entitled to hospital insurance benefits under Medicare part A by reason of previous entitlement to social security disability insurance benefits to enroll in the TRICARE program regardless of whether such members decline enrollment under Medicare part B, 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 “Health Equity and  
5 Access for Returning Troops and Servicemembers Act” or  
6 the “HEARTS Act”.

7 **SEC. 2. MODIFICATION OF REQUIREMENT FOR CERTAIN**  
8                   **FORMER MEMBERS OF THE ARMED FORCES**  
9                   **TO ENROLL IN MEDICARE PART B TO BE ELI-**  
10                   **GIBLE FOR TRICARE FOR LIFE.**

11       (a) TRICARE ELIGIBILITY.—

12               (1) IN GENERAL.—Subsection (d) of section  
13 1086 of title 10, United States Code, is amended by  
14 adding at the end the following new paragraph:

15       “(6)(A) The requirement in paragraph (2)(A) to en-  
16 roll in the supplementary medical insurance program  
17 under part B of title XVIII of the Social Security Act (42  
18 U.S.C. 1395j et seq.) shall not apply to a person described  
19 in subparagraph (B) during any month in which such per-  
20 son is not entitled to a benefit described in subparagraph  
21 (A) of section 226(b)(2) of the Social Security Act (42  
22 U.S.C. 426(b)(2)) if such person has received the coun-  
23 seling and information under subparagraph (C).

24       “(B) A person described in this subparagraph is a  
25 person—

1           “(i) who is under 65 years of age;

2           “(ii) who is entitled to hospital insurance bene-  
3           fits under part A of title XVIII of the Social Secu-  
4           rity Act pursuant to subparagraph (A) or (C) of sec-  
5           tion 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

6           “(iii) whose entitlement to a benefit described  
7           in subparagraph (A) of such section has terminated  
8           due to performance of substantial gainful activity;  
9           and

10           “(iv) who is retired under chapter 61 of this  
11           title.

12           “(C) The Secretary of Defense shall coordinate with  
13           the Secretary of Health and Human Services to notify per-  
14           sons described in subparagraph (B) of, and provide infor-  
15           mation and counseling regarding, the effects of not enroll-  
16           ing in the supplementary medical insurance program  
17           under part B of title XVIII of the Social Security Act (42  
18           U.S.C. 1395j et seq.), as described in subparagraph (A).”.

19           (2) CONFORMING AMENDMENT.—Paragraph  
20           (2)(A) of such subsection is amended by striking “is  
21           enrolled” and inserting “except as provided by para-  
22           graph (6), is enrolled”.

23           (3) IDENTIFICATION OF PERSONS.—Section  
24           1110a of such title is amended by adding at the end  
25           the following new subsection:

1           “(c) CERTAIN INDIVIDUALS NOT REQUIRED TO EN-  
2 ROLL IN MEDICARE PART B.—In carrying out subsection  
3 (a), the Secretary of Defense shall coordinate with the  
4 Secretary of Health and Human Services and the Commis-  
5 sioner of Social Security to—

6                   “(1) identify persons described in subparagraph  
7 (B) of section 1086(d)(6) of this title; and

8                   “(2) provide information and counseling pursu-  
9 ant to subparagraph (D) of such section.”.

10           (b) NON-APPLICATION OF MEDICARE PART B LATE  
11 ENROLLMENT PENALTY.—Section 1839(b) of the Social  
12 Security Act (42 U.S.C. 1395r(b)) is amended, in the sec-  
13 ond sentence, by inserting “or months for which the indi-  
14 vidual can demonstrate that the individual is an individual  
15 described in paragraph (6)(B) of section 1086(d) of title  
16 10, United States Code, who is enrolled in the TRICARE  
17 program pursuant to such section” after “an individual  
18 described in section 1837(k)(3)”.

19           (c) REPORT.—Not later than one year after the date  
20 of the enactment of this Act, the Secretary of Defense,  
21 the Secretary of Health and Human Services, and the  
22 Commissioner of Social Security shall jointly submit to the  
23 Committees on Armed Services of the House of Represent-  
24 atives and the Senate, the Committee on Ways and Means  
25 of the House of Representatives, and the Committee on

1 Finance of the Senate a report on the implementation of  
2 section 1086(d)(6) of title 10, United States Code, as  
3 added by subsection (a). Such report shall include, with  
4 respect to the period covered by the report—

5 (1) the number of individuals enrolled in  
6 TRICARE for Life who are not enrolled in the sup-  
7 plementary medical insurance program under part B  
8 of title XVIII of the Social Security Act (42 U.S.C.  
9 1395j et seq.) by reason of such section 1086(d)(6);  
10 and

11 (2) the number of individuals who—

12 (A) are retired from the Armed Forces  
13 under chapter 61 of title 10, United States  
14 Code;

15 (B) are entitled to hospital insurance bene-  
16 fits under part A of title XVIII of the Social  
17 Security Act pursuant to receiving benefits for  
18 24 months as described in subparagraph (A) or  
19 (C) of section 226(b)(2) of such Act (42 U.S.C.  
20 426(b)(2)); and

21 (C) because of such entitlement, are no  
22 longer enrolled in TRICARE Standard,  
23 TRICARE Prime, TRICARE Extra, or  
24 TRICARE Select under chapter 55 of title 10,  
25 United States Code.

1       (d) APPLICATION.—The amendments made by this  
2 section shall apply with respect to a person who, on or  
3 after the date of the enactment of this Act, is a person  
4 described in section 1086(d)(6)(B) of title 10, United  
5 States Code, as added by subsection (a).

○