

115TH CONGRESS
1ST SESSION

S. 1461

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 SENATE OF THE UNITED STATES

JUNE 28, 2017

Mrs. ERNST introduced the following bill; which was read twice and referred to the Committee on Armed Services

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Equity and
3 Access for Returning Troops and Servicemembers Act” or
4 the “HEARTS Act”.

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

9 (a) TRICARE ELIGIBILITY.—

10 (1) IN GENERAL.—Subsection (d) of section
11 1086 of title 10, United States Code, is amended by
12 adding at the end the following new paragraph:

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

22 “(B) A person described in this subparagraph is a
23 person—

24 “(i) who is under 65 years of age;

25 “(ii) who is entitled to hospital insurance bene-
26 fits under part A of title XVIII of the Social Secu-

1 rity Act pursuant to subparagraph (A) or (C) of sec-
 2 tion 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

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

7 “(iv) who is retired under chapter 61 of this
 8 title.

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

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

20 (3) IDENTIFICATION OF PERSONS.—Section
 21 1110a of such title is amended by adding at the end
 22 the following new subsection:

23 “(c) CERTAIN INDIVIDUALS NOT REQUIRED TO EN-
 24 ROLL IN MEDICARE PART B.—In carrying out subsection
 25 (a), the Secretary of Defense shall coordinate with the

1 Secretary of Health and Human Services and the Commis-
 2 sioner of Social Security to—

3 “(1) identify persons described in subparagraph
 4 (B) of section 1086(d)(6) of this title; and
 5 “(2) provide information and counseling pursu-
 6 ant to subparagraph (C) of such section.”.

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

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than one year
 18 after the date of the enactment of this Act, the Sec-
 19 retary of Defense, the Secretary of Health and
 20 Human Services, and the Commissioner of Social
 21 Security shall jointly submit to the Committee on
 22 Armed Services and the Committee on Finance of
 23 the Senate and the Committee on Armed Services
 24 and the Committee on Ways and Means of the
 25 House of Representatives a report on the implemen-

1 tation of section 1086(d)(6) of title 10, United
2 States Code, as added by subsection (a).

3 (2) ELEMENTS.—The report required by para-
4 graph (1) shall include, with respect to the period
5 covered by the report—

6 (A) the number of individuals enrolled in
7 TRICARE for Life (as defined in section 1072
8 of title 10, United States Code) who are not en-
9 rolled in the supplementary medical insurance
10 program under part B of title XVIII of the So-
11 cial Security Act (42 U.S.C. 1395j et seq.) by
12 reason of section 1086(d)(6) of title 10, United
13 States Code; and

14 (B) the number of individuals who—

15 (i) are retired from the Armed Forces
16 under chapter 61 of such title;

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

23 (iii) because of such entitlement, are
24 no longer enrolled in TRICARE Standard,
25 TRICARE Prime, TRICARE Extra, or

1 TRICARE Select (as those terms are de-
2 fined in section 1072 of title 10, United
3 States Code) under chapter 55 of title 10,
4 United States Code.

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

○