

116TH CONGRESS  
2D SESSION

# H. R. 7081

To direct the Comptroller General of the United States to submit to Congress a report on lapses in coverage under the TRICARE program for certain members of the National Guard and reserve components.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2020

Mr. ROUDA (for himself, Mr. GREEN of Tennessee, Mr. CISNEROS, Ms. FOXX of North Carolina, Ms. LEE of California, Ms. NORTON, Mr. YOUNG, Mr. AUSTIN SCOTT of Georgia, Mr. MCNERNEY, Mr. PAPPAS, Mrs. RADEWAGEN, Mr. LYNCH, Mr. RYAN, Mr. CARSON of Indiana, Mr. CASE, Mr. BABIN, Mr. FITZPATRICK, Mr. CORREA, Mr. HARDER of California, Mr. MCGOVERN, and Mr. CÁRDENAS) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To direct the Comptroller General of the United States to submit to Congress a report on lapses in coverage under the TRICARE program for certain members of the National Guard and reserve components.

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 “Protecting Our  
5 Servicemembers’ Care Act of 2020”.

1 **SEC. 2. REPORT ON LAPSES IN TRICARE COVERAGE FOR**  
2 **MEMBERS OF THE NATIONAL GUARD AND RE-**  
3 **SERVE COMPONENTS.**

4 (a) REPORT.—Not later than one year after the date  
5 of the enactment of this Act, the Comptroller General of  
6 the United States shall submit to the appropriate congres-  
7 sional committees a report containing an analysis of each  
8 of the following:

9 (1) Any lapses in coverage under the TRICARE  
10 program for a member of a reserve component that  
11 occurred during the eight year period ending on the  
12 date of the enactment of this Act and were caused  
13 by a change in the duty status of such member, in-  
14 cluding an identification of the total number of such  
15 lapses.

16 (2) The factors contributing to any such lapses,  
17 including—

18 (A) technological factors, including factors  
19 relating to outdated systems;

20 (B) human errors in processing changes in  
21 duty status; and

22 (C) shortages in the level of administrative  
23 staffing of the National Guard.

24 (3) How factors contributing to any such lapses  
25 were identified under paragraph (2) and whether ac-  
26 tions have been taken to address the factors.

1 (4) The effect of any such lapses on—

2 (A) the delivery of health care benefits to  
3 members of the reserve components and the eli-  
4 gible dependents of such members; or

5 (B) force readiness and force retention.

6 (5) The parties responsible for identifying and  
7 communicating to a member of a reserve component  
8 issues relating to eligibility under the TRICARE  
9 program.

10 (6) The methods by which a member of a re-  
11 serve component, an eligible dependent of such mem-  
12 ber, or the Secretary of Defense may verify the sta-  
13 tus of enrollment in the TRICARE program regard-  
14 ing the member before, during, and after a deploy-  
15 ment of the member.

16 (7) The comparative effectiveness, with respect  
17 to the delivery of health care benefits to a member  
18 of a reserve component and eligible dependents of  
19 such member, of—

20 (A) continuing the current process by  
21 which a previously eligible member must transi-  
22 tion from coverage under TRICARE Reserve  
23 Select to coverage under TRICARE Prime after  
24 a change to active service in the duty status of  
25 such member; and

1 (B) establishing a new process by which a  
2 previously eligible member may remain covered  
3 by TRICARE Reserve Select after a change to  
4 active service in the duty status of such mem-  
5 ber (whether by allowing a previously eligible  
6 member to pay a premium for such coverage or  
7 by requiring the Federal Government to provide  
8 for such coverage).

9 (8) Whether the current process referred to in  
10 paragraph (7)(A) negatively affects the delivery of  
11 health care benefits as a result of transitions be-  
12 tween network providers.

13 (9) The actions necessary to prevent future oc-  
14 currences of such lapses, including legislative ac-  
15 tions.

16 (b) DEFINITIONS.—In this section:

17 (1) The term “active service” has the meaning  
18 given that term in section 101(d) of title 10, United  
19 States Code.

20 (2) The term “appropriate congressional com-  
21 mittees” means the congressional defense commit-  
22 tees (as defined in section 101(a) of title 10, United  
23 States Code) and the Committees on Veterans’ Af-  
24 fairs of the House of Representatives and the Sen-  
25 ate.

1           (3) The term “eligible dependent” means a de-  
2           pendent of a member of a reserve component—

3                   (A) described in subparagraph (A), (D), or  
4                   (I) of section 1072(2) of title 10, United States  
5                   Code; and

6                   (B) eligible for coverage under the  
7                   TRICARE Program.

8           (4) The term “previously eligible member”  
9           means a member of a reserve component who was el-  
10           igible for coverage under TRICARE Reserve Select  
11           pursuant to section 1076d of title 10, United States  
12           Code, prior to a change to active service in the duty  
13           status of such member.

14           (5) The terms “TRICARE Prime” and  
15           “TRICARE program” have the meanings given  
16           those terms in section 1072 of title 10, United  
17           States Code.

18           (6) The term “TRICARE Reserve Select” has  
19           the meaning given that term in section 1076d(f) of  
20           title 10, United States Code.

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