

117TH CONGRESS
1ST SESSION

H. R. 364

To amend title 10, United States Code, to provide eligibility for TRICARE Select to veterans with service-connected disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2021

Mr. STEUBE introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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 eligibility for TRICARE Select to veterans with service-connected disabilities, 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 “Veterans’ True Choice
5 Act of 2021”.

6 **SEC. 2. ELIGIBILITY FOR TRICARE FOR VETERANS WITH**
7 **SERVICE-CONNECTED DISABILITIES.**

8 (a) IN GENERAL.—

1 (1) ENROLLMENT IN TRICARE SELECT.—Sec-
2 tion 1075 of title 10, United States Code, is amend-
3 ed—

4 (A) in subsection (b)(1)(B), by inserting
5 before the period at the end the following: “,
6 and covered veteran beneficiaries under sub-
7 section (h), other than Medicare-eligible bene-
8 ficiaries described in such subsection (d)(2)”;

9 (B) by redesignating subsection (h) as sub-
10 section (i); and

11 (C) by inserting after subsection (g) the
12 following new subsection:

13 “(h) COVERED VETERAN BENEFICIARIES.—(1) Sub-
14 ject to section 1086(d) of this title, a covered veteran ben-
15 eficiary may elect to enroll in TRICARE Select during the
16 annual open enrollment season of the TRICARE program.

17 “(2) The cost-sharing requirements under TRICARE
18 Select for covered veteran beneficiaries shall be calculated
19 pursuant to subsection (d)(1), regardless of the date of
20 the original enlistment or appointment of the beneficiary
21 in the uniformed services.

22 “(3) A dependent of a covered veteran beneficiary
23 may not enroll in the TRICARE program solely by reason
24 of the covered veteran beneficiary enrolling in the
25 TRICARE program.”.

1 (2) ENROLLMENT IN TRICARE FOR LIFE.—Sec-
2 tion 1086(d) of such title is amended—

3 (A) in paragraph (1), by inserting before
4 the period at the end the following: “ or pursu-
5 ant to section 1075(h) of this title”; and

6 (B) in paragraphs (2) and (4), by inserting
7 “, or section 1075(h) of this title,” after “a
8 person referred to in subsection (c)” both
9 places it appears.

10 (3) DEFINITION.—Section 1072 of such title is
11 amended by adding at the end the following new
12 paragraph:

13 “(16) The term ‘covered veteran beneficiary’
14 means a veteran who—

15 “(A) is eligible to enroll in the system of
16 patient enrollment under paragraph (1), (2), or
17 (3) of section 1705 of title 38; and

18 “(B) is eligible to enroll in the TRICARE
19 program only pursuant to—

20 “(i) section 1075(h) of this title; or

21 “(ii) section 1086(d) of this title by
22 reason of being an individual who would be
23 covered by section 1075(h) but for being a
24 Medicare-eligible beneficiary covered by
25 such section 1086(d).”.

1 (4) ENROLLMENT IN VA HEALTH CARE.—Sec-
2 tion 1705 of title 38, United States Code, is amend-
3 ed by adding at the end the following new sub-
4 section:

5 “(d)(1) A covered veteran beneficiary who enrolls in
6 the TRICARE program may not be concurrently enrolled
7 in the system of patient enrollment under subsection (a),
8 and the Secretary may not furnish medical care to the cov-
9 ered veteran beneficiary under this chapter or other provi-
10 sion of law administered by the Secretary while the cov-
11 ered veteran beneficiary is so enrolled in the TRICARE
12 program.

13 “(2) In this subsection, the terms ‘covered veteran
14 beneficiary’ and ‘TRICARE program’ have the meaning
15 given those terms in section 1072 of title 10.”

16 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-
17 retary of Veterans Affairs and the Secretary of Defense
18 shall enter into a memorandum of understanding under
19 which the Secretary of Veterans Affairs reimburses the
20 Secretary of Defense for the costs of enrolling covered vet-
21 eran beneficiaries in the TRICARE program pursuant to
22 the amendments made by subsection (a), as jointly deter-
23 mined appropriate by the Secretaries.

24 (c) IMPLEMENTATION.—

1 (1) EFFECTIVE DATE.—The amendments made
2 by this section shall take effect one year after the
3 date of the enactment of this Act.

4 (2) REGULATIONS.—During the one-year period
5 following the date on which the amendments made
6 by this section take effect, the Secretary of Veterans
7 Affairs and the Secretary of Defense shall each pre-
8 scribe regulations to carry out such amendments.

9 (3) PHASE IN.—During the one-year period fol-
10 lowing the date on which the regulations are pre-
11 scribed under paragraph (2), the Secretaries shall
12 phase in the enrollment of covered veteran bene-
13 ficiaries in accordance with the annual open enroll-
14 ment season of the TRICARE program.

15 (4) VA CENTER FOR INNOVATION FOR CARE
16 AND PAYMENT.—The Secretary of Veterans Affairs
17 shall carry out this subsection through the Center
18 for Innovation for Care and Payment of the Depart-
19 ment of Veterans Affairs.

20 (d) REPORTS.—

21 (1) REPORTS ON IMPLEMENTATION.—On a
22 quarterly basis during the two-year period following
23 the date of the enactment of this Act, the Secretary
24 of Veterans Affairs and the Secretary of Defense
25 shall jointly submit to the Committees on Veterans'

1 Affairs and Armed Services of the Senate and the
2 House of Representatives a report on the implemen-
3 tation of this Act and the amendments made by this
4 Act.

5 (2) ANNUAL REPORTS.—Not later than one
6 year after the date on which the final report under
7 paragraph (1) is required to be submitted, and an-
8 nually thereafter, the Secretaries shall jointly submit
9 to the Committees on Veterans' Affairs and Armed
10 Services of the Senate and the House of Representa-
11 tives a report on covered veteran beneficiaries en-
12 rolled in the TRICARE program.

13 (e) DEFINITIONS.—In this section, the terms “cov-
14 ered veteran beneficiary” and “TRICARE program” have
15 the meaning given those terms in section 1072 of title 10,
16 United States Code, as amended by subsection (a).

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