

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**23**

**OFFERED BY MR. SAM JOHNSON OF TEXAS**

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

1 **SEC. 715. MODIFICATION OF REQUIREMENT FOR CERTAIN**  
2 **FORMER MEMBERS OF THE ARMED FORCES**  
3 **TO ENROLL IN MEDICARE PART B TO BE ELI-**  
4 **GIBLE FOR TRICARE FOR LIFE.**

5 (a) TRICARE ELIGIBILITY.—

6 (1) IN GENERAL.—Subsection (d) of section  
7 1086 of title 10, United States Code, is amended by  
8 adding at the end the following new paragraph:

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

1 “(B) A person described in this subparagraph is a  
2 person—

3 “(i) who is under 65 years of age;

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

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

12 “(iv) who is retired under chapter 61 of this  
13 title.

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

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

1           (3) IDENTIFICATION OF PERSONS.—Section  
2           1110a of such title is amended by adding at the end  
3           the following new subsection:

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

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

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

13          (b) NON-APPLICATION OF MEDICARE PART B LATE  
14          ENROLLMENT PENALTY.—Section 1839(b) of the Social  
15          Security Act (42 U.S.C. 1395r(b)) is amended, in the sec-  
16          ond sentence, by inserting “or months for which the indi-  
17          vidual can demonstrate that the individual is an individual  
18          described in paragraph (6)(B) of section 1086(d) of title  
19          10, United States Code, who is enrolled in the TRICARE  
20          program pursuant to such section” after “an individual  
21          described in section 1837(k)(3)”.

22          (c) REPORT.—Not later than one year after the date  
23          of the enactment of this Act, the Secretary of Defense,  
24          the Secretary of Health and Human Services, and the  
25          Commissioner of Social Security shall jointly submit to the

1 Committees on Armed Services of the House of Represent-  
2 atives and the Senate, the Committee on Ways and Means  
3 of the House of Representatives, and the Committee on  
4 Finance of the Senate a report on the implementation of  
5 section 1086(d)(6) of title 10, United States Code, as  
6 added by subsection (a). Such report shall include, with  
7 respect to the period covered by the report—

8           (1) the number of individuals enrolled in  
9       TRICARE for Life who are not enrolled in the sup-  
10      plementary medical insurance program under part B  
11      of title XVIII of the Social Security Act (42 U.S.C.  
12      1395j et seq.) by reason of such section 1086(d)(6);  
13      and

14           (2) the number of individuals who—

15           (A) are retired from the Armed Forces  
16      under chapter 61 of title 10, United States  
17      Code;

18           (B) are entitled to hospital insurance bene-  
19      fits under part A of title XVIII of the Social  
20      Security Act pursuant to receiving benefits for  
21      24 months as described in subparagraph (A) or  
22      (C) of section 226(b)(2) of such Act (42 U.S.C.  
23      426(b)(2)); and

24           (C) because of such entitlement, are no  
25      longer enrolled in TRICARE Standard,

1 TRICARE Prime, TRICARE Extra, or  
2 TRICARE Select under chapter 55 of title 10,  
3 United States Code.

4 (d) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVE-  
5 MENT FUND.—Section 1898(b)(1) of the Social Security  
6 Act (42 U.S.C. 1395iii(b)(1)) is amended by striking  
7 “during and after fiscal year 2021, \$270,000,000” and  
8 inserting “during and after fiscal year 2021,  
9 \$275,000,000”.

10 (e) APPLICATION.—The amendments made by sub-  
11 sections (a) and (b) shall apply with respect to a person  
12 who, on or after the date of the enactment of this Act,  
13 is a person described in section 1086(d)(6)(B) of title 10,  
14 United States Code, as added by subsection (a).

