

118TH CONGRESS
1ST SESSION

S. 1644

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 SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. KENNEDY 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 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 2023”.

6 **SEC. 2. ELIGIBILITY UNDER TRICARE PROGRAM FOR VET-**
7 **ERANS WITH SERVICE-CONNECTED DISABIL-**
8 **ITIES.**

9 (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 (i), other than Medicare-eligible bene-
8 ficiaries described in such subsection (d)(2)”;

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

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

13 “(i) 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(i) of this title”;

6 (B) in paragraph (2), in the matter pre-
7 ceding clause (i), by inserting “, or section
8 1075(i) of this title,” after “a person referred
9 to in subsection (c)”;

10 (C) in paragraph (4), in the matter pre-
11 ceding clause (i), by inserting “, or section
12 1075(i) of this title,” after “a person referred
13 to in subsection (c)”.

14 (3) DEFINITION.—Section 1072 of such title is
15 amended by adding at the end the following new
16 paragraph:

17 “(16) The term ‘covered veteran beneficiary’
18 means a veteran who—

19 “(A) is eligible to enroll in the system of
20 annual patient enrollment of the Department of
21 Veterans Affairs under paragraph (1), (2), or
22 (3) of section 1705 of title 38; and

23 “(B) is eligible to enroll in the TRICARE
24 program only pursuant to—

25 “(i) section 1075(i) of this title; or

1 “(ii) section 1086(d) of this title by
 2 reason of being an individual who would be
 3 covered by such section 1075(i) but for
 4 being a Medicare-eligible beneficiary cov-
 5 ered by such section 1086(d).”.

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

10 “(d)(1) A covered veteran beneficiary who enrolls in
 11 the TRICARE program may not be concurrently enrolled
 12 in the system of annual patient enrollment under sub-
 13 section (a) and the Secretary may not furnish hospital
 14 care or medical services to the covered veteran beneficiary
 15 under this chapter or any other provision of law adminis-
 16 tered by the Secretary while the covered veteran bene-
 17 ficiary is enrolled in the TRICARE program.

18 “(2) In this subsection, the terms ‘covered veteran
 19 beneficiary’ and ‘TRICARE program’ have the meanings
 20 given those terms in section 1072 of title 10.”.

21 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-
 22 retary of Veterans Affairs and the Secretary of Defense
 23 shall enter into a memorandum of understanding under
 24 which the Secretary of Veterans Affairs reimburses the
 25 Secretary of Defense for the costs of enrolling covered vet-

1 eran beneficiaries in the TRICARE program pursuant to
2 the amendments made by subsection (a), as jointly deter-
3 mined appropriate by the Secretary of Veterans Affairs
4 and the Secretary of Defense.

5 (c) IMPLEMENTATION.—

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

9 (2) REGULATIONS.—During the one-year period
10 following the date on which the amendments made
11 by this section take effect, the Secretary of Veterans
12 Affairs and the Secretary of Defense shall each pre-
13 scribe regulations to carry out such amendments.

14 (3) PHASE IN.—During the one-year period fol-
15 lowing the date on which the regulations are pre-
16 scribed under paragraph (2), the Secretary of Vet-
17 erans Affairs and the Secretary of Defense shall
18 phase in the enrollment of covered veteran bene-
19 ficiaries in accordance with the annual open enroll-
20 ment season of the TRICARE program.

21 (4) VA CENTER FOR INNOVATION FOR CARE
22 AND PAYMENT.—The Secretary of Veterans Affairs
23 shall carry out this subsection through the Center
24 for Innovation for Care and Payment of the Depart-

1 ment of Veterans Affairs under section 1703E of
2 title 38, United States Code.

3 (d) REPORTS.—

4 (1) REPORTS ON IMPLEMENTATION.—Not less
5 frequently than quarterly during the two-year period
6 following the date of the enactment of this Act, the
7 Secretary of Veterans Affairs and the Secretary of
8 Defense shall jointly submit to the appropriate com-
9 mittees of Congress a report on the implementation
10 of this section and the amendments made by this
11 section.

12 (2) ANNUAL REPORTS.—Not later than one
13 year after the date on which the final report under
14 paragraph (1) is required to be submitted, and an-
15 nually thereafter, the Secretary of Veterans Affairs
16 and the Secretary of Defense shall jointly submit to
17 the appropriate committees of Congress a report on
18 covered veteran beneficiaries enrolled in the
19 TRICARE program.

20 (e) DEFINITIONS.—In this section:

21 (1) APPROPRIATE COMMITTEES OF CON-
22 GRESS.—The term “appropriate committees of Con-
23 gress” means—

1 (A) the Committee on Veterans' Affairs
2 and the Committee on Armed Services of the
3 Senate; and

4 (B) the Committee on Veterans' Affairs
5 and the Committee on Armed Services of the
6 House of Representatives.

7 (2) COVERED VETERAN BENEFICIARY; TRICARE
8 PROGRAM.—The terms “covered veteran beneficiary”
9 and “TRICARE program” have the meaning given
10 those terms in section 1072 of title 10, United
11 States Code, as amended by subsection (a).

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