

105TH CONGRESS  
1ST SESSION

# S. 166

To amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

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

---

## A BILL

To amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, 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. EXPANSION OF MEDICARE EXCEPTION TO THE**  
 2 **PROHIBITION OF CHAMPUS COVERAGE FOR**  
 3 **CARE COVERED BY ANOTHER HEALTH CARE**  
 4 **PLAN.**

5 (a) AMENDMENT AND REORGANIZATION OF EXCEP-  
 6 TIONS.—Subsection (d) of section 1086 of title 10, United  
 7 States Code, is amended to read as follows:

8 “(d)(1) Section 1079(j) of this title shall apply to a  
 9 plan contracted for under this section except as follows:

10 “(A) Subject to paragraph (2), a benefit may  
 11 be paid under such plan in the case of a person re-  
 12 ferred to in subsection (c) for items and services for  
 13 which payment is made under title XVIII of the So-  
 14 cial Security Act.

15 “(B) No person eligible for health benefits  
 16 under this section may be denied benefits under this  
 17 section with respect to care or treatment for any  
 18 service-connected disability which is compensable  
 19 under chapter 11 of title 38 solely on the basis that  
 20 such person is entitled to care or treatment for such  
 21 disability in facilities of the Department of Veterans  
 22 Affairs.

23 “(2) If a person described in paragraph (1)(A) re-  
 24 ceives medical or dental care for which payment may be  
 25 made under both title XVIII of the Social Security Act  
 26 (42 U.S.C. 1395 et seq.) and a plan contracted for under

1 subsection (a), the amount payable for that care under  
2 the plan may not exceed the difference between—

3 “(A) the sum of any deductibles, coinsurance,  
4 and balance billing charges that would be imposed  
5 on the person if payment for that care were made  
6 solely under that title; and

7 “(B) the sum of any deductibles, coinsurance,  
8 and balance billing charges that would be imposed  
9 on the person if payment for that care were made  
10 solely under the plan.

11 “(3) A plan contracted for under this section shall  
12 not be considered a group health plan for the purposes  
13 of paragraph (2) or (3) of section 1862(b) of the Social  
14 Security Act (42 U.S.C. 1395y(b)).

15 “(4) A person who, by reason of the application of  
16 paragraph (1), receives a benefit for items or services  
17 under a plan contracted for under this section shall pro-  
18 vide the Secretary of Defense with any information relat-  
19 ing to amounts charged and paid for the items and serv-  
20 ices that, after consulting with the other administering  
21 Secretaries, the Secretary requires. A certification of such  
22 person regarding such amounts may be accepted for the  
23 purposes of determining the benefit payable under this  
24 section.”.

1 (b) REPEAL OF SUPERSEDED PROVISION.—Such sec-  
2 tion is further amended—

3 (1) by striking out subsection (g); and

4 (2) by redesignating subsection (h) as sub-  
5 section (g).

6 **SEC. 2. CONFORMING AMENDMENT.**

7 Section 1713(d) of title 38, United States Code, is  
8 amended by striking out “section 1086(d)(1) of title 10  
9 or”.

10 **SEC. 3. EFFECTIVE DATE.**

11 The amendments made by this Act shall take effect  
12 with respect to health care items or services provided on  
13 and after the date of enactment of this Act.

○