

114TH CONGRESS  
1ST SESSION

# H. R. 868

To provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2015

Mr. STEWART (for himself and Ms. GABBARD) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Armed Services, 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

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## A BILL

To provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account, 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 TRICARE  
5 Choice Act”.

1 **SEC. 2. COORDINATION BETWEEN TRICARE PROGRAM AND**  
2 **ELIGIBILITY TO MAKE CONTRIBUTIONS TO**  
3 **HEALTH SAVINGS ACCOUNTS.**

4 (a) IN GENERAL.—Section 223(c)(1)(B) of the Inter-  
5 nal Revenue Code of 1986 is amended by striking “and”  
6 at the end of clause (ii), by striking the period at the end  
7 of clause (iii) and inserting “, and”, and by adding at the  
8 end the following new clause:

9 “(iv) coverage under the TRICARE  
10 program under chapter 55 of title 10,  
11 United States Code, for any period with  
12 respect to which an election is in effect  
13 under section 1097d of such title providing  
14 that the individual is ineligible to be en-  
15 rolled in (and receive benefits under) such  
16 program.”.

17 (b) PROVISIONS RELATING TO ELECTION OF INELI-  
18 GIBILITY UNDER TRICARE.—

19 (1) IN GENERAL.—Chapter 55 of title 10,  
20 United States Code, is amended by inserting after  
21 section 1097c the following new section:

22 **“§ 1097d. TRICARE program: Election of eligibility**

23 “(a) ELECTION.—A TRICARE-eligible individual  
24 may elect at any time to be ineligible to enroll in (and  
25 receive any benefits under) the TRICARE program.

1       “(b) CHANGE OF ELECTION.—(1) If a TRICARE-eli-  
2 gible individual makes an election under subsection (a),  
3 the TRICARE-eligible individual may later elect to be eli-  
4 gible to enroll in the TRICARE program. An election  
5 made under this subsection may be made only during a  
6 special enrollment period.

7       “(2) The Secretary shall ensure that a TRICARE-  
8 eligible individual who makes an election under subsection  
9 (a) may efficiently enroll in the TRICARE program pur-  
10 suant to an election under paragraph (1), including by  
11 maintaining the individual, as appropriate, in the health  
12 care enrollment system under section 1099 of this title in  
13 an inactive manner.

14       “(c) PERIOD OF ELECTION.—If a TRICARE-eligible  
15 individual makes an election under subsection (a), such  
16 election shall be in effect beginning on the date of such  
17 election and ending on the date that such individual makes  
18 an election under subsection (b)(1) to enroll in the  
19 TRICARE program.

20       “(d) HEALTH SAVINGS ACCOUNT PARTICIPATION.—  
21 (1) For provisions allowing participation in a health sav-  
22 ings account in connection with coverage under a high de-  
23 ductible health plan during the period that the election  
24 under subsection (a) is in effect, see section  
25 223(c)(1)(B)(iv) of the Internal Revenue Code of 1986.

1           “(2) The Secretary shall submit to the Commissioner  
2 of Internal Revenue the name of, and any other informa-  
3 tion that the Commissioner may require with respect to,  
4 each TRICARE-eligible individual who makes an election  
5 under subsection (a) or (b), not later than 90 days after  
6 such election, for purposes of determining the eligibility  
7 of such TRICARE-eligible individual for a health savings  
8 account described in paragraph (1).

9           “(e) RECORDS.—The Secretary shall ensure that a  
10 TRICARE-eligible individual who makes an election under  
11 subsection (a) is maintained on the Defense Enrollment  
12 Eligibility Reporting System, or successor system, regard-  
13 less of whether the individual is eligible for the TRICARE  
14 program during the period of such election.

15           “(f) ANNUAL REPORT.—Not later than 60 days after  
16 the end of each fiscal year, the Secretary shall submit to  
17 the congressional defense committees a report on elections  
18 by TRICARE-eligible individuals under this section that  
19 includes the following:

20                   “(1) The number of TRICARE-eligible individ-  
21 uals, as of the date of the submittal of the report,  
22 who are ineligible to enroll in (and receive any bene-  
23 fits under) the TRICARE program pursuant to an  
24 election under subsection (a).

1           “(2) The number of TRICARE-eligible individ-  
2           uals who made an election described under sub-  
3           section (a) but, as of the date of the submittal of the  
4           report, are enrolled in the TRICARE program pur-  
5           suant to a change of election under subsection (b).

6           “(g) DEFINITIONS.—In this section:

7           “(1) The term ‘TRICARE-eligible individual’  
8           means an individual who is eligible to be a covered  
9           beneficiary entitled to health care benefits under the  
10          TRICARE program (determined without regard to  
11          this section).

12          “(2) The term ‘special enrollment period’ means  
13          the period in which a beneficiary under the Federal  
14          Employees Health Benefits program under chapter  
15          89 of title 5 may enroll in or change a plan under  
16          such program by reason of a qualifying event or dur-  
17          ing an open enrollment season. For purposes of this  
18          section, such qualifying events shall also include  
19          events determined appropriate by the Secretary of  
20          Defense, including events relating to a member of  
21          the armed forces being ordered to active duty.”.

22          “(2) CONFORMING AMENDMENT.—The table of  
23          sections at the beginning of chapter 55 of such title

1 is amended by inserting after the item relating to  
2 section 1097c the following new item:

“1097d. TRICARE program: Election of eligibility.”.

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