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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R. 5458

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

IN THE HOUSE OF REPRESENTATIVES

Mr. STEWART introduced the following bill; which was referred to the Committee on _____

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 1097e 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 1097d the following new section:

22 **“§ 1097e. TRICARE program: election of eligibility**

23 “(a) ELECTION.—Beginning January 1, 2017, a
24 TRICARE-eligible individual may elect at any time to be
25 ineligible to enroll in (and receive any benefits under) the
26 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) PROVISION OF INFORMATION.—The Secretary
16 shall provide to each TRICARE-eligible individual who
17 seeks to make an election under subsection (a) information
18 regarding—

19 “(1) health savings accounts in connection with
20 coverage under a high deductible health plan de-
21 scribed in subsection (d)(1), including a comparison
22 of such health saving accounts and the health care
23 benefits the individual is eligible to receive under the
24 TRICARE program; and

1 “(2) changing such an election under subsection
2 (b)(1).

3 “(g) ANNUAL REPORT.—Not later than 60 days after
4 the end of each fiscal year, the Secretary shall submit to
5 the congressional defense committees a report on elections
6 by TRICARE-eligible individuals under this section that
7 includes the following:

8 “(1) The number of TRICARE-eligible individ-
9 uals, as of the date of the submittal of the report,
10 who are ineligible to enroll in (and receive any bene-
11 fits under) the TRICARE program pursuant to an
12 election under subsection (a).

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

18 “(h) DEFINITIONS.—In this section:

19 “(1) The term ‘TRICARE-eligible individual’
20 means an individual who is—

21 “(A) eligible to be a covered beneficiary en-
22 titled to health care benefits under the
23 TRICARE program (determined without regard
24 to this section); and

1 “(B) not serving on active duty in the uni-
2 formed services.

3 “(2) The term ‘special enrollment period’ means
4 the period in which a beneficiary under the Federal
5 Employees Health Benefits program under chapter
6 89 of title 5 may enroll in or change a plan under
7 such program by reason of a qualifying event or dur-
8 ing an open enrollment season. For purposes of this
9 section, such qualifying events shall also include
10 events determined appropriate by the Secretary of
11 Defense, including events relating to a member of
12 the armed forces being ordered to active duty.”.

13 (2) CONFORMING AMENDMENT.—The table of
14 sections at the beginning of chapter 55 of such title
15 is amended by inserting after the item relating to
16 section 1097d the following new item:

 “1097e. TRICARE program: election of eligibility.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall apply to months beginning after De-
19 cember 31, 2016.