

113TH CONGRESS
2D SESSION

H. R. 4682

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

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2014

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

A BILL

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

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 described in subsection
3 (a), the TRICARE-eligible individual may later elect to
4 be eligible 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 described in sub-
9 section (a) may efficiently enroll in the TRICARE pro-
10 gram pursuant to an election under paragraph (1), includ-
11 ing by maintaining the individual, as appropriate, in the
12 health care enrollment system under section 1099 of this
13 title in an inactive manner.

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

20 “(d) CROSS REFERENCE RELATING TO HEALTH
21 SAVINGS ACCOUNT PARTICIPATION.—For provision allow-
22 ing participation in a health savings account in connection
23 with coverage under a high deductible health plan during
24 the period that the election under subsection (a) is in ef-

1 fect, see section 223(c)(1)(B)(iv) of the Internal Revenue
2 Code of 1986.

3 “(e) RECORDS.—The Secretary shall ensure that a
4 TRICARE-eligible individual who makes an election de-
5 scribed in subsection (a) is maintained on the Defense En-
6 rollment Eligibility Reporting System, or successor sys-
7 tem, regardless of whether the individual is eligible for the
8 TRICARE program during the period of such election.

9 “(f) DEFINITIONS.—In this section:

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

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

1 (2) CONFORMING AMENDMENT.—The table of
2 sections at the beginning of such chapter is amended
3 by inserting after the item relating to section 1097c
4 the following new item:

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

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