

114TH CONGRESS
1ST SESSION

S. 448

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2015

Mr. MORAN (for himself and Mr. BLUMENTHAL) introduced the following bill;
which was read twice and referred to the Committee on Finance

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”.

6 **SEC. 2. COORDINATION BETWEEN TRICARE PROGRAM AND**
7 **ELIGIBILITY TO MAKE CONTRIBUTIONS TO**
8 **HEALTH SAVINGS ACCOUNTS.**

9 (a) IN GENERAL.—Section 223(c)(1)(B) of the Inter-
10 nal Revenue Code of 1986 is amended by striking “and”

1 at the end of clause (ii), by striking the period at the end
 2 of clause (iii) and inserting “, and”, and by adding at the
 3 end the following new clause:

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

12 (b) PROVISIONS RELATING TO ELECTION OF INELI-
 13 GIBILITY UNDER TRICARE.—

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

17 **“§ 1097d. TRICARE program: Election of eligibility**

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

21 “(b) CHANGE OF ELECTION.—(1) If a TRICARE-eli-
 22 gible individual makes an election under subsection (a),
 23 the TRICARE-eligible individual may later elect to be eli-
 24 gible to enroll in the TRICARE program. An election

1 made under this subsection may be made only during a
 2 special enrollment period.

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

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

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

22 “(2) The Secretary shall submit to the Commissioner
 23 of Internal Revenue the name of, and any other informa-
 24 tion that the Commissioner may require with respect to,
 25 each TRICARE-eligible individual who makes an election

1 under subsection (a) or (b), not later than 90 days after
2 such election, for purposes of determining the eligibility
3 of such TRICARE-eligible individual for a health savings
4 account described in paragraph (1).

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

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

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

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

1 “(g) DEFINITIONS.—In this section:

2 “(1) The term ‘TRICARE-eligible individual’
3 means an individual who is eligible to be a covered
4 beneficiary entitled to health care benefits under the
5 TRICARE program (determined without regard to
6 this section).

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

17 (2) CONFORMING AMENDMENT.—The table of
18 sections at the beginning of chapter 55 of such title
19 is amended by inserting after the item relating to
20 section 1097c the following new item:

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

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