

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2016

Mr. STEWART 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 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.

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