

113TH CONGRESS  
2D SESSION

# S. 2707

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

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IN THE SENATE OF THE UNITED STATES

JULY 30, 2014

Mr. MORAN introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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”.

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 described in subsection  
 23 (a), the TRICARE-eligible individual may later elect to  
 24 be eligible 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 described in sub-  
5 section (a) may efficiently enroll in the TRICARE pro-  
6 gram pursuant to an election under paragraph (1), includ-  
7 ing by maintaining the individual, as appropriate, in the  
8 health care enrollment system under section 1099 of this  
9 title in an inactive manner.

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

16 “(d) CROSS REFERENCE RELATING TO HEALTH  
17 SAVINGS ACCOUNT PARTICIPATION.—For provisions al-  
18 lowing participation in a health savings account in connec-  
19 tion with coverage under a high deductible health plan  
20 during the period that the election under subsection (a)  
21 is in effect, see section 223(c)(1)(B)(iv) of the Internal  
22 Revenue Code of 1986.

23 “(e) RECORDS.—The Secretary shall ensure that a  
24 TRICARE-eligible individual who makes an election de-  
25 scribed in subsection (a) is maintained on the Defense En-

1 rollment Eligibility Reporting System, or successor sys-  
 2 tem, regardless of whether the individual is eligible for the  
 3 TRICARE program during the period of such election.

4 “(f) DEFINITIONS.—In this section:

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

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

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

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

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