

108TH CONGRESS  
1ST SESSION

# H. R. 2197

To amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2003

Mr. RYAN of Ohio (for himself, Mr. ACEVEDO-VILÁ, Mr. BOUCHER, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. HOLDEN, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. MCGOVERN, Mr. PAYNE, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. STRICKLAND, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and Ways and Means, 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 amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, 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,*

1 **SECTION 1. DEPARTMENT OF DEFENSE PAYMENT FOR**  
2 **CONTINUATION OF NON-TRICARE HEALTH**  
3 **BENEFITS COVERAGE FOR CERTAIN MOBI-**  
4 **LIZED RESERVES.**

5 (a) PAYMENT OF PREMIUMS.—

6 (1) REQUIREMENT TO PAY PREMIUMS.—Chapter  
7 ter 55 of title 10, United States Code, is amended  
8 by inserting after section 1078a the following new  
9 section:

10 **“§ 1078b. Continuation of non-TRICARE health bene-**  
11 **fits plan coverage for certain Reserves**  
12 **called or ordered to active duty and their**  
13 **dependents**

14 “(a) PAYMENT OF PREMIUMS.—The Secretary con-  
15 cerned shall pay the applicable premium to continue in  
16 force any qualified health benefits plan coverage for an  
17 eligible reserve component member for the benefits cov-  
18 erage continuation period if timely elected by the member  
19 in accordance with regulations prescribed under sub-  
20 section (h).

21 “(b) ELIGIBLE MEMBER.—A member of a reserve  
22 component who is called or ordered to active duty for a  
23 period of more than 30 days under a provision of law re-  
24 ferred to in section 101(a)(13)(B) of this title is eligible  
25 for payment of the applicable premium for continuation

1 of qualified health benefits plan coverage under subsection  
2 (a).

3 “(c) QUALIFIED HEALTH BENEFITS PLAN COV-  
4 ERAGE.—For the purposes of this section, health benefits  
5 plan coverage for a member called or ordered to active  
6 duty is qualified health benefits plan coverage if—

7 “(1) the coverage was in force on the date on  
8 which the Secretary notified the member that  
9 issuance of the call or order was pending or, if no  
10 such notification was provided, the date of the call  
11 or order; and

12 “(2) on that date, the coverage applied to the  
13 member and dependents of the member.

14 “(d) APPLICABLE PREMIUM.—The applicable pre-  
15 mium payable under this section for continuation of health  
16 benefits plan coverage in the case of a member is the  
17 amount of the premium payable by the member for the  
18 coverage of the member and dependents.

19 “(e) BENEFITS COVERAGE CONTINUATION PE-  
20 RIOD.—The benefits coverage continuation period under  
21 this section for qualified health benefits plan coverage in  
22 the case of a member called or ordered to active duty is  
23 the period that—

24 “(1) begins on the date of the call or order; and

25 “(2) ends on the earlier of the date on which—

1           “(A) the member’s eligibility for transi-  
2           tional health care under section 1145(a) of this  
3           title terminates under paragraph (3) of such  
4           section;

5           “(B) the member or the dependents of the  
6           member eligible for benefits under the qualified  
7           health benefits plan coverage become covered by  
8           another health benefits plan that is not  
9           TRICARE; or

10           “(C) the member elects to terminate the  
11           continued qualified health benefits plan cov-  
12           erage of the dependents of the member.

13           “(f) EXTENSION OF PERIOD OF COBRA COV-  
14 ERAGE.—Notwithstanding any other provision of law—

15           “(1) any period of coverage under a COBRA  
16           continuation provision (as defined in section  
17           9832(d)(1) of the Internal Revenue Code of 1986)  
18           for a member under this section shall be deemed to  
19           be equal to the benefits coverage continuation period  
20           for such member under this section; and

21           “(2) with respect to the election of any period  
22           of coverage under a COBRA continuation provision  
23           (as so defined), rules similar to the rules under sec-  
24           tion 4980B(f)(5)(C) of such Code shall apply.

1       “(g) SPECIAL RULE WITH RESPECT TO INDIVIDUAL  
2 HEALTH INSURANCE COVERAGE.—With respect to a  
3 member of a reserve component described in subsection  
4 (b) who was enrolled in individual health insurance cov-  
5 erage (as such term is defined in section 2791(b)(5) of  
6 the Public Health Service Act) on the date on which the  
7 member was called or ordered to active duty, the health  
8 insurance issuer may not—

9               “(1) decline to offer such coverage to, or deny  
10 re-enrollment of, such individual during the benefits  
11 coverage continuation period described in subsection  
12 (e);

13               “(2) impose any preexisting condition exclusion  
14 (as defined in section 2701(b)(1)(A) of the Public  
15 Health Service Act) with respect to the re-enroll-  
16 ment of such member for such coverage during such  
17 period; or

18               “(3) increase the premium rate for re-enroll-  
19 ment of such member under such coverage during  
20 such period above the rate that was paid for the cov-  
21 erage prior to the date of such call or order.

22       “(h) NONDUPLICATION OF BENEFITS.—A dependent  
23 of a member who is eligible for benefits under qualified  
24 health benefits plan coverage paid on behalf of a member  
25 by the Secretary concerned under this section is not eligi-

1 ble for benefits under TRICARE during a period of the  
2 coverage for which so paid.

3 “(i) REVOCABILITY OF ELECTION.—A member who  
4 makes an election under subsection (a) may revoke the  
5 election. Upon such a revocation, the member’s depend-  
6 ents shall become eligible for TRICARE as provided for  
7 under this chapter.

8 “(j) REGULATIONS.—The Secretary of Defense shall  
9 prescribe regulations for carrying out this section. The  
10 regulations shall include such requirements for making an  
11 election of payment of applicable premiums as the Sec-  
12 retary considers appropriate.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions at the beginning of such chapter is amended  
15 by inserting after the item relating to section 1078a  
16 the following new item:

“1078b. Continuation of non-TRICARE health benefits plan coverage for cer-  
tain Reserves called or ordered to active duty and their depend-  
ents.”.

17 (b) APPLICABILITY.—Section 1078b of title 10,  
18 United States Code (as added by subsection (a)), shall  
19 apply with respect to calls or orders of members of reserve  
20 components of the Armed Forces to active duty as de-  
21 scribed in subsection (b) of such section, that are issued  
22 by the Secretary of a military department on or after the  
23 date of the enactment of this Act.

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