

111TH CONGRESS
2D SESSION

H. R. 4923

To amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2010

Mr. HEINRICH introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

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 “TRICARE Dependent
5 Coverage Extension Act”.

6 **SEC. 2. EXTENSION OF DEPENDENT COVERAGE UNDER**
7 **TRICARE.**

8 (a) DEPENDENT COVERAGE.—

1 (1) IN GENERAL.—Chapter 55 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 1110b. TRICARE program: Extension of dependent**
5 **coverage**

6 “(a) IN GENERAL.—In accordance with subsection
7 (c), an individual described in subsection (b) shall be
8 deemed to be a dependent (as described in section
9 1072(2)(D) of this title) for purposes of TRICARE cov-
10 erage.

11 “(b) INDIVIDUAL DESCRIBED.—An individual de-
12 scribed in this subsection is an individual who—

13 “(1) with respect to a member or former mem-
14 ber of a uniformed service, is—

15 “(A) a child who has not attained the age
16 of 26 and is not eligible to enroll in an eligible
17 employer-sponsored plan (as defined in section
18 5000A(f)(2) of the Internal Revenue Code of
19 1986); or

20 “(B) a person who—

21 “(i) is placed in the legal custody of
22 the member or former member as a result
23 of an order of a court of competent juris-
24 diction in the United States (or possession

1 of the United States) for a period of at
2 least 12 consecutive months;

3 “(ii) has not attained the age of 26;

4 “(iii) is not eligible to enroll in an eli-
5 gible employer-sponsored plan (as defined
6 in section 5000A(f)(2) of the Internal Rev-
7 enue Code of 1986);

8 “(iv) resides with the member or
9 former member unless separated by the ne-
10 cessity of military service or to receive in-
11 stitutional care as a result of disability or
12 incapacitation or under such other cir-
13 cumstances as the administering Secretary
14 may by regulation prescribe;

15 “(v) is not otherwise a dependent of a
16 member or a former member under any
17 subparagraph of section 1072(2) of this
18 title; and

19 “(vi) is not the child of a dependent
20 who is described in subparagraph (D) or
21 (I) of section 1072(2) and is a covered
22 beneficiary; and

23 “(2) meets other criteria specified in regula-
24 tions prescribed by the Secretary.

1 “(c) PREMIUM.—(1) The Secretary shall prescribe by
2 regulation a premium for TRICARE coverage provided
3 pursuant to this section to an individual described in sub-
4 section (b).

5 “(2) The monthly amount of the premium in effect
6 for a month for TRICARE coverage pursuant to this sec-
7 tion shall be an amount not to exceed the cost of coverage
8 that the Secretary determines on an appropriate actuarial
9 basis.

10 “(3) The Secretary shall prescribe the requirements
11 and procedures applicable to the payment of premiums
12 under this subsection.

13 “(4) Amounts collected as premiums under this para-
14 graph shall be credited to the appropriation available for
15 the Defense Health Program Account under section 1100
16 of this title, shall be merged with sums in such Account
17 that are available for the fiscal year in which collected,
18 and shall be available under subsection (b) of such section
19 for such fiscal year.

20 “(d) TRICARE COVERAGE DEFINED.—For purposes
21 of this section, the term ‘TRICARE coverage’ means
22 health care to which a dependent described in section
23 1072(2)(D) of this title is entitled under section 1076d,
24 1076e, 1079, 1086, or 1097.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by inserting after the item relating to section 1110a
4 the following new item:

“1110b. TRICARE program: Extension of dependent coverage.”.

5 (b) CONFORMING AMENDMENT.—Paragraph (1) of
6 section 1086(c) of title 10, United States Code, is amend-
7 ed by inserting after “of this title” the following: “(or an
8 individual described in section 1110b(b) who meets the re-
9 quirements for a dependent under paragraph (1) or (2)
10 of such section 1076(b))”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on October 1, 2010.

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