

(A) any electronic health record maintained by the Secretary for a member of an armed force under the jurisdiction of the Secretary of a military department is updated with the information specified in such paragraph with respect to the member;

(B) any collection, storage, or use of such information is conducted through means involving such cyber protections as the Secretary determines necessary to safeguard the personal information of the member; and

(C) the system established under such paragraph is interoperable and compatible with the electronic health record system known as “MHS GENESIS”, or such successor system.

(b) PROCEDURES FOR MEDICAL AND ADMINISTRATIVE EXEMPTIONS FROM ANTHRAX VACCINE IMMUNIZATION PROGRAM.—(1) The Secretary shall establish uniform procedures under which members of the armed forces may be exempted from participating in the anthrax vaccine immunization program for either administrative or medical reasons.

(2) The Secretaries of the military departments shall provide for notification of all members of the armed forces of the procedures established pursuant to paragraph (1).

(c) SYSTEM FOR MONITORING ADVERSE REACTIONS TO ANTHRAX VACCINE.—(1) The Secretary shall establish a system for monitoring adverse reactions of members of the armed forces to the anthrax vaccine. That system shall include the following:

(A) Independent review of Vaccine Adverse Event Reporting System reports.

(B) Periodic surveys of personnel to whom the vaccine is administered.

(C) A continuing longitudinal study of a pre-identified group of members of the armed forces (including men and women and members from all services).

(D) Active surveillance of a sample of members to whom the anthrax vaccine has been administered that is sufficient to identify, at the earliest opportunity, any patterns of adverse reactions, the discovery of which might be delayed by reliance solely on the Vaccine Adverse Event Reporting System.

(2) The Secretary may extend or expand any ongoing or planned study or analysis of trends in adverse reactions of members of the armed forces to the anthrax vaccine in order to meet any of the requirements in paragraph (1).

(3) The Secretary shall establish guidelines under which members of the armed forces who are determined by an independent expert panel to be experiencing unexplained adverse reactions may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up.

(Added Pub. L. 106-398, §1 [[div. A], title VII, §751(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-193; amended Pub. L. 117-81, div. A, title VII, §716(a), (b), Dec. 27, 2021, 135 Stat. 1788.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, §716(b)(1), substituted “System for tracking and recording vaccine information; an-

thrax vaccine immunization program” for “Anthrax vaccine immunization program; procedures for exemptions and monitoring reactions” in section catchline.

Subsec. (a). Pub. L. 117-81, §716(a)(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 117-81, §716(a)(1), (b)(2), redesignated subsec. (a) as (b), inserted “From Anthrax Vaccine Immunization Program” after “Exemptions” in heading, and substituted “Secretary” for “Secretary of Defense” in par. (1). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 117-81, §716(a)(1), (b)(3), redesignated subsec. (b) as (c) and inserted “to Anthrax Vaccine” after “Reactions” in heading.

Statutory Notes and Related Subsidiaries

DEADLINE FOR ESTABLISHMENT OF SYSTEM

Pub. L. 117-81, div. A, title VII, §716(d), Dec. 27, 2021, 135 Stat. 1789, provided that: “The Secretary of Defense shall establish the system under section 1110 of title 10, United States Code, as added by subsection (a), by not later than January 1, 2023.”

DEPARTMENT OF DEFENSE STANDARDS FOR EXEMPTIONS FROM MANDATORY COVID-19 VACCINES

Pub. L. 117-81, div. A, title VII, §720, Dec. 27, 2021, 135 Stat. 1791, provided that:

“(a) STANDARDS.—The Secretary of Defense shall establish uniform standards under which covered members may be exempted from receiving an otherwise mandated COVID-19 vaccine for administrative, medical, or religious reasons.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘covered member’ means a member of an Armed Force under the jurisdiction of the Secretary of a military department.

“(2) The term ‘COVID-19 vaccine’ means any vaccine for the coronavirus disease 2019 (COVID-19), including any subsequent booster shot for COVID-19.”

DEADLINES FOR ESTABLISHMENT AND IMPLEMENTATION

Pub. L. 106-398, §1 [[div. A], title VII, §751(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-195, provided that: “The Secretary of Defense shall—

“(1) not later than April 1, 2001, establish the uniform procedures for exemption from participation in the anthrax vaccine immunization program of the Department of Defense required under subsection (a) [now (b)] of section 1110 of title 10, United States Code (as added by subsection (b));

“(2) not later than July 1, 2001, establish the system for monitoring adverse reactions of members of the Armed Forces to the anthrax vaccine required under subsection (b)(1) [now (c)(1)] of such section;

“(3) not later than April 1, 2001, establish the guidelines under which members of the Armed Forces may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up required under subsection (b)(3) [now (c)(3)] of such section; and

“(4) not later than July 1, 2001, prescribe the regulations regarding emergency essential employees of the Department of Defense required under subsection (a) of section 1580a of such title (as added by subsection (c)).”

§ 1110a. Notification of certain individuals regarding options for enrollment under Medicare part B

(a) IN GENERAL.—(1) As soon as practicable, the Secretary of Defense shall notify each individual described in subsection (b)—

(A) that the individual is no longer eligible for health care benefits under the TRICARE program under this chapter; and

(B) of options available for enrollment of the individual in the supplementary medical in-

surance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.).

(2) In carrying out this subsection, the Secretary of Defense shall—

(A) establish procedures for identifying individuals described in subsection (b); and

(B) consult with the Secretary of Health and Human Services to accurately identify and notify such individuals.

(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is—

(1) a covered beneficiary;

(2) entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c) under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426-1); and

(3) eligible to enroll in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.).

(Added Pub. L. 111-84, div. A, title VII, §707(a), Oct. 28, 2009, 123 Stat. 2376.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a)(1)(B) and (b)(2), (3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Parts A and B of title XVIII of the Act are classified generally to parts A (§1395c et seq.) and B (§1395j et seq.), respectively, of subchapter XVIII of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 1110b. TRICARE program: extension of dependent coverage

(a) IN GENERAL.—In accordance with subsection (c), an individual described in subsection (b) shall be deemed to be a dependent (as described in section 1072(2)(D) of this title) for purposes of coverage under the TRICARE program.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) would be a dependent under section 1072(2) of this title but for exceeding an age limit under such section;

(2) has not attained the age of 26;

(3) is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986);

(4) is not otherwise a dependent of a member or a former member under any subparagraph of section 1072(2) of this title; and

(5) meets other criteria specified in regulations prescribed by the Secretary, similar to regulations prescribed by the Secretary of Health and Human Services under section 2714(b) of the Public Health Service Act.

(c) PREMIUM.—(1) The Secretary shall prescribe by regulation a premium (or premiums) for coverage under the TRICARE program provided pursuant to this section to an individual described in subsection (b). Such premium shall apply instead of any enrollment fees required under section 1075 or 1075a of this title, as appropriate.

(2) The monthly amount of the premium in effect for a month for coverage under the

TRICARE program pursuant to this section shall be the amount equal to the cost of such coverage that the Secretary determines on an appropriate actuarial basis.

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

(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

(Added Pub. L. 111-383, div. A, title VII, §702(a)(1), Jan. 7, 2011, 124 Stat. 4244; Pub. L. 114-328, div. A, title VII, §701(j)(1)(F), Dec. 23, 2016, 130 Stat. 2192; Pub. L. 115-91, div. A, title VII, §739(f), Dec. 12, 2017, 131 Stat. 1447.)

Editorial Notes

REFERENCES IN TEXT

Section 5000A of the Internal Revenue Code of 1986, referred to in subsec. (b)(3), is classified to section 5000A of Title 26, Internal Revenue Code.

Section 2714 of the Public Health Service Act, referred to in subsec. (b)(5), is classified to section 300gg-14 of Title 42, The Public Health and Welfare.

AMENDMENTS

2017—Subsec. (c)(1). Pub. L. 115-91 substituted “section 1075 or 1075a of this title, as appropriate” for “section 1075 of this section”.

2016—Subsec. (c)(1). Pub. L. 114-328 inserted at end “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 applicable with respect to the provision of health care under the TRICARE program beginning on Jan. 1, 2018, see section 701(k) of Pub. L. 114-328, set out as a note under section 1072 of this title.

EFFECTIVE DATE AND REGULATIONS

Pub. L. 111-383, div. A, title VII, §702(b), Jan. 7, 2011, 124 Stat. 4245, provided that: “The amendments made by this section [enacting this section] shall take effect on January 1, 2011. The Secretary of Defense shall prescribe an interim final rule with respect to such amendments, effective not later than January 1, 2011.”

CHAPTER 56—DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND

Sec.	
1111.	Establishment and purpose of Fund; definitions; authority to enter into agreements.
1112.	Assets of Fund.
1113.	Payments from the Fund.
1114.	Board of Actuaries.
1115.	Determination of contributions to the Fund.
1116.	Payments into the Fund.
1117.	Investment of assets of Fund.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107-107, div. A, title VII, §711(e)(3), Dec. 28, 2001, 115 Stat. 1167, inserted “; authority to enter into agreements” after “definitions” in item 1111.