

111TH CONGRESS  
2D SESSION

# S. 3201

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 14, 2010

Mr. UDALL of Colorado (for himself, Mr. BEGICH, Mrs. McCASKILL, Ms. LANDRIEU, Mr. WARNER, Mr. NELSON of Nebraska, Mr. BENNET, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. KERRY, Mr. BAYH, Ms. KLOBUCHAR, Mrs. LINCOLN, Mr. CASEY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN of Ohio, Mr. SANDERS, Mr. LAUTENBERG, Mr. WHITEHOUSE, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## 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) of this title and is  
22 a covered beneficiary; and

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

1       “(c) PREMIUM.—(1) The Secretary of Defense shall  
2 prescribe by regulation a premium for TRICARE coverage  
3 provided pursuant to this section to an individual de-  
4 scribed in subsection (b). The premium shall apply uni-  
5 formly to all individuals covered by the coverage.

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

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

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

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

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of chapter 55 of such title is  
3           amended by inserting after the item relating to sec-  
4           tion 1110a 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) of this title who  
9           meets the requirements for a dependent under paragraph  
10          (1) or (2) 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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