

**Title 10 - Armed Forces**  
**Subtitle A - General Military Law**  
**Part II - Personnel**  
**Chapter 55 - Medical And Dental Care**

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DHA Version - March 2009

§ 1076e. TRICARE program: TRICARE **Retired Reserve** coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

(a) Eligibility.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE **Retired Reserve** as provided in this section.

(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

(b) Termination of Eligibility Upon Obtaining Other TRICARE Coverage.—Eligibility for TRICARE **Retired Reserve** coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE coverage at age 60 under section 1086 of this title.

(c) Family Members.—While a member of a reserve component is covered by TRICARE **Retired Reserve** under this section, the members of the immediate family of such member are eligible for TRICARE **Retired Reserve** coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE **Retired Reserve** coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE coverage under such section (instead of under this section).

(d) Premiums.—(1) A member of a reserve component covered by TRICARE **Retired Reserve** under this section shall pay a premium for that coverage. **Such premium shall apply instead of any enrollment fees required under section 1075 of this section.**<sup>1</sup>

(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE **Retired Reserve** coverage of members without dependents and one premium for TRICARE **Retired Reserve** coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all members of the reserve components covered under this section.

(3) The monthly amount of the premium in effect for a month for TRICARE **Retired Reserve** coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

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

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(5) 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.

(e) Regulations.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

(f) Definitions.—In this section:

(1) The term “immediate family”, with respect to a member of a reserve component, means all of the member’s dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

(2) The term “TRICARE Retired Reserve” means—

(A) medical care at facilities of the uniformed services to which a dependent described in section 1076(a)(2) of this title is entitled; and

(B) health benefits contracted for under the TRICARE Select self-managed, preferred provider network option under section 1075 of this title made available to beneficiaries by reason of this section and subject to the cost-sharing requirements set forth in such section 1075.

NOTES

Source

(Added Pub. L. 111-84, div. A, title VII, Sec. 705(a), Oct. 28, 2009, 123 Stat. 2374; Pub. L. 114-328, div. A, title VII, Sec. 701(j)(1)(C), Dec. 23, 2016, 130 Stat. 2192; Pub. L. 115-91, div. A, title VII, Sec. 701(b), Dec. 12, 2017, 131 Stat. 1432.)

Amendments

2017—Subsec. (b). Pub. L. 115-91, Sec. 701(b)(1), struck out “Retired Reserve” after “TRICARE” in heading. See first 2016 Amendment note for subsec. (b) below.  
Subsec. (c). Pub. L. 115-91, Sec. 701(b)(2), struck out “Retired Reserve” before “coverage under such section” in last sentence.  
Subsec. (f)(2). Pub. L. 115-91, Sec. 701(b)(3), added par. (2) and struck out former par. (2) which read as follows: “The term ‘TRICARE Retired Reserve’ means the TRICARE Select self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).”

2016—Pub. L. 114-328, Sec. 701(j)(1)(C)(iv), substituted “TRICARE Retired Reserve” for “TRICARE Standard” in section catchline and wherever appearing in text.

Subsec. (b). Pub. L. 114-328, Sec. 701(j)(1)(C)(iii), substituted “TRICARE coverage at” for “TRICARE Standard coverage at”.

Subsec. (d)(1). Pub. L. 114-328, Sec. 701(j)(1)(C)(i), inserted at end “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”

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Subsec. (f)(2). Pub. L. 114-328, Sec. 701(j)(1)(C)(ii), added par. (2) and struck out former par. (2) which defined the term "TRICARE Standard".

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**

Pub. L. 111-84, div. A, title VII, Sec. 705(c), Oct. 28, 2009, 123 Stat. 2375, provided that: "Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify."

#### **Footnote**

<sup>(1)</sup> So in original. Probably should be "of this title."

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