

108TH CONGRESS  
1ST SESSION

# H. R. 58

To restore health care coverage to retired members of the uniformed services.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. EDWARDS introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Armed Services, 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 restore health care coverage to retired members of the uniformed services.

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 “Keep Our Promise to  
5 America’s Military Retirees Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) No statutory health care program existed  
9 for members of the uniformed services who entered

1 service prior to June 7, 1956, and retired after serv-  
2 ing a minimum of 20 years or by reason of a service-  
3 connected disability.

4 (2) Recruiters for the uniformed services are  
5 agents of the United States Government and em-  
6 ployed recruiting tactics that allowed members who  
7 entered the uniformed services prior to June 7,  
8 1956, to believe they would be entitled to fully-paid  
9 lifetime health care upon retirement.

10 (3) Statutes enacted in 1956 entitled those who  
11 entered service on or after June 7, 1956, and retired  
12 after serving a minimum of 20 years or by reason  
13 of a service-connected disability, to medical and den-  
14 tal care in any facility of the uniformed services,  
15 subject to the availability of space and facilities and  
16 the capabilities of the medical and dental staff.

17 (4) After 4 rounds of base closures between  
18 1988 and 1995 and further drawdowns of remaining  
19 military medical treatment facilities, access to  
20 “space available” health care in a military medical  
21 treatment facility is virtually nonexistent for many  
22 military retirees.

23 (5) The military health care benefit of “space  
24 available” services and medicare is no longer a fair

1 and equitable benefit as compared to benefits for  
2 other retired Federal employees.

3 (6) The failure to provide adequate health care  
4 upon retirement is preventing the retired members  
5 of the uniformed services from recommending, with-  
6 out reservation, that young men and women make a  
7 career of any military service.

8 (7) Although provisions enacted in the Floyd D.  
9 Spence National Defense Authorization Act for Fis-  
10 cal Year 2001 (Public Law 106–398) extended cov-  
11 erage under the TRICARE program to medicare eli-  
12 gible military retirees age 65 and older, those provi-  
13 sions did not address the health care needs of mili-  
14 tary retirees under the age of 65.

15 (8) The United States should establish health  
16 care that is fully paid by the sponsoring agency  
17 under the Federal Employees Health Benefits pro-  
18 gram for members who entered active duty on or  
19 prior to June 7, 1956, and who subsequently earned  
20 retirement.

21 (9) The United States should reestablish ade-  
22 quate health care for all retired members of the uni-  
23 formed services that is at least equivalent to that  
24 provided to other retired Federal employees by ex-  
25 tending to such retired members of the uniformed

1 services the option of coverage under the Federal  
2 Employees Health Benefits program.

3 **SEC. 3. COVERAGE OF MILITARY RETIREES UNDER THE**  
4 **FEDERAL EMPLOYEES HEALTH BENEFITS**  
5 **PROGRAM.**

6 (a) EARNED COVERAGE FOR CERTAIN RETIREES  
7 AND DEPENDENTS.—Chapter 89 of title 5, United States  
8 Code, is amended—

9 (1) in section 8905, by adding at the end the  
10 following new subsection:

11 “(i) For purposes of this section, the term ‘employee’  
12 includes a retired member of the uniformed services (as  
13 defined in section 101(a)(5) of title 10) who began service  
14 before June 7, 1956. A surviving widow or widower of  
15 such a retired member may also enroll in an approved  
16 health benefits plan described by section 8903 or 8903a  
17 of this title as an individual.”; and

18 (2) in section 8906(b)—

19 (A) in paragraph (1), by striking “para-  
20 graphs (2) and (3)” and inserting “paragraphs  
21 (2) through (5)”;

22 (B) by adding at the end the following new  
23 paragraph:

24 “(5) In the case of an employee described in section  
25 8905(i) or the surviving widow or widower of such an em-

1 ployee, the Government contribution for health benefits  
2 shall be 100 percent, payable by the department from  
3 which the employee retired.”.

4 (b) COVERAGE FOR OTHER RETIREES AND DEPEND-  
5 ENTS.—(1) Section 1108 of title 10, United States Code,  
6 is amended to read as follows:

7 **“§ 1108. Health care coverage through Federal Em-**  
8 **ployees Health Benefits program**

9 “(a) FEHBP OPTION.—The Secretary of Defense,  
10 after consulting with the other administering Secretaries,  
11 shall enter into an agreement with the Office of Personnel  
12 Management to provide coverage to eligible beneficiaries  
13 described in subsection (b) under the health benefits plans  
14 offered through the Federal Employees Health Benefits  
15 program under chapter 89 of title 5.

16 “(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An  
17 eligible beneficiary under this subsection is

18 “(A) a member or former member of the uni-  
19 formed services described in section 1074(b) of this  
20 title;

21 “(B) an individual who is an unremarried  
22 former spouse of a member or former member de-  
23 scribed in section 1072(2)(F) or 1072(2)(G);

24 “(C) an individual who is—

1           “(i) a dependent of a deceased member or  
2           former member described in section 1076(b) or  
3           1076(a)(2)(B) of this title or of a member who  
4           died while on active duty for a period of more  
5           than 30 days; and

6           “(ii) a member of family as defined in sec-  
7           tion 8901(5) of title 5; or

8           “(D) an individual who is—

9           “(i) a dependent of a living member or  
10          former member described in section 1076(b)(1)  
11          of this title; and

12          “(ii) a member of family as defined in sec-  
13          tion 8901(5) of title 5.

14          “(2) Eligible beneficiaries may enroll in a Federal  
15          Employees Health Benefit plan under chapter 89 of title  
16          5 under this section for self-only coverage or for self and  
17          family coverage which includes any dependent of the mem-  
18          ber or former member who is a family member for pur-  
19          poses of such chapter.

20          “(3) A person eligible for coverage under this sub-  
21          section shall not be required to satisfy any eligibility cri-  
22          teria specified in chapter 89 of title 5 (except as provided  
23          in paragraph (1)(C) or (1)(D)) as a condition for enroll-  
24          ment in health benefits plans offered through the Federal  
25          Employees Health Benefits program under this section.

1       “(4) For purposes of determining whether an indi-  
2       vidual is a member of family under paragraph (5) of sec-  
3       tion 8901 of title 5 for purposes of paragraph (1)(C) or  
4       (1)(D), a member or former member described in section  
5       1076(b) or 1076(a)(2)(B) of this title shall be deemed to  
6       be an employee under such section.

7       “(5) An eligible beneficiary who is eligible to enroll  
8       in the Federal Employees Health Benefits program as an  
9       employee under chapter 89 of title 5 is not eligible to en-  
10      roll in a Federal Employees Health Benefits plan under  
11      this section.

12      “(6) An eligible beneficiary who enrolls in the Federal  
13      Employees Health Benefits program under this section  
14      shall not be eligible to receive health care under section  
15      1086 or section 1097. Such a beneficiary may continue  
16      to receive health care in a military medical treatment facil-  
17      ity, in which case the treatment facility shall be reim-  
18      bursed by the Federal Employees Health Benefits pro-  
19      gram for health care services or drugs received by the ben-  
20      eficiary.

21      “(c) CHANGE OF HEALTH BENEFITS PLAN.—An eli-  
22      gible beneficiary enrolled in a Federal Employees Health  
23      Benefits plan under this section may change health bene-  
24      fits plans and coverage in the same manner as any other

1 Federal Employees Health Benefits program beneficiary  
2 may change such plans.

3 “(d) GOVERNMENT CONTRIBUTIONS.—The amount  
4 of the Government contribution for an eligible beneficiary  
5 who enrolls in a health benefits plan under chapter 89 of  
6 title 5 in accordance with this section may not exceed the  
7 amount of the Government contribution which would be  
8 payable if the electing beneficiary were an employee (as  
9 defined for purposes of such chapter) enrolled in the same  
10 health benefits plan and level of benefits.

11 “(e) SEPARATE RISK POOLS.—The Director of the  
12 Office of Personnel Management shall require health bene-  
13 fits plans under chapter 89 of title 5 to maintain a sepa-  
14 rate risk pool for purposes of establishing premium rates  
15 for eligible beneficiaries who enroll in such a plan in ac-  
16 cordance with this section.”.

17 (2) The item relating to section 1108 at the begin-  
18 ning of such chapter is amended to read as follows:

“1108. Health care coverage through Federal Employees Health Benefits pro-  
gram.”.

19 (3) The amendments made by this subsection shall  
20 take effect on January 2, 2004.

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