

## PRIOR PROVISIONS

A prior section 1063, added Pub. L. 99-661, div. A, title VI, § 656(a)(1), Nov. 14, 1986, 100 Stat. 3891, § 1052; renumbered § 1063, Pub. L. 100-370, § 1(c)(2)(A), July 19, 1988, 102 Stat. 841; amended Pub. L. 101-510, div. A, title III, § 321(a)(1), Nov. 5, 1990, 104 Stat. 1527; Pub. L. 102-484, div. A, title III, § 365(a), (c)(1), Oct. 23, 1992, 106 Stat. 2382; Pub. L. 104-106, div. A, title XV, § 1501(c)(9), Feb. 10, 1996, 110 Stat. 499; Pub. L. 105-261, div. A, title III, § 362(a), (d)(1), Oct. 17, 1998, 112 Stat. 1984, 1985; Pub. L. 107-107, div. A, title III, § 331(a)-(d)(2), Dec. 28, 2001, 115 Stat. 1057, related to use of commissary stores by members of Ready Reserve, prior to repeal by Pub. L. 108-136, div. A, title VI, § 651(b)(1), Nov. 24, 2003, 117 Stat. 1521.

## AMENDMENTS

2003—Pub. L. 108-136, § 651(b)(4), (5), renumbered section 1065 of this title as this section and substituted “Use of commissary stores and MWR retail facilities: members of reserve components and reserve retirees under age 60” for “Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents” in section catchline.

Subsecs. (a) to (c). Pub. L. 108-136, § 651(a)(1), inserted “commissary stores and” after “use”.

Subsec. (d). Pub. L. 108-136, § 651(a)(2), inserted “commissary stores and” after “permitted under subsection (a) or (b) to use” and “stores and” after “permitted to use” in par. (1), and inserted “commissary stores and” after “permitted under subsection (c) to use” and “stores and” after “permitted to use” in par. (2).

1996—Pub. L. 104-106 substituted “Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents” for “Use of certain morale, welfare, and recreation facilities by members of reserve components and dependents” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) UNRESTRICTED USE REQUIRED.—Members of the Selected Reserve in good standing (as determined by the Secretary concerned) and members who would be eligible for retired pay under chapter 67 of this title but for the fact that the member is under 60 years of age, and the dependents of such members, shall be permitted to use the exchange stores and other revenue generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the Armed Forces. Such use shall be permitted on the same basis as members on active duty.

“(b) ELIGIBILITY TO USE AUTHORIZED.—Subject to such regulations as the Secretary of Defense may prescribe, members of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use the facilities referred to in subsection (a) on the same basis as members serving on active duty.”

## EFFECTIVE DATE

Pub. L. 101-510, div. A, title III, § 321(e)(1), Nov. 5, 1990, 104 Stat. 1528, provided that: “The amendments made by subsections (b) and (c) [enacting this section and former section 1064 of this title] shall take effect 120 days after the date of the enactment of this Act [Nov. 5, 1990].”

## REGULATIONS

Pub. L. 101-510, div. A, title III, § 321(e)(2), Nov. 5, 1990, 104 Stat. 1528, provided that: “The Secretary of Defense shall prescribe such regulations as may be necessary for the proper administration of sections [former] 1064 and 1065 [now 1063] of title 10, United States Code, as added by this section, not later than 90 days after the date of the enactment of this Act [Nov. 5, 1990].”

## [§ 1063a. Renumbered § 1064]

**§ 1064. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency**

(a) ELIGIBILITY OF MEMBERS.—A member of the National Guard who, although not in Federal service, is called or ordered to duty in response to a federally declared disaster or national emergency shall be permitted to use commissary stores and MWR retail facilities during the period of such duty on the same basis as members of the armed forces on active duty.

(b) ELIGIBILITY OF DEPENDENTS.—A dependent of a member of the National Guard who is permitted under subsection (a) to use commissary stores and MWR retail facilities shall be permitted to use such stores and facilities, during the same period as the member, on the same basis as dependents of members of the armed forces on active duty.

(c) DEFINITIONS.—In this section:

(1) FEDERALLY DECLARED DISASTER.—The term “federally declared disaster” means a disaster or other situation for which a Presidential declaration of major disaster is issued under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) MWR RETAIL FACILITIES.—The term “MWR retail facilities” has the meaning given that term in section 1063(e) of this title.

(3) NATIONAL EMERGENCY.—The term “national emergency” means a national emergency declared by the President or Congress.

(Added Pub. L. 105-261, div. A, title III, § 362(c), Oct. 17, 1998, 112 Stat. 1985, § 1063a; amended Pub. L. 107-314, div. A, title III, § 322(a), (b)(1), Dec. 2, 2002, 116 Stat. 2510; renumbered § 1064 and amended Pub. L. 108-136, div. A, title VI, § 651(b)(2), (3), Nov. 24, 2003, 117 Stat. 1521.)

## PRIOR PROVISIONS

A prior section 1064, added Pub. L. 101-510, div. A, title III, § 321(b), Nov. 5, 1990, 104 Stat. 1528; amended Pub. L. 104-106, div. A, title XV, § 1501(c)(8), Feb. 10, 1996, 110 Stat. 499; Pub. L. 105-261, div. A, title III, § 362(b), (d)(2), Oct. 17, 1998, 112 Stat. 1984, 1985, related to use of commissary stores by persons qualified for retired pay but under age 60, prior to repeal by Pub. L. 108-136, div. A, title VI, § 651(b)(1), Nov. 24, 2003, 117 Stat. 1521.

## AMENDMENTS

2003—Pub. L. 108-136, § 651(b)(3), renumbered section 1063a of this title as this section.

Subsec. (c)(2). Pub. L. 108-136, § 651(b)(2), substituted “section 1063(e)” for “section 1065(e)”.

2002—Pub. L. 107-314, § 322(b)(1), inserted “or national emergency” after “disaster” in section catchline.

Subsec. (a). Pub. L. 107-314, § 322(a)(1), inserted “or national emergency” after “disaster”.

Subsec. (c)(3). Pub. L. 107-314, § 322(a)(2), added par. (3).

## [§ 1065. Renumbered § 1063]

## CHAPTER 55—MEDICAL AND DENTAL CARE

Sec.	
1071.	Purpose of this chapter.
1072.	Definitions.

Sec.		Sec.	
1073.	Administration of this chapter.	1080.	Contracts for medical care for spouses and children: election of facilities.
1073a.	Contracts for health care: best value contracting.	1081.	Contracts for medical care for spouses and children: review and adjustment of payments.
1073b.	Recurring reports and publication of certain data.	1082.	Contracts for health care: advisory committees.
1073c.	Administration of Defense Health Agency and military medical treatment facilities.	1083.	Contracts for medical care for spouses and children: additional hospitalization.
1073d.	Military medical treatment facilities.	1084.	Determinations of dependency.
1074.	Medical and dental care for members and certain former members.	1085.	Medical and dental care from another executive department: reimbursement.
1074a.	Medical and dental care: members on duty other than active duty for a period of more than 30 days.	1086.	Contracts for health benefits for certain members, former members, and their dependents.
1074b.	Medical and dental care: Academy cadets and midshipmen; members of, and designated applicants for membership in, Senior ROTC.	1086a.	Certain former spouses: extension of period of eligibility for health benefits.
1074c.	Medical care: authority to provide a wig.	1086b.	Prohibition against requiring retired members to receive health care solely through the Department of Defense.
1074d.	Certain primary and preventive health care services.	1087.	Proramng facilities for certain members, former members, and their dependents in construction projects of the uniformed services.
1074e.	Medical care: certain Reserves who served in Southwest Asia during the Persian Gulf Conflict.	1088.	Air evacuation patients: furnished subsistence.
1074f.	Medical tracking system for members deployed overseas.	1089.	Defense of certain suits arising out of medical malpractice.
1074g.	Pharmacy benefits program.	1090.	Identifying and treating drug and alcohol dependence.
1074h.	Medical and dental care: medal of honor recipients; dependents.	1090a.	Commanding officer and supervisor referrals of members for mental health evaluations.
1074i.	Reimbursement for certain travel expenses.	1091.	Personal services contracts.
1074j.	Sub-acute care program.	1092.	Studies and demonstration projects relating to delivery of health and medical care.
1074k.	Long-term care insurance.	1092a.	Persons entering the armed forces: baseline health data.
1074l.	Notification to Congress of hospitalization of combat wounded members.	1093.	Performance of abortions: restrictions.
1074m.	Mental health assessments for members of the armed forces deployed in support of a contingency operation.	1094.	Licensure requirement for health-care professionals.
1074n.	Annual mental health assessments for members of the armed forces.	1094a.	Continuing medical education requirements: system for monitoring physician compliance.
1074o.	Provision of hyperbaric oxygen therapy for certain members.	1095.	Health care services incurred on behalf of covered beneficiaries: collection from third-party payers.
1075.	TRICARE Select.	1095a.	Medical care: members held as captives and their dependents.
1075a.	TRICARE Prime: cost sharing.	1095b.	TRICARE program: contractor payment of certain claims.
1076.	Medical and dental care for dependents: general rule.	1095c.	TRICARE program: facilitation of processing of claims.
1076a.	TRICARE dental program.	1095d.	TRICARE program: waiver of certain deductibles.
[1076b.]	Repealed.]	1095e.	TRICARE program: beneficiary counseling and assistance coordinators.
1076c.	Dental insurance plan: certain retirees and their surviving spouses and other dependents.	1095f.	TRICARE program: referrals and preauthorizations under TRICARE Prime.
1076d.	TRICARE program: TRICARE Reserve Select coverage for members of the Selected Reserve.	1095g.	TRICARE program: waiver of recoupment of erroneous payments caused by administrative error.
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.	1096.	Military-civilian health services partnership program.
1076f.	TRICARE program: extension of coverage for certain members of the National Guard and dependents during certain disaster response duty.	1097.	Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care.
1077.	Medical care for dependents: authorized care in facilities of uniformed services.	1097a.	TRICARE Prime: automatic enrollments; payment options.
1077a.	Access to military medical treatment facilities and other facilities <sup>1</sup>	1097b.	TRICARE program: financial management.
1078.	Medical and dental care for dependents: charges.	1097c.	TRICARE program: relationship with employer-sponsored group health plans.
1078a.	Continued health benefits coverage.	1097d.	TRICARE program: notice of change to benefits.
1078b.	Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.	1098.	Incentives for participation in cost-effective health care plans.
1079.	Contracts for medical care for spouses and children: plans.	1099.	Health care enrollment system.
1079a.	TRICARE program: treatment of refunds and other amounts collected.	1100.	Defense Health Program Account.
1079b.	Procedures for charging fees for care provided to civilians; retention and use of fees collected.	1101.	Resource allocation methods: capitation or diagnosis-related groups.
1079c.	Provisional coverage for emerging services and supplies.		

<sup>1</sup> So in original. Probably should be followed by a period.

- Sec.  
 1102. Confidentiality of medical quality assurance records: qualified immunity for participants.  
 1103. Contracts for medical and dental care: State and local preemption.  
 1104. Sharing of health-care resources with the Department of Veterans Affairs.  
 1105. Specialized treatment facility program.  
 1106. Submittal of claims: standard form; time limits.  
 1107. Notice of use of an investigational new drug or a drug unapproved for its applied use.  
 1107a. Emergency use products.  
 1108. Health care coverage through Federal Employees Health Benefits program: demonstration project.  
 1109. Organ and tissue donor program.  
 1110. Anthrax vaccine immunization program: procedures for exemptions and monitoring reactions.  
 1110a. Notification of certain individuals regarding options for enrollment under Medicare part B.  
 1110b. TRICARE program: extension of dependent coverage.

## AMENDMENTS

2017—Pub. L. 115-91, div. A, title VII, § 703(a)(2), Dec. 12, 2017, 131 Stat. 1435, added item 1074o.

2016—Pub. L. 114-328, div. A, title VII, §§ 702(a)(2), 703(a)(2), 704(b), 711(b), 728(b)(2), Dec. 23, 2016, 130 Stat. 2195, 2198, 2201, 2214, 2234, added items 1073c, 1073d, 1076f, and 1077a, and substituted “Recurring reports and publication of certain data” for “Recurring reports” in item 1073b.

Pub. L. 114-328, div. A, title VII, §§ 701(a)(2), (b)(2), (j)(2), (k), Dec. 23, 2016, 130 Stat. 2184, 2185, 2192, 2193, applicable with respect to the provision of health care under the TRICARE program beginning on Jan. 1, 2018, added items 1075 and 1075a and substituted “TRICARE Reserve Select” for “TRICARE Standard” in item 1076d, “TRICARE Retired Reserve” for “TRICARE Standard” in item 1076e, “TRICARE program” for “CHAMPUS” in item 1079a, and “and preauthorizations under TRICARE Prime” for “for specialty health care” in item 1095f.

2015—Pub. L. 114-92, div. A, title VII, § 711(b), Nov. 25, 2015, 129 Stat. 864, added item 1095g.

2014—Pub. L. 113-291, div. A, title VII, §§ 701(a)(2), 704(b), 711(b), Dec. 19, 2014, 128 Stat. 3408, 3413, 3414, added items 1074n, 1079c, and 1097d.

2011—Pub. L. 112-81, div. A, title VII, §§ 702(a)(2), 704(b), 711(a)(2), Dec. 31, 2011, 125 Stat. 1471, 1473, 1476, added items 1074m, 1078b, and 1090a.

Pub. L. 111-383, div. A, title VII, § 702(a)(2), Jan. 7, 2011, 124 Stat. 4245, added item 1110b.

2009—Pub. L. 111-84, div. A, title VII, §§ 705(b), 707(b), Oct. 28, 2009, 123 Stat. 2375, 2376, added items 1076e and 1110a.

2008—Pub. L. 110-181, div. A, title XVI, § 1617(b), Jan. 28, 2008, 122 Stat. 449, as amended by Pub. L. 110-417, [div. A], title X, § 1061(b)(14), Oct. 14, 2008, 122 Stat. 4613, added item 1074l.

2006—Pub. L. 109-364, div. A, title VII, § 707(b), Oct. 17, 2006, 120 Stat. 2284, added item 1097c.

Pub. L. 109-364, div. A, title VII, § 706(e), Oct. 17, 2006, 120 Stat. 2282, struck out item 1076b “TRICARE program: TRICARE Standard coverage for members of the Selected Reserve” and substituted “TRICARE program: TRICARE Standard coverage for members of the Selected Reserve” for “TRICARE program: coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty in support of a contingency operation” in item 1076d, effective Oct. 1, 2007.

Pub. L. 109-163, div. A, title VII, §§ 701(f)(2), 702(a)(2), Jan. 6, 2006, 119 Stat. 3340, 3342, substituted “TRICARE program: TRICARE Standard coverage for members of the Selected Reserve” for “TRICARE program: cov-

erage for members of the Ready Reserve” in item 1076b and “TRICARE program: coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty in support of a contingency operation” for “TRICARE program: coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty” in item 1076d.

2004—Pub. L. 108-375, div. A, title V, § 555(a)(2), title VI, § 607(a)(2), title VII, §§ 701(a)(2), 733(a)(2), 739(a)(2), title X, § 1084(d)(7), Oct. 28, 2004, 118 Stat. 1914, 1946, 1981, 1998, 2002, 2061, added items 1073b, 1074b, 1076d, and 1092a, reenacted item 1076b without change, and struck out item 1075 “Officers and certain enlisted members: subsistence charges”.

2003—Pub. L. 108-136, div. A, title XVI, § 1603(b)(2), Nov. 24, 2003, 117 Stat. 1690, added item 1077a.

Pub. L. 108-106, title I, § 1115(b), Nov. 6, 2003, 117 Stat. 1218, added item 1076b.

2001—Pub. L. 107-107, div. A, title VII, §§ 701(a)(2), (f)(2), 731(b), 732(a)(2), 736(c)(2), title X, § 1048(a)(10), Dec. 28, 2001, 115 Stat. 1158, 1161, 1169, 1173, 1223, struck out item 1074b “Transitional medical and dental care: members on active duty in support of contingency operations”, transferred item 1074i to appear after item 1074h, and added items 1074j, 1074k, 1079b, and 1086b.

2000—Pub. L. 106-398, § 1 [[div. A], title VII, §§ 706(a)(2), 728(a)(2), 751(b)(2), 758(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-175, 1654A-189, 1654A-194, 1654A-200, added items 1074h, 1074i, 1095f, and 1110.

1999—Pub. L. 106-65, div. A, title VII, §§ 701(a)(2), 711(b), 713(a)(2), 714(b), 715(a)(2), 716(a)(2), 722(b), Oct. 5, 1999, 113 Stat. 680, 687, 689-691, 695, added items 1073a, 1074g, 1076a, 1095c, 1095d, 1095e, and 1097b and struck out former items 1076a “Dependents’ dental program” and 1076b “Selected Reserve dental insurance”.

1998—Pub. L. 105-261, div. A, title VII, §§ 711(b), 712(a)(2), 721(a)(2), 734(b)(2), 741(b)(2), Oct. 17, 1998, 112 Stat. 2058, 2059, 2065, 2073, 2074, added items 1094a, 1095b, 1097a, 1108, and 1109.

1997—Pub. L. 105-85, div. A, title VII, §§ 738(b), 764(b), 765(a)(2), 766(b), Nov. 18, 1997, 111 Stat. 1815, 1826-1828, added items 1074e, 1074f, 1106, and 1107 and struck out former item 1106 “Submittal of claims under CHAMPUS”.

1996—Pub. L. 104-201, div. A, title VII, §§ 701(a)(2)(B), 703(a)(2), 733(a)(2), Sept. 23, 1996, 110 Stat. 2587, 2590, 2598, substituted “Certain primary and preventive health care services” for “Primary and preventive health care services for women” in item 1074d and added items 1076c and 1079a.

Pub. L. 104-106, div. A, title VII, §§ 705(a)(2), 735(d)(2), 738(b)(2), Feb. 10, 1996, 110 Stat. 373, 383, added item 1076b and substituted “Performance of abortions: restrictions” for “Restriction on use of funds for abortions” in item 1093 and “Defense Health Program Account” for “Military Health Care Account” in item 1100.

1993—Pub. L. 103-160, div. A, title VII, §§ 701(a)(2), 712(a)(2), 714(b)(2), 716(a)(2), Nov. 30, 1993, 107 Stat. 1686, 1689, 1690, 1692, added item 1074d, substituted “Personal services contracts” for “Contracts for direct health care providers” in item 1091 and “Resource allocation methods: capitation or diagnosis-related groups” for “Diagnosis-related groups” in item 1101, added item 1105, and struck out former item 1105 “Issuance of non-availability of health care statements”.

1992—Pub. L. 102-484, div. D, title XLIV, § 4408(a)(2), Oct. 23, 1992, 106 Stat. 2712, added item 1078a.

1991—Pub. L. 102-190, div. A, title VI, § 640(b), title VII, §§ 715(b), 716(a)(2), Dec. 5, 1991, 105 Stat. 1385, 1403, 1404, added item 1074b, redesignated former item 1074b as 1074c, and added items 1105 and 1106.

1990—Pub. L. 101-510, div. A, title VII, § 713(d)(2)(3), Nov. 5, 1990, 104 Stat. 1584, substituted “Health care services incurred on behalf of covered beneficiaries: collection from third-party payers” for “Collection from third-party payers of reasonable inpatient hospital care costs incurred on behalf of retirees and dependents” in item 1095.