

roll in an approved health benefits plan described by section 8903 or 8903a of this title. The regulations may exclude an employee on the basis of the nature and type of his employment or conditions pertaining to it, such as short-term appointment, seasonal or intermittent employment, and employment of like nature. The Office may not exclude—

(1) an employee or group of employees solely on the basis of the hazardous nature of employment;

(2) a teacher in the employ of the Board of Education of the District of Columbia, whose pay is fixed by section 1501 of title 31, District of Columbia Code, on the basis of the fact that the teacher is serving under a temporary appointment if the teacher has been so employed by the Board for a period or periods totaling not less than two school years;

(3) an employee who is occupying a position on a part-time career employment basis (as defined in section 3401(2) of this title); or

(4) an employee who is employed on a temporary basis and is eligible under section 8906a(a).

(c) The regulations of the Office shall provide for the beginning and ending dates of coverage of employees, annuitants, members of their families, and former spouses under health benefits plans. The regulations may permit the coverage to continue, exclusive of the temporary extension of coverage described by section 8902(g) of this title, until the end of the pay period in which an employee is separated from the service, or until the end of the month in which an annuitant or former spouse ceases to be entitled to annuity, and in case of the death of an employee or annuitant, may permit a temporary extension of the coverage of members of his family for not to exceed 90 days.

(d) The Secretary of Agriculture shall prescribe regulations to effect the application and operation of this chapter to an individual named by section 8901(1)(H) of this title.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 607; Pub. L. 95-437, §4(c)(1), Oct. 10, 1978, 92 Stat. 1058; Pub. L. 95-454, title IX, §906(a)(2), (3), (c)(2)(F), (H), Oct. 13, 1978, 92 Stat. 1224, 1227; Pub. L. 98-615, §3(7), Nov. 8, 1984, 98 Stat. 3204; Pub. L. 99-53, §2(a), June 17, 1985, 99 Stat. 94; Pub. L. 100-654, title III, §301(c), Nov. 14, 1988, 102 Stat. 3846.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 3009(a).	Sept. 28, 1959, Pub. L. 86-382, §10(a), 73 Stat. 715.
(b)	5 U.S.C. 3002(a) (words between 1st and 4th commas of 1st sentence, and 2d sentence), (f) (words between 1st and 2d commas of 1st sentence).	Sept. 28, 1959, Pub. L. 86-382, §3(a) (words between 1st and 4th commas of 1st sentence, and 2d sentence), 73 Stat. 710. July 1, 1960, Pub. L. 86-568, §115(d) "(f) (words between 1st and 2d commas of 1st sentence)", 74 Stat. 303. Oct. 6, 1964, Pub. L. 88-631, §1, 78 Stat. 1007.
(c)	5 U.S.C. 3009(b).	Sept. 28, 1959, Pub. L. 86-382, §10(b), 73 Stat. 715.
(d)	5 U.S.C. 3002(f) (2d sentence).	July 1, 1960, Pub. L. 86-568, §115(d) "(f) (2d sentence)", 74 Stat. 303.

In subsection (b)(2), the words "section 1501 of title 31, District of Columbia Code" are substituted for "section 1 of the District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (sec. 31-1501, D.C. Code, 1961 edition)".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1988—Subsec. (b)(4). Pub. L. 100-654 added par. (4).

1985—Subsec. (b). Pub. L. 99-53 inserted reference to section 8903a of this title.

1984—Subsec. (c). Pub. L. 98-615, §3(7), substituted "employees, annuitants, members of their families, and former spouses" for "employees and annuitants and members of their families", and "in which an annuitant or former spouse" for "in which an annuitant".

1978—Subsecs. (a), (b). Pub. L. 95-454, §906(a)(2), (3), substituted "Office of Personnel Management" for "Civil Service Commission" and "Office" for "Commission" wherever appearing.

Subsec. (b)(3). Pub. L. 95-454, §906(c)(2)(F), (H), substituted "3401" for "3391".

Pub. L. 95-437 added par. (3).

Subsec. (c). Pub. L. 95-454, §906(a)(3), substituted "Office" for "Commission".

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-654 effective 120 days after Nov. 14, 1988, see section 301(d) of Pub. L. 100-654, set out as an Effective Date note under section 8906a of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-615 effective May 7, 1985, with enumerated exceptions, and applicable to any individual who is married to an employee or annuitant on or after that date, see section 4(a)(2) of Pub. L. 98-615, as amended, set out as a note under section 8341 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

§ 8914. Effect of other statutes

Any provision of law outside of this chapter which provides coverage or any other benefit under this chapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage or benefit shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988.

(Added Pub. L. 100-238, title I, §108(a)(3)(A), Jan. 8, 1988, 101 Stat. 1747.)

CHAPTER 89A—ENHANCED DENTAL BENEFITS

Sec. 8951.	Definitions.
8952.	Availability of dental benefits.
8953.	Contracting authority.
8954.	Benefits.
8955.	Information to individuals eligible to enroll.
8956.	Election of coverage.
8957.	Coverage of restored survivor or disability annuitants.
8958.	Premiums.
8959.	Preemption.
8960.	Studies, reports, and audits.
8961.	Jurisdiction of courts.
8962.	Administrative functions.

§ 8951. Definitions

In this chapter:

(1) The term “employee” means an employee defined under section 8901(1) and an employee of the District of Columbia courts.

(2) The terms “annuitant”, “member of family”, and “dependent” have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

(3) The term “eligible individual” refers to an individual described in paragraph (1), (2), or (8), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

(4) The term “Office” means the Office of Personnel Management.

(5) The term “qualified company” means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount dental programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

(6) The term “employee organization” means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

(7) The term “State” includes the District of Columbia.

(8) The term “covered TRICARE-eligible individual” means an individual entitled to dental care under chapter 55 of title 10, pursuant to section 1076a or 1076c¹ of such title, who the Secretary of Defense determines should be an eligible individual for purposes of this chapter.

(Added Pub. L. 108–496, § 2, Dec. 23, 2004, 118 Stat. 4001; amended Pub. L. 109–356, title I, § 117(a)(1), Oct. 16, 2006, 120 Stat. 2027; Pub. L. 114–328, div. A, title VII, § 715(a)(1), Dec. 23, 2016, 130 Stat. 2221; Pub. L. 115–232, div. A, title VII, § 713(a), Aug. 13, 2018, 132 Stat. 1811.)

APPLICABILITY OF AMENDMENT

Amendment of section by section 713(a) of Pub. L. 115–232 applicable with respect to the first contract year for this chapter that begins on or after Jan. 1, 2022. See 2018 Amendment note below.

AMENDMENTS

2018—Par. (8). Pub. L. 115–232 substituted “1076a or 1076c” for “1076c”.

2016—Par. (3). Pub. L. 114–328, § 715(a)(1)(A), substituted “paragraph (1), (2), or (8)” for “paragraph (1) or (2)”.

Par. (8). Pub. L. 114–328, § 715(a)(1)(B), added par. (8).

2006—Par. (1). Pub. L. 109–356, which directed insertion of “and an employee of the District of Columbia courts” at end of par. (1), was executed by making the insertion before the period to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115–232, div. A, title VII, § 713(c), Aug. 13, 2018, 132 Stat. 1812, provided that: “The amendments made

by this section [amending this section and section 1076a of Title 10, Armed Forces, and enacting provisions set out as a note under section 1076a of Title 10] shall apply with respect to the first contract year for chapter 89A of title 5, United States Code, that begins on or after January 1, 2022.”

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114–328, div. A, title VII, § 715(c), Dec. 23, 2016, 130 Stat. 2223, provided that: “The amendments made by this section [amending this section, sections 8958, 8981, and 8988 of this title and section 1076c of Title 10, Armed Forces] shall apply with respect to the first contract year for chapter 89A or 89B of title 5, United States Code, as applicable, that begins on or after January 1, 2018.”

EFFECTIVE DATE

Pub. L. 108–496, § 7, Dec. 23, 2004, 118 Stat. 4011, provided that: “The amendments made by this Act [enacting this chapter and chapter 89B of this title, amending section 1005 of Title 39, Postal Service, and enacting provisions set out as a note under section 101 of this title] shall take effect on the date of enactment of this Act [Dec. 23, 2004] and shall apply to contracts that take effect with respect to the calendar year 2006.”

§ 8952. Availability of dental benefits

(a) The Office shall establish and administer a program through which an eligible individual may obtain dental coverage to supplement coverage available through chapter 89.

(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

(c) Nothing in this chapter shall be construed to prohibit the availability of dental benefits provided by health benefits plans under chapter 89.

(Added Pub. L. 108–496, § 2, Dec. 23, 2004, 118 Stat. 4002.)

EFFECTIVE DATE

Section effective Dec. 23, 2004, and applicable to contracts that take effect with respect to the calendar year 2006, see section 7 of Pub. L. 108–496, set out as a note under section 8951 of this title.

§ 8953. Contracting authority

(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8954 without regard to section 6101(b) to (d) of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

(b) Each contract under this section shall contain—

(1) the requirements under section 8902(d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

(2) the terms of the enrollment period; and

(3) such other terms and conditions as may be mutually agreed to by the Office and the

¹ See Applicability of Amendment note below.