

Subsec. (b)(5). Pub. L. 109-364, §592(a)(2), added par. (5).

2004—Subsec. (c). Pub. L. 108-375 substituted “1115(b) of this title, and such contributions shall be paid into the Fund as provided in section 1116(a)” for “1116 of this title, and such administering Secretary may make such contributions”.

2002—Subsec. (c). Pub. L. 107-314 substituted “shall enter into an agreement with each other administering Secretary” for “may enter into an agreement with any other administering Secretary” in first sentence and “The” for “Any such” in second sentence.

2001—Pub. L. 107-107, §711(e)(2), inserted “; authority to enter into agreements” after “definitions” in section catchline.

Subsec. (a). Pub. L. 107-107, §1048(a)(12), substituted “hereinafter” for “hereafter”.

Pub. L. 107-107, §711(e)(1), substituted “uniformed services retiree health care programs” for “Department of Defense retiree health care programs”.

Subsec. (b). Pub. L. 107-107, §711(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In this chapter:

“(1) The term ‘Department of Defense retiree health care programs for medicare-eligible beneficiaries’ means the provisions of this title or any other provision of law creating entitlement to health care for a medicare-eligible member or former member of the uniformed services entitled to retired or retainer pay, or a medicare-eligible dependent of a member or former member of the uniformed services entitled to retired or retainer pay.

“(2) The term ‘medicare-eligible’ means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

“(3) The term ‘dependent’ means a dependent (as such term is defined in section 1072 of this title) described in section 1076(b)(1) of this title.”

Subsec. (c). Pub. L. 107-107, §711(b)(1), added subsec. (c).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title V, §592(c), Oct. 17, 2006, 120 Stat. 2234, provided that: “The amendments made by this section [amending this section and section 1115 of this title] shall take effect with respect to payments under chapter 56 of title 10, United States Code, beginning with fiscal year 2008.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title VII, §725(d), Oct. 28, 2004, 118 Stat. 1992, provided that: “The amendments made by this section [amending this section and sections 1115 and 1116 of this title] shall take effect on October 1, 2005.”

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VII, §711(f), Dec. 28, 2001, 115 Stat. 1167, provided that: “The amendments made by this section [amending this section and sections 1112, 1113, 1115, and 1116 of this title] shall take effect as if included in the enactment of chapter 56 of title 10, United States Code, by section 713(a)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-179).”

PAYMENT OF CONTRIBUTIONS FOR THE UNIFORMED SERVICE OF THE PUBLIC HEALTH SERVICE

Pub. L. 108-7, div. F, title II, Feb. 20, 2003, 117 Stat. 261, provided in part: “That notwithstanding any other provision of law, contributions authorized by 10 U.S.C. 1111 for the Uniformed Service of the Public Health Service shall be paid in fiscal year 2003 and thereafter from the Department of Health and Human Services’ Retirement Pay and Medical Benefits for Commissioned Officers account without charges billed to the Indian Health Service”.

§ 1112. Assets of Fund

There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

(1) Amounts paid into the Fund under section 1116 of this title.

(2) Any amount appropriated to the Fund.

(3) Any return on investment of the assets of the Fund.

(4) Amounts paid into the Fund pursuant to section 1111(c) of this title.

(Added Pub. L. 106-398, §1 [[div. A], title VII, §713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-180; amended Pub. L. 107-107, div. A, title VII, §711(b)(2), Dec. 28, 2001, 115 Stat. 1165.)

AMENDMENTS

2001—Par. (4). Pub. L. 107-107 added par. (4).

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 effective as if included in the enactment of this chapter by Pub. L. 106-398, see section 711(f) of Pub. L. 107-107, set out as a note under section 1111 of this title.

§ 1113. Payments from the Fund

(a) There shall be paid from the Fund amounts payable for the costs of all uniformed service retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare eligible, and eligible dependents who are medicare eligible.

(b) The assets of the Fund are hereby made available for payments under subsection (a).

(c)(1) In carrying out subsection (a), the Secretary of Defense may transfer periodically from the Fund to applicable appropriations of the Department of Defense, or to applicable appropriations of other departments or agencies, such amounts as the Secretary determines necessary to cover the costs chargeable to those appropriations for uniformed service retiree health care programs for beneficiaries under those programs who are medicare-eligible. Such transfers may include amounts necessary for the administration of such programs. Amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. Upon a determination that all or part of the funds transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund. This transfer authority is in addition to any other transfer authority that may be available to the Secretary.

(2) A transfer from the Fund under paragraph (1) may not be made to an appropriation after the end of the second fiscal year after the fiscal year that the appropriation is available for obligation. A transfer back to the Fund under paragraph (1) may not be made after the end of the second fiscal year after the fiscal year for which the appropriation to which the funds were originally transferred is available for obligation.

(d) The Secretary of Defense shall by regulation establish the method or methods for calculating amounts to be transferred under subsection (c). Such method or methods may be