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§ 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 1076c 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; Pub. L. 116-283, div. A, title VII, §711(a), (c), Jan. 1, 2021, 134 Stat. 3691.)

Editorial Notes

AMENDMENTS

2021—Par. (8). Pub. L. 116-283, §711(c), repealed Pub. L. 115-232, §713(a). See 2018 Amendment note below.

Pub. L. 116-283, §711(a), struck out “1076a or” before “1076c”.

2018—Par. (8). Pub. L. 115-232, §713(a), which substituted “1076a or 1076c” for “1076c”, was repealed by Pub. L. 116-283, §711(c).

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-232, div. A, title VII, §713(c), Aug. 13, 2018, 132 Stat. 1812, which provided that the amendments made by this section (amending this section and section 1076a of Title 10, Armed Forces) applied with respect to the first contract year for chapter 89A of title 5, United States Code, that began on or after January 1, 2022, was repealed by Pub. L. 116-283, div. A, title VII, §711(c), Jan. 1, 2021, 134 Stat. 3691.

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.)

Statutory Notes and Related Subsidiaries

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