

117TH CONGRESS  
1ST SESSION

# S. 829

To amend title 10, United States Code, to improve the TRICARE program for certain members of the Retired Reserve of the reserve components.

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IN THE SENATE OF THE UNITED STATES

MARCH 18, 2021

Mr. PORTMAN (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to improve the TRICARE program for certain members of the Retired Reserve of the reserve components.

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 “TRICARE Fairness  
5 for National Guard and Reserve Retirees Act”.

6 **SEC. 2. TRICARE FOR MEMBERS OF THE RETIRED RE-**  
7 **SERVE.**

8 (a) ADJUSTMENT OF ELIGIBILITY.—Paragraph (2)  
9 of section 1074(b) of title 10, United States Code, is  
10 amended to read as follows:

1       “(2) Paragraph (1) does not apply to a member or  
2 former member eligible for retired pay for non-regular  
3 service under chapter 1223 of this title who is under 60  
4 years of age unless such member or former member is in  
5 receipt of such pay (or would be in receipt of such pay  
6 but for section 5304 or 5305 of title 38).”.

7       (b)   TRICARE    RETIREED   RESERVE.—Section  
8 1076e(a) of title 10, United States Code, is amended—

9           (1) in paragraph (1), by striking “who is quali-  
10       fied for a non-regular retirement at age 60 under  
11       chapter 1223 of this title, but is not age 60,” and  
12       inserting “described in paragraph (3)”; and

13          (2) by adding at the end the following new  
14       paragraph:

15       “(3) A member of the Retired Reserve of a reserve  
16 component of the armed forces is described in this para-  
17 graph if the member—

18           “(A) is qualified for a non-regular retirement at  
19       age 60 under chapter 1223 of this title;

20           “(B) is not age 60; and

21           “(C) is not in receipt of retired pay under such  
22       chapter, unless the member is not in receipt of such  
23       retired pay due to the application of section 5304 or  
24       5305 of title 38.”.

1       (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect January 1, 2022.

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