

116TH CONGRESS  
1ST SESSION

# H. R. 5169

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2019

Mr. SPANO (for himself and Ms. GABBARD) introduced the following bill;  
which was 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 Reserves 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)(2) 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 RETIRED RESERVE.—Section  
8 1076e(a)(1) of title 10, United States Code, is amended  
9 by striking “but is not age 60” and inserting “but is not  
10 age 60 and is not in receipt of such retired pay (or would  
11 be in receipt of such pay but for section 5304 or 5305  
12 of title 38)”.

13       (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect January 1, 2020.

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