

104TH CONGRESS
1ST SESSION

H. R. 1726

To amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1995

Mrs. MINK of Hawaii introduced the following bill; which was referred to the Committee on National Security

A BILL

To amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. COVERAGE UNDER THE MILITARY HEALTH**
2 **CARE SYSTEM FOR CERTAIN FORMER**
3 **SPOUSES.**

4 (a) **COVERAGE GENERALLY.**—Section 1072(2) of
5 title 10, United States Code, is amended—

6 (1) by striking out “and” at the end of sub-
7 paragraph (G);

8 (2) by striking out the period at the end of sub-
9 paragraph (H) and inserting in lieu thereof “; and”;
10 and

11 (3) by adding at the end the following:

12 “(I) a person who (i) is the unremarried
13 former spouse of a member or former member
14 who performed at least 20 years of service
15 which is creditable in determining the member
16 or former member’s eligibility for retired or re-
17 tainer pay, or equivalent pay, and on the date
18 of the final decree of divorce, dissolution, or an-
19 nulment, had been married to the member or
20 former member for a period of at least 17
21 years, and (ii) does not have medical coverage
22 under an employer-sponsored health plan.”.

23 (b) **CONFORMING AMENDMENTS.**—(1) Section
24 1072(2)(H) of title 10, United States Code, is amended—

1 (A) by inserting after “who” the following:
2 “does not qualify as a dependent under subpara-
3 graph (I) but who”; and

4 (B) by striking out “clause (G)” and inserting
5 in lieu thereof “subparagraph (G)”.

6 (2) Section 1076(b)(2) of such title is amended by
7 striking out “section 1072(2)(F)” and inserting in lieu
8 thereof “subparagraph (F) or (I) of section 1072(2)”.

9 (3) Section 1078a(b)(3)(C) of such title is amended
10 by striking out “or (G)” and inserting in lieu thereof “,
11 (G), or (I)”.

12 (4) Section 1086(c)(3) of such title is amended by
13 striking out “or (H)” and inserting in lieu thereof “(H),
14 or (I)”.

15 (c) EFFECT OF COVERAGE ON EXISTING FORMER
16 SPOUSES.—An unremarried former spouse of a member
17 or former member of the uniformed services described in
18 subparagraph (I) of section 1072(2) of title 10, United
19 States Code, as added by subsection (a), whose date of
20 final decree of divorce, dissolution, or annulment is before
21 the date of the enactment of this Act shall be eligible to
22 receive health care benefits and services provided under
23 chapter 55 of such title as a result of operation of such
24 subparagraph only if—

1 (1) the former spouse files an application with
2 the Secretary of Defense not later than one year
3 after the date of the enactment of this Act request-
4 ing such medical and dental care and certifying that
5 the former spouse satisfies the conditions for eligi-
6 bility; and

7 (2) the Secretary determines that the former
8 spouse does in fact satisfy the conditions for eligi-
9 bility.

10 **SEC. 2. EXTENSION OF COMMISSARY BENEFITS TO CER-**
11 **TAIN FORMER SPOUSES.**

12 (a) EXTENSION OF BENEFITS.—Section 1062 of title
13 10, United States Code, is amended by inserting “or
14 (I)(i)” after “subparagraph (F)(i)”.

15 (b) APPLICABILITY.—The amendment made by sub-
16 section (a) applies to an unremarried former spouse of a
17 member or former member of the uniformed services de-
18 scribed in subparagraph (I) of section 1072(2) of such
19 title, as added by section 1(a), whose date of final decree
20 of divorce, dissolution, or annulment is before, on, or after
21 the date of the enactment of this Act.

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