

105TH CONGRESS
1ST SESSION

H. R. 1956

To amend sections 226 and 226A of the Social Security Act to provide for entitlement to Medicare benefits of any divorced individual who otherwise would be so entitled on the basis of entitlement to wife's, husband's, widow's, or widower's insurance benefits but for the failure to meet the 10-year marriage requirement, if such individual has been married to any 2 fully-insured individuals for a total period of 10 years.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1997

Mr. SABO introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend sections 226 and 226A of the Social Security Act to provide for entitlement to Medicare benefits of any divorced individual who otherwise would be so entitled on the basis of entitlement to wife's, husband's, widow's, or widower's insurance benefits but for the failure to meet the 10-year marriage requirement, if such individual has been married to any 2 fully-insured individuals for a total period of 10 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. ENTITLEMENT TO MEDICARE BENEFITS OF DI-**
2 **VORCED INDIVIDUALS ON THE BASIS OF**
3 **MARRIAGE TO ANY 2 FULLY INSURED INDI-**
4 **VIDUALS FOR A TOTAL PERIOD OF 10 YEARS.**

5 (a) IN GENERAL.—Section 226(e)(1) of the Social
6 Security Act (42 U.S.C. 426(e)(1)) is amended by adding
7 at the end the following:

8 “(C)(i) In the case of an individual—

9 “(I) who is divorced,

10 “(II) who fails to meet the requirements for en-
11 titlement to wife’s, husband’s, widow’s, or widower’s
12 insurance benefits (other than filing an application
13 therefor) solely by reason of the individual’s failure
14 to have been married at the time of divorce for the
15 10-year period required under paragraph (1) or (4)
16 of section 216(d), and

17 “(III) whose total period of marriage to any 2
18 spouses who were fully insured at the time of the
19 termination of the respective marriages is at least 10
20 years,

21 such individual shall be treated, solely for purposes of de-
22 termining entitlement under this section, as entitled to
23 such wife’s, husband’s, widow’s, or widower’s insurance
24 benefits.

25 “(ii) The Commissioner of Social Security shall make
26 the determination of whether an individual meets the re-

1 requirements for treatment under this subparagraph as
2 being entitled to wife's, husband's, widow's, or widower's
3 insurance benefits upon the filing by such individual of
4 an application for such treatment and shall transmit the
5 Commissioner's determination to the Secretary. An indi-
6 vidual's treatment as being so entitled shall commence
7 with the month following the month in which the Commis-
8 sioner's determination that the individual meets such re-
9 quirements is made.".

10 (b) ENTITLEMENT BASED ON END STAGE RENAL
11 DISEASE.—Section 226A of such Act (42 U.S.C. 426–1)
12 is amended by adding at the end the following:

13 “(d)(1) In the case of an individual—

14 (A) who is divorced,

15 (B) who fails to meet the requirements for en-
16 titlement to wife's, husband's, widow's, or widower's
17 insurance benefits (other than filing an application
18 therefor) solely by reason of the individual's failure
19 to have been married at the time of divorce for the
20 10-year period required under paragraph (1) or (4)
21 of section 216(d), and

22 (C) whose total period of marriage to any 2
23 spouses who were fully insured at the time of the
24 termination of marriage is at least 10 years,

1 such individual shall be treated, solely for purposes of de-
2 termining entitlement under this section, as entitled to
3 such wife's, husband's, widow's, or widower's insurance
4 benefits.

5 “(2) The Commissioner of Social Security shall make
6 the determination of whether an individual meets the re-
7 quirements for treatment under this subsection as being
8 entitled to wife's, husband's, widow's, or widower's insur-
9 ance benefits upon the filing by such individual of an ap-
10 plication for such treatment and shall transmit the Com-
11 missioner's determination to the Secretary. An individual's
12 treatment as being so entitled shall commence with the
13 month following the month in which the Commissioner's
14 determination that the individual meets such requirements
15 is made.”.

16 **SEC. 2. EFFECTIVE DATE.**

17 The amendments made by this Act shall apply with
18 respect to determinations made by the Commissioner of
19 Social Security after the date of the enactment of this Act
20 pursuant to section 226(e)(1)(C)(ii) or 226A(d)(2) of the
21 Social Security Act (added by this Act).

○