

107TH CONGRESS
1ST SESSION

H. R. 288

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 during those years of service.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2001

Mrs. MINK of Hawaii (for herself, Mr. FALEOMAVAEGA, Ms. MCKINNEY, Mrs. CHRISTENSEN, Mr. FILNER, and Mr. FROST) introduced the following bill; which was referred to the Committee on Armed Services

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 during those years of service.

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 “and” at the end of subpara-
7 graph (H);

8 (2) by striking the period at the end of sub-
9 paragraph (I) and inserting “; and”; and

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

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

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

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

6 (B) by striking “clause (G)” and inserting
7 “subparagraph (G)”.

8 (2) Section 1078a(b)(3)(C) of such title is amended
9 by striking “or (G)” and inserting “, (G), or (J)”.

10 (3) Section 1086(c)(3) of such title is amended by
11 striking “or (H)” and inserting “(H), or (J)”.

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

22 (1) the former spouse files an application with
23 the Secretary of Defense not later than one year
24 after the date of the enactment of this Act request-
25 ing such medical and dental care and certifying that

1 the former spouse satisfies the conditions for eligi-
2 bility; and

3 (2) the Secretary determines that the former
4 spouse does in fact satisfy the conditions for eligi-
5 bility.

6 **SEC. 2. EXTENSION OF COMMISSARY BENEFITS TO CER-**
7 **TAIN FORMER SPOUSES.**

8 (a) EXTENSION OF BENEFITS.—Section 1062 of title
9 10, United States Code, is amended by inserting “or
10 (J)(i)” after “subparagraph (F)(i)”.

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

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