

106TH CONGRESS
1ST SESSION

H. R. 475

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

FEBRUARY 2, 1999

Mrs. MINK of Hawaii 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 out “and” at the end of sub-
7 paragraph (H);

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

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

12 “(J) 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 years
21 during the period the member or former mem-
22 ber performed service creditable in determining
23 the member or former member’s eligibility for
24 retired or retainer pay, and (ii) does not have
25 medical coverage under an employer-sponsored
26 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 out “clause (G)” and inserting
7 in lieu thereof “subparagraph (G)”.

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

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

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

24 (1) the former spouse files an application with
25 the Secretary of Defense not later than one year

1 after the date of the enactment of this Act request-
 2 ing such medical and dental care and certifying that
 3 the former spouse satisfies the conditions for eligi-
 4 bility; and

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

8 **SEC. 2. EXTENSION OF COMMISSARY BENEFITS TO CER-**
 9 **TAIN FORMER SPOUSES.**

10 (a) EXTENSION OF BENEFITS.—Section 1062 of title
 11 10, United States Code, is amended by inserting “or
 12 (J)(i)” after “subparagraph (F)(i)”.

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

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