

109TH CONGRESS
1ST SESSION

H. R. 2125

To provide that unremarried former spouses of retired and career members of the Armed Forces shall be entitled to military health care and commissary and exchange benefits if married for at least 10 years during the member's military service and if the former spouse left the marriage due to domestic violence or unbearable conditions.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2005

Mr. FILNER introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To provide that unremarried former spouses of retired and career members of the Armed Forces shall be entitled to military health care and commissary and exchange benefits if married for at least 10 years during the member's military service and if the former spouse left the marriage due to domestic violence or unbearable conditions.

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 “Continued Benefits
5 for Injured Military Spouses Act”.

1 **SEC. 2. ELIGIBILITY OF CERTAIN UNREMARIED FORMER**
2 **MILITARY SPOUSES FOR MILITARY HEALTH**
3 **CARE AND AND COMMISSARY AND EXCHANGE**
4 **BENEFITS.**

5 (a) ELIGIBILITY.—A person described in subsection
6 (b) shall be deemed for all purposes to be described in
7 subparagraph (F)(i) of section 1072(2) of title 10, United
8 States Code.

9 (b) PERSONS COVERED.—Subsection (a) applies to a
10 person who—

11 (1) is the unremarried former spouse of a mem-
12 ber of the uniformed services who performed at least
13 20 years of service which is creditable in deter-
14 mining the member's eligibility for retired pay and
15 on the date of the final decree of divorce, dissolu-
16 tion, or annulment had been married to the member
17 for a period of at least 20 years, of which at least
18 10 years were during the period the member per-
19 formed service creditable in determining the mem-
20 ber's eligibility for retired pay; and

21 (2) sought a divorce, dissolution, or annulment
22 from the member of the uniformed services due, in
23 whole or in part, to (A) domestic violence involving
24 that person or a child of that person that is substan-
25 tiated by counseling or medical records, or (B) other

1 circumstances that (as determined by the Secretary
2 concerned) constitute unbearable conditions.

3 (c) DEFINITIONS.—In this section:

4 (1) The term “retired pay” includes retainer
5 pay or equivalent pay.

6 (2) The term “member” includes a former
7 member entitled to retired pay or who would be enti-
8 tled to that pay but for being under age 60.

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