

113TH CONGRESS
1ST SESSION

H. R. 683

To amend titles 10, 32, 37, and 38 of the United States Code, to add a definition of spouse for purposes of military personnel policies and military and veteran benefits that recognizes new State definitions of spouse.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2013

Mr. SMITH of Washington (for himself, Ms. HANABUSA, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. LANGEVIN, Mr. CASTRO of Texas, Mr. COURTNEY, Mr. GARAMENDI, Mr. ANDREWS, Mr. PETERS of California, Ms. KUSTER, Mr. O’ROURKE, Ms. SHEA-PORTER, Ms. SPEIER, Ms. TSONGAS, Mr. LARSEN of Washington, Ms. BROWNLEY of California, Mr. TAKANO, Mr. SCHIFF, Mr. LOWENTHAL, Ms. LEE of California, Mr. RUSH, Mrs. CAROLYN B. MALONEY of New York, Mr. HECK of Washington, Mr. CONNOLLY, Ms. MOORE, Mr. HUFFMAN, Mr. MORAN, Ms. CHU, Mr. POCAN, Mr. CAPUANO, Mr. HONDA, Mr. FARR, Mr. ISRAEL, Mr. BISHOP of New York, Ms. GABBARD, Ms. NORTON, Mr. McDERMOTT, Mr. RYAN of Ohio, Mr. McGOVERN, Mr. DEUTCH, Mr. CARSON of Indiana, Mrs. DAVIS of California, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans’ Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles 10, 32, 37, and 38 of the United States Code, to add a definition of spouse for purposes of military personnel policies and military and veteran benefits that recognizes new State definitions of spouse.

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 “Military Spouses Equal
5 Treatment Act”.

6 **SEC. 2. DEFINITION OF SPOUSE FOR PURPOSES OF MILI-**
7 **TARY PERSONNEL POLICIES AND MILITARY**
8 **AND VETERAN BENEFITS TO REFLECT NEW**
9 **STATE DEFINITIONS OF SPOUSE.**

10 (a) TITLE 10.—

11 (1) DEFINITION.—Paragraph (5) of section
12 101(f) of title 10, United States Code, is amended
13 to read as follows:

14 “(5) Notwithstanding section 7 of title 1, an in-
15 dividual shall be considered a ‘spouse’ if the mar-
16 riage of the individual is valid in the State in which
17 the marriage was entered into or, in the case of a
18 marriage entered into outside any State, if the mar-
19 riage is valid in the place in which the marriage was
20 entered into and the marriage could have been en-
21 tered into in a State. In this paragraph, the term
22 ‘State’ means the several States, the District of Co-
23 lumbia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, and
25 the territories and possessions.”.

1 (2) CONFORMING AMENDMENTS.—Such section
2 is further amended—

3 (A) in the matter preceding paragraph (1).
4 by striking “In this title—” and inserting “The
5 following rules of construction apply in this
6 title.”;

7 (B) in paragraph (1)—

8 (i) by inserting “The term” after
9 “(1)”; and

10 (ii) by striking the semicolon at the
11 end and inserting a period;

12 (C) in paragraph (2)—

13 (i) by inserting “The term” after
14 “(2)”; and

15 (ii) by striking the semicolon at the
16 end and inserting a period;

17 (D) in paragraph (3)—

18 (i) by inserting “The phrase” after
19 “(3)”; and

20 (ii) by striking the semicolon at the
21 end and inserting a period; and

22 (E) in paragraph (4)—

23 (i) by inserting “The term” after
24 “(4)”; and

1 (ii) by striking “; and” and inserting
2 a period.

3 (b) TITLE 32.—Paragraph (18) of section 101 of title
4 32, United States Code, is amended to read as follows:

5 “(18) Notwithstanding section 7 of title 1, an
6 individual shall be considered a ‘spouse’ if the mar-
7 riage of the individual is valid in the State in which
8 the marriage was entered into or, in the case of a
9 marriage entered into outside any State, if the mar-
10 riage is valid in the place in which the marriage was
11 entered into and the marriage could have been en-
12 tered into in a State. In this paragraph, the term
13 ‘State’ means the several States, the District of Co-
14 lumbia, the Commonwealth of Puerto Rico, the Com-
15 monwealth of the Northern Mariana Islands, and
16 the territories and possessions.”.

17 (c) TITLE 37.—Section 101 of title 37, United States
18 Code, is amended by adding at the end the following new
19 paragraph:

20 “(27) Notwithstanding section 7 of title 1, an
21 individual shall be considered a ‘spouse’ if the mar-
22 riage of the individual is valid in the State in which
23 the marriage was entered into or, in the case of a
24 marriage entered into outside any State, if the mar-
25 riage is valid in the place in which the marriage was

1 entered into and the marriage could have been en-
2 tered into in a State. In this paragraph, the term
3 ‘State’ means the several States, the District of Co-
4 lumbia, the Commonwealth of Puerto Rico, the Com-
5 monwealth of the Northern Mariana Islands, and
6 the territories and possessions.”.

7 (d) TITLE 38.—Section 101 of title 38, United States
8 Code, is amended—

9 (1) in paragraph (3), by striking “of the oppo-
10 site sex”; and

11 (2) by striking paragraph (31) and inserting
12 the following new paragraph:

13 “(31) Notwithstanding section 7 of title 1, an indi-
14 vidual shall be considered a ‘spouse’ if the marriage of
15 the individual is valid in the State in which the marriage
16 was entered into or, in the case of a marriage entered into
17 outside any State, if the marriage is valid in the place
18 in which the marriage was entered into and the marriage
19 could have been entered into in a State. In this paragraph,
20 the term ‘State’ has the meaning given that term in para-
21 graph (20), except that the term also includes the Com-
22 monwealth of the Northern Mariana Islands.”.

○