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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R.

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

Mr. SMITH of Washington introduced the following bill; which was referred to the Committee on _____

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 of 2012”.

1 **SEC. 2. DEFINITION OF SPOUSE FOR PURPOSES OF MILI-**
2 **TARY PERSONNEL POLICIES AND MILITARY**
3 **AND VETERAN BENEFITS TO REFLECT NEW**
4 **STATE DEFINITIONS OF SPOUSE.**

5 (a) TITLE 10.—

6 (1) DEFINITION.—Paragraph (5) of section
7 101(f) of title 10, United States Code, is amended
8 to read as follows:

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

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

23 (A) in the matter preceding paragraph (1).
24 by striking “In this title—” and inserting “The
25 following rules of construction apply in this
26 title:”;

1 (B) in paragraph (1)—

2 (i) by inserting “The term” after
3 “(1)”; and

4 (ii) by striking the semicolon at the
5 end and inserting a period;

6 (C) in paragraph (2)—

7 (i) by inserting “The term” after
8 “(2)”; and

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

11 (D) in paragraph (3)—

12 (i) by inserting “The phrase” after
13 “(3)”; and

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

16 (E) in paragraph (4)—

17 (i) by inserting “The term” after
18 “(4)”; and

19 (ii) by striking “; and” and inserting
20 a period.

21 (b) TITLE 32.—Paragraph (18) of section 101 of title
22 32, United States Code, is amended to read as follows:

23 “(18) Notwithstanding section 7 of title 1, an
24 individual shall be considered a ‘spouse’ if the mar-
25 riage of the individual is valid in the State in which

1 the marriage was entered into or, in the case of a
2 marriage entered into outside any State, if the mar-
3 riage is valid in the place in which the marriage was
4 entered into and the marriage could have been en-
5 tered into in a State. In this paragraph, the term
6 ‘State’ means the several States, the District of Co-
7 lumbia, the Commonwealth of Puerto Rico, the Com-
8 monwealth of the Northern Mariana Islands, and
9 the territories and possessions.”.

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

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

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

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

5 (2) by striking paragraph (31) and inserting
6 the following new paragraph:

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