

112TH CONGRESS
2D SESSION

H. R. 6046

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

JUNE 27, 2012

Mr. SMITH of Washington (for himself, Mr. FILNER, Mrs. DAVIS of California, Mr. BRADY of Pennsylvania, Mr. ANDREWS, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. RYAN of Ohio, Mr. JOHNSON of Georgia, Ms. HANABUSA, and Ms. SPEIER) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Spouses Equal
3 Treatment Act of 2012”.

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

8 (a) TITLE 10.—

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

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

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

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

5 (B) in paragraph (1)—

6 (i) by inserting “The term” after
7 “(1)”; and

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

10 (C) in paragraph (2)—

11 (i) by inserting “The term” after
12 “(2)”; and

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

15 (D) in paragraph (3)—

16 (i) by inserting “The phrase” after
17 “(3)”; and

18 (ii) by striking the semicolon at the
19 end and inserting a period; and

20 (E) in paragraph (4)—

21 (i) by inserting “The term” after
22 “(4)”; and

23 (ii) by striking “; and” and inserting
24 a period.

1 (b) TITLE 32.—Paragraph (18) of section 101 of title
2 32, United States Code, is amended to read as follows:

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

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

18 “(27) Notwithstanding section 7 of title 1, an
19 individual shall be considered a ‘spouse’ if the mar-
20 riage of the individual is valid in the State in which
21 the marriage was entered into or, in the case of a
22 marriage entered into outside any State, if the mar-
23 riage is valid in the place in which the marriage was
24 entered into and the marriage could have been en-
25 tered into in a State. In this paragraph, the term

1 ‘State’ means the several States, the District of Co-
2 lumbia, the Commonwealth of Puerto Rico, the Com-
3 monwealth of the Northern Mariana Islands, and
4 the territories and possessions.”.

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

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

9 (2) by striking paragraph (31) and inserting
10 the following new paragraph:

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

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