

## Union Calendar No. 640

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5428

[Report No. 114–816]

To amend the Servicemembers Civil Relief Act to authorize spouses of servicemembers to elect to use the same residences as the servicemembers.

---

### IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2016

Mr. FORBES introduced the following bill; which was referred to the  
Committee on Veterans' Affairs

NOVEMBER 14, 2016

Additional sponsors: Mr. KNIGHT, Ms. STEFANIK, Mr. BISHOP of Utah, Mr. GIBSON, Mr. CALVERT, Mr. CARTER of Texas, Mr. MILLER of Florida, and Mr. ISSA

NOVEMBER 14, 2016

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

To amend the Servicemembers Civil Relief Act to authorize spouses of servicemembers to elect to use the same residences as the servicemembers.

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 Residency  
5 Choice Act”.

6 **SEC. 2. RESIDENCE OF SPOUSES OF SERVICEMEMBERS**  
7 **FOR TAX PURPOSES.**

8 (a) RESIDENCE FOR TAX PURPOSES.—Section  
9 511(a)(2) of the Servicemembers Civil Relief Act (50  
10 U.S.C. 4001(a)(2)) is amended by adding at the end the  
11 following new sentence: “The spouse of a servicemember  
12 may elect to use the same residence for purposes of tax-  
13 ation as the servicemember regardless of the date on which  
14 the marriage of the spouse and the servicemember oc-  
15 curred.”.

16 (b) APPLICABILITY.—The amendment made by sub-  
17 section (a) shall apply with respect to any return of State  
18 or local income tax filed for any taxable year beginning  
19 with the taxable year that includes the date of the enact-  
20 ment of this Act.

21 **SEC. 3. RESIDENCE OF SPOUSES OF SERVICEMEMBERS**  
22 **FOR VOTING.**

23 (a) IN GENERAL.—Section 705(b) of such Act is  
24 amended—

1           (1) by striking “State or local office” and all  
2 that follows through the period at the end of para-  
3 graph (3) and inserting “State or local office—”;  
4 and

5           (2) by adding at the end the following new  
6 paragraphs:

7           “(1) a person who is absent from a State be-  
8 cause the person is accompanying the person’s  
9 spouse who is absent from that same State in com-  
10 pliance with military or naval orders shall not, solely  
11 by reason of that absence—

12                   “(A) be deemed to have lost a residence or  
13 domicile in that State, without regard to wheth-  
14 er or not the person intends to return to that  
15 State;

16                   “(B) be deemed to have acquired a resi-  
17 dence or domicile in any other State; or

18                   “(C) be deemed to have become a resident  
19 in or a resident of any other State; and

20           “(2) the spouse of a servicemember may elect  
21 to use the same residence as the servicemember re-  
22 gardless of the date on which the marriage of the  
23 spouse and the servicemember occurred.”.

1           (b) **EFFECTIVE DATE.**—The amendments made by  
2 subsection (a) shall take effect on the date that is 90 days  
3 after the enactment of this Act.

Union Calendar No. 640

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5428**

[Report No. 114-816]

---

---

## **A BILL**

To amend the Servicemembers Civil Relief Act to authorize spouses of servicemembers to elect to use the same residences as the servicemembers.

---

---

NOVEMBER 14, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed