WRITTEN STATEMENT OF THE DEPARTMENT OF DEFENSE
FOR THE RECORD
REGARDING
PENDING LEGISLATION

BEFORE THE

HOUSE COMMITTEE ON VETERANS AFFAIRS’
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

June 29, 2017
Chairman Arrington, Ranking Member O'Rourke, and members of the Subcommittee, the Department of Defense (DoD) appreciates the opportunity to provide this statement for the record addressing legislation pending before the Subcommittee. This statement will focus on only those bills that will affect DoD; we defer to the Department of Veterans Affairs to provide responses on those bills with no significant DoD impacts.

H.R. 282, “Military Residency Choice Act”

This bill amends the Service members Civil Relief Act to authorize spouses of Service members to elect to use the same residences as the Service members. The Department has no objection to Section 2 of this bill which would allow the spouse of a Service member to elect to use the same residence for tax purposes regardless of the date of marriage. Section 3 of this bill would provide an opportunity for military spouses to retain their original voting residence if they are stationed with their spouse at another location and/or choose to use the same residence as the Service member, regardless of their marriage date. DoD does not object to section 3 since it does not negatively impact the Federal Voting Assistance Program's ability to provide voting assistance to military spouses.


This bill would amend title 38, United States Code, to clarify the scope of procedural rights of Service members with respect to their employment and reemployment rights under the Uniformed Services Employment and Reemployment Act of 1994 (USERRA).

USERRA establishes rights and responsibilities for uniformed Service members and their civilian employers. The proposed legislation clarifies that section 4302(b) of USERRA protects both substantive and procedural rights and benefits from reduction, limitation or elimination by contract, agreement, policy, plan, practice or other matter including by arbitration agreement, and prevents the enforcement of arbitration agreements unless all parties voluntarily consent to arbitration after a claim is filed in court or with the Merit Systems Protection Board. DoD does not object to this legislation since it does not lessen cooperation and understanding between Reserve Component Service members and their civilian employers. It also does not adversely impact the Employer Support for Guard and Reserve's ability to help resolve conflicts arising from an employee's military commitment.
Closing

The Department of Defense thanks the Subcommittee for its outstanding and continuing support of our Service members and Veterans.