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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To amend title 38, United States Code, to establish certain rights for spouses of members of the uniformed services.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 38, United States Code, to establish certain rights for spouses of members of the uniformed services.

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. ESTABLISHMENT OF CERTAIN RIGHTS FOR**
4 **SPOUSES OF MEMBERS OF THE UNIFORMED**
5 **SERVICES.**

6 (a) DEFINITION.—Section 4303 of title 38, United
7 States Code, is amended—

1 (1) by redesignating paragraphs (14) through
2 (17) as paragraphs (15) through (18), respectively;
3 and

4 (2) by inserting, after paragraph (13), the fol-
5 lowing new paragraph:

6 “(14) The term ‘spouse’ means husband or
7 wife, as the case may be.”.

8 (b) TERMINATION OF ENTITLEMENT.—Section 4304
9 of title 38, United States Code, is amended—

10 (1) by inserting “(a)” before “A person’s”;

11 (2) by adding at the end the following new sub-
12 section:

13 “(b) Except for reemployment rights under section
14 4312 of this title, a person’s entitlement to the benefits
15 of this chapter by reason of service in the uniformed serv-
16 ices by the spouse of such person terminates on the date
17 of issuance, by a court of competent jurisdiction, of a final
18 decree of divorce, dissolution, or annulment, regarding
19 such person and such spouse.”; and

20 (3) in the heading, by striking “**Character of**
21 **service**” and inserting “**Termination of enti-**
22 **tlement**”.

23 (c) DISCRIMINATION PROHIBITED.—Section 4311 of
24 title 38, United States Code, is amended—

1 (1) in subsection (a), by inserting “, or the
2 spouse of such a person,” after “uniformed service”;
3 and

4 (2) in the heading, by inserting “**spouses of**
5 **such persons;**” after “**and**”.

6 (d) REEMPLOYMENT RIGHTS.—Section 4312 of title
7 38, United States Code, is amended as follows:

8 (1) In subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by inserting “, or by reason of such service by
11 the spouse of such person,” after “uniformed
12 services”;

13 (B) in paragraph (2), by striking “service
14 in the uniformed services does not exceed five
15 years; and” and inserting “such service does
16 not exceed five years;”;

17 (C) by redesignating paragraph (3) as
18 paragraph (4); and

19 (D) by inserting, after paragraph (2), the
20 following new paragraph (3):

21 “(3) in the case of a person whose absence is
22 by reason of such service by the spouse of such per-
23 son, the length of the absence does not exceed two
24 consecutive years; and”.

25 (2) In subsection (c)—

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by striking “who is absent from a
4 position of employment by reason of serv-
5 ice in the uniformed services if such per-
6 son’s cumulative period of service in the
7 uniformed services” and inserting “de-
8 scribed in such subsection if the cumu-
9 lative period of absence”; and

10 (ii) by striking “any such period of
11 service shall not include any service” and
12 inserting “any such period of absence shall
13 not include any absence”;

14 (B) in paragraph (1), by inserting “for the
15 member of the uniformed services” before “to
16 complete”;

17 (C) in paragraph (2), by inserting “(or the
18 spouse of such person)” after “such person”
19 both places it appears;

20 (D) in paragraph (3), by inserting “for
21 service” before “performed as required”; and

22 (E) in paragraph (4), in the matter pre-
23 ceding subparagraph (A)—

24 (i) by striking “performed”; and

1 (ii) by inserting “(or the spouse of
2 such a member)” after “uniformed serv-
3 ice”.

4 (3) In subsection (d)(1)—

5 (A) in subparagraph (B), by striking “;
6 or” and inserting a semicolon;

7 (B) by redesignating subparagraph (C) as
8 subparagraph (D); and

9 (C) by inserting, after subparagraph (B),
10 the following new subparagraph (C):

11 “(C) in the case of a person whose absence
12 from employment is by reason of service in the uni-
13 formed services by the spouse of such person, such
14 person obtains new employment.”.

15 (4) In subsection (e)—

16 (A) in paragraph (1)—

17 (i) in the matter preceding subpara-
18 graph (A), by striking “paragraph (2)”
19 and inserting “paragraphs (2) and (3)”;
20 and

21 (ii) in subparagraph (D), by inserting
22 “(or the spouse of such a person)” after
23 “180 days”;

24 (B) in paragraph (2)(A), by inserting “, or
25 the spouse of such a person,” before “shall”;

1 (C) by redesignating paragraph (3) as
2 paragraph (4); and

3 (D) by inserting, after paragraph (2), the
4 following new paragraph (3):

5 “(3) In the case of a person absent from employment
6 by reason of service in the uniformed services by the
7 spouse of such person, if such person ceases to be married
8 to such spouse—

9 “(A) by reason of the death of such spouse,
10 such person shall notify the employer of such person
11 of the person’s intent to return to a position of em-
12 ployment with such employer not later than two
13 years after such death; or

14 “(B) for any reason other than the death of
15 such spouse, such person shall notify the employer
16 of such person of the person’s intent to return to a
17 position of employment with such employer not later
18 than 30 days after a court of competent jurisdiction
19 issues a final decree of divorce, dissolution, or annul-
20 ment.”.

21 (5) In subsection (h), by striking “person’s
22 training or service” and inserting “person’s (or the
23 person’s spouse’s) training or service”.

24 (6) In the heading, by striking “**of persons**
25 **who serve in the uniformed services**”.

1 (e) REEMPLOYMENT POSITIONS.—Section
2 4313(a)(2) of title 38, United States Code, is amended
3 in the matter preceding subparagraph (A) by inserting
4 “(or whose spouse’s)” after “whose”.

5 (f) REEMPLOYMENT BY THE FEDERAL GOVERN-
6 MENT.—Section 4314 of title 38, United States Code, is
7 amended by inserting “(or the spouse of such person)”
8 before “entered” both places it appears.

9 (g) REEMPLOYMENT BY CERTAIN FEDERAL AGEN-
10 CIES.—Section 4315(b) of title 38, United States Code,
11 is amended by inserting “, and the spouses of such per-
12 sons,” after “uniformed services”.

13 (h) RIGHTS, BENEFITS, AND OBLIGATIONS OF
14 SPOUSES ABSENT FROM EMPLOYMENT FOR SERVICE IN
15 A UNIFORMED SERVICE.—Section 4316 of title 38, United
16 States Code, is amended—

17 (1) in subsection (a), by inserting “, by such
18 person or the spouse of such person,” after “of serv-
19 ice”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “in the uniformed
24 services” and inserting “described in sub-
25 section (a)”;

1 (ii) in subparagraph (A), by striking
2 “while performing” and inserting “dur-
3 ing”; and

4 (iii) in subparagraph (B), by striking
5 “while such person performs” and insert-
6 ing “during”;

7 (B) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) in clause (i), by striking “in
10 the uniformed services” and inserting
11 “described in subsection (a)”; and

12 (II) in clause (ii), by striking
13 “service in the uniformed services”
14 and inserting “such service”; and

15 (ii) in subparagraph (B), by striking
16 “service in the uniformed services” and in-
17 serting “such service”; and

18 (C) in paragraph (3), by striking “while
19 serving in the uniformed services” and inserting
20 “during service described in subsection (a)”;

21 (3) in subsection (c), by striking “person’s pe-
22 riod of service” both places it appears and inserting
23 “period of service described in subsection (a)”;

1 (4) in subsection (d), by striking “in the uni-
2 formed services” and inserting “described in sub-
3 section (a)”;

4 (5) in the heading, by striking “**for**” and in-
5 serting “**due to**”.

6 (i) HEALTH PLANS.—Section 4317 of title 38,
7 United States Code, is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by inserting “by
10 such person or the spouse of such person” after
11 “uniformed services”;

12 (B) in paragraph (2), by striking “per-
13 forms service in the uniformed services” and in-
14 serting “is absent from such position of employ-
15 ment by reason of service described in sub-
16 section (a)”;

17 (C) in paragraph (3)(B)(ii), by striking
18 “served by the person in the uniformed serv-
19 ices” and inserting “of service described in sub-
20 section (a)”;

21 (2) in subsection (b)(1), by striking “in the uni-
22 formed services” and inserting “described in sub-
23 section (a)”.

24 (j) EMPLOYEE PENSION BENEFIT PLANS.—Section
25 4318 of title 38, United States Code, is amended—

1 (1) in subsection (a)(2)—

2 (A) in subparagraph (A), by striking “peri-
3 ods of service in the uniformed services” and
4 inserting “periods of absence from employment
5 described in section 4312 of this title”; and

6 (B) in subparagraph (B), by striking “pe-
7 riod served by a person in the uniformed serv-
8 ices” and inserting “such period of absence”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in the matter preceding subpara-
12 graph (A)—

13 (I) by striking “period of service”
14 both places it appears and inserting
15 “such period”; and

16 (II) by striking “service in the
17 uniformed services” and inserting “a
18 period of absence”; and

19 (ii) in subparagraph (B)(i), by strik-
20 ing “period served by the person in the
21 uniformed services” and inserting “period
22 of absence”;

23 (B) in paragraph (2)—

24 (i) by striking “period of service” and
25 inserting “period of absence”; and

1 (ii) by striking “service in the uni-
2 formed services” and inserting “absence”;
3 and

4 (C) in paragraph (3), by striking “period
5 of service” both places it appears and inserting
6 “period of absence”.

7 (k) TRAINING FOR FEDERAL EXECUTIVE AGENCY
8 HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND
9 REEMPLOYMENT RIGHTS AND LIMITATIONS.—Section
10 4318(a) of title 38, United States Code, is amended by
11 inserting “(and the spouses of such members)” after
12 “members” both places it appears.

13 (l) TECHNICAL AMENDMENTS.—The table of sections
14 at the beginning of chapter 43 of title 38, United States
15 Code, is amended as follows:

16 (1) By striking the item relating to section
17 4304 and inserting the following:

“4304. Termination of entitlement.”.

18 (2) By striking the item relating to section
19 4311 and inserting the following:

“4311. Discrimination against persons who serve in the uniformed services and
spouses of such persons; acts of reprisal prohibited.”.

20 (3) By striking the item relating to section
21 4312 and inserting the following:

“4312. Reemployment rights.”.

- 1 (4) By striking the item relating to section
- 2 4316 and inserting the following:

“4316. Rights, benefits, and obligations of persons absent from employment due to service in a uniformed service.”.