AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 1735
OFFERED BY MR. SMITH OF WASHINGTON

At the end of subtitle D of title V, add the following new section:

SEC. 5. DEFINITION OF SPOUSE FOR PURPOSES OF MILITARY PERSONNEL POLICIES AND MILITARY AND VETERAN BENEFITS TO REFLECT NEW STATE DEFINITIONS OF SPOUSE.

(a) Title 10.—

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

“(5) Notwithstanding section 7 of title 1, an individual shall be considered a ‘spouse’ if the marriage of the individual is valid in the State in which the marriage was entered into or, in the case of a marriage entered into outside any State, if the marriage is valid in the place in which the marriage was entered into and the marriage could have been entered into in a State. In this paragraph, the term ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Com-
monwealth of the Northern Mariana Islands, and
the territories and possessions.”.

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

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

(B) in paragraphs (1), (2), and (4), by in-
serting “The term” after the enumerator;

(C) in paragraphs (1), (2), and (3), by
striking the semicolon at the end and inserting
a period;

(D) in paragraph (3), by inserting “The
phrase” after the enumerator; and

(E) in paragraph (4), by striking “; and”
and inserting a period.

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

“(18) Notwithstanding section 7 of title 1, an
individual shall be considered a ‘spouse’ if the mar-
riage of the individual is valid in the State in which
the marriage was entered into or, in the case of a
marriage entered into outside any State, if the mar-
riage is valid in the place in which the marriage was
entered into and the marriage could have been entered into in a State. In this paragraph, the term ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions.”.

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

“(27) Notwithstanding section 7 of title 1, an individual shall be considered a ‘spouse’ if the marriage of the individual is valid in the State in which the marriage was entered into or, in the case of a marriage entered into outside any State, if the marriage is valid in the place in which the marriage was entered into and the marriage could have been entered into in a State. In this paragraph, the term ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions.”.

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

(1) in paragraph (3), by striking “of the opposite sex’’; and
(2) by striking paragraph (31) and inserting the following new paragraph:

“(31) Notwithstanding section 7 of title 1, an individual shall be considered a ‘spouse’ if the marriage of the individual is valid in the State in which the marriage was entered into or, in the case of a marriage entered into outside any State, if the marriage is valid in the place in which the marriage was entered into and the marriage could have been entered into in a State. In this paragraph, the term ‘State’ has the meaning given that term in paragraph (20), except that the term also includes the Commonwealth of the Northern Mariana Islands.”.