

118TH CONGRESS
1ST SESSION

H. R. 3900

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

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

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—

8 (1) by redesignating paragraphs (14) through
9 (17) as paragraphs (15) through (18), respectively;
10 and

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

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

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

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

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) Except for reemployment rights under section
11 4312 of this title, a person’s entitlement to the benefits
12 of this chapter by reason of service in the uniformed serv-
13 ices by the spouse of such person terminates on the date
14 of issuance, by a court of competent jurisdiction, of a final
15 decree of divorce, dissolution, or annulment, regarding
16 such person and such spouse.”; and

17 (3) in the heading, by striking “**Character of**
18 **service**” and inserting “**Termination of enti-**
19 **tlement**”.

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

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

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

3 (d) REEMPLOYMENT RIGHTS.—Section 4312 of title
4 38, United States Code, is amended as follows:

5 (1) In subsection (a)—

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

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

14 (C) by redesignating paragraph (3) as
15 paragraph (4); and

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

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

22 (2) In subsection (c)—

23 (A) in the matter preceding paragraph
24 (1)—

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

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

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

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

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

20 (E) in paragraph (4), in the matter pre-
21 ceding subparagraph (A)—

22 (i) by striking “performed”; and

23 (ii) by inserting “(or the spouse of
24 such a member)” after “uniformed serv-
25 ice”.

1 (3) In subsection (d)(1)—

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

4 (B) by redesignating subparagraph (C) as
5 subparagraph (D); and

6 (C) by inserting, after subparagraph (B),
7 the following new subparagraph (C):

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

12 (4) In subsection (e)—

13 (A) in paragraph (1)—

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

18 (ii) in subparagraph (D), by inserting
19 “(or the spouse of such a person)” after
20 “180 days”;

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

23 (C) by redesignating paragraph (3) as
24 paragraph (4); and

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

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

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

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

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

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

24 (e) REEMPLOYMENT POSITIONS.—Section
25 4313(a)(2) of title 38, United States Code, is amended

1 in the matter preceding subparagraph (A) by inserting
2 “(or whose spouse’s)” after “whose”.

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

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

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

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

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

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

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)”; and

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

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)”; and

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)”; and

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.”.

