

118TH CONGRESS
1ST SESSION

S. 1266

To amend titles 10 and 38, United States Code, to improve benefits and services for surviving spouses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2023

Mr. MORAN (for himself, Mr. WARNOCK, Mr. COTTON, Ms. WARREN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend titles 10 and 38, United States Code, to improve benefits and services for surviving spouses, and for other purposes.

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 “Love Lives On Act
5 of 2023”.

1 **SEC. 2. REMOVAL OF EXPIRATION ON ENTITLEMENT TO**
 2 **MARINE GUNNERY SERGEANT JOHN DAVID**
 3 **FRY SCHOLARSHIP FOR SURVIVING SPOUSES.**

4 Section 3311(f) of title 38, United States Code, is
 5 amended—

6 (1) by striking paragraph (2);

7 (2) by redesignating paragraphs (3) through
 8 (5) as paragraphs (2) through (4), respectively;

9 (3) in paragraph (2), as redesignated by para-
 10 graph (2) of this section, by striking “in paragraph
 11 (4)” and inserting “in paragraph (3)”; and

12 (4) in paragraph (3)(A), as redesignated by
 13 paragraph (2) of this section, by striking “under
 14 paragraph (3)” and inserting “under paragraph
 15 (2)”.

16 **SEC. 3. MODIFICATION OF ENTITLEMENT TO VETERANS**
 17 **DEPENDENCY AND INDEMNITY COMPENSA-**
 18 **TION FOR SURVIVING SPOUSES WHO RE-**
 19 **MARRY.**

20 (a) **IN GENERAL.**—Section 103(d) of title 38, United
 21 States Code, is amended—

22 (1) in paragraph (2)(B)—

23 (A) by inserting “(i)” before “The remar-
 24 riage”;

1 (B) in clause (i), as designated by subpara-
2 graph (A), by striking “Notwithstanding the
3 previous sentence” and inserting the following:

4 “(ii) Notwithstanding clause (i)”;

5 (C) by adding at the end the following new
6 clause:

7 “(iii) Notwithstanding clause (ii), the remarriage of
8 a surviving spouse shall not bar the furnishing of benefits
9 under section 1311 of this title to the surviving spouse
10 of a veteran.”; and

11 (2) in paragraph (5)—

12 (A) by striking subparagraph (A); and

13 (B) by renumbering subparagraphs (B)
14 through (E) as subparagraphs (A) through (D),
15 respectively.

16 (b) RESUMPTION OF PAYMENTS TO CERTAIN INDI-
17 VIDUALS PREVIOUSLY DENIED DEPENDENCY AND IN-
18 DEMNITY COMPENSATION.—Beginning on the first day of
19 the first month after the date of the enactment of this
20 Act, the Secretary shall resume payment of dependency
21 and indemnity compensation under section 1311 of such
22 title to each living individual who—

23 (1) is the surviving spouse of a veteran; and

24 (2) remarried before—

25 (A) reaching age 55; and

1 (B) the date of the enactment of this Act.

2 **SEC. 4. CONTINUED ELIGIBILITY FOR SURVIVOR BENEFIT**
3 **PLAN FOR CERTAIN SURVIVING SPOUSES**
4 **WHO REMARRY.**

5 Section 1450(b)(2) of title 10, United States Code,
6 is amended—

7 (1) by striking “An annuity” and inserting the
8 following:

9 “(A) IN GENERAL.—(A) Subject to sub-
10 paragraph (B), an annuity”; and

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

13 “(B) TREATMENT OF SURVIVORS OF MEM-
14 BERS WHO DIE ON ACTIVE DUTY.—The Sec-
15 retary may not terminate payment of an annu-
16 ity for a surviving spouse described in subpara-
17 graph (A) or (B) of section 1448(d)(1) solely
18 because that surviving spouse remarries. In the
19 case of a surviving spouse who remarried before
20 reaching age 55 and before the date of the en-
21 actment of Love Lives On Act of 2023, the Sec-
22 retary shall resume payment of the annuity to
23 that surviving spouse—

24 “(i) except as provided by clause (ii),
25 for each month that begins on or after the

1 date that is one year after such date of en-
2 actment; or

3 “(ii) on January 1, 2023, in the case
4 of a surviving spouse who elected to trans-
5 fer payment of that annuity to a surviving
6 child or children under the provisions of
7 section 1448(d)(2)(B) of title 10, United
8 States Code, as in effect on December 31,
9 2019.”.

10 **SEC. 5. ACCESS TO COMMISSARY AND EXCHANGE PRIVI-**
11 **LEGES FOR REMARRIED SPOUSES.**

12 (a) BENEFITS.—Section 1062 of title 10, United
13 States Code, is amended—

14 (1) by striking “The Secretary of Defense” and
15 inserting the following:

16 “(a) CERTAIN UNREARRIED FORMER SPOUSES.—
17 The Secretary of Defense”;

18 (2) by striking “commissary and exchange
19 privileges” and inserting “use commissary stores
20 and MWR retail facilities”;

21 (3) by adding at the end the following new sub-
22 section:

23 “(b) CERTAIN REMARRIED SURVIVING SPOUSES.—
24 The Secretary of Defense shall prescribe such regulations
25 as may be necessary to provide that a surviving spouse

1 of a deceased member of the armed forces, regardless of
2 the marital status of the surviving spouse, is entitled to
3 use commissary stores and MWR retail facilities to the
4 same extent and on the same basis as an unremarried sur-
5 viving spouse of a member of the uniformed services.”;
6 and

7 (4) by adding at the end the following new sub-
8 section:

9 “(c) MWR RETAIL FACILITIES DEFINED.—In this
10 section, the term ‘MWR retail facilities’ has the meaning
11 given that term in section 1063(e) of this title.”.

12 (b) CLERICAL AMENDMENTS.—

13 (1) SECTION HEADING.—The heading of section
14 1062 of title 10, United States Code, is amended to
15 read as follows:

16 “§ 1062. **Certain former spouses and surviving**
17 **spouses”.**

18 (2) TABLE OF SECTIONS.—The table of sections
19 at the beginning of chapter 54 of title 10, United
20 States Code, is amended by striking the item relat-
21 ing to section 1062 and inserting the following new
22 item:

“1062. Certain former spouses and surviving spouses.”.

1 **SEC. 6. EXPANSION OF DEFINITION OF DEPENDENT UNDER**
 2 **TRICARE PROGRAM TO INCLUDE A REMAR-**
 3 **RIED WIDOW OR WIDOWER WHOSE SUBSE-**
 4 **QUENT MARRIAGE HAS ENDED.**

5 Section 1072(2) of title 10, United States Code, is
 6 amended—

7 (1) in subparagraph (H), by striking “; and”
 8 and inserting a semicolon;

9 (2) in subparagraph (I)(v), by striking the pe-
 10 riod at the end and inserting “; and”; and

11 (3) by adding at the end the following new sub-
 12 paragraph:

13 “(J) a remarried widow or widower whose
 14 subsequent marriage has ended due to death,
 15 divorce, or annulment.”.

16 **SEC. 7. DEFINITION OF SURVIVING SPOUSE FOR PURPOSES**
 17 **OF VETERANS BENEFITS.**

18 Paragraph (3) of section 101 of title 38, United
 19 States Code, is amended to read as follows:

20 “(3) The term ‘surviving spouse’ means (except
 21 for purposes of chapter 19 of this title) a person
 22 who was the spouse of a veteran at the time of the
 23 veteran’s death, and who lived with the veteran con-
 24 tinuously from the date of marriage to the date of
 25 the veteran’s death (except where there was a sepa-
 26 ration which was due to the misconduct of, or pro-

1 cured by, the veteran without the fault of the
2 spouse) and who has not remarried.”.

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