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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Love Lives On Act of 2023”.
SEC. 2. REMOVAL OF EXPIRATION ON ENTITLEMENT TO MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP FOR SURVIVING SPOUSES.

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

(1) by striking paragraph (2);

(2) by redesigning paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated by paragraph (2) of this section, by striking “in paragraph (4)” and inserting “in paragraph (3)”;

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

SEC. 3. MODIFICATION OF ENTITLEMENT TO VETERANS DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES WHO REMARRY.

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

(1) in paragraph (2)(B)—

(A) by inserting “(i)” before “The remarriage”;

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(B) in clause (i), as designated by subparagraph (A), by striking “Notwithstanding the previous sentence” and inserting the following:

“(ii) Notwithstanding clause (i)”; and

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

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

(2) in paragraph (5)—

(A) by striking subparagraph (A); and

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

(b) Resumption of Payments to Certain Individuals Previously Denied Dependency and Indemnity Compensation.—Beginning on the first day of the first month after the date of the enactment of this Act, the Secretary shall resume payment of dependency and indemnity compensation under section 1311 of such title to each living individual who—

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

(2) remarried before—

(A) reaching age 55; and
SEC. 4. CONTINUED ELIGIBILITY FOR SURVIVOR BENEFIT PLAN FOR CERTAIN SURVIVING SPOUSES WHO REMARRY.

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

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

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

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

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

“(i) except as provided by clause (ii),

for each month that begins on or after the
date that is one year after such date of enact-ment; or

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

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

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

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

“(a) CERTAIN UNREMARRIED FORMER SPOUSES.—
The Secretary of Defense”;

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

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

“(b) CERTAIN REMARRIED SURVIVING SPOUSES.—
The Secretary of Defense shall prescribe such regulations as may be necessary to provide that a surviving spouse
of a deceased member of the armed forces, regardless of
the marital status of the surviving spouse, is entitled to
use commissary stores and MWR retail facilities to the
same extent and on the same basis as an unremarried sur-
viving spouse of a member of the uniformed services.”;
and
(4) by adding at the end the following new sub-
section:
“(e) MWR RETAIL FACILITIES DEFINED.—In this
section, the term ‘MWR retail facilities’ has the meaning
given that term in section 1063(e) of this title.”.
(b) CLERICAL AMENDMENTS.—
(1) SECTION HEADING.—The heading of section
1062 of title 10, United States Code, is amended to
read as follows:
“§ 1062. Certain former spouses and surviving
spouses”.
(2) TABLE OF SECTIONS.—The table of sections
at the beginning of chapter 54 of title 10, United
States Code, is amended by striking the item relat-
ing to section 1062 and inserting the following new
item:
“1062. Certain former spouses and surviving spouses.”.
SEC. 6. EXPANSION OF DEFINITION OF DEPENDENT UNDER TRICARE PROGRAM TO INCLUDE A REMARRIED WIDOW OR WIDOWER WHOSE SUBSEQUENT MARRIAGE HAS ENDED.

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

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

(2) in subparagraph (I)(v), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following new subparagraph:

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

SEC. 7. DEFINITION OF SURVIVING SPOUSE FOR PURPOSES OF VETERANS BENEFITS.

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

“(3) The term ‘surviving spouse’ means (except for purposes of chapter 19 of this title) a person who was the spouse of a veteran at the time of the veteran’s death, and who lived with the veteran continuously from the date of marriage to the date of the veteran’s death (except where there was a separation which was due to the misconduct of, or pro-
cured by, the veteran without the fault of the spouse) and who has not remarried.”.