

117TH CONGRESS  
2D SESSION

# H. R. 9287

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 2022

Mr. PHILLIPS (for himself, Mr. HUDSON, and Ms. MOORE of Wisconsin) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 2022”.

1 **SEC. 2. IMPROVING DEFINITION OF SURVIVING SPOUSE**  
2 **FOR PURPOSES OF VETERANS BENEFITS.**

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

5 “(3) The term ‘surviving spouse’ means (except  
6 for purposes of chapter 19 of this title) a person  
7 who was the spouse of a veteran at the time of the  
8 veteran’s death, and who lived with the veteran con-  
9 tinuously from the date of marriage to the date of  
10 the veteran’s death (except where there was a sepa-  
11 ration which was due to the misconduct of, or pro-  
12 cured by, the veteran without the fault of the  
13 spouse) and who has not remarried.”.

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

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

- 19 (1) by striking paragraph (2);  
20 (2) by redesignating paragraphs (3) through  
21 (5) as paragraphs (2) through (4), respectively;  
22 (3) in paragraph (2), as redesignated by para-  
23 graph (2) of this section, by striking “in paragraph  
24 (4)” and inserting “in paragraph (3)”; and  
25 (4) in paragraph (3)(A), as redesignated by  
26 paragraph (2) of this section, by striking “under

1 paragraph (3)” and inserting “under paragraph  
2 (2)”.

3 **SEC. 4. MODIFICATION OF ENTITLEMENT TO VETERANS**  
4 **DEPENDENCY AND INDEMNITY COMPENSA-**  
5 **TION FOR SURVIVING SPOUSES WHO RE-**  
6 **MARRY.**

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

9 (1) in paragraph (2)(B)—

10 (A) by inserting “(i)” before “The remar-

11 riage”;

12 (B) in clause (i), as designated by subpara-

13 graph (A), by striking “Notwithstanding the

14 previous sentence” and inserting the following:

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

16 (C) by adding at the end the following new

17 clause:

18 “(iii) Notwithstanding clause (ii), the

19 remarriage of a surviving spouse shall not

20 bar the furnishing of benefits under section

21 1311 of this title to the surviving spouse of

22 a veteran.”; and

23 (2) in paragraph (5)—

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

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

4 (b) RESUMPTION OF PAYMENTS TO CERTAIN INDI-  
 5 VIDUALS PREVIOUSLY DENIED DEPENDENCY AND IN-  
 6 DEMNITY COMPENSATION.—Beginning on the first day of  
 7 the first month after the date of the enactment of this  
 8 Act, the Secretary shall resume payment of dependency  
 9 and indemnity compensation under section 1311 of such  
 10 title to each living individual who—

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

12 (2) remarried before—

13 (A) reaching age 55; and

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

15 **SEC. 5. CONTINUED ELIGIBILITY FOR SURVIVOR BENEFIT**  
 16 **PLAN FOR CERTAIN SURVIVING SPOUSES**  
 17 **WHO REMARRY.**

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

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

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

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

1           “(B) TREATMENT OF SURVIVORS OF MEM-  
2           BERS WHO DIE ON ACTIVE DUTY.—The Sec-  
3           retary may not terminate payment of an annu-  
4           ity for a surviving spouse described in subpara-  
5           graph (A) or (B) of section 1448(d)(1) solely  
6           because that surviving spouse remarries. In the  
7           case of a surviving spouse who remarried before  
8           reaching age 55 and before the date of the en-  
9           actment of Love Lives On Act of 2022, the Sec-  
10          retary shall resume payment of the annuity to  
11          that surviving spouse—

12                 “(i) except as provided by clause (ii),  
13                 for each month that begins on or after the  
14                 date that is one year after such date of en-  
15                 actment; or

16                 “(ii) on January 1, 2023, in the case  
17                 of a surviving spouse who elected to trans-  
18                 fer payment of that annuity to a surviving  
19                 child or children under the provisions of  
20                 section 1448(d)(2)(B) of title 10, United  
21                 States Code, as in effect on December 31,  
22                 2019.”.

1 **SEC. 6. ACCESS TO COMMISSARY AND EXCHANGE PRIVI-**  
2 **LEGES FOR REMARRIED SPOUSES.**

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

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

7 “(a) CERTAIN UNREMARIED FORMER SPOUSES.—  
8 The Secretary of Defense”;

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

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

14 “(b) CERTAIN REMARRIED SURVIVING SPOUSES.—  
15 The Secretary of Defense shall prescribe such regulations  
16 as may be necessary to provide that a surviving spouse  
17 of a deceased member of the armed forces, regardless of  
18 the marital status of the surviving spouse, is entitled to  
19 use commissary stores and MWR retail facilities to the  
20 same extent and on the same basis as an unremarried sur-  
21 viving spouse of a member of the uniformed services.”;  
22 and

23 (4) by adding at the end the following new sub-  
24 section:

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

4 (b) CLERICAL AMENDMENTS.—

5 (1) SECTION HEADING.—The heading of section  
 6 1062 of title 10, United States Code, is amended to  
 7 read as follows:

8 **“§ 1062. Certain former spouses and surviving**  
 9 **spouses”.**

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

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

15 **SEC. 7. EXPANSION OF DEFINITION OF DEPENDENT UNDER**  
 16 **TRICARE PROGRAM TO INCLUDE A REMAR-**  
 17 **RIED WIDOW OR WIDOWER WHOSE SUBSE-**  
 18 **QUENT MARRIAGE HAS ENDED.**

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

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

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

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

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

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