

117TH CONGRESS
2D SESSION

S. 4841

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

SEPTEMBER 13, 2022

Mr. WARNOCK (for himself and Mr. MORAN) 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 2022”.

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

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

1 (1) by striking paragraph (2);

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

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

7 (4) in paragraph (3)(A), as redesignated by
8 paragraph (2) of this section, by striking “under
9 paragraph (3)” and inserting “under paragraph
10 (2)”.

11 **SEC. 3. MODIFICATION OF ENTITLEMENT TO VETERANS**
12 **DEPENDENCY AND INDEMNITY COMPENSA-**
13 **TION FOR SURVIVING SPOUSES WHO RE-**
14 **MARRY.**

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

17 (1) in paragraph (2)(B)—

18 (A) by inserting “(i)” before “The remar-
19 riage”;

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

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

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

1 “(iii) Notwithstanding clause (ii), the
2 remarriage of a surviving spouse shall not
3 bar the furnishing of benefits under section
4 1311 of this title to the surviving spouse of
5 a veteran.”; and

6 (2) in paragraph (5)—

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

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

11 (b) RESUMPTION OF PAYMENTS TO CERTAIN INDIVIDUALS
12 PREVIOUSLY DENIED DEPENDENCY AND INDEMNITY
13 COMPENSATION.—Beginning on the first day of
14 the first month after the date of the enactment of this
15 Act, the Secretary shall resume payment of dependency
16 and indemnity compensation under section 1311 of such
17 title to each living individual who—

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

19 (2) remarried before—

20 (A) reaching age 55; and

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

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

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

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

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

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

12 “(B) TREATMENT OF SURVIVORS OF MEM-
 13 BERS WHO DIE ON ACTIVE DUTY.—The Sec-
 14 retary may not terminate payment of an annu-
 15 ity for a surviving spouse described in subpara-
 16 graph (A) or (B) of section 1448(d)(1) solely
 17 because that surviving spouse remarries. In the
 18 case of a surviving spouse who remarried before
 19 reaching age 55 and before the date of the en-
 20 actment of Love Lives On Act of 2022, the Sec-
 21 retary shall resume payment of the annuity to
 22 that surviving spouse—

23 “(i) except as provided by clause (ii),
 24 for each month that begins on or after the
 25 date that is one year after such date of en-
 26 actment; or

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

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

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

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

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

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

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

21 “(b) CERTAIN REMARRIED SURVIVING SPOUSES.—
22 The Secretary of Defense shall prescribe such regulations
23 as may be necessary to provide that a surviving spouse
24 of a deceased member of the armed forces, regardless of
25 the marital status of the surviving spouse, is entitled to

1 use commissary stores and MWR retail facilities to the
 2 same extent and on the same basis as an unremarried sur-
 3 viving spouse of a member of the uniformed services.”;
 4 and

5 (4) by adding at the end the following new sub-
 6 section:

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

10 (b) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of section
 12 1062 of title 10, United States Code, is amended to
 13 read as follows:

14 “§ 1062. **Certain former spouses and surviving**
 15 **spouses”.**

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