AMENDMENT TO RULES COMMITTEE PRINT
118–10
OFFERED BY MR. PHILLIPS OF MINNESOTA

Add at the end of subtitle D of title VI the following:

SEC. 6. LOVE LIVES ON.

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

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

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

(b) MODIFICATION OF ENTITLEMENT TO VETERANS DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES WHO REMARRY.—
(1) In general.—Section 103(d) of title 38, United States Code, is amended—

(A) in paragraph (2)(B)—

(i) by inserting “(i)” before “The re-

marriage”;

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

“(ii) Notwithstanding clause (i)”;

(iii) by adding at the end the fol-

lowing 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.”;

(B) in paragraph (5)—

(i) by striking subparagraph (A); and

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

(2) 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 en-
actment of this Act, the Secretary shall resume pay-
ment of dependency and indemnity compensation
under section 1311 of such title to each living indi-
vidual who—

(A) is the surviving spouse of a veteran;

and

(B) remarried before—

(i) reaching age 55; and

(ii) the date of the enactment of this

Act.

(c) Continued Eligibility for Survivor Ben-
efit Plan for Certain Surviving Spouses Who Re-
marry.—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 enactment of Love Lives On Act of 2023, the Secretary 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 enactment; 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.”.

(d) Access to Commissary and Exchange Privileges for Remarried Spouses.—

(1) Benefits.—Section 1062 of title 10, United States Code, is amended—

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

“(a) Certain Unremarried Former Spouses.—

The Secretary of Defense”;
(B) by striking “commissary and exchange privileges” and inserting “use commissary stores and MWR retail facilities”;

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

“(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 surviving spouse of a member of the uniformed services.”;

and

(D) by adding at the end the following new subsection:

“(c) 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.”.

(2) CLERICAL AMENDMENTS.—

(A) 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.

(B) 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 relating to section 1062 and inserting the following new item:

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

e) 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”; 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.”.

(f) 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 procured by, the veteran without the fault of the spouse) and who has not remarried.”.