

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

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Mr. WARNOCK introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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 2023”.

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 remarriage of  
2 a surviving spouse shall not bar the furnishing of benefits  
3 under section 1311 of this title to the surviving spouse  
4 of a veteran.”; and

5 (2) in paragraph (5)—

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

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

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

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

18 (2) remarried before—

19 (A) reaching age 55; and

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

21 **SEC. 4. CONTINUED ELIGIBILITY FOR SURVIVOR BENEFIT**  
22 **PLAN FOR CERTAIN SURVIVING SPOUSES**  
23 **WHO REMARRY.**

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

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

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

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

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

18           “(i) except as provided by clause (ii),  
19 for each month that begins on or after the  
20 date that is one year after such date of en-  
21 actment; or

22           “(ii) on January 1, 2023, in the case  
23 of a surviving spouse who elected to trans-  
24 fer payment of that annuity to a surviving  
25 child or children under the provisions of

1 section 1448(d)(2)(B) of title 10, United  
2 States Code, as in effect on December 31,  
3 2019.”.

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

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

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

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

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

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

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

1 (4) by adding at the end the following new sub-  
2 section:

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

6 (b) CLERICAL AMENDMENTS.—

7 (1) SECTION HEADING.—The heading of section  
8 1062 of title 10, United States Code, is amended to  
9 read as follows:

10 **“§ 1062. Certain former spouses and surviving**  
11 **spouses”.**

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

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

17 **SEC. 6. EXPANSION OF DEFINITION OF DEPENDENT UNDER**  
18 **TRICARE PROGRAM TO INCLUDE A REMAR-**  
19 **RIED WIDOW OR WIDOWER WHOSE SUBSE-**  
20 **QUENT MARRIAGE HAS ENDED.**

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

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

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

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

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

8   **SEC. 7. DEFINITION OF SURVIVING SPOUSE FOR PURPOSES**  
9                   **OF VETERANS BENEFITS.**

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

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