116TH CONGRESS  
1ST SESSION  

H. R.    _____

To amend titles 10 and 38, United States Code, to expand certain benefits for survivors of members of the Armed Forces who die in line of duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WALTZ introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To amend titles 10 and 38, United States Code, to expand certain benefits for survivors of members of the Armed Forces who die in line of duty, 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 “SFC Brian Woods
5 Gold Star and Military Survivors Act”.

(Original Signature of Member)
SEC. 2. EXTENSION OF COMMISSARY AND EXCHANGE BENEFITS FOR REMARRIED SPOUSES WITH DEPENDENT CHILDREN.

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

(1) by striking “The Secretary” and all that follows through “an” and inserting “(a) CERTAIN UNREMARRIED FORMER SPOUSES.—An”;

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

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

“(b) CERTAIN REMARRIED SURVIVING SPOUSES.—A surviving spouse of a deceased member of the armed forces, regardless of the marital status of the surviving spouse, who has guardianship of dependent children of the deceased member, is entitled to use commissary stores and MWR retail facilities to the same extent and on the same basis as the unmarried surviving spouse of a member of the uniformed services.

“(c) MWR RETAIL FACILITIES.—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 relating to section 1062 and inserting the following new item:

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

SEC. 3. 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 “(A) Subject to subparagraph (B), an annuity”; and

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

“(B) The Secretary may not terminate payment of an annuity for a surviving spouse described in subparagraph (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 the
SFC Brian Woods Gold Star and Military Survivors Act, the Secretary shall resume payment of the annuity to that surviving spouse for each month after the date of the enactment of that Act.”.

SEC. 4. AUTHORITY OF THE SECRETARY CONCERNED TO TRANSPORT REMAINS OF A COVERED DECEASED TO NO MORE THAN TWO LOCATIONS SELECTED BY THE PERSON DESIGNATED TO DIRECT DISPOSITION OF THE REMAINS.

(a) In general.—Section 1482(a)(8) of title 10, United States Code, is amended to read as follows:

“(8)(A) Transportation of the remains, and travel and transportation allowances as specified in regulations prescribed under section 464 of title 37 for an escort of one person, to the place, subject to subparagraph (B), selected by the person designated to direct disposition of the remains or, if such a selection is not made, to a national or other cemetery which is selected by the Secretary and in which burial of the decedent is authorized.

“(B) The person designated to direct disposition of the remains may select two locations under subparagraph (A) if the second location is a national cemetery.
“(C) When transportation of the remains includes transportation by aircraft under section 562 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note), the Secretary concerned shall provide, to the maximum extent practicable, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee.”.

(b) CONFORMING AMENDMENT.—Section 562(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note) is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)” and inserting “Subject to paragraphs (2) and (3)”;

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

“(3) SECOND LOCATION.—If the person designated to direct disposition of the remains selects two locations under section 1482(a)(8)(B) of title 10, United States Code, the Secretary concerned shall ensure that remains transported under this section are continuously escorted from Dover Air Force Base to the first selected location and from
the first selected location to the selected national
cemetery for final disposition. The Secretary con-
cerned is not required to provide an escort under
this paragraph during the period between the arrival
of the remains at the first location and the depa-
ture of the remains from that first location to the
selected national cemetery.”.

SEC. 5. EXPANSION OF AUTHORITY TO PROVIDE FINANCIAL
ASSISTANCE TO CIVILIAN PROVIDERS OF
CHILD CARE SERVICES OR YOUTH PROGRAM
SERVICES WHO PROVIDE SUCH SERVICES TO
SURVIVORS OF MEMBERS OF THE ARMED
FORCES WHO DIE IN LINE OF DUTY.

Section 1798(a) of title 10, United States Code, is
amended by inserting “, survivors of members of the
armed forces who die in line of duty while on active duty,
active duty for training, or inactive duty for training,”
after “armed forces”.

SEC. 6. CONTINUED ELIGIBILITY FOR 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), by adding at the end
the following: “Subject to sections 1450(c) and
1451(c)(2) of title 10, 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), by striking subparagraph (A) and renumbering subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), 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 57; and

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