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(Original Signature of Member)

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”.

1 **SEC. 2. EXTENSION OF COMMISSARY AND EXCHANGE BEN-**
2 **EFITS FOR REMARRIED SPOUSES WITH DE-**
3 **PENDENT CHILDREN.**

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

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

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

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

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

22 “(c) **MWR RETAIL FACILITIES.**—The term ‘MWR
23 retail facilities’ has the meaning given that term in section
24 1063(e) of this title.”.

25 (b) **CLERICAL AMENDMENTS.**—

1 (1) SECTION HEADING.—The heading of section
2 1062 of title 10, United States Code, is amended to
3 read as follows:

4 **“§ 1062. Certain former spouses and surviving**
5 **spouses”.**

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

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

11 **SEC. 3. CONTINUED ELIGIBILITY FOR SURVIVOR BENEFIT**
12 **PLAN FOR CERTAIN SURVIVING SPOUSES**
13 **WHO REMARRY.**

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

16 (1) by striking “An annuity” and inserting
17 “(A) Subject to subparagraph (B), an annuity”; and

18 (2) by adding at the end the following new sub-
19 paragraph:

20 “(B) The Secretary may not terminate payment
21 of an annuity for a surviving spouse described in
22 subparagraph (A) or (B) of section 1448(d)(1) solely
23 because that surviving spouse remarries. In the case
24 of a surviving spouse who remarried before reaching
25 age 55 and before the date of the enactment of the

1 SFC Brian Woods Gold Star and Military Survivors
2 Act, the Secretary shall resume payment of the an-
3 nuity to that surviving spouse for each month after
4 the date of the enactment of that Act.”.

5 **SEC. 4. AUTHORITY OF THE SECRETARY CONCERNED TO**
6 **TRANSPORT REMAINS OF A COVERED DECE-**
7 **DENT TO NO MORE THAN TWO LOCATIONS**
8 **SELECTED BY THE PERSON DESIGNATED TO**
9 **DIRECT DISPOSITION OF THE REMAINS.**

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

12 “(8)(A) Transportation of the remains, and
13 travel and transportation allowances as specified in
14 regulations prescribed under section 464 of title 37
15 for an escort of one person, to the place, subject to
16 subparagraph (B), selected by the person designated
17 to direct disposition of the remains or, if such a se-
18 lection is not made, to a national or other cemetery
19 which is selected by the Secretary and in which bur-
20 ial of the decedent is authorized.

21 “(B) The person designated to direct disposi-
22 tion of the remains may select two locations under
23 subparagraph (A) if the second location is a national
24 cemetery.

1 “(C) When transportation of the remains in-
2 cludes transportation by aircraft under section 562
3 of the John Warner National Defense Authorization
4 Act for Fiscal Year 2007 (Public Law 109–364; 10
5 U.S.C. 1482 note), the Secretary concerned shall
6 provide, to the maximum extent practicable, for de-
7 livery of the remains by air to the commercial, gen-
8 eral aviation, or military airport nearest to the place
9 selected by the designee.”.

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

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

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

19 “(3) SECOND LOCATION.—If the person des-
20 ignated to direct disposition of the remains selects
21 two locations under section 1482(a)(8)(B) of title
22 10, United States Code, the Secretary concerned
23 shall ensure that remains transported under this
24 section are continuously escorted from Dover Air
25 Force Base to the first selected location and from

1 the first selected location to the selected national
2 cemetery for final disposition. The Secretary con-
3 cerned is not required to provide an escort under
4 this paragraph during the period between the arrival
5 of the remains at the first location and the depart-
6 ture of the remains from that first location to the
7 selected national cemetery.”.

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

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

19 **SEC. 6. CONTINUED ELIGIBILITY FOR DEPENDENCY AND**
20 **INDEMNITY COMPENSATION FOR SURVIVING**
21 **SPOUSES WHO REMARRY.**

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

24 (1) in paragraph (2)(B), by adding at the end
25 the following: “Subject to sections 1450(c) and

1 1451(e)(2) of title 10, the remarriage of a surviving
2 spouse shall not bar the furnishing of benefits under
3 section 1311 of this title to the surviving spouse of
4 a veteran.”; and

5 (2) in paragraph (5), by striking subparagraph
6 (A) and renumbering subparagraphs (B), (C), and
7 (D) as subparagraphs (A), (B), and (C), respec-
8 tively.

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

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

17 (2) remarried before—

18 (A) reaching age 57; and

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