

118TH CONGRESS  
1ST SESSION

# H. R. 4944

To restore certain non-monetary Federal benefits to remarried surviving spouses of members of the Armed Forces who die while serving on active duty, to provide student loan deferment for dislocated military spouses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2023

Ms. STEFANIK (for herself and Mr. NORCROSS) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, Oversight and Accountability, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To restore certain non-monetary Federal benefits to remarried surviving spouses of members of the Armed Forces who die while serving on active duty, to provide student loan deferment for dislocated military 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 “Military Families and  
5 Surviving Spouses Benefits Enhancement Act”.

1 **SEC. 2. FEDERAL BENEFITS FOR REMARRIED SURVIVING**  
2 **SPOUSES OF MEMBERS OF THE ARMED**  
3 **FORCES WHO DIE WHILE SERVING ON AC-**  
4 **TIVE DUTY.**

5 (a) CIVIL SERVICE.—

6 (1) PREFERENCE ELIGIBLE.—Section  
7 2108(3)(D) of title 5, United States Code, is amend-  
8 ed by striking “unmarried”.

9 (2) NONCOMPETITIVE APPOINTMENT.—Section  
10 3330d(a)(3)(B) of such title is amended to read as  
11 follows:

12 “(B) who was married to a member of the  
13 Armed Forces on the date on which the mem-  
14 ber dies while on active duty in the Armed  
15 Forces.”.

16 (b) DEPARTMENT OF VETERANS AFFAIRS.—

17 (1) SPECIAL MARRIAGE PROVISIONS.—Section  
18 103(d)(2) of title 38, United States Code, is amend-  
19 ed by adding at the end the following new subpara-  
20 graph:

21 “(C) The remarriage of the surviving spouse of a per-  
22 son who died while serving in the active military, naval,  
23 air, or space service shall not bar the furnishing of non-  
24 monetary benefits to such surviving spouse.”.

25 (2) ELIGIBILITY FOR HOUSING AND SMALL  
26 BUSINESS LOANS.—Section 3701(b)(2) of title 38,

1 United States Code, is amended by inserting “(with-  
2 out regard to whether such surviving spouse remar-  
3 ries)” after “surviving spouse”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply beginning on the first day of the  
6 first month beginning after the date of the enactment of  
7 this Act.

8 **SEC. 3. 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 UNREARRIED 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”; and

19 (3) by adding at the end the following:

20 “(b) CERTAIN REMARRIED SURVIVING SPOUSES.—

21 The Secretary of Defense shall prescribe such regulations  
22 as may be necessary to provide that a surviving spouse  
23 of a deceased member of the armed forces, regardless of  
24 the marital status of the surviving spouse, is entitled to  
25 use commissary stores and MWR retail facilities to the

1 same extent and on the same basis as an unremarried sur-  
2 viving spouse of a member of the uniformed services.

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 such  
8 section 1062 is amended by inserting “**and sur-**  
9 **viving spouses**” after “**Certain former**  
10 **spouses**”.

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

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

15 **SEC. 4. STUDENT LOAN DEFERMENT FOR DISLOCATED**  
16 **MILITARY SPOUSES.**

17 (a) IN GENERAL.—Section 455(f) of the Higher Edu-  
18 cation Act of 1965 (20 U.S.C. 1087e(f)) is amended—

19 (1) by redesignating paragraphs (4) and (5) as  
20 paragraphs (5) and (6), respectively; and

21 (2) by inserting after paragraph (3) the fol-  
22 lowing:

23 “(4) DEFERMENT FOR DISLOCATED MILITARY  
24 SPOUSES.—

1           “(A) DURATION AND EFFECT ON PRIN-  
2           CIPAL AND INTEREST.—A borrower of a loan  
3           made under this part who meets the require-  
4           ments of subparagraph (B) shall be eligible for  
5           a deferment for an aggregate period of 180  
6           days, during which periodic installments of  
7           principal need not be paid, and interest—

8                   “(i) shall not accrue, in the case of  
9           a—

10                   “(I) Federal Direct Stafford  
11           Loan; or

12                   “(II) a Federal Direct Consolida-  
13           tion Loan that consolidated only Fed-  
14           eral Direct Stafford Loans, or a com-  
15           bination of such loans and Federal  
16           Stafford Loans for which the student  
17           borrower received an interest subsidy  
18           under section 428; or

19                   “(ii) shall accrue and be capitalized or  
20           paid by the borrower, in the case of a Fed-  
21           eral Direct PLUS Loan, a Federal Direct  
22           Unsubsidized Stafford Loan, or a Federal  
23           Direct Consolidation Loan not described in  
24           clause (i)(II).

1           “(B) ELIGIBILITY.—A borrower of a loan  
2 made under this part shall be eligible for a  
3 deferment under subparagraph (A) if the bor-  
4 rower—

5                   “(i) is the spouse of a member of the  
6 Armed Forces serving on active duty; and

7                   “(ii) has experienced a loss of employ-  
8 ment as a result of relocation to accommo-  
9 date a permanent change in duty station of  
10 such member.

11           “(C) DOCUMENTATION AND APPROVAL.—

12                   “(i) IN GENERAL.—A borrower may  
13 establish eligibility for a deferment under  
14 subparagraph (A) by providing to the Sec-  
15 retary—

16                           “(I) the documentation described  
17 in clause (ii); or

18                           “(II) such other documentation  
19 as the Secretary determines appro-  
20 priate.

21                   “(ii) DOCUMENTATION.—The docu-  
22 mentation described in this clause is—

23                           “(I) evidence that the borrower is  
24 the spouse of a member of the Armed  
25 Forces serving on active duty;

1 “(II) evidence that a military  
2 permanent change of station order  
3 was issued to such member; and

4 “(III)(aa) evidence that the bor-  
5 rower is eligible for unemployment  
6 benefits due to a loss of employment  
7 resulting from relocation to accommo-  
8 date such permanent change in duty  
9 station; or

10 “(bb) a written certification, or  
11 an equivalent as approved by the Sec-  
12 retary, that the borrower is registered  
13 with a public or private employment  
14 agency due to a loss of employment  
15 resulting from relocation to accommo-  
16 date such permanent change in duty  
17 station.”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 subsection (a) shall take effect 90 days after the date of  
20 the enactment of this Act.

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