SEC. ____. EXPANSION OF GOLD STAR LAPEL BUTTON ELIGIBILITY TO STEPBROTHERS AND STEPSISTERS.

Section 1126 of title 10, United States Code, is amended—

(1) in subsection (c), by striking "may be replaced" and all that follows before the period at the end and inserting "may be replaced upon application and without cost"; and

(2) in subsection (d)—

(A) in paragraph (3), by striking "and half sisters" and inserting "half sisters, stepbrothers, and stepsisters"; and

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

"(9) The terms 'stepbrother' and 'stepsister' shall be defined in regulations prescribed by the Secretary of Defense under subsection (b).".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would extend and enhance authority for the Secretary of Defense to furnish one gold star lapel button to stepbrothers and stepsisters who may have grown up in the same household as the service member. Today, the only types of siblings authorized to receive the gold star lapel button are brothers, sisters, half-brothers, and half-sisters. Section 1126(d)(4) of title 10, United States Code (U.S.C.), includes stepchildren; however, section 1126(d)(3) of such title does not include stepsiblings as next of kin. To remedy this situation, amendments to section 1126 of title 10, U.S.C., are warranted. The Gold Star and Surviving Family Member Representatives Program expressed concerns to the Casualty Advisory Board from surviving stepbrothers and stepsisters who grew up together in the same household as their deceased military family member. They feel that their relationships within the family are similar to a brother, sister, half-brother, or half-sister, as they shared the same parents when living in the same household and grew up with a similar relationship as other siblings.

This proposal would also eliminate the requirement for an eligible family member to pay for a replacement Gold Star Lapel Button that has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the family member to whom it was furnished. The cost of providing a replacement Gold Star Lapel Button ($1.78 each) is insignificant compared to the significant loss the family member suffered due to the death of their loved one.

Budget Implications: This proposal has no significant budget impact. Any incidental costs are accounted for within the Fiscal Year (FY) 2021 President's Budget.

Changes to Existing Law: This proposal would make the following changes to section 1126 of title 10 U.S.C.:

§1126. Gold star lapel button: eligibility and distribution

(a) A lapel button, to be known as the gold star lapel button, shall be designed, as approved by the Secretary of Defense, to identify widows, parents, and next of kin of members of the armed forces-

(1) who lost their lives during World War I, World War II, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958;

(2) who lost or lose their lives after June 30, 1958-

(A) while engaged in an action against an enemy of the United States;

(B) while engaged in military operations involving conflict with an opposing foreign force; or

(C) while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force; or

(3) who lost or lose their lives after March 28, 1973, as a result of-

(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or

(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.

(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary concerned, upon application to him, shall furnish one gold star lapel button without cost to the widow and to each parent and next of kin of a member who lost or loses his or her life under any circumstances prescribed in subsection (a).

(c) Not more than one gold star lapel button may be furnished to any one individual except that, when a gold star lapel button furnished under this section has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was furnished, the button ~~may be replaced upon application and~~ ~~payment of an amount sufficient to cover the cost of manufacture and distribution~~ <u>may be replaced upon application and without cost</u>.

(d) In this section:

(1) The term "widow" includes widower.

(2) The term "parents" includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(3) The term "next of kin" includes only children, brothers, sisters, half brothers, ~~and half sisters~~ <u>half sisters, stepbrothers, and stepsisters</u>.

(4) The term "children" includes stepchildren and children through adoption.

(5) The term "World War I" includes the period from April 6, 1917, to March 3, 1921.

(6) The term "World War II" includes the period from September 8, 1939, to July 25, 1947, at 12 o'clock noon.

(7) The term "military operations" includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

(8) The term "peacekeeping force" includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.

(9) The terms “stepbrother” and “stepsister” shall be defined in regulations prescribed by the Secretary of Defense under subsection (b).