

117TH CONGRESS
1ST SESSION

S. _____

To amend title 38, United States Code, to ensure that grants provided by the Secretary of Veterans Affairs for State veterans' cemeteries do not restrict States from authorizing the interment of certain deceased members of the reserve components of the Armed Forces in such cemeteries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 38, United States Code, to ensure that grants provided by the Secretary of Veterans Affairs for State veterans' cemeteries do not restrict States from authorizing the interment of certain deceased members of the reserve components of the Armed Forces in such cemeteries, 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 "Burial Equity for
5 Guards and Reserves Act of 2021".

1 **SEC. 2. PROHIBITIONS ON RESTRICTING INTERMENT OF**
2 **CERTAIN INDIVIDUALS IN CERTAIN STATE**
3 **VETERANS' CEMETERIES.**

4 (a) GRANTS.—Section 2408 of title 38, United States
5 Code, as amended by the Johnny Isakson and David P.
6 Roe, M.D. Veterans Health Care and Benefits Improve-
7 ment Act of 2020 (Public Law 116–315), is further
8 amended—

9 (1) in subsection (d)(2), by striking “The Sec-
10 retary may” and inserting “Except as provided in
11 subsection (i), the Secretary may”; and

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

14 “(i)(1) The Secretary may not establish a condition
15 for a grant under this section that restricts the ability of
16 a State receiving such a grant to inter in a veterans’ ceme-
17 tery owned by that State any individual described in para-
18 graph (2) solely by reason of the ineligibility of such indi-
19 vidual for burial in an open national cemetery under the
20 control of the National Cemetery Administration under
21 section 2402(a) of this title.

22 “(2) An individual described in this paragraph is the
23 following:

24 “(A) Any member of a reserve component of
25 the Armed Forces whose service was terminated
26 under honorable conditions.

1 “(B) Any member of the Army National Guard
2 or the Air National Guard whose service was termi-
3 nated under honorable conditions.

4 “(C) Any member of the Reserve Officers’
5 Training Corps of the Army, Navy, or Air Force
6 whose death occurs under honorable conditions while
7 a member of the Reserve Officers’ Training Corps of
8 the Army, Navy, or Air Force.

9 “(D) Any spouse of any member described in
10 subparagraphs (A) through (C).

11 “(E) Any minor child or unmarried adult child
12 (as such terms are defined in section 2402(a) of this
13 title) of any member described in subparagraphs (A)
14 through (C).

15 “(j) The Secretary may not deny an application for
16 a grant under this section solely on the basis that the
17 State receiving such grant may use funds from such grant
18 to expand, improve, operate, or maintain a veterans’ ceme-
19 tery to allow for the interment of individuals described in
20 subsection (i)(2).”.

21 (b) PROHIBITION ON ENFORCING CERTAIN CONDI-
22 TIONS ON GRANTS FOR STATE VETERANS’ CEME-
23 TERIES.—The Secretary of Veterans Affairs may not en-
24 force a condition on a grant described in subsection (i)(1)
25 of section 2408 of title 38, United States Code, as added

1 by subsection (a), that was established before the date of
2 the enactment of this Act.

3 (c) PLOT ALLOWANCES.—Section 2303(b)(1) of title
4 38, United States Code, is amended—

5 (1) by striking “and (ii) members” and insert-
6 ing “(ii) members”; and

7 (2) by striking “other than dishonorable, and”
8 and inserting “other than dishonorable, or (iii) de-
9 scribed in section 2408(i)(2) of this title”.