

116TH CONGRESS  
2D SESSION

# S. 4250

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mrs. SHAHEEN (for herself and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## 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".

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

4 Section 2408 of title 38, United States Code, is  
5 amended—

6 (1) in subsection (c)(2), by striking “The Sec-  
7 retary may” and inserting “Except as provided in  
8 subsection (e), the Secretary may”;

9 (2) by redesignating subsections (e) and (f) as  
10 subsections (g) and (h), respectively; and

11 (3) by inserting after subsection (d) the fol-  
12 lowing new subsections:

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

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

23 “(A) Any member of a reserve component of  
24 the Armed Forces whose service was terminated  
25 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          “(f) The Secretary may not deny an application for  
12          a grant under this section solely on the basis that the  
13          State receiving such grant may use funds from such grant  
14          to expand, improve, operate, or maintain a veterans’ ceme-  
15          tery to allow for the interment of individuals described in  
16          subsection (e)(2).”.

17     **SEC. 3. PROHIBITION ON ENFORCING CERTAIN CONDI-**  
18                     **TIONS ON GRANTS FOR STATE VETERANS’**  
19                     **CEMETERIES.**

20          The Secretary of Veterans Affairs may not enforce  
21          a condition on a grant described in subsection (e)(1) of  
22          section 2408 of title 38, United States Code, as added by  
23          section 2(3), that was established before the date of the  
24          enactment of this Act.

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