

[DISCUSSION DRAFT]

118TH CONGRESS
2D SESSION

H. R. _____

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to memorial affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to memorial affairs, 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 “Veterans’ Burial Im-
5 provement Act of 2024”.

1 **SEC. 2. PERMANENT AUTHORITY FOR CERTAIN BURIAL**
2 **BENEFITS FOR SPOUSES AND CHILDREN**
3 **WHO PREDECEASE MEMBERS OF THE ARMED**
4 **FORCES SERVING ON ACTIVE DUTY.**

5 (a) PROVISION OF HEADSTONES AND MARKERS.—

6 Section 2306(b)(2) of title 38, United States Code, is
7 amended—

8 (1) in subparagraph (B), by striking “if such
9 death occurs before October 1, 2024”; and

10 (2) in subparagraph (C), by striking “if such
11 death occurs before October 1, 2024”.

12 (b) INTERMENT IN NATIONAL CEMETERIES.—Sec-
13 tion 2402(a)(5) of title 38, United States Code, is amend-
14 ed by striking “if such death occurs before October 1,
15 2024”.

16 **SEC. 3. DEPARTMENT OF VETERANS AFFAIRS PROVISION**
17 **OF TRANSPORTATION FOR DECEASED VET-**
18 **ERANS.**

19 (a) TRANSPORTATION OF DECEASED VETERANS.—

20 (1) IN GENERAL.—Section 2308 of title 38,
21 United States Code, is amended to read as follows:

22 **“§ 2308. Transportation of deceased veterans for bur-**
23 **ial**

24 **“(a) IN GENERAL.—**The Secretary may pay, in addi-
25 tion to any amount paid under this chapter, the cost of

1 transportation of a deceased veteran for burial in accord-
2 ance with this section.

3 “(b) TRANSPORTATION ALLOWANCE.—(1) In the
4 case of the transportation of a covered deceased veteran
5 for burial in a covered veterans’ cemetery, the Secretary
6 may pay a transportation allowance of \$745 (as increased
7 from time to time under paragraph (3)).

8 “(2) In the case of a covered deceased veteran who
9 did not die in a State and for whom the actual cost of
10 transporting the veteran from the place of death to the
11 covered cemetery exceeds the amount of the transportation
12 allowance in effect under paragraph (1), the Secretary
13 may also pay an additional amount equal to the difference
14 between such transportation allowance and the actual cost
15 of transporting the veteran. The amount of any payment
16 under this paragraph may not exceed the difference be-
17 tween such transportation allowance and the actual cost
18 of transporting the veteran to the national cemetery near-
19 est the veteran’s last place of residence in which burial
20 space is available.

21 “(3) With respect to any fiscal year, the Secretary
22 shall provide a percentage increase (rounded to the near-
23 est dollar) in the amount of the transportation allowance
24 payable under paragraph (1) that is equal to the percent-
25 age by which—

1 “(A) the Consumer Price Index (all items,
2 United States city average) for the 12-month period
3 ending on the June 30 preceding the beginning of
4 the fiscal year for which the increase is made, ex-
5 ceeds

6 “(B) such Consumer Price Index for the 12-
7 month period preceding the 12-month period de-
8 scribed in subparagraph (A).

9 “(c) DEATHS IN COVERED FACILITIES.—(1) Except
10 as provided in paragraph (2), in the case of a veteran who
11 dies in a covered facility located in a State, the Secretary
12 shall pay the actual cost to transport the body to the place
13 of burial, if the place of burial is located in the same or
14 any other State.

15 “(2) In the case of a veterans who is eligible for pay-
16 ment under both paragraph (1) and subsection (b), the
17 amount payable under paragraph (1) may not exceed the
18 difference between the amount of the transportation allow-
19 ance in effect under subsection (b)(1) and the actual cost
20 of transporting the veteran to the place of burial.

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘covered deceased veteran’ means
23 any of the following deceased veterans:

24 “(A) A veteran who dies as the result of a
25 service-connected disability.

1 “(B) A veteran who dies while in receipt of
2 disability compensation (or who but for the re-
3 ceipt of retirement pay or pension under this
4 title, would have been entitled to compensation).

5 “(C) A veteran whom the Secretary deter-
6 mines is eligible for funeral expenses under this
7 chapter by virtue of the Secretary determining
8 that the veteran has no next of kin or other
9 person claiming the body of such veteran and
10 that there are not available sufficient resources
11 to cover burial and funeral expenses for the vet-
12 eran.

13 “(2) The term ‘covered facility’ means—

14 “(A) a facility of the Department (as de-
15 fined in section 1701(3) of this title) to which
16 the deceased veteran was properly admitted for
17 hospital, nursing home, or domiciliary care
18 under section 1710 or 1711(a) of this title; or

19 “(B) an institution at which the deceased
20 veteran was, at the time of death, receiving—

21 “(i) hospital care in accordance with
22 sections 1703A, 8111, and 8153 of this
23 title;

24 “(ii) nursing home care under section
25 1720 of this title; or

1 “(iii) nursing home care for which
2 payments are made under section 1741 of
3 this title.

4 “(3) The term ‘covered veterans’ cemetery’
5 means a veterans’ cemetery—

6 “(A) in which a covered veteran is eligible
7 to be buried; and

8 “(B) that—

9 “(i) in the case of deaths occurring
10 before January 5, 2023—

11 “(I) is owned by a State; or

12 “(II) is on trust land owned by,
13 or held in trust for, a tribal organiza-
14 tion; or

15 “(ii) in the case of deaths occurring
16 on or after January 5, 2023—

17 “(I) is a national cemetery;

18 “(II) is owned by a State; or

19 “(III) is on trust land owned by,
20 or held in trust for, a tribal organiza-
21 tion.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 23 of such title is
24 amended by striking the item relating to section
25 2308 and inserting the following new item:

“2308. Transportation of deceased veterans for burial.”.

1 (b) CONFORMING AMENDMENTS.—Such title is fur-
2 ther amended—

3 (1) by striking paragraph (1) of section
4 2303(a) and inserting the following new paragraph
5 (1):

6 “(1) When a veteran described in paragraph (2) dies,
7 the Secretary shall pay the actual cost (not to exceed \$700
8 (as increased from time to time under subsection (c))) of
9 the burial and funeral or, within such limits, may make
10 contracts for such services without regard to the laws re-
11 quiring advertisement for proposals for supplies and serv-
12 ices for the Department.”; and

13 (2) in section 101(20), by striking “section
14 2303” and inserting “sections 2303 and 2308”.

15 **SEC. 4. ELIMINATION OF TIME LIMITATION ON CERTAIN**
16 **BURIAL BENEFITS FOR MEDAL OF HONOR**
17 **RECIPIENTS.**

18 (a) IN GENERAL.—Subsection (d)(5)(C) of section
19 2306 of title 38, United States Code, is amended—

20 (1) by striking clause (i); and

21 (2) by redesignating clauses (ii) and (iii) as
22 clauses (i) and (ii), respectively.

23 (b) TECHNICAL AMENDMENT.—Such section is fur-
24 ther amended by striking “section 491 of title 14” each
25 place it appears and inserting “section 2732 of title 14”.

1 **SEC. 5. PROVISION OF GROUP BURIAL MARKERS.**

2 (a) IN GENERAL.—Section 2306 of title 38, United
3 States Code, is further amended—

4 (1) by redesignating subsection (k) as sub-
5 section (l); and

6 (2) by inserting after subsection (j) the fol-
7 lowing new subsection (k):

8 “(k)(1) Under such regulations as the Secretary may
9 prescribe, in lieu of a headstone or marker for an indi-
10 vidual described in paragraph (1), (2), or (3) of subsection
11 (a), the Secretary may furnish a group headstone or mark-
12 er at a burial location containing the remains of multiple
13 such individuals.

14 “(2) If the Secretary furnishes a group headstone or
15 marker under paragraph (1) for a group of individuals de-
16 scribed in paragraph (1), (2), or (3) of subsection (a) at
17 a burial location containing the remains of multiple such
18 individuals, the Secretary may not furnish a new or re-
19 placement burial or memorial headstone or marker for any
20 individual whose remains are determined to be interred at
21 that burial location.

22 “(3) In the case of an individual who is interred at
23 a burial location marked by a group headstone or marker
24 under paragraph (1), but for whom the Secretary provided
25 an individual headstone or marker before the date of the
26 enactment of this subsection, such individual headstone or

1 marker may remain in place after the placement of the
2 group headstone or marker.

3 “(4) The Secretary may provide a group headstone
4 or marker under paragraph (1) at a burial location that
5 is not unmarked, if the Secretary determines that a group
6 headstone or marker at that burial location would assist
7 visitors in understanding or appreciating the significance
8 of the burial location.

9 “(5) Any group headstone or marker provided under
10 this subsection shall be provided in coordination with, and
11 with the approval of, the owner of the property on which
12 the burial location is located.

13 “(6) Subject to any required consultation with, and
14 approval by, an appropriate historical preservation author-
15 ity, the Secretary shall make all determinations regarding
16 the appearance of a group headstone or marker provided
17 under paragraph (1), including the size of, the material
18 used for, and the content of the inscription on the marker.

19 “(7) A group headstone or marker furnished under
20 paragraph (1) may not include in the inscription the name
21 of a person described in section 2411(b) of this title.”.

22 (b) NONELIGIBILITY OF PARENTS OF CERTAIN DE-
23 CEASED VETERANS.—Subsection (a)(2) of such section is
24 amended by striking “and (6)” and inserting “(6), and
25 (9)”.

1 **SEC. 6. BURIAL OR INTERMENT OF CERTAIN ADDITIONAL**
2 **PERSON IN CEMETERIES THAT ACCEPT DE-**
3 **PARTMENT OF VETERANS AFFAIRS PLOT OR**
4 **INTERMENT ALLOWANCE.**

5 Section 2303(b)(1) of title 38, United States Code
6 is amended—

7 (1) in subparagraph (A)—

8 (A) in clause (ii), by striking “or” at the
9 end;

10 (B) in clause (iii), by striking “and” and
11 inserting “or”; and

12 (C) by adding at the end the following new
13 clause:

14 “(iv) veterans who were discharged or
15 released from service under conditions
16 other than dishonorable and who would be
17 eligible for burial in a national cemetery
18 but for the minimum active duty service
19 requirements under section 5303A of this
20 title and the spouses and dependent chil-
21 dren of such veterans; and”;

22 (2) in subparagraph (B)(ii), by striking the pe-
23 riod and inserting “; and”.