

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3944
OFFERED BY MR. BOST**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Burial Equity for
3 Guards and Reserves Act of 2021”.

**4 SEC. 2. PROHIBITIONS ON RESTRICTING INTERMENT OF
5 CERTAIN INDIVIDUALS IN CERTAIN STATE
6 VETERANS’ CEMETERIES.**

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

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

15 (2) by adding at the end the following new sub-
16 sections:

17 “(i)(1) The Secretary may not establish a condition
18 for a grant under this section that restricts the ability of

1 a State receiving such a grant to inter in a veterans' ceme-
2 tery owned by that State any individual described in para-
3 graph (2) solely by reason of the ineligibility of such indi-
4 vidual for burial in an open national cemetery under the
5 control of the National Cemetery Administration under
6 section 2402(a) of this title.

7 “(2) An individual described in this paragraph is the
8 following:

9 “(A) Any member of a reserve component of
10 the Armed Forces who was discharged or released
11 from service under conditions other than dishonor-
12 able.

13 “(B) Any member of the Army National Guard
14 or the Air National Guard who was discharged or
15 released from service under conditions other than
16 dishonorable.

17 “(C) Any member of the Reserve Officers’
18 Training Corps of the Army, Navy, or Air Force
19 whose death occurs under conditions other than dis-
20 honorable while a member of the Reserve Officers’
21 Training Corps of the Army, Navy, or Air Force.

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

24 “(E) Any minor child or unmarried adult child
25 (as such terms are defined in section 2402(a)) of

1 any member described in subparagraphs (A) through
2 (C).

3 “(j) A State that receives a grant under this section
4 may not use grant funds to expand, improve, operate, or
5 maintain any portion of a veterans’ cemetery for the pur-
6 pose of allowing for the interment of individuals described
7 in subsection (i)(2).”.

8 (b) PROHIBITION ON ENFORCING CERTAIN CONDI-
9 TIONS ON GRANTS FOR STATE VETERANS’ CEME-
10 TERIES.—The Secretary of Veterans Affairs may not en-
11 force a condition on a grant described in subsection (i)(1)
12 of section 2408 of title 38, United States Code, as added
13 by subsection (a), that was established before the date of
14 the enactment of this Act.

15 (c) PLOT ALLOWANCES.—Section 2303(b)(1) of title
16 38, United States Code, is amended—

17 (1) by striking “and (ii) members” and insert-
18 ing “(ii) members”; and

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

