

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3944  
OFFERED BY MR. PAPPAS OF NEW HAMPSHIRE**

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”;

15 (2) by redesignating subsection (i) as subsection  
16 (k); and

17 (3) by inserting after subsection (h) the fol-  
18 lowing new subsections:

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

9           “(2) An individual described in this paragraph is the  
10 following:

11           “(A) Any member of a reserve component of  
12 the Armed Forces whose service was terminated  
13 under honorable conditions or whose death occurs  
14 under honorable conditions while a member of such  
15 a reserve component.

16           “(B) Any member of the Army National Guard  
17 or the Air National Guard whose service was termi-  
18 nated under honorable conditions or whose death oc-  
19 curs under honorable conditions while a member of  
20 the Army National Guard or the Air National  
21 Guard.

22           “(C) Any member of the Reserve Officers’  
23 Training Corps of the Army, Navy, or Air Force  
24 whose death occurs under honorable conditions while

1 a member of the Reserve Officers' Training Corps of  
2 the Army, Navy, or Air Force.

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

5 “(E) Any minor child or unmarried adult child  
6 (as such terms are defined in section 2402(a)) of  
7 any member described in subparagraphs (A) through  
8 (C).

9 “(j) The Secretary may not deny an application for  
10 a grant under this section solely on the basis that the  
11 State receiving such grant may use funds from such grant  
12 to expand, improve, operate, or maintain a veterans' ceme-  
13 tery in which interment of individuals described in sub-  
14 section (i)(2) is allowed.”.

15 (b) PROHIBITION ON ENFORCING CERTAIN CONDI-  
16 TIONS ON GRANTS FOR STATE VETERANS' CEME-  
17 TERIES.—The Secretary of Veterans Affairs may not en-  
18 force a condition on a grant described in subsection (i)(1)  
19 of section 2408 of title 38, United States Code, as added  
20 by subsection (a), that was established before the date of  
21 the enactment of this Act.

22 (c) PLOT ALLOWANCES.—Section 2303(b)(1) of title  
23 38, United States Code, is amended—

24 (1) by striking “and (ii) members” and insert-  
25 ing “(ii) members”; and

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

