

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. BROWN OF MARYLAND

At the end of title LI, insert the following:

1 **SEC. 51 ____ . ELIGIBILITY FOR HEADSTONES, MARKERS, AND**
2 **MEDALLIONS, FURNISHED BY THE SEC-**
3 **RETARY OF VETERANS AFFAIRS, FOR GRAVES**
4 **OF CERTAIN ENSLAVED INDIVIDUALS AND**
5 **INDIVIDUALS WHO PERFORMED MILITARY**
6 **FUNCTIONS DESPITE INELIGIBILITY TO**
7 **SERVE IN THE ARMED FORCES.**

8 (a) ESTABLISHMENT.—Chapter 23 of title 38,
9 United States Code, is amended by inserting after section
10 2306 the following new section:

11 **“§ 2306A. Headstones and markers for individuals**
12 **who performed military functions while**
13 **prohibited from serving as a member of**
14 **the Armed Forces**

15 “(a) AUTHORITIES.—(1) The Secretary may furnish,
16 when requested, an appropriate Government headstone or
17 marker at the expense of the United States for the un-
18 marked grave of a covered individual.

1 “(2)(A) The Secretary may furnish, when requested,
2 an appropriate Government headstone or marker at the
3 expense of the United States for the grave of a covered
4 individual who is buried in a private cemetery, notwith-
5 standing that the grave is marked by a headstone or mark-
6 er furnished at private expense. Such a headstone or
7 marker may be furnished only if the individual making the
8 request for the Government headstone or marker certifies
9 to the Secretary that the headstone or marker will be
10 placed on the grave for which the headstone or marker
11 is requested, or, if placement on the grave is impossible
12 or impracticable, as close as possible to the grave within
13 the grounds of the cemetery in which the grave is located.

14 “(B) Any headstone or marker furnished under this
15 paragraph shall be delivered by the Secretary directly to
16 the cemetery where the grave is located or to a receiving
17 agent for delivery to the cemetery.

18 “(C) The headstone or marker furnished under this
19 paragraph shall be the headstone or marker selected by
20 the individual making the request from among all the
21 headstones and markers made available by the Govern-
22 ment for selection.

23 “(3) In lieu of furnishing a headstone or marker
24 under this section, the Secretary may furnish, upon re-
25 quest, a medallion or other device of a design determined

1 by the Secretary to signify the deceased individual's status
2 as a covered individual, to be attached to a headstone or
3 marker furnished at private expense.

4 “(b) MATERIALS.— A headstone or marker furnished
5 under this section may be of any material (including mar-
6 ble, granite, bronze, or slate) requested by the person enti-
7 tled to request such headstone or marker if the material
8 requested is determined by the Secretary—

9 “(1) to be cost effective; and

10 “(2) in a case in which the headstone or marker
11 is to be placed in a national cemetery, to be aestheti-
12 cally compatible with the area of the cemetery in
13 which it is to be placed.

14 “(c) NOTATION.—With respect to a covered indi-
15 vidual who served in the military or naval forces of the
16 Confederate States of America during the Civil War, a
17 headstone, marker, or medallion, furnished by the Sec-
18 retary, shall include language that denotes such individual
19 was forced to support their own enslavement.

20 “(d) ELIGIBLE REQUESTS.—A request to the Sec-
21 retary for a headstone, marker, or medallion under this
22 section may be made only by—

23 “(1) a direct descendant of the covered indi-
24 vidual; or

1 “(2) an individual whom the Secretary deter-
2 mines has made a sufficiently reasonable attempt to
3 solicit, from such a known direct descendant, con-
4 sent to make such request on behalf of such direct
5 descendant.

6 “(e) COVERED INDIVIDUAL DEFINED.—In this sec-
7 tion, the term covered individual means the following:

8 “(1) Any enslaved individual, determined by the
9 Secretary to have—

10 “(A) accompanied a member of the Armed
11 Forces or a Civil War veteran (as that term is
12 defined in section 1501 of this title) during ac-
13 tive military or naval service of such member or
14 Civil War veteran; or

15 “(B) served in the Armed Forces (or Con-
16 federate Army or Navy) in lieu of another indi-
17 vidual.

18 “(2) Any individual determined by the Sec-
19 retary to have performed a military function while
20 prohibited from serving as a member of the Armed
21 Forces—

22 “(A) by Federal, State, or Tribal law; and

23 “(B) on the basis of race, gender, sex, or
24 ethnicity.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) TECHNICAL CORRECTION.—Section
2 2306(a)(3) of such title is amended by inserting
3 “and Navies” after “Armies”.

4 (2) TABLE OF SECTIONS.—The table of sections
5 at the beginning of such chapter is amended by in-
6 serting, after the item relating to section 2306, the
7 following new item:

 “2306A. Headstones and markers for individuals who performed military func-
 tions while prohibited from serving as a member of the Armed
 Forces.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the earlier of the following:

10 (1) The day on which the Secretary prescribes
11 regulations under subsection (d).

12 (2) The day that is one year after the date of
13 the enactment of this Act.

14 (d) REGULATIONS.—Not later than one year after the
15 date of the enactment of this Act, the Secretary of Vet-
16 erans Affairs shall prescribe regulations to carry out the
17 amendments made by subsection (a), that—

18 (1) are informed by comment, solicited by the
19 Secretary, from—

20 (A) Civil War historians;

21 (B) civil rights organizations; and

22 (C) direct descendants of individuals de-
23 scribed in under paragraphs (6) and (7) of sec-

1 tion 2306(a) of title 38, United States Code, as
2 added by such amendments;

3 (2) define the term “military function” for pur-
4 poses of section 2306 of title 38, United States
5 Codes, as added by subsection (a); and

6 (3) establish what evidence the Secretary may
7 consider when determining performance of military
8 functions of such individuals or family relationships
9 to such individuals. Such evidence shall include the
10 following:

11 (A) Federal or State pay records.

12 (B) Federal or State pension records.

13 (C) Confederate pay records.

14 (D) Regimental histories.

15 (E) Newspapers.

16 (F) Photographs.

17 (G) Ship logs.

18 (H) Diaries.

19 (I) Family records, including bibles.

20 (J) Church records.

21 (e) REPORT.—Not later than 15 months after the en-
22 actment of this Act, the Secretary of Veterans Affairs
23 shall submit to the Committees on Veterans’ Affairs of
24 the Senate and the House of Representatives a report on
25 the feasibility and implementation of the amendments

- 1 made by subsection (a) and the regulations prescribed
- 2 under subsection (d).

