SEC. 18. ELIGIBILITY FOR HEADSTONES, MARKERS, AND MEDALLIONS, FURNISHED BY THE SECRETARY OF VETERANS AFFAIRS, FOR GRAVES OF CERTAIN ENSLAVED INDIVIDUALS AND INDIVIDUALS WHO PERFORMED MILITARY FUNCTIONS DESPITE INELIGIBILITY TO SERVE IN THE ARMED FORCES.

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

"§ 2306A. Headstones and markers for individuals who performed military functions while prohibited from serving as a member of the Armed Forces

(a) Authorities.—(1) The Secretary may furnish, when requested, an appropriate Government headstone or marker at the expense of the United States for the unmarked grave of a covered individual."
“(2)(A) The Secretary may furnish, when requested, an appropriate Government headstone or marker at the expense of the United States for the grave of a covered individual who is buried in a private cemetery, notwithstanding that the grave is marked by a headstone or marker furnished at private expense. Such a headstone or marker may be furnished only if the individual making the request for the Government headstone or marker certifies to the Secretary that the headstone or marker will be placed on the grave for which the headstone or marker is requested, or, if placement on the grave is impossible or impracticable, as close as possible to the grave within the grounds of the cemetery in which the grave is located.

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

“(C) The headstone or marker furnished under this paragraph shall be the headstone or marker selected by the individual making the request from among all the headstones and markers made available by the Government for selection.

“(3) In lieu of furnishing a headstone or marker under this section, the Secretary may furnish, upon request, a medallion or other device of a design determined
by the Secretary to signify the deceased individual’s status as a covered individual, to be attached to a headstone or marker furnished at private expense.

“(b) MATERIALS.— A headstone or marker furnished under this section may be of any material (including marble, granite, bronze, or slate) requested by the person entitled to request such headstone or marker if the material requested is determined by the Secretary—

“(1) to be cost effective; and

“(2) in a case in which the headstone or marker is to be placed in a national cemetery, to be aesthetically compatible with the area of the cemetery in which it is to be placed.

“(c) NOTATION.—With respect to a covered individual who served in the military or naval forces of the Confederate States of America during the Civil War, a headstone, marker, or medallion, furnished by the Secretary, shall include language that denotes such individual was forced to support their own enslavement.

“(d) ELIGIBLE REQUESTS.—A request to the Secretary for a headstone, marker, or medallion under this section may be made only by—

“(1) a direct descendant of the covered individual; or
“(2) an individual whom the Secretary determines has made a sufficiently reasonable attempt to solicit, from such a known direct descendant, consent to make such request on behalf of such direct descendant.

“(e) COVERED INDIVIDUAL DEFINED.—In this section, the term covered individual means the following:

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

“(A) accompanied a member of the Armed Forces or a Civil War veteran (as that term is defined in section 1501 of this title) during active military or naval service of such member or Civil War veteran; or

“(B) served in the Armed Forces (or Confederate Army or Navy) in lieu of another individual.

“(2) Any individual determined by the Secretary to have performed a military function while prohibited from serving as a member of the Armed Forces—

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

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

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

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by inserting, after the item relating to section 2306, the following new item:

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

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

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

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

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

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

(A) Civil War historians;

(B) civil rights organizations; and

(C) direct descendants of individuals described in under paragraphs (6) and (7) of sec—
tion 2306(a) of title 38, United States Code, as added by such amendments;

(2) define the term “military function” for purposes of section 2306 of title 38, United States Codes, as added by subsection (a); and

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

(A) Federal or State pay records.
(B) Federal or State pension records.
(C) Confederate pay records.
(D) Regimental histories.
(E) Newspapers.
(F) Photographs.
(G) Ship logs.
(H) Diaries.
(I) Family records, including bibles.
(J) Church records.

(e) REPORT.—Not later than 15 months after the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report on the feasibility and implementation of the amendments
made by subsection (a) and the regulations prescribed under subsection (d).