

Congress of the United States
Washington, DC 20515

January 21, 2022

The Honorable Jon Tester
Chairman
Committee on Veterans Affairs
U.S. Senate
Washington, D.C. 20510

The Honorable Jerry Moran
Ranking Member
Committee on Veterans Affairs
U.S. Senate
Washington, D.C. 20510

The Honorable Mark Takano
Chairman
Committee on Veterans Affairs
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mike Bost
Ranking Member
Committee on Veterans Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Tester, Ranking Member Moran, Chairman Takano and Ranking Member Bost:

Thank you for your work to assemble a bipartisan, bicameral package that will address the utmost concerns of our nation's veterans and their families. As you continue efforts to negotiate this package, we respectfully request that you include the *Burial Equity for Guards and Reserves Act* (S.2089; H.R.3944), legislation that would ensure all members of the reserve components and the National Guard are eligible to be buried in state veterans cemeteries, so long as their service was terminated under conditions other than dishonorable.

Under current law, only guardsmen and reservists who have been called to active duty are allowed to be buried in state veterans cemeteries that receive federal funding through the Department of Veterans Affairs (VA) Veterans Cemetery Grants Program. Our offices have heard directly from constituents who served in the National Guard and reserve components and believe that existing restrictions on the Department's grant program fail to acknowledge their contributions in service of our nation. Over the past two years, we have witnessed thousands of guardsmen and reservists serve their country while responding to the COVID-19 pandemic and other domestic emergencies, including natural disasters and civil unrest. This is in addition to the services these individuals are prepared to provide should they be called upon for Active Duty.

In response to a Request for Information (RFI) on the Department's Eligibility Considerations for the Veterans Cemetery Grants Program, the VA received dozens of comments, including from leaders of state veterans cemeteries from across the country, indicating that they support efforts to expand eligibility for burial in a state veterans cemetery to additional members of the National Guard and reserve components. Leadership of the National Guard and state veterans cemeteries in our states have indicated that they strongly support this change in eligibility to ensure that those who served receive the proper burial that they deserve.

It is clear that both our constituents and other stakeholders alike agree that the current overly restrictive eligibility requirements fall short of the respect that our guardsmen and reservists have earned. To that end, we urge you to include language that would ensure that all reservists and National Guardsmen are eligible to be buried in state veterans cemeteries, so long as their service was terminated under conditions other than dishonorable.

Second, we respectfully request that you include the language from the *Burial Equity for Guards and Reserves Act* that would end the VA's existing practice of punishing state veterans cemeteries that bury the spouses, minor children or unmarried adult children of those service members by conditioning federal grants on a cemetery's compliance with existing burial eligibility criteria. Under our legislation, the Secretary could not prohibit funds from being used to inter any member of a reserve component of the Armed Forces whose service was terminated under conditions other than dishonorable, any member of the Army or Air National Guard whose service was terminated under conditions other than dishonorable, any member of the Reserve Officers' Training Corps (ROTC) whose death occurs while a member of the ROTC and the spouses of those members described above. Allowing the Federal government to punish states for determining eligibility for their own cemeteries overreaches on what should be a decision left to the states.

Thank you for considering our request. We appreciate your efforts to advance this legislation and ensure that Congress sends the message that it is committed to ensuring the respect and recognition for those guardsmen and reservists who swear an oath to defend this country.

Sincerely,



Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



John Hoeven
United States Senator



Kevin Cramer
United States Senator



Chris Pappas
Member of Congress



Kelly Armstrong
Member of Congress



Ann McLane Kuster
Member of Congress



Angie Craig
Member of Congress