

117TH CONGRESS
2D SESSION

H. R. 6830

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish headstones, markers, and medallions for graves of certain enslaved individuals and individuals who performed military functions despite ineligibility to serve in the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2022

Mr. BROWN of Maryland (for himself and Mr. BACON) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish headstones, markers, and medallions for graves of certain enslaved individuals and individuals who performed military functions despite ineligibility to serve in the Armed Forces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Headstones for Honor
5 Act”.

1 **SEC. 2. ELIGIBILITY FOR HEADSTONES, MARKERS, AND ME-**
2 **DALLIONS, FURNISHED BY THE SECRETARY**
3 **OF VETERANS AFFAIRS, FOR GRAVES OF CER-**
4 **TAIN ENSLAVED INDIVIDUALS AND INDIVID-**
5 **UALS WHO PERFORMED MILITARY FUNC-**
6 **TIONS DESPITE INELIGIBILITY TO SERVE IN**
7 **THE ARMED FORCES.**

8 (a) ESTABLISHMENT.—Section 2306 of title 38,
9 United States Code, is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (3), by inserting “and
12 Navies” after “Armies”; and

13 (B) by inserting, after paragraph (5), the
14 following new paragraphs:

15 “(6) Any enslaved individual, determined by the
16 Secretary to have—

17 “(A) accompanied a member of the Armed
18 Forces or a Civil War veteran (as that term is
19 defined in section 1501 of this title) during ac-
20 tive military or naval service of such member or
21 Civil War veteran; or

22 “(B) served in the Armed Forces (or Con-
23 federate Army or Navy) in lieu of another indi-
24 vidual.

25 “(7) Any individual determined by the Sec-
26 retary to have performed a military function while

1 prohibited from serving as a member of the Armed
2 Forces—

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

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

6 (2) in subsection (d)(1), by striking “or (5)”
7 and inserting “(5), (6), or (7)”;

8 (3) by redesignating subsection (j) as sub-
9 section (l); and

10 (4) by inserting, after subsection (i), the fol-
11 lowing new subsections (j) and (k):

12 “(j) With respect to an individual described in para-
13 graph (6) of subsection (a), who served in the military or
14 naval forces of the Confederate States of America during
15 the Civil War, a headstone, marker, or medallion, fur-
16 nished by the Secretary, shall include language that de-
17 notes such individual was forced to support their own en-
18 slavement.

19 “(k) With respect to an individual described in para-
20 graph (6) or (7) of subsection (a), a request to the Sec-
21 retary for a headstone, marker, or medallion may be made
22 only by—

23 “(1) a direct descendant of the individual de-
24 scribed in such paragraph; 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 (b) CONFORMING AMENDMENT.—Section 2207(a)(1)
7 of the Johnny Isakson and David P. Roe, M.D. Veterans
8 Health Care and Benefits Improvement Act of 2020 (Pub-
9 lic Law 116–315) is amended by striking “subsections (h),
10 (i), and (j) as subsections (i), (j), and (k)” and inserting
11 “subsections (h) through (l) as subsections (i) through
12 (m)”.

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

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

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

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

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

25 (A) Civil War historians;

1 (B) civil rights organizations; and

2 (C) direct descendants of individuals de-
3 scribed in under paragraphs (6) and (7) of sec-
4 tion 2306(a) of title 38, United States Code, as
5 added by such amendments;

6 (2) define the term “military function” for pur-
7 poses of such section, as amended; and

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

13 (A) Federal or State pay records.

14 (B) Federal or State pension records.

15 (C) Confederate pay records.

16 (D) Regimental histories.

17 (E) Newspapers.

18 (F) Photographs.

19 (G) Ship logs.

20 (H) Diaries.

21 (I) Family records, including bibles.

22 (J) Church records.

23 (e) REPORT.—Not later than 15 months after the en-
24 actment of this Act, the Secretary of Veterans Affairs
25 shall submit to the Committees on Veterans’ Affairs of

1 the Senate and the House of Representatives a report on
2 the implementation of the amendments made by sub-
3 section (a) and the regulations prescribed under sub-
4 section (d).

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