

112TH CONGRESS  
2D SESSION

# H. R. 5833

To amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2012

Ms. BERKLEY introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes.

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 “Veterans Burial Bene-  
5       fits Improvement Act of 2012”.

6       **SEC. 2. INCREASE IN BURIAL BENEFITS FOR VETERANS.**

7       (a) BURIAL AND FUNERAL EXPENSES.—(1) Section  
8       2302(a) of title 38, United States Code, is amended by  
9       striking “\$300” and inserting “\$3,000 (as increased from  
10      time to time under section 5312(a) of this title)”.

1       (2) Section 2303(a)(1)(A) of such title is amended  
2 by striking “\$700” and inserting “\$3,000”.

3       (3) Section 2307 of such title is amended by striking  
4 “\$2,000,” and inserting “\$4,000 (as increased from time  
5 to time under section 5312(a) of this title),”.

6       (b) PLOT ALLOWANCE.—Section 2303(b) of such  
7 title is amended—

8           (1) in paragraph (1), by striking “\$700” and  
9 inserting “\$800”; and

10          (2) in paragraph (2), by striking “\$700” the  
11 second place it appears and inserting “\$800”.

12       (c) ANNUAL ADJUSTMENT.—Section 5312(a) of such  
13 title is amended by striking “and each rate of monthly  
14 allowance paid under section 1805 of this title,” and in-  
15 serting “each rate of monthly allowance paid under section  
16 1805 of this title, each rate of burial and funeral expenses  
17 provided for under sections 2302(a) and 2307 of this title,  
18 and each rate of plot allowance provided for under section  
19 2303(b) of this title,”.

20       (d) EFFECTIVE DATE.—(1) Except as provided in  
21 paragraph (2), the amendments made by this section shall  
22 apply to deaths occurring on or after the date of the enact-  
23 ment of this Act.

24       (2) No adjustments shall be made under section  
25 5312(a) of title 38, United States Code, as amended by

1 subsection (c), for fiscal year 2012 for rates of burial and  
 2 funeral expenses provided for under sections 2302(a) and  
 3 2307 of title 38, United States Code.

4 **SEC. 3. RESTORATION OF VETERAN PLOT ALLOWANCE ELI-**  
 5 **GIBILITY AND HEADSTONE OR MARKER AL-**  
 6 **LOWANCE.**

7 (a) RESTORATION OF PLOT ALLOWANCE ELIGI-  
 8 BILITY FOR VETERANS OF ANY WAR.—Section 2303(b)  
 9 of title 38, United States Code, is amended—

10 (1) in the matter preceding paragraph (1), by  
 11 striking “subsection (a) of this section” and all that  
 12 follows through “and who” and inserting the fol-  
 13 lowing: “subsection (a), in the case of a veteran who  
 14 is eligible for a burial allowance under such sub-  
 15 section or under section 2302 of this title, who was  
 16 discharged from the active military, naval, or air  
 17 service for a disability incurred or aggravated in the  
 18 line of duty, or who is a veteran of any war and”;  
 19 and

20 (2) in paragraph (2)—

21 (A) by striking “is eligible for a burial al-  
 22 lowance under section 2302 of this title or  
 23 under subsection (a) of this section, or was dis-  
 24 charged from the active military, naval, or air

1 service for a disability incurred or aggravated in  
2 line of duty, and such veteran”; and

3 (B) by striking “clause (1) of this sub-  
4 section” and inserting “paragraph (1)”.

5 (b) RESTORATION OF HEADSTONE OR MARKER AL-  
6 LOWANCE.—

7 (1) ALLOWANCE.—Section 2306 of title 38,  
8 United States Code, is amended by adding at the  
9 end the following new subsection:

10 “(h) In lieu of furnishing a headstone or marker  
11 under subsection (a)(2) or (b), the Secretary, in the Sec-  
12 retary’s discretion, having due regard for the cir-  
13 cumstances in each case, may reimburse the person enti-  
14 tled to request such headstone or marker for the cost of  
15 acquiring a non-Government headstone or marker for  
16 placement in any cemetery other than a national cemetery  
17 in connection with the burial or memorialization of the de-  
18 ceased individual.”.

19 (2) CONFORMING AMENDMENT.—Subsection (g)  
20 of such section is amended by adding at the end the  
21 following new paragraph:

22 “(4) Reimbursement may not be provided under sub-  
23 section (h) for the cost of acquiring a non-Government  
24 headstone or marker in connection with the burial or me-

1 morialization of a person described in section 2411(b) of  
 2 this title.”.

3 (3) CLERICAL AMENDMENT.—Subsection (a) of  
 4 such section is amended by moving the margin of  
 5 each of paragraphs (1) through (5) by two ems to  
 6 the right.

7 (4) EFFECTIVE DATE.—The amendments made  
 8 by this subsection shall apply with respect to deaths  
 9 occurring on or after the date of the enactment of  
 10 this Act.

11 **SEC. 4. EXPANSION OF BURIAL BENEFITS FOR VETERANS.**

12 (a) HOMELESS VETERANS.—

13 (1) IN GENERAL.—Chapter 23 of such title is  
 14 amended by inserting after section 2302 the fol-  
 15 lowing new section:

16 **“§ 2302A. Funeral expenses for homeless veterans not**  
 17 **serving during wartime**

18 “(a) PAYMENT OF FUNERAL EXPENSES.—The Sec-  
 19 retary, in the Secretary’s discretion, having due regard to  
 20 the circumstances in each case, may pay a sum not exceed-  
 21 ing the amount authorized under section 2302(a) of this  
 22 title to such person as the Secretary prescribes to cover  
 23 the burial and funeral expenses of a deceased veteran de-  
 24 scribed in subsection (b) and the expense of preparing the  
 25 body and transporting it to the place of burial.

1       “(b) HOMELESS VETERAN.—A deceased veteran de-  
2 scribed in this subsection is an individual—

3               “(1) whom the Secretary determines—

4                       “(A) is a homeless veteran (as defined in  
5 section 2002(1) of this title);

6                       “(B) has no next of kin or other person  
7 claiming the body of the deceased veteran; and

8                       “(C) does not have available sufficient re-  
9 sources to cover burial and funeral expenses;

10               “(2) whose service in the Armed Forces was not  
11 during wartime; and

12               “(3) who was either—

13                       “(A) discharged from the active military,  
14 naval, or air service under honorable conditions;  
15 or

16                       “(B) died during a period deemed to be ac-  
17 tive military, naval, or air service under section  
18 106(c) of this title.

19       “(c) DEDUCTIONS.—(1) Except as provided in this  
20 subsection, no deduction shall be made from the burial al-  
21 lowance because of the veteran’s net assets at the time  
22 of the death of such veteran, or because of any contribu-  
23 tion from any source toward the burial and funeral ex-  
24 penses (including transportation) unless the amount of ex-  
25 penses incurred is covered by the amount actually paid

1 therefore by the United States, a State, any agency or po-  
 2 litical subdivision of the United States or of a State, or  
 3 the employer of the deceased veteran.

4 “(2) No claim shall be allowed—

5 “(A) for more than the difference between the  
 6 entire amount of the expenses incurred and an  
 7 amount paid by the United States, a State, any  
 8 agency or political subdivision of the United States  
 9 or of a State, or the employer of the deceased vet-  
 10 eran, as described in paragraph (1);

11 “(B) when the burial allowance would revert to  
 12 the funds of a public or private organization or  
 13 would discharge such an organization’s obligation  
 14 without payment; or

15 “(C) in any case where payment of expenses of  
 16 funeral, transportation, and interment for the vet-  
 17 eran is made under any other Act.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-  
 19 tions at the beginning of such chapter is amended  
 20 by inserting after the item relating to section 2302  
 21 the following new item:

“2302A. Funeral expenses for homeless veterans not serving during wartime.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
 23 subsection (a)(1) shall apply to deaths occurring on or  
 24 after the date of the enactment of this Act.