

RIN 2900-AR82(P) Outer Burial Receptacles (Proposed Rule)

[Federal Register](#)

Summary of the rule (100 words or less): The rule proposes to revise 38 CFR § 38.629 to implement expanded statutory authority to provide outer burial receptacles (OBRs) for graves in cemeteries that are the subject of a grant to a State or Tribal Organization under 38 USC § 2408. VA proposes to pay a monetary allowance for privately purchased OBRs and for OBRs placed at the time of interment. VA will reimburse the cost of OBRs preplaced as part of a construction grant project. Congress expanded authority in Pub.L. 116-355 § 2203, January 5, 2021, with an effective date of January 5, 2023.

What does the regulation do? This is a proposed rule to implement a change in law regarding provision of outer burial receptacles (OBRs) for graves in VA grant-funded State and Tribal veterans cemeteries. NCA proposes to amend VA regulations under Part 38 to provide a monetary allowance for burials in VA grant-funded Veterans cemeteries when a privately purchased OBR was used or when an OBR is placed at the time of interment, at the cost of the State or Tribal Organization. NCA also proposes to reimburse States and Tribal Organizations for OBRs that are pre-placed as part of a new construction or expansion grant project. If approved, this proposed rule will be published for public comment.

Are the provisions, services, or benefits associated with this rulemaking current practice or new to Veterans? Please explain. The provisions/benefits associated with this rulemaking are somewhat new to Veterans. Previously VA was authorized to provide OBRs for casket burials in national cemeteries, which meant Veterans and their families did not have to pay for an OBR when their loved one was interred. However, Veterans and their eligible family members who chose to be interred in a State or Tribal grant-funded Veterans cemetery sometimes would have to pay the cost of an OBR, as determined by each State or Tribal Organization. Since Congress expanded VA's authority to provide OBRs for casket burials in grant-funded State or Tribal Veterans cemeteries, this means VA may help cover those costs, and is an expanded benefit to Veterans and their families.

Who does it impact? The regulation primarily impacts States and Tribal Organizations that are part of the Veterans Cemetery Grant Program, as it allows them to claim a monetary allowance for OBRs that are placed at the time of

interment, when the State or Tribal Organization has paid for such OBRs. It also provides full reimbursement to States and Tribal Organizations for the cost of OBRs that are pre-placed as part of a new construction or expansion cemetery grant project. The regulation also will impact Veterans and their families who privately purchase an OBR for a casketed burial in a grant-funded Veterans cemetery. The impact is beneficial as it will provide a monetary benefit.

Why is it happening/important? Section 2203 of Public Law 116-315, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, amended 38 U.S.C. § 2306(e) to expand applicability of the OBR benefit to burials in VA's grant funded cemeteries (State and Tribal).

Why are we doing it? Regulation is required to inform States and Tribal Organizations in the grant program of the rules and procedures for obtaining the monetary allowance for OBRs placed at the time of interment or the reimbursement for OBRs pre-placed as part of a construction grant project. As well, the regulation is required for informing private individuals of the rules and procedures for obtaining the monetary allowance for a privately purchased OBR.