

117TH CONGRESS
2D SESSION

S. 4949

To amend title 38, United States Code, to address green burial sections in national cemeteries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2022

Mr. TESTER (for himself and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to address green burial sections in national cemeteries, 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 “National Cemeteries
5 Preservation and Protection Act of 2022”.

1 **SEC. 2. PLOT AND INTERMENT ALLOWANCES FOR VET-**
 2 **ERANS BURIED BEFORE MARCH 15, 2022, IN**
 3 **CEMETERIES ON TRUST LAND OWNED BY, OR**
 4 **HELD IN TRUST FOR, TRIBAL ORGANIZA-**
 5 **TIONS.**

6 The Secretary of Veterans Affairs shall pay a plot
 7 or interment allowance under paragraph (1) of section
 8 2303(b) of title 38, United States Code, for a veteran if—

9 (1) the veteran was buried, before March 15,
 10 2022, in a cemetery, or in a section of a cemetery,
 11 that is on trust land owned by, or held in trust for,
 12 a tribal organization;

13 (2) the tribal organization that is responsible
 14 for operating and maintaining the cemetery, or the
 15 section of cemetery, applies for such allowance;

16 (3) a plot or interment allowance was not al-
 17 ready paid for the burial of such veteran under
 18 paragraph (2) of such section; and

19 (4) the burial of the veteran otherwise meets
 20 the requirements under paragraph (1) of such sec-
 21 tion.

22 **SEC. 3. GREEN BURIAL SECTIONS AT NATIONAL CEME-**
 23 **TERIES.**

24 Section 2404 of title 38, United States Code, is
 25 amended—

26 (1) in subsection (c)(2)—

1 (A) in subparagraph (C), by striking “;
2 and” and inserting a semicolon;

3 (B) in subparagraph (D), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(E) in the case of grave sites in a green burial
8 section designated under subsection (i), the Sec-
9 retary may provide for grave markers of such type
10 as the Secretary considers appropriate.”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(i)(1) The Secretary may designate one or more sec-
14 tions in any national cemetery as green burial sections.

15 “(2) In this subsection, the term ‘green burial sec-
16 tion’ means a section of a cemetery in which the remains
17 of individuals interred in that section—

18 “(A) have been prepared for interment in a
19 manner that does not involve chemicals or embalm-
20 ing fluids; and

21 “(B) have been interred in a natural manner or
22 in completely biodegradable burial receptacles.”.

1 **SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION**
2 **OVER LAND AT FORT BLISS, TEXAS, FOR EX-**
3 **PANSION OF FORT BLISS NATIONAL CEME-**
4 **TERY.**

5 (a) **TRANSFER AUTHORIZED.**—The Secretary of the
6 Army may transfer to the Secretary of Veterans Affairs
7 administrative jurisdiction over a parcel of real property
8 consisting of approximately two acres located at Fort
9 Bliss, Texas, directly adjacent to, and contiguous with,
10 Fort Bliss National Cemetery.

11 (b) **CONDITION OF TRANSFER.**—

12 (1) **IN GENERAL.**—As a condition of the trans-
13 fer authorized by subsection (a), the Secretary of
14 Veterans Affairs may complete appropriate environ-
15 mental, cultural resource, and other due diligence
16 activities on the real property described in sub-
17 section (c) before determining whether the property
18 is suitable for cemetery purposes.

19 (2) **COORDINATION.**—The Secretary of Vet-
20 erans Affairs shall coordinate with the Secretary of
21 the Army as needed during the performance of the
22 activities described in paragraph (1).

23 (c) **DESCRIPTION OF PROPERTY.**—

24 (1) **IN GENERAL.**—The exact acreage and legal
25 description of the real property to be transferred

1 under this section shall be determined by a survey
2 satisfactory to the Secretary the Army.

3 (2) COST OF SURVEY.—The cost of the survey
4 described in paragraph (1) shall be borne by the
5 Secretary of Veterans Affairs.

6 (d) ADDITIONAL TERMS AND CONDITIONS; COSTS OF
7 TRANSFER.—

8 (1) ADDITIONAL TERMS AND CONDITIONS.—
9 The Secretary of the Army may require such addi-
10 tional terms and conditions in connection with the
11 transfer under this section as the Secretary con-
12 siders appropriate to protect the interests of the
13 United States.

14 (2) REIMBURSEMENT OF COSTS .—

15 (A) IN GENERAL.—The Secretary of Vet-
16 erans Affairs shall reimburse the Secretary of
17 the Defense for costs incurred by the Secretary
18 of the Army in implementing this section, in-
19 cluding the costs of any surveys.

20 (B) NO PAYMENT FOR VALUE OF REAL
21 PROPERTY.—Notwithstanding any other legal
22 requirement that might otherwise apply, the
23 Secretary of Veterans Affairs shall not be re-
24 quired to make payment of any kind for the

1 value of the real property described in sub-
2 section (c).

3 **SEC. 5. TRANSFER OF DEPARTMENT OF THE INTERIOR**
4 **LAND FOR USE AS A NATIONAL CEMETERY.**

5 Section 2406 of title 38, United States Code, is
6 amended—

7 (1) by striking “As additional lands” and in-
8 serting “(a) IN GENERAL.—As additional lands”;
9 and

10 (2) by adding at the end the following new sub-
11 section:

12 “(b) TRANSFER OF DEPARTMENT OF THE INTERIOR
13 LAND FOR USE AS A NATIONAL CEMETERY.—Notwith-
14 standing section 204(d) of the Federal Land Policy and
15 Management Act of 1976 (43 U.S.C. 1714(d)), if the Sec-
16 retary and the Secretary of the Interior agree to a transfer
17 under subsection (a) of any land for use by the Depart-
18 ment as a national cemetery, the land shall be—

19 “(1) withdrawn from all forms of appropriation
20 under the public land laws, including the mining
21 laws, the mineral leasing laws, and the geothermal
22 leasing laws;

23 “(2) subject to valid existing rights;

24 “(3) transferred to the administrative jurisdic-
25 tion of the Secretary of Veterans Affairs; and

1 “(4) deemed to be property (as defined in sec-
 2 tion 102(9) of title 40) for as long as the land re-
 3 mains under the administrative jurisdiction of the
 4 Secretary of Veterans Affairs.”.

5 **SEC. 6. EXPANSION OF PROHIBITION AGAINST INTERMENT**
 6 **OR MEMORIALIZATION IN THE NATIONAL**
 7 **CEMETERY ADMINISTRATION OR ARLINGTON**
 8 **NATIONAL CEMETERY OF PERSONS COMMIT-**
 9 **TING CERTAIN CRIMES.**

10 (a) IN GENERAL.—Section 2411 of title 38, United
 11 States Code, is amended—

12 (1) in the section heading—

13 (A) by inserting “**certain**” before “**Fed-**
 14 **eral**”; and

15 (B) by striking “**capital**”;

16 (2) in subsection (b)—

17 (A) in paragraph (4)—

18 (i) in subparagraph (A), by striking
 19 “(42 U.S.C. 16901 et seq.);” and inserting
 20 “(34 U.S.C. 20901 et seq.); and”; and

21 (ii) in subparagraph (B), by inserting
 22 “or to a period of 99 years or more” after
 23 “life imprisonment”; and

24 (B) by adding at the end the following new
 25 paragraph:

1 “(5) A person who—

2 “(A) is found (as provided in subsection
3 (c)) to have committed a Federal or State crime
4 that would cause the person to be a tier III sex
5 offender for purposes of the Sex Offender Reg-
6 istration and Notification Act (34 U.S.C. 20901
7 et seq.); but

8 “(B) has not been convicted of such crime
9 by reason of such person not being available for
10 trial due to death or flight to avoid prosecu-
11 tion.”;

12 (3) in subsection (c), by striking “subsection
13 (b)(3)” and inserting “paragraph (3) or (5) of sub-
14 section (b)”;

15 (4) in subsection (d)(2)(A)(ii), by striking “or
16 a State capital crime” and inserting “, a State cap-
17 ital crime, or a Federal or State crime that would
18 cause the person to be a tier III sex offender for
19 purposes of the Sex Offender Registration and Noti-
20 fication Act (34 U.S.C. 20901 et seq.),”; and

21 (5) in subsection (e)(1)(B), by striking “or a
22 State capital crime” and inserting “, a State capital
23 crime, or a Federal or State crime that would cause
24 the person to be a tier III sex offender for purposes

1 of the Sex Offender Registration and Notification
2 Act (34 U.S.C. 20901 et seq.),”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 24 of such title is amended
5 by striking the item relating to section 2411 and inserting
6 the following new item:

“2411. Prohibition against interment or memorialization in the National Cemetery Administration or Arlington National Cemetery of persons committing certain Federal or State crimes.”.

