

119TH CONGRESS
2D SESSION

H. R. 4284

AN ACT

To amend the Small Tract Act of 1983 to authorize the Secretary of Agriculture to convey, without consideration, certain 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Cemetery Con-
3 veyance Act”.

4 **SEC. 2. CONVEYANCES OF CERTAIN CEMETERIES.**

5 (a) AMENDMENTS TO SMALL TRACT ACT OF 1983.—

6 The Small Tract Act of 1983 (16 U.S.C. 521c et seq.)
7 is amended—

8 (1) in section 2(a)—

9 (A) in paragraph (1), by striking “and” at
10 the end;

11 (B) in paragraph (2), by striking the pe-
12 riod at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(3) to convey, without consideration, certain
15 parcels used, or previously used, as cemeteries in ac-
16 cordance with section 9.”;

17 (2) in section 3(6), by striking “a cemetery (in-
18 cluding a parcel of not more than 1 acre adjacent
19 to the parcel used as a cemetery), a landfill, or” and
20 inserting “a landfill or”; and

21 (3) by adding at the end the following:

22 **“SEC. 9. CONVEYANCES OF CERTAIN CEMETERIES.**

23 “(a) IN GENERAL.—The Secretary may convey, with-
24 out consideration, to a qualified person any parcel of land
25 used, or previously used, as a cemetery (including a parcel

1 of not more than 1 acre adjacent to the parcel used as
2 a cemetery).

3 “(b) CONDITION OF CONVEYANCE.—A conveyance
4 under subsection (a) shall be subject to the condition that
5 the property conveyed under that subsection may only be
6 used for the purpose of operating a cemetery.

7 “(c) REVERSION.—If the Secretary determines that
8 at any time a parcel conveyed under subsection (a) is used
9 for a purpose other than the purpose required under sub-
10 section (b), all right, title, and interest in and to the parcel
11 conveyed pursuant to such subsection, including any im-
12 provements thereon, shall, at the discretion of the Sec-
13 retary, revert to the United States.

14 “(d) WAIVER OF CONVEYANCE COSTS.—

15 “(1) EXCEPTION AVAILABLE.—The Secretary
16 may waive the application of any requirement under
17 section 4 to a conveyance to a qualified person under
18 this section if the Secretary determines that such a
19 waiver is appropriate based upon the demonstrated
20 need of the qualified person.

21 “(2) CLARIFICATION OF AUTHORITY.—The
22 waiver authority under paragraph (1) shall be in ad-
23 dition to the authority available to the Secretary
24 pursuant to the last sentence of section 4.

25 “(e) DEFINITIONS.—In this section:

1 “(1) CEMETERY.—The term ‘cemetery’ means a
2 natural or prepared physical location (regardless of
3 location below, on, or above the surface of the earth)
4 into which human remains are deposited—

5 “(A)(i) as part of—

6 “(I) a death rite or ceremony of a cul-
7 ture; or

8 “(II) a common burying ground of a
9 community; or

10 “(ii) that is determined to be a cemetery
11 by an Indian Tribe; and

12 “(B) that, as determined by the Secretary,
13 is a parcel of land less than or equal to 40
14 acres.

15 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
16 means the governing body of any individually identi-
17 fied and federally recognized Indian or Alaska Na-
18 tive tribe, band, nation, pueblo, village, community,
19 affiliated Tribal group, or component reservation in-
20 cluded on the most recent list published pursuant to
21 section 104(a) of the Federally Recognized Indian
22 Tribe List Act of 1994 (25 U.S.C. 5131(a)).

23 “(3) QUALIFIED LAND GRANT-MERCED.—The
24 term ‘qualified land grant-merced’ means a commu-

1 nity land grant issued under the laws or customs of
2 the Government of Spain or Mexico that—

3 “(A) is recognized under New Mexico Stat-
4 utes Chapter 49, Articles 1 and 4 (or a suc-
5 cessor statute); and

6 “(B)(i) has a record of historical or tradi-
7 tional use on Federal land under the jurisdic-
8 tion of the Secretary; or

9 “(ii) has a patented exterior boundary
10 that is or was previously located on or ad-
11 jacent to Federal land under the jurisdic-
12 tion of the Secretary.

13 “(4) QUALIFIED PERSON.—The term ‘qualified
14 person’ means, with respect to a cemetery, a State
15 or local government, Indian Tribe, or qualified land
16 grant-merced that has a bona fide interest or his-
17 toric claim to the cemetery.”.

18 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion or an amendment made by this section may be con-
20 strued to modify, waive, or otherwise affect the application

1 of the Native American Graves Protection and Repatri-
2 ation Act (25 U.S.C. 3001 et seq.).

Passed the House of Representatives March 16,
2026.

Attest:

Clerk.

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