

119TH CONGRESS  
1ST SESSION

# H. R. 4284

To amend the Small Tract Act of 1983 to authorize the Secretary of Agriculture to convey, without consideration, certain cemeteries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 2, 2025

Ms. LEGER FERNANDEZ introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Small Cemetery Con-  
5       veyance Act”.

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

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

3 The Small Tract Act of 1983 (16 U.S.C. 521c et seq.)

4 is amended—

5 (1) in section 2(a)—

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

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

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

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

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

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

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

20 “(a) IN GENERAL.—The Secretary may convey, with-  
21 out consideration, to a qualified person any parcel of land  
22 used, or previously used, as a cemetery (including a parcel  
23 of not more than 1 acre adjacent to the parcel used as  
24 a cemetery).

25 “(b) CONDITION OF CONVEYANCE.—A conveyance  
26 under subsection (a) shall be subject to the condition that

1 the property conveyed under that subsection may only be  
2 used for the purpose of operating a cemetery.

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

10 “(d) WAIVER OF CONVEYANCE COSTS.—

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

17 “(2) CLARIFICATION OF AUTHORITY.—The  
18 waiver authority under paragraph (1) shall be in ad-  
19 dition to the authority available to the Secretary  
20 pursuant to the last sentence of section 4.

21 “(e) DEFINITIONS.—In this section:

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

1 “(A)(i) as part of—

2 “(I) a death rite or ceremony of  
3 a culture; or

4 “(II) a common burying ground  
5 of a community; or

6 “(ii) that is determined to be a ceme-  
7 tery by an Indian Tribe; and

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

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

19 “(3) QUALIFIED LAND GRANT-MERCED.—The  
20 term ‘qualified land grant-merced’ means a commu-  
21 nity land grant issued under the laws or customs of  
22 the Government of Spain or Mexico that—

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

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

4           “(ii) has a patented exterior boundary  
5           that is or was previously located on or ad-  
6           jacent to Federal land under the jurisdic-  
7           tion of the Secretary.

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

13          (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
14          tion or an amendment made by this section may be con-  
15          strued to modify, waive, or otherwise affect the application  
16          of the Native American Graves Protection and Repatri-  
17          ation Act (25 U.S.C. 3001 et seq.).

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