

Union Calendar No. 389

119TH CONGRESS
2^D SESSION

H. R. 4284

[Report No. 119–454, Part I]

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

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

JANUARY 14, 2026

Additional sponsor: Mr. HURD of Colorado

JANUARY 14, 2026

Reported from the Committee on Natural Resources

JANUARY 14, 2026

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

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

7 (a) AMENDMENTS TO SMALL TRACT ACT OF 1983.—
8 The Small Tract Act of 1983 (16 U.S.C. 521c et seq.)
9 is amended—

10 (1) in section 2(a)—

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

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

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

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

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

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

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

2 “(a) IN GENERAL.—The Secretary may convey, with-
3 out consideration, to a qualified person any parcel of land
4 used, or previously used, as a cemetery (including a parcel
5 of not more than 1 acre adjacent to the parcel used as
6 a cemetery).

7 “(b) CONDITION OF CONVEYANCE.—A conveyance
8 under subsection (a) shall be subject to the condition that
9 the property conveyed under that subsection may only be
10 used for the purpose of operating a cemetery.

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

18 “(d) WAIVER OF CONVEYANCE COSTS.—

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

25 “(2) CLARIFICATION OF AUTHORITY.—The
26 waiver authority under paragraph (1) shall be in ad-

1 dition to the authority available to the Secretary
2 pursuant to the last sentence of section 4.

3 “(e) DEFINITIONS.—In this section:

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

8 “(A)(i) as part of—

9 “(I) a death rite or ceremony of
10 a culture; or

11 “(II) a common burying ground
12 of a community; or

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

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

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

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

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

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

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

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

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

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