National Cemeteries Preservation and Protection Act of 2022

[Public Law 117–355]

[This law has not been amended]

[Currency: This publication is a compilation of the text of Public Law 117-355. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at https://www.govinfo.gov/app/collection/comps/]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. [38 U.S.C. 101 note] SHORT TITLE.

This Act may be cited as the "National Cemeteries Preservation and Protection Act of 2022".

SEC. 2. [38 U.S.C. 2303 note] PLOT AND INTERMENT ALLOWANCES FOR VETERANS BURIED BEFORE MARCH 15, 2022, IN CEMETERIES ON TRUST LAND OWNED BY, OR HELD IN TRUST FOR, TRIBAL ORGANIZATIONS.

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

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

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

(3) a plot or interment allowance was not already paid for the burial of such veteran under paragraph (2) of such section; and

(4) the burial of the veteran otherwise meets the requirements under paragraph (1) of such section.

SEC. 3. GREEN BURIAL SECTIONS AT NATIONAL CEMETERIES.

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

(1) in subsection (c)(2)—

(A) in subparagraph (C), by striking "; and" and inserting a semicolon;

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(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

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

"(E) in the case of grave sites in a green burial section designated under subsection (i), the Secretary may provide for grave markers of such type as the Secretary considers appropriate."; and

(2) by adding at the end the following new subsection:

"(i)(1) The Secretary may designate one or more sections in any national cemetery as green burial sections.

"(2) In this subsection, the term 'green burial section' means a section of a cemetery in which the remains of individuals interred in that section—

"(A) have been prepared for interment in a manner that does not involve chemicals or embalming fluids; and

"(B) have been interred in a natural manner or in completely biodegradable burial receptacles.".

SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER LAND AT FORT BLISS, TEXAS, FOR EXPANSION OF FORT BLISS NATIONAL CEMETERY.

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

(b) CONDITION OF TRANSFER.—

(1) IN GENERAL.—As a condition of the transfer authorized by subsection (a), the Secretary of Veterans Affairs may complete appropriate environmental, cultural resource, and other due diligence activities on the real property described in subsection (c) before determining whether the property is suitable for cemetery purposes.

(2) COORDINATION.—The Secretary of Veterans Affairs shall coordinate with the Secretary of the Army as needed during the performance of the activities described in paragraph (1).

(c) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary the Army.

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

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

(1) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary considers appropriate to protect the interests of the United States.

(2) REIMBURSEMENT OF COSTS.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall reimburse the Secretary of the Defense for costs incurred by the Secretary of the Army in implementing this section, including the costs of any surveys.

(B) NO PAYMENT FOR VALUE OF REAL PROPERTY.—Notwithstanding any other legal requirement that might otherwise apply, the Secretary of Veterans Affairs shall not be required to make payment of any kind for the value of the real property described in subsection (c).

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

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

(1) by striking "As additional lands" and inserting "(a) In General.—As additional lands"; and

(2) by adding at the end the following new subsection:

"(b) TRANSFER OF DEPARTMENT OF THE INTERIOR LAND FOR USE AS A NATIONAL CEMETERY.—Notwithstanding section 204(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(d)), if the Secretary and the Secretary of the Interior agree to a transfer under subsection (a) of any land for use by the Department as a national cemetery, the land shall be—

"(1) withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws;

"(2) subject to valid existing rights;

"(3) transferred to the administrative jurisdiction of the Secretary of Veterans Affairs; and

"(4) deemed to be property (as defined in section 102(9) of title 40) for as long as the land remains under the administrative jurisdiction of the Secretary of Veterans Affairs.".

SEC. 6. EXPANSION OF PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN THE NATIONAL CEMETERY ADMINISTRATION OR ARLINGTON NATIONAL CEMETERY OF PERSONS COMMITTING CERTAIN CRIMES.

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

(1) in the section heading—

(A) by inserting "certain" before "Federal"; and

(B) by striking "capital";

(2) in subsection (b)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking "(42 U.S.C. 16901 et seq.);" and inserting "(34 U.S.C. 20901 et seq.); and"; and

(ii) in subparagraph (B), by inserting "or to a period of 99 years or more" after "life imprisonment"; and

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

"(5) A person who—

"(A) is found (as provided in subsection (c)) to have committed a Federal or State crime that would cause the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (34 U.S.C. 20901 et seq.); but

"(B) has not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.";

(3) in subsection (c), by striking "subsection (b)(3)" and inserting "paragraph (3) or (5) of subsection (b)";

(4) in subsection (d)(2)(A)(ii), by striking "or a State capital crime" and inserting ", a State capital crime, or a Federal or State crime that would cause the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (34 U.S.C. 20901 et seq.),"; and

(5) in subsection (e)(1)(B), by striking "or a State capital crime" and inserting ", a State capital crime, or a Federal or State crime that would cause the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (34 U.S.C. 20901 et seq.),".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of such title is amended by striking the item relating to section 2411 and inserting 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.".