

118TH CONGRESS  
1ST SESSION

# H. R. 3367

To amend title 38, United States Code, to provide for the continuing operation of national cemeteries during periods of certain funding restrictions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2023

Mr. GAETZ (for himself and Mr. MOSKOWITZ) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Oversight and Accountability, and Appropriations, 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 title 38, United States Code, to provide for the continuing operation of national cemeteries during periods of certain funding restrictions, 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. CONTINUING OPERATION OF NATIONAL CEME-**  
4 **TERIES.**

5 (a) CONTINUING OPERATIONS.—Section 2404 of title  
6 38, United States Code, as most recently amended by sec-

1 tion 3 of the National Cemeteries Preservation and Pro-  
2 tection Act of 2022 (Public Law 117–355), is further  
3 amended by adding at the end the following:

4 “(j)(1) The Secretary shall ensure that all national  
5 cemeteries remain open, and shall continue to maintain  
6 such cemeteries, during any—

7 “(A) period that obligations may not be issued  
8 without exceeding the debt subject to limit under  
9 section 3101 of title 31; or

10 “(B) lapse in discretionary appropriations for  
11 the Department on or after the date of enactment  
12 of this subsection.

13 “(2) The Secretary may transfer any amounts as the  
14 Secretary determines necessary from any discretionary or  
15 direct spending account of the Department for the purpose  
16 of carrying out paragraph (1).

17 “(3) If a national cemetery closes for any period of  
18 time during a period referred to in paragraph (1), the Sec-  
19 retary shall submit to Congress and to the Secretary of  
20 the Treasury a report that identifies any national ceme-  
21 tery that was closed and the number of days such ceme-  
22 tery was closed.”.

23 (b) TSP G-FUND REDUCTION.—

24 (1) CSRS.—Section 8348(j)(5)(B) of title 5,  
25 United States Code, is amended to read as follows:

1           “(B) the term ‘debt issuance suspension  
2 period’ means any period of days equal to—

3                   “(i) the period for which the Secretary  
4 of the Treasury determines for purposes of  
5 this subsection that the issuance of obliga-  
6 tions of the United States may not be  
7 made without exceeding the public debt  
8 limit, minus

9                   “(ii) the number of days any national  
10 cemetery was closed, as determined under  
11 section 2404(j)(3) of title 38.”.

12           (2) FERS.—Section 8438(g)(6)(B) of such title  
13 is amended to read as follows:

14           “(B) the term ‘debt issuance suspension  
15 period’ means any period of days equal to—

16                   “(i) the period for which the Secretary  
17 of the Treasury determines for purposes of  
18 this subsection that the issuance of obliga-  
19 tions of the United States may not be  
20 made without exceeding the public debt  
21 limit, minus

22                   “(ii) the number of days any national  
23 cemetery was closed, as determined under  
24 section 2404(j)(3) of title 38.”.