

**PUBLIC LAW 116-283**  
**THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021**

**1. PURPOSE/REASON FOR ISSUE:** This notice provides information about Public Law 116-283, the William M. Thornberry National Defense Authorization Act (NDAA) for Fiscal Year 2021 (FY21), that is of significance to the Department of Veterans Affairs (VA) National Cemetery Administration (NCA). The NDAA is an annual legislative vehicle which provides for defense programs, policies, projects, or activities at the Department of Defense (DOD). The FY21 NDAA includes several sections related to VA, one of which directly affects NCA as described below.

**2. SUMMARY OF SECTION 9107, PUBLIC LAW 116-283:**

Section 9107. Transfer of Mare Island Naval Cemetery to Secretary of Veterans Affairs for Maintenance by National Cemetery Administration.

This section requires VA to complete and submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility and advisability of exercising the authority to enter into an agreement to transfer the Mare Island Naval Cemetery from the City of Vallejo, California to VA. The report shall include an assessment of the feasibility and advisability of entering into such an agreement, and an estimate of the direct and indirect costs, that VA would incur by entering into such an agreement. The report is due 180 day after the law was enacted. The enactment date was January 1, 2021, and the report is due by June 30, 2021.

If VA determines and reports that an agreement to transfer the cemetery is feasible and advisable, VA must then begin to seek to enter into an agreement with the City of Vallejo to transfer all right, title and interest in the cemetery to VA. The law provides that VA should begin this action 180 days after submitting the report and seek to enter into an agreement within one year of submitting the report.

The law provides that if the Mare Island Naval Cemetery is transferred to VA, then NCA must maintain the cemetery in the same manner as other cemeteries under NCA's jurisdiction.

The law includes a statement of the Sense of Congress that it is only potentially advisable and feasible to transfer the Mare Island Naval Cemetery from the City of Vallejo to VA because: (1) the cemetery was previously under the control of DOD; and (2) the City of Vallejo should, to the extent practicable, provide in-kind non-monetary contributions to VA for the improvement and maintenance of Mare Island Naval Cemetery, including labor and equipment, following any transfer of the cemetery to the Department.

**3. ACTION:** NCA has established a working group co-led by the Executive Director for Strategy and Analysis and the Deputy Under Secretary for Field Programs and

Cemetery Operations to develop the report on the feasibility and advisability of exercising the authority to enter into an agreement to transfer the Mare Island Naval Cemetery from the City of Vallejo to VA.

**4. RESPONSIBLE OFFICE:** NCA, Office of Finance and Planning, Legislative and Regulatory Service (42E), 810 Vermont Avenue, NW, Washington, DC 20420, is responsible for the contents of this notice.

**5. RESCISSION:** None.

**6. EXPIRATION:** This notice will be archived on the last day of February 2022.

/s/ Ronald E. Walters  
Acting Under Secretary for Memorial Affairs

Distribution: Electronic