

114TH CONGRESS
1ST SESSION

H. R. 3839

To transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2015

Mrs. NOEM introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Veterans' Affairs, 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

A BILL

To transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, 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 The Act may be cited as the “Black Hills National
5 Cemetery Boundary Expansion Act”.

1 **SEC. 2. WITHDRAWAL AND TRANSFER OF PUBLIC LAND**
2 **FOR CEMETERY USE.**

3 (a) WITHDRAWAL AND TRANSFER.—Subject to valid
4 existing rights, the public lands described in subsection (b)
5 are hereby—

6 (1) withdrawn from all forms of appropriation
7 under the public land laws, including the mining
8 laws, the mineral leasing laws, and the geothermal
9 leasing laws, for as long as the lands remain under
10 the administrative jurisdiction of the Secretary of
11 Veterans Affairs;

12 (2) deemed property as defined in section
13 102(9) of title 40, United States Code, for as long
14 as the lands remain under the administrative juris-
15 diction of the Secretary of Veterans Affairs; and

16 (3) transferred to the administrative jurisdic-
17 tion of the Secretary of Veterans Affairs for use as
18 national cemeteries under chapter 24 of title 38,
19 United States Code.

20 (b) LAND DESCRIPTION.—The public lands with-
21 drawn, deemed property, and transferred under subsection
22 (a) are the approximately 200 acres of land adjacent to
23 Black Hills National Cemetery, South Dakota, generally
24 depicted as “Proposed National Cemetery Expansion” on
25 the map entitled “Proposed Expansion of Black Hills Na-

1 tional Cemetery – South Dakota” and dated September
2 28, 2015.

3 (c) BOUNDARY MODIFICATION.—The boundary of
4 the Black Hills National Cemetery is hereby modified to
5 include the public lands identified in subsection (b).

6 (d) MODIFICATION OF PUBLIC LAND ORDER.—Pub-
7 lic Land Order 2112, dated June 6, 1960 (25 Fed. Reg.
8 5243), is modified to exclude the lands identified in sub-
9 section (b).

10 **SEC. 3. LEGAL DESCRIPTIONS.**

11 (a) PREPARATION OF LEGAL DESCRIPTIONS.—As
12 soon as practicable after the date of the enactment of this
13 Act, the Secretary of the Interior shall publish in the Fed-
14 eral Register a notice containing the legal descriptions of
15 the public lands withdrawn, deemed property, and trans-
16 ferred under section 2(a).

17 (b) LEGAL EFFECT.—The legal descriptions pre-
18 pared under subsection (a) shall have the same force and
19 effect as if the legal descriptions were included in this Act,
20 except that the Secretary of the Interior may correct any
21 clerical and typographical errors in the legal descriptions.

22 (c) CONFLICT BETWEEN MAP AND LEGAL DESCRIP-
23 TION.—In the case of a conflict between the map referred
24 to in section 1(b) and the legal descriptions prepared
25 under subsection (a), the map shall control.

1 (d) AVAILABILITY.—Copies of the map referred to in
2 section 2(b) and the legal descriptions prepared under
3 subsection (a) shall be available for public inspection in
4 the appropriate offices of—

5 (1) the Bureau of Land Management; and

6 (2) the National Cemetery Administration.

7 (e) COSTS.—The Secretary of Veterans Affairs shall
8 reimburse the Secretary of the Interior for reasonable
9 costs incurred by the Secretary of the Interior in imple-
10 menting this section, including the costs of any surveys.

11 **SEC. 4. RESTORATION TO PUBLIC LANDS FOR NON-CEME-**
12 **TERY USE.**

13 (a) NOTICE AND EFFECT.—Upon a determination by
14 the Secretary of Veterans Affairs that all or a portion of
15 the lands withdrawn, deemed property, and transferred
16 under section 2 shall not be used for cemetery purposes,
17 the Secretary of Veterans Affairs shall notify the Sec-
18 retary of the Interior of such determination. Subject to
19 subsections (b) and (c), the Secretary of Veterans Affairs
20 shall transfer administrative jurisdiction of the lands sub-
21 ject to such notice to the Secretary of the Interior.

22 (b) DECONTAMINATION.—The Secretary of Veterans
23 Affairs shall be responsible for costs of any decontamina-
24 tion of the lands subject to a notice under subsection (a)

1 determined by the Secretary of the Interior to be nec-
2 essary for the lands to be restored to the public lands.

3 (c) RESTORATION TO THE PUBLIC LANDS.—The
4 lands subject to a notice under subsection (a) shall only
5 be restored to the public lands upon acceptance by the
6 Secretary of the Interior and a determination by the Sec-
7 retary of the Interior that such lands are suitable for res-
8 toration to the public lands and operation of one or more
9 of the public land laws.

10 (d) OPENING ORDER.—If the Secretary of the Inte-
11 rior accepts the lands subject to such a notice and deter-
12 mines that the lands are suitable for restoration, in whole
13 or in part, the Secretary of the Interior may open the
14 lands to operation of one or more of the public land laws
15 and may issue an order to that effect.

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