

Union Calendar No. 553

114TH CONGRESS
2^D SESSION

H. R. 3839

[Report No. 114-714, Part I]

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

SEPTEMBER 6, 2016

Reported from the Committee on Natural Resources with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 6, 2016

The Committee on Veterans' Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 27, 2015]

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”.*

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

8 (a) *WITHDRAWAL AND TRANSFER.*—*Subject to valid*
9 *existing rights, the public lands described in subsection (b)*
10 *are hereby—*

11 (1) *withdrawn from all forms of appropriation*
12 *under the public land laws, including the mining*
13 *laws, the mineral leasing laws, and the geothermal*
14 *leasing laws, for as long as the lands remain under*
15 *the administrative jurisdiction of the Secretary of*
16 *Veterans Affairs;*

17 (2) *deemed property as defined in section 102(9)*
18 *of title 40, United States Code, for as long as the*
19 *lands remain under the administrative jurisdiction of*
20 *the Secretary of Veterans Affairs; and*

21 (3) *transferred to the administrative jurisdiction*
22 *of the Secretary of Veterans Affairs for use as na-*
23 *tional cemeteries under chapter 24 of title 38, United*
24 *States Code.*

1 (b) *LAND DESCRIPTION.*—*The public lands with-*
2 *drawn, deemed property, and transferred under subsection*
3 *(a) are the approximately 200 acres of land adjacent to*
4 *Black Hills National Cemetery, South Dakota, generally de-*
5 *picted as “Proposed National Cemetery Expansion” on the*
6 *map entitled “Proposed Expansion of Black Hills National*
7 *Cemetery – South Dakota” and dated September 28, 2015,*
8 *except the land located within 100 feet of the centerline of*
9 *the Centennial Trail (which runs along the northern bound-*
10 *ary of the ‘Proposed National Cemetery Expansion’) and*
11 *which is located south of that Trail.*

12 (c) *BOUNDARY MODIFICATION.*—*The boundary of the*
13 *Black Hills National Cemetery is hereby modified to in-*
14 *clude the public lands identified in subsection (b).*

15 (d) *MODIFICATION OF PUBLIC LAND ORDER.*—*Public*
16 *Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243),*
17 *is modified to exclude the lands identified in subsection (b).*

18 **SEC. 3. LEGAL DESCRIPTIONS.**

19 (a) *PREPARATION OF LEGAL DESCRIPTIONS.*—*As soon*
20 *as practicable after the date of the enactment of this Act,*
21 *the Secretary of the Interior shall publish in the Federal*
22 *Register a notice containing the legal descriptions of the*
23 *public lands withdrawn, deemed property, and transferred*
24 *under section 2(a).*

1 (b) *LEGAL EFFECT.*—*The legal descriptions prepared*
2 *under subsection (a) shall have the same force and effect*
3 *as if the legal descriptions were included in this Act, except*
4 *that the Secretary of the Interior may correct any clerical*
5 *and typographical errors in the legal descriptions.*

6 (c) *CONFLICT BETWEEN MAP AND LEGAL DESCRIP-*
7 *TION.*—*In the case of a conflict between the map referred*
8 *to in section 2(b) and the legal descriptions prepared under*
9 *subsection (a), the map shall control.*

10 (d) *AVAILABILITY.*—*Copies of the map referred to in*
11 *section 2(b) and the legal descriptions prepared under sub-*
12 *section (a) shall be available for public inspection in the*
13 *appropriate offices of—*

14 (1) *the Bureau of Land Management; and*

15 (2) *the National Cemetery Administration.*

16 (e) *COSTS.*—*The Secretary of Veterans Affairs shall re-*
17 *imburse the Secretary of the Interior for reasonable costs*
18 *incurred by the Secretary of the Interior in implementing*
19 *this section, including the costs of any surveys.*

20 **SEC. 4. RESTORATION TO PUBLIC LANDS FOR NON-CEME-**
21 **TERY USE.**

22 (a) *NOTICE AND EFFECT.*—*Upon a determination by*
23 *the Secretary of Veterans Affairs that all or a portion of*
24 *the lands withdrawn, deemed property, and transferred*
25 *under section 2 shall not be used for cemetery purposes, the*

1 *Secretary of Veterans Affairs shall notify the Secretary of*
2 *the Interior of such determination. Subject to subsections*
3 *(b) and (c), the Secretary of Veterans Affairs shall transfer*
4 *administrative jurisdiction of the lands subject to such no-*
5 *tice to the Secretary of the Interior.*

6 **(b) DECONTAMINATION.**—*The Secretary of Veterans*
7 *Affairs shall be responsible for costs of any decontamination*
8 *of the lands subject to a notice under subsection (a) deter-*
9 *mined by the Secretary of the Interior to be necessary for*
10 *the lands to be restored to the public lands.*

11 **(c) RESTORATION TO THE PUBLIC LANDS.**—*The lands*
12 *subject to a notice under subsection (a) shall only be re-*
13 *stored to the public lands upon acceptance by the Secretary*
14 *of the Interior and a determination by the Secretary of the*
15 *Interior that such lands are suitable for restoration to the*
16 *public lands and operation of one or more of the public*
17 *land laws.*

18 **(d) OPENING ORDER.**—*If the Secretary of the Interior*
19 *accepts the lands subject to such a notice and determines*
20 *that the lands are suitable for restoration, in whole or in*
21 *part, the Secretary of the Interior may open the lands to*
22 *operation of one or more of the public land laws and may*
23 *issue an order to that effect.*

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