

**Calendar No. 598**114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2223****[Report No. 114–325]**

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.

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**IN THE SENATE OF THE UNITED STATES**

OCTOBER 29, 2015

Mr. THUNE (for himself, Mr. ROUNDS, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 6, 2016

Reported by Ms. MURKOWSKI, with an amendment

[Omit the part struck through]

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**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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Black Hills National  
3 Cemetery Boundary Expansion Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) CEMETERY.—The term “Cemetery” means  
7 the Black Hills National Cemetery in Sturgis, South  
8 Dakota.

9 (2) FEDERAL LAND.—The term “Federal land”  
10 means the approximately 200 acres of Bureau of  
11 Land Management land adjacent to the Cemetery,  
12 generally depicted as “Proposed National Cemetery  
13 Expansion” on the map entitled “Proposed Expan-  
14 sion of Black Hills National Cemetery-South Da-  
15 kota” and dated September 28, 2015.

16 (3) SECRETARY.—The term “Secretary” means  
17 the Secretary of the Interior.

18 **SEC. 3. TRANSFER AND WITHDRAWAL OF BUREAU OF LAND**  
19 **MANAGEMENT LAND FOR CEMETERY USE.**

20 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-  
21 TION.—

22 (1) IN GENERAL.—Subject to valid existing  
23 rights, administrative jurisdiction over the Federal  
24 land is transferred from the Secretary to the Sec-  
25 retary of Veterans Affairs for use as a national cem-

1 etery in accordance with chapter 24 of title 38,  
2 United States Code.

3 (2) LEGAL DESCRIPTIONS.—

4 (A) IN GENERAL.—As soon as practicable  
5 after the date of enactment of this Act, the Sec-  
6 retary shall publish in the Federal Register a  
7 notice containing a legal description of the Fed-  
8 eral land.

9 (B) EFFECT.—A legal description pub-  
10 lished under subparagraph (A) shall have the  
11 same force and effect as if included in this Act,  
12 except that the Secretary may correct any cler-  
13 ical and typographical errors in the legal de-  
14 scription.

15 (C) AVAILABILITY.—Copies of the legal de-  
16 scription published under subparagraph (A)  
17 shall be available for public inspection in the  
18 appropriate offices of—

19 (i) the Bureau of Land Management;

20 and

21 (ii) the National Cemetery Adminis-  
22 tration.

23 (D) COSTS.—The Secretary of Veterans  
24 Affairs shall reimburse the Secretary for the  
25 costs incurred by the Secretary in carrying out

1           this paragraph, including the costs of any sur-  
2           veys and other reasonable costs.

3           (b) WITHDRAWAL.—Subject to valid existing rights,  
4 for any period during which the Federal land is under the  
5 administrative jurisdiction of the Secretary of Veterans  
6 Affairs, the Federal land—

7           (1) is withdrawn from all forms of appropria-  
8           tion under the public land laws, including the mining  
9           laws, the mineral leasing laws, and the geothermal  
10          leasing laws; and

11          (2) shall be treated as property as defined  
12          under section 102(9) of title 40, United States Code.

13          (c) BOUNDARY MODIFICATION.—The boundary of  
14 the Cemetery is modified to include the Federal land.

15          (d) MODIFICATION OF PUBLIC LAND ORDER.—Pub-  
16 lic Land Order 2112, dated June 6, 1960 (25 Fed. Reg.  
17 5243), is modified to exclude the Federal land.

18 **SEC. 4. SUBSEQUENT TRANSFER OF ADMINISTRATIVE JU-**  
19 **RISDICTION.**

20          (a) NOTICE.—On a determination by the Secretary  
21 of Veterans Affairs that all or a portion of the Federal  
22 land is not being used for purposes of the Cemetery, the  
23 Secretary of Veterans Affairs shall notify the Secretary  
24 of the determination.

1           (b) TRANSFER OF ADMINISTRATIVE JURISDIC-  
2 TION.—Subject to subsections (c) and (d), the Secretary  
3 of Veterans Affairs shall transfer to the Secretary admin-  
4 istrative jurisdiction over the Federal land subject to a no-  
5 tice under subsection (a).

6           (c) DECONTAMINATION.—The Secretary of Veterans  
7 Affairs shall be responsible for the costs of any decon-  
8 tamination of the Federal land subject to a notice under  
9 subsection (a) that the Secretary determines to be nec-  
10 essary for the Federal land to be restored to public land  
11 status.

12           (d) RESTORATION TO PUBLIC LAND STATUS.—The  
13 Federal land subject to a notice under subsection (a) shall  
14 only be restored to public land status on—

15               (1) acceptance by the Secretary of the Federal  
16 land subject to the notice; and

17               (2) a determination by the Secretary that the  
18 Federal land subject to the notice is suitable for—

19                   (A) restoration to public land status; and

20                   (B) the operation of one or more of the  
21 public land laws with respect to the Federal  
22 land.

23           (e) ORDER.—If the Secretary accepts the Federal  
24 land under subsection (d)(1) and makes a determination  
25 of suitability under subsection (d)(2), the Secretary may—

- 1           (1) open the accepted Federal land to operation
- 2           of 1 or more of the public land laws; and
- 3           (2) issue an order to carry out the opening au-
- 4           thorized under paragraph (1).



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