

Calendar No. 49

115TH CONGRESS
1ST SESSION**S. 35****[Report No. 115–35]**

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 SENATE OF THE UNITED STATES

JANUARY 5, 2017

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

MAY 3, 2017

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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 June 16, 2016.

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 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Black Hills National*
 20 *Cemetery Boundary Expansion Act”.*

21 **SEC. 2. DEFINITIONS.**

22 *In this Act:*

23 (1) *CEMETERY.*—The term “Cemetery” means
 24 *the Black Hills National Cemetery in Sturgis, South*
 25 *Dakota.*

1 (2) *FEDERAL LAND.*—*The term “Federal land”*
 2 *means the approximately 200 acres of Bureau of*
 3 *Land Management land adjacent to the Cemetery,*
 4 *generally depicted as “Proposed National Cemetery*
 5 *Expansion” on the map entitled “Proposed Expan-*
 6 *sion of Black Hills National Cemetery-South Dakota”*
 7 *and dated June 16, 2016.*

8 (3) *SECRETARY.*—*The term “Secretary” means*
 9 *the Secretary of the Interior.*

10 **SEC. 3. TRANSFER AND WITHDRAWAL OF BUREAU OF LAND**
 11 **MANAGEMENT LAND FOR CEMETERY USE.**

12 (a) *CONDUCT OF DUE DILIGENCE ACTIVITIES BY THE*
 13 *SECRETARY OF VETERANS AFFAIRS.*—

14 (1) *IN GENERAL.*—*Before the transfer of admin-*
 15 *istrative jurisdiction and withdrawal of the Federal*
 16 *land under subsections (b) and (c), respectively, and*
 17 *subject to paragraph (2), the Secretary of Veterans*
 18 *Affairs shall complete any appropriate environ-*
 19 *mental, cultural resource, and other due diligence ac-*
 20 *tivities on the Federal land that would enable the Sec-*
 21 *retary of Veterans Affairs to confirm that the Federal*
 22 *land is suitable for cemetery purposes.*

23 (2) *NOTICE; REQUIRED COORDINATION.*—*The*
 24 *Secretary of Veterans Affairs shall—*

1 (A) before conducting any due diligence ac-
 2 tivities under paragraph (1), notify the Sec-
 3 retary of the activities to be conducted;

4 (B) as the Secretary of Veterans Affairs de-
 5 termines to be necessary in the conduct of the
 6 due diligence activities under paragraph (1), co-
 7 ordinate the activities with the Secretary; and

8 (C) if the Secretary of Veterans Affairs de-
 9 termines, on completion of the due diligence ac-
 10 tivities under paragraph (1), that the Federal
 11 land is suitable for cemetery purposes, submit
 12 written notice of the determination to the Sec-
 13 retary.

14 (b) *TRANSFER OF ADMINISTRATIVE JURISDICTION.*—

15 (1) *TRANSFER.*—

16 (A) *IN GENERAL.*—On receipt by the Sec-
 17 retary of written notice of a determination that
 18 the Federal land is suitable for cemetery pur-
 19 poses under subsection (a)(2)(C), except as pro-
 20 vided in subparagraph (B), and subject to valid
 21 existing rights, administrative jurisdiction over
 22 the Federal land is transferred from the Sec-
 23 retary to the Secretary of Veterans Affairs for
 24 use as a national cemetery in accordance with
 25 chapter 24 of title 38, United States Code.

1 (B) *EXCLUSION.*—*The transfer of adminis-*
2 *trative jurisdiction over the Federal land under*
3 *subparagraph (A) shall not include the land lo-*
4 *cated within 100 feet of the center of the Centen-*
5 *nial Trail, as generally depicted on the map en-*
6 *titled “Proposed Expansion of Black Hills Na-*
7 *tional Cemetery-South Dakota” and dated June*
8 *16, 2016.*

9 (2) *LEGAL DESCRIPTIONS.*—

10 (A) *IN GENERAL.*—*As soon as practicable*
11 *after the date of enactment of this Act, the Sec-*
12 *retary shall publish in the Federal Register a no-*
13 *tice containing a legal description of the Federal*
14 *land.*

15 (B) *EFFECT.*—*A legal description published*
16 *under subparagraph (A) shall have the same*
17 *force and effect as if included in this Act, except*
18 *that the Secretary may correct any clerical and*
19 *typographical errors in the legal description.*

20 (C) *AVAILABILITY.*—*Copies of the legal de-*
21 *scription published under subparagraph (A)*
22 *shall be available for public inspection in the ap-*
23 *propriate offices of—*

24 (i) *the Bureau of Land Management;*
25 *and*

1 (ii) the National Cemetery Adminis-
2 tration.

3 (D) COSTS.—The Secretary of Veterans Af-
4 fairs shall reimburse the Secretary for the costs
5 incurred by the Secretary in carrying out this
6 paragraph, including the costs of any surveys
7 and other reasonable costs.

8 (c) WITHDRAWAL.—On receipt by the Secretary of
9 written notice of a determination that the Federal land is
10 suitable for cemetery purposes under subsection (a)(2)(C)
11 and subject to valid existing rights, the Federal land—

12 (1) is withdrawn from all forms of appropri-
13 ation under the public land laws, including the mining
14 laws, the mineral leasing laws, and the geothermal
15 leasing laws; and

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

18 (d) BOUNDARY MODIFICATION.—The boundary of the
19 Cemetery is modified to include the Federal land.

20 (e) MODIFICATION OF PUBLIC LAND ORDER.—Public
21 Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243),
22 is modified to exclude the Federal land.

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