

BLACK HILLS CEMETERY ACT

MAY 10, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3874]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3874) to provide for the conveyance of eight cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Black Hills Cemetery Act”.

SEC. 2. LAND CONVEYANCES, CERTAIN CEMETERIES LOCATED IN BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA.

(a) CEMETERY CONVEYANCES REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the local communities in South Dakota that are currently managing and maintaining certain community cemeteries (as specified in subsection (b)) all right, title, and interest of the United States in and to—

(1) the parcels of National Forest System land containing such cemeteries; and

(2) up to an additional two acres adjoining each cemetery in order to ensure the conveyances include unmarked gravesites and allow for expansion of the cemeteries.

(b) PROPERTY AND RECIPIENTS.—The properties to be conveyed under subsection (a), and the recipients of each property, are as follows:

(1) The Silver City Cemetery to the Silver City Volunteer Fire Department.

(2) The Hayward Cemetery to the Hayward Volunteer Fire Department.

(3) The encumbered land adjacent to the Englewood Cemetery (encompassing the cemetery entrance portal, access road, fences, 2,500 gallon reservoir and building housing such reservoir, and piping to provide sprinkling system to the cemetery) to the City of Lead.

(4) The land adjacent to the Mountain Meadow Cemetery to the Mountain Meadow Cemetery Association.

(5) The Roubaix Cemetery to the Roubaix Cemetery Association.

(6) The Nemo Cemetery to the Nemo Cemetery Association.

(7) The Galena Cemetery to the Galena Historical Society.

(8) The Rockerville Cemetery to the Rockerville Community Club.

(9) The Cold Springs Cemetery (including adjacent school yard and log building) to the Cold Springs Historical Society.

(c) **CONDITION OF CONVEYANCE.**—Each conveyance under subsection (a) shall be subject to the condition that the recipient accept the conveyed real property in its condition at the time of the conveyance.

(d) **USE OF LAND CONVEYED.**—The lands conveyed under subsection (a) shall continue to be used in the same manner and for the same purposes as they were immediately prior to their conveyance under this Act.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of each parcel of real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for a particular parcel shall be borne by the recipient of such parcel.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Amend the title so as to read:

A bill to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota.

PURPOSE OF THE BILL

The purpose of H.R. 3874, as ordered reported, is to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota.

BACKGROUND AND NEED FOR LEGISLATION

The Black Hills Cemetery Act (H.R. 3874) authorizes the Secretary of Agriculture to convey all right, title, and interest to a number of cemeteries currently located on National Forest System land in the Black Hills of South Dakota to the communities that currently manage and maintain the cemeteries. The legislation directs the Secretary to convey an additional two acres adjoining each cemetery parcel to ensure that the land includes unmarked graves and allow for future expansion. Total acreage conveyed under the legislation would be minimal. The communities would assume ownership of the property as-is.

During full committee consideration of H.R. 3874, the committee adopted an en bloc amendment offered by Congressman Rob Bishop (R-UT) that adds a ninth cemetery to the parcels being conveyed, clarifies the additional acreage that may be conveyed, and clarifies that the parcels being conveyed shall continue to be used for cemeteries.

COMMITTEE ACTION

H.R. 3874 was introduced on February 1, 2012, by Congresswoman Kristi Noem (R-SD). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On April 17, 2012, the Subcommittee held a hearing on the bill. On April 25, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated #1 to the bill; the

amendment was approved by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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H.R. 3874 would direct the Secretary of Agriculture to convey nine cemeteries and associated public lands in western South Dakota to local organizations for no consideration. CBO estimates that implementing H.R. 3874 would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Based on information provided by the Forest Service, CBO estimates that the agency would spend less than \$200,000 to conduct the necessary surveys and evaluate the historical significance of each site for inclusion in the National Register, assuming availability of appropriated funds. Most of the lands to be conveyed under H.R. 3874 are already used as cemeteries, and none of the affected lands generate receipts; therefore, CBO estimates that enacting H.R. 3874 would not affect direct spending or revenues.

H.R. 3874 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. **Section 308(a) of Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Forest Service, CBO estimates that the agency would spend less than \$200,000 to conduct the necessary surveys and evaluate the historical significance of each site for inclusion in the National Register, assuming availability of appropriated funds. Most of the lands to be conveyed

under H.R. 3874 are already used as cemeteries, and none of the affected lands generate receipts; therefore, CBO estimates that enacting H.R. 3874 would not affect direct spending or revenues.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.