

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

June 13, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff – Spencer Kimball
Subcommittee on Federal Lands (x6-7736)

Markup: H.R. 3839 (Rep. Kristi Noem), 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.
June 14 & 15, 2016; 1324 Longworth HOB.

H.R. 3839 (Rep. Kristi Noem), *Black Hills National Cemetery Boundary Expansion Act*

Summary of the Bill

H.R. 3839, introduced by Congresswoman Kristi Noem (R-SD-AL) on October 27, 2015, transfers administrative jurisdiction over certain Bureau of Land Management (BLM) 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.

Cosponsors

None.

Background

The Black Hills National Cemetery (Cemetery) opened in 1948 and covers approximately 100 acres of land managed by the National Cemetery Administration (NCA). The Cemetery houses a memorial carillon and a memorial to Korean War veterans dedicated in 2002. In addition, Medal of Honor recipient Sergeant Charles Windolph and many other notable veterans are buried in the Cemetery.¹

H.R. 3839 permanently transfers jurisdictional authority of approximately 200 acres of undeveloped federal land outside Sturgis, South Dakota from the BLM to the Department of Veterans Affairs (VA) to expand the Cemetery. With its existing acreage, the Cemetery can accommodate only a finite number of additional burials; transferring the BLM land, which is adjacent to the Cemetery, to the VA will provide for burial space for hundreds of additional gravesites for future generations of veterans. Without the transfer, the NCA would be forced to

¹ [Black Hills National Cemetery Information Page](#). National Cemetery Administration.

close the Cemetery to further burials in the near future. Further, without legislation to make the transfer permanent, federal law limits an administrative transfer of the land from BLM to the VA to just 20 years.

Language from a similar version of this bill, S. 2223 introduced by Sen. John Thune (R-SD), was included in the Energy Policy Modernization Act of 2016 (S.2012), which passed the Senate on April 20, 2016.

Major Provisions/Analysis of H.R. 3839

SEC. 1 - SHORT TITLE

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

- Withdraws, subject to valid existing rights, the public lands described in the bill from all forms of appropriation under the public land laws, including mining laws, mineral leasing laws, and geothermal leasing laws, for as long as the lands remain under the administrative jurisdiction of the Secretary of Veterans Affairs.
- Describes the public lands withdrawn, deemed property, and transferred, which include approximately 200 acres of land adjacent to the Black Hills National Cemetery.
- Modifies the boundary of the Black Hills National Cemetery to include the public lands.
- Modifies Public Land Order 2112, dated June 6, 1960 (*25 Fed. Reg. 5243*), which originally reserved the land under the jurisdiction of the Secretary of the Interior for the conservation of natural resources, to exclude those public lands.

SEC. 3 - LEGAL DESCRIPTIONS

- Requires the Secretary of the Interior to publish a notice containing the legal descriptions of the public lands withdrawn, deemed property, and transferred and states that these legal descriptions shall have the same force and effect as if the legal descriptions were included in this Act, except that the Secretary of the Interior may correct any clerical and typographical errors in the legal descriptions.
- In the case of a conflict between the map referred in the bill and the legal descriptions, the map shall control.
- Requires the BLM and the NCA to make the legal descriptions publically available.
- Requires the Secretary of Veterans Affairs to reimburse the Secretary of the Interior for reasonable costs incurred by the Secretary of the Interior in implementing this section, including the costs of any surveys.

SEC. 4 - RESTORATION TO PUBLIC LANDS FOR NON-CEMETERY USE.

- Upon a determination by the Secretary of Veterans Affairs that all or a portion of the lands transferred shall not be used for cemetery purposes, the Secretary of Veterans Affairs shall transfer administrative jurisdiction of the lands, subject to such notice, to the Secretary of the Interior.

- The Secretary of Veterans Affairs shall be responsible for costs of any decontamination of the lands determined by the Secretary of the Interior to be necessary for the lands to be restored to the public lands.
- Any lands identified for restoration shall only be restored upon a determination by the Secretary of the Interior that such lands are suitable for restoration to the public lands and operation of one or more of the public land laws.
- If the Secretary of the Interior accepts the lands subject to such a notice and determines that the lands are suitable for restoration, the Secretary of the Interior may open the lands to operation of one or more of the public land laws and may issue an order to that effect.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

BLM testified in support of the bill and offered minor technical amendments during a Subcommittee on Federal Lands legislative hearing in May, 2016.²

Anticipated Amendments

None.

Effect on Current Law

None.

² Statement of Abbie Jossie, Acting Assistant Director, National Landscape Conservation System & Community Partnerships, Bureau of Land Management, Department of the Interior before the House Natural Resources Committee, Subcommittee on Federal Lands on H.R. 3839, the “Black Hills National Cemetery Boundary Expansion Act.” May 12, 2016.

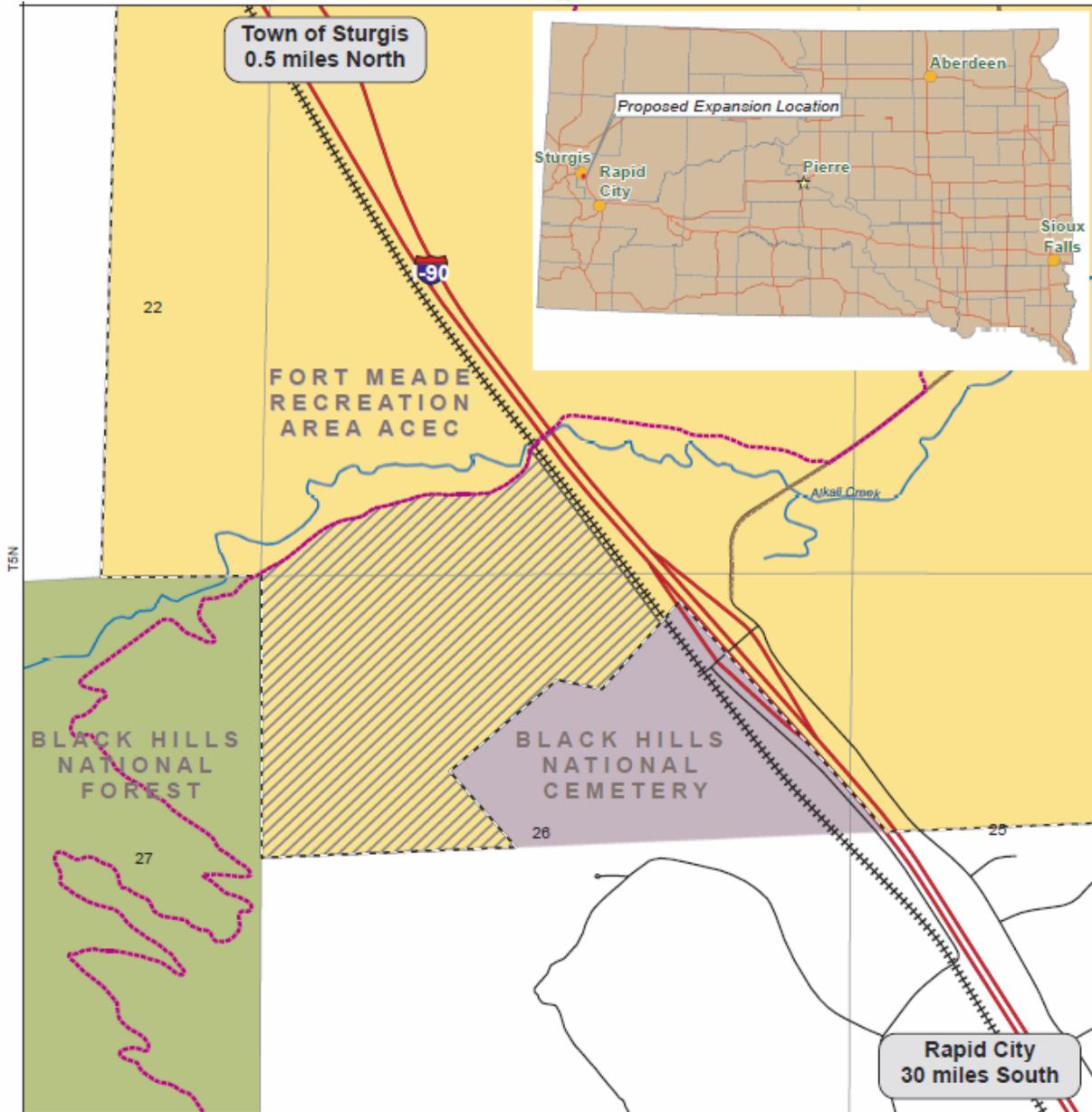


Proposed Expansion of Black Hills National Cemetery - South Dakota

September 28, 2015

Prepared at the Request of Representative Kristi Noem

R5E



- Proposed National Cemetery Expansion
- Centennial Trail (State Hiking and Biking Trail)
- Fort Meade Back Country Byway
- Fort Meade Recreation Area ACEC

- Surface Management Agencies
- Bureau of Land Management
 - National Park Service
 - Private Lands
 - US Forest Service



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Projected Coordinate System: NAD 1983 Albers
Geographic Coordinate System: GCS North American 1983
Datum: D North American 1983

0 0.125 0.25
Miles

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.