

115TH CONGRESS
2D SESSION

S. 35

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2018

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

AN ACT

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) CONDUCT OF DUE DILIGENCE ACTIVITIES BY
21 THE SECRETARY OF VETERANS AFFAIRS.—

22 (1) IN GENERAL.—Before the transfer of ad-
23 ministrative jurisdiction and withdrawal of the Fed-
24 eral land under subsections (b) and (c), respectively,
25 and subject to paragraph (2), the Secretary of Vet-
26 erans Affairs shall complete any appropriate envi-

ronmental, cultural resource, and other due diligence activities on the Federal land that would enable the Secretary of Veterans Affairs to confirm that the Federal land is suitable for cemetery purposes.

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

(A) before conducting any due diligence activities under paragraph (1), notify the Secretary of the activities to be conducted;

(B) as the Secretary of Veterans Affairs determines to be necessary in the conduct of the due diligence activities under paragraph (1), coordinate the activities with the Secretary; and

(C) if the Secretary of Veterans Affairs determines, on completion of the due diligence activities under paragraph (1), that the Federal land is suitable for cemetery purposes, submit written notice of the determination to the Secretary.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) TRANSFER.—

(A) IN GENERAL.—On receipt by the Secretary of written notice of a determination that the Federal land is suitable for cemetery pur-

poses under subsection (a)(2)(C), except as provided in subparagraph (B), and subject to valid existing rights, administrative jurisdiction over the Federal land is transferred from the Secretary to the Secretary of Veterans Affairs for use as a national cemetery in accordance with chapter 24 of title 38, United States Code.

(B) EXCLUSION.—The transfer of administrative jurisdiction over the Federal land under subparagraph (A) shall not include the land located within 100 feet of the center of the Centennial Trail, as generally depicted on the map entitled “Proposed Expansion of Black Hills National Cemetery-South Dakota” and dated June 16, 2016.

(2) LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice containing a legal description of the Federal land.

(B) EFFECT.—A legal description published under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any cler-

1 ical and typographical errors in the legal de-
2 scription.

3 (C) AVAILABILITY.—Copies of the legal de-
4 scription published under subparagraph (A)
5 shall be available for public inspection in the
6 appropriate offices of—

7 (i) the Bureau of Land Management;
8 and

9 (ii) the National Cemetery Adminis-
10 tration.

11 (D) COSTS.—The Secretary of Veterans
12 Affairs shall reimburse the Secretary for the
13 costs incurred by the Secretary in carrying out
14 this paragraph, including the costs of any sur-
15 veys and other reasonable costs.

16 (c) WITHDRAWAL.—On receipt by the Secretary of
17 written notice of a determination that the Federal land
18 is suitable for cemetery purposes under subsection
19 (a)(2)(C) and subject to valid existing rights, the Federal
20 land—

21 (1) is withdrawn from all forms of appropria-
22 tion under the public land laws, including the mining
23 laws, the mineral leasing laws, and the geothermal
24 leasing laws; and

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

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

5 (e) MODIFICATION OF PUBLIC LAND ORDER.—Pub-
6 lic Land Order 2112, dated June 6, 1960 (25 Fed. Reg.
7 5243), is modified to exclude the Federal land.

Passed the Senate December 21, 2017.

Attest:

JULIE E. ADAMS,

Secretary.