

115TH CONGRESS
1ST SESSION

H. R. 337

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 HOUSE OF REPRESENTATIVES

JANUARY 5, 2017

Mrs. NOEM introduced the following bill; which was 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

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,*

3 **SECTION 1. SHORT TITLE.**

4 The Act may be cited as the “Black Hills National
5 Cemetery Boundary Expansion Act”.

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

3 (a) DUE DILIGENCE.—Prior to the withdrawal and
4 transfer in subsection (b), the Secretary of Veterans Af-
5 fairs will complete appropriate environmental, cultural re-
6 source and other due diligence activities on the public
7 lands identified in subsection (c), so that the Secretary
8 of Veterans Affairs may confirm that the land is suitable
9 for cemetery purposes. The Secretary of Veterans Affairs
10 shall notify the Secretary of the Interior of such due dili-
11 gence activities prior to initiating and shall coordinate as
12 needed during the performance of such activities.

13 (b) WITHDRAWAL AND TRANSFER.—After comple-
14 tion of the due diligence activities in subsection (a) and
15 upon receipt by the Secretary of the Interior of written
16 confirmation from the Secretary of Veterans Affairs that
17 the land is suitable for cemetery purposes, and subject to
18 valid existing rights, the public lands described in sub-
19 section (c) shall be—

20 (1) withdrawn from all forms of appropriation
21 under the public land laws, including the mining
22 laws, the mineral leasing laws, and the geothermal
23 leasing laws, for as long as the lands remain under
24 the administrative jurisdiction of the Secretary of
25 Veterans Affairs;

1 (2) deemed property as defined in section
2 102(9) of title 40, United States Code, for as long
3 as the lands remain under the administrative juris-
4 diction of the Secretary of Veterans Affairs; and

5 (3) transferred to the administrative jurisdic-
6 tion of the Secretary of Veterans Affairs for use as
7 national cemeteries under chapter 24 of title 38,
8 United States Code.

9 (c) LAND DESCRIPTION.—The public lands with-
10 drawn, deemed property, and transferred under subsection
11 (b) shall be the approximately 200 acres of land adjacent
12 to Black Hills National Cemetery, South Dakota, gen-
13 erally depicted as “Proposed National Cemetery Expan-
14 sion” on the map entitled “Proposed Expansion of Black
15 Hills National Cemetery—South Dakota” and dated June
16 16, 2016, except the land located within 100 feet of the
17 centerline of the Centennial Trail (which runs along the
18 northern boundary of the “Proposed National Cemetery
19 Expansion”) and that is located south of the Trail.

20 (d) BOUNDARY MODIFICATION.—Immediately after
21 the public lands are withdrawn, deemed property, and
22 transferred under subsection (b), the boundary of the
23 Black Hills National Cemetery shall be modified to include
24 the public lands identified in subsection (c).

1 (e) MODIFICATION OF PUBLIC LAND ORDER.—Im-
2 mediately after the public lands under subsection (b) are
3 withdrawn, deemed property, and transferred under sub-
4 section (b), Public Land Order 2112, dated June 6, 1960
5 (25 Fed. Reg. 5243), shall be modified to exclude the
6 lands identified in subsection (c).

7 **SEC. 3. LEGAL DESCRIPTIONS.**

8 (a) PREPARATION OF LEGAL DESCRIPTIONS.—As
9 soon as practicable following receipt of written confirma-
10 tion from the Secretary of Veterans Affairs that the land
11 is suitable for cemetery purposes, the Secretary of the In-
12 terior shall publish in the Federal Register a notice con-
13 taining the legal descriptions of the public lands with-
14 drawn, deemed property, and transferred under section
15 2(b).

16 (b) LEGAL EFFECT.—The legal descriptions pre-
17 pared under subsection (a) shall have the same force and
18 effect as if the legal descriptions were included in this Act,
19 except that the Secretary of the Interior may correct any
20 clerical and typographical errors in the legal descriptions.

21 (c) AVAILABILITY.—Copies of the map referred to in
22 section 2(c) and the legal descriptions prepared under sub-
23 section (a) shall be available for public inspection in the
24 appropriate offices of—

25 (1) the Bureau of Land Management; and

1 (2) the National Cemetery Administration.

2 (d) COSTS.—The Secretary of Veterans Affairs shall
3 reimburse the Secretary of the Interior for reasonable
4 costs incurred by the Secretary of the Interior in imple-
5 menting this section, including the costs of any surveys.

6 **SEC. 4. RESTORATION TO PUBLIC LANDS FOR NON-CEME-**
7 **TERY USE.**

8 (a) NOTICE AND EFFECT.—Upon a determination by
9 the Secretary of Veterans Affairs that all or a portion of
10 the lands withdrawn, deemed property, and transferred
11 under section 2 shall not be used for cemetery purposes,
12 the Secretary of Veterans Affairs shall notify the Sec-
13 retary of the Interior of such determination. Subject to
14 subsections (b) and (c), the Secretary of Veterans Affairs
15 shall transfer administrative jurisdiction of the lands sub-
16 ject to such notice to the Secretary of the Interior.

17 (b) DECONTAMINATION.—The Secretary of Veterans
18 Affairs shall be responsible for costs of any decontamina-
19 tion of the lands resulting from contamination on the
20 lands withdrawn, deemed property, and transferred under
21 section 2(b) while the Secretary of Veterans Affairs exer-
22 cised jurisdiction over those lands subject to a notice
23 under subsection (a) determined by the Secretary of the
24 Interior to be necessary for the lands to be restored to
25 the public lands.

1 (c) RESTORATION TO THE PUBLIC LANDS.—The
2 lands subject to a notice under subsection (a) shall only
3 be restored to the public lands upon acceptance by the
4 Secretary of the Interior and a determination by the Sec-
5 retary of the Interior that such lands are suitable for res-
6 toration to the public lands and operation of one or more
7 of the public land laws.

8 (d) OPENING ORDER.—If the Secretary of the Inte-
9 rior accepts the lands subject to such a notice and deter-
10 mines that the lands are suitable for restoration, in whole
11 or in part, the Secretary of the Interior may open the
12 lands to operation of one or more of the public land laws
13 and may issue an order to that effect.

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