

# Union Calendar No. 479

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

## S. 35

**[Report No. 115–626, Part I]**

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### 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

APRIL 10, 2018

Reported from the Committee on Natural Resources

APRIL 10, 2018

The Committee on Veterans' Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# 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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CEMETERY.—The term “Cemetery” means  
 9 the Black Hills National Cemetery in Sturgis, South  
 10 Dakota.

11 (2) FEDERAL LAND.—The term “Federal land”  
 12 means the approximately 200 acres of Bureau of  
 13 Land Management land adjacent to the Cemetery,  
 14 generally depicted as “Proposed National Cemetery  
 15 Expansion” on the map entitled “Proposed Expan-  
 16 sion of Black Hills National Cemetery-South Da-  
 17 kota” and dated June 16, 2016.

18 (3) SECRETARY.—The term “Secretary” means  
 19 the Secretary of the Interior.

20 **SEC. 3. TRANSFER AND WITHDRAWAL OF BUREAU OF LAND**  
 21 **MANAGEMENT LAND FOR CEMETERY USE.**

22 (a) CONDUCT OF DUE DILIGENCE ACTIVITIES BY  
 23 THE SECRETARY OF VETERANS AFFAIRS.—

24 (1) IN GENERAL.—Before the transfer of ad-  
 25 ministrative jurisdiction and withdrawal of the Fed-

1       eral land under subsections (b) and (c), respectively,  
 2       and subject to paragraph (2), the Secretary of Vet-  
 3       erans Affairs shall complete any appropriate envi-  
 4       ronmental, cultural resource, and other due diligence  
 5       activities on the Federal land that would enable the  
 6       Secretary of Veterans Affairs to confirm that the  
 7       Federal land is suitable for cemetery purposes.

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

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

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

17               (C) if the Secretary of Veterans Affairs de-  
 18               termines, on completion of the due diligence ac-  
 19               tivities under paragraph (1), that the Federal  
 20               land is suitable for cemetery purposes, submit  
 21               written notice of the determination to the Sec-  
 22               retary.

23       (b) TRANSFER OF ADMINISTRATIVE JURISDIC-  
 24       TION.—

25               (1) TRANSFER.—

1 (A) IN GENERAL.—On receipt by the Sec-  
2 retary of written notice of a determination that  
3 the Federal land is suitable for cemetery pur-  
4 poses under subsection (a)(2)(C), except as pro-  
5 vided in subparagraph (B), and subject to valid  
6 existing rights, administrative jurisdiction over  
7 the Federal land is transferred from the Sec-  
8 retary to the Secretary of Veterans Affairs for  
9 use as a national cemetery in accordance with  
10 chapter 24 of title 38, United States Code.

11 (B) EXCLUSION.—The transfer of adminis-  
12 trative jurisdiction over the Federal land under  
13 subparagraph (A) shall not include the land lo-  
14 cated within 100 feet of the center of the Cen-  
15 tennial Trail, as generally depicted on the map  
16 entitled “Proposed Expansion of Black Hills  
17 National Cemetery-South Dakota” and dated  
18 June 16, 2016.

19 (2) LEGAL DESCRIPTIONS.—

20 (A) IN GENERAL.—As soon as practicable  
21 after the date of enactment of this Act, the Sec-  
22 retary shall publish in the Federal Register a  
23 notice containing a legal description of the Fed-  
24 eral land.

1           (B) EFFECT.—A legal description pub-  
2           lished under subparagraph (A) shall have the  
3           same force and effect as if included in this Act,  
4           except that the Secretary may correct any cler-  
5           ical and typographical errors in the legal de-  
6           scription.

7           (C) AVAILABILITY.—Copies of the legal de-  
8           scription published under subparagraph (A)  
9           shall be available for public inspection in the  
10          appropriate offices of—

11                   (i) the Bureau of Land Management;

12                   and

13                   (ii) the National Cemetery Adminis-  
14                   tration.

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

20          (e) WITHDRAWAL.—On receipt by the Secretary of  
21          written notice of a determination that the Federal land  
22          is suitable for cemetery purposes under subsection  
23          (a)(2)(C) and subject to valid existing rights, the Federal  
24          land—

1           (1) is withdrawn from all forms of appropria-  
2           tion under the public land laws, including the mining  
3           laws, the mineral leasing laws, and the geothermal  
4           leasing laws; and

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

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

9           (e) MODIFICATION OF PUBLIC LAND ORDER.—Pub-  
10          lic Land Order 2112, dated June 6, 1960 (25 Fed. Reg.  
11          5243), is modified to exclude the Federal land.

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**A BILL**

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