

**Suspend the Rules and Pass the Bill, H.R. 3839, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

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

# H. R. 3839

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2015

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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

23 (1) withdrawn from all forms of appropriation  
24 under the public land laws, including the mining  
25 laws, the mineral leasing laws, and the geothermal  
26 leasing laws, for as long as the lands remain under

1 the administrative jurisdiction of the Secretary of  
2 Veterans Affairs;

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

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

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

22 (d) BOUNDARY MODIFICATION.—Immediately after  
23 the public lands are withdrawn, deemed property, and  
24 transferred under subsection (b), the boundary of the

1 Black Hills National Cemetery shall be modified to include  
2 the public lands identified in subsection (c).

3 (e) MODIFICATION OF PUBLIC LAND ORDER.—Im-  
4 mediately after the public lands under subsection (b) are  
5 withdrawn, deemed property, and transferred under sub-  
6 section (b), Public Land Order 2112, dated June 6, 1960  
7 (25 Fed. Reg. 5243), shall be modified to exclude the  
8 lands identified in subsection (c).

9 **SEC. 3. LEGAL DESCRIPTIONS.**

10 (a) PREPARATION OF LEGAL DESCRIPTIONS.—As  
11 soon as practicable following receipt of written confirma-  
12 tion from the Secretary of the Veterans Affairs that the  
13 land is suitable for cemetery purposes, the Secretary of  
14 the Interior shall publish in the Federal Register a notice  
15 containing the legal descriptions of the public lands with-  
16 drawn, deemed property, and transferred under section  
17 2(b).

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

23 (c) AVAILABILITY.—Copies of the map referred to in  
24 section 2(c) and the legal descriptions prepared under sub-

1 section (a) shall be available for public inspection in the  
2 appropriate offices of—

3 (1) the Bureau of Land Management; and

4 (2) the National Cemetery Administration.

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

9 **SEC. 4. RESTORATION TO PUBLIC LANDS FOR NON-CEME-**  
10 **TERY USE.**

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

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

1 under subsection (a) determined by the Secretary of the  
2 Interior to be necessary for the lands to be restored to  
3 the public lands.

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

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