

BLACK HILLS NATIONAL CEMETERY BOUNDARY
EXPANSION ACT

SEPTEMBER 6, 2016.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3839]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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

(a) WITHDRAWAL AND TRANSFER.—Subject to valid existing rights, the public lands described in subsection (b) are hereby—

(1) withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, for as long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

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

(3) transferred to the administrative jurisdiction of the Secretary of Veterans Affairs for use as national cemeteries under chapter 24 of title 38, United States Code.

(b) LAND DESCRIPTION.—The public lands withdrawn, deemed property, and transferred under subsection (a) are the approximately 200 acres of land adjacent to Black Hills National Cemetery, South Dakota, generally depicted as “Proposed Na-

tional Cemetery Expansion” on the map entitled “Proposed Expansion of Black Hills National Cemetery – South Dakota” and dated September 28, 2015, except the land located within 100 feet of the centerline of the Centennial Trail (which runs along the northern boundary of the ‘Proposed National Cemetery Expansion’) and which is located south of that Trail.

(c) BOUNDARY MODIFICATION.—The boundary of the Black Hills National Cemetery is hereby modified to include the public lands identified in subsection (b).

(d) MODIFICATION OF PUBLIC LAND ORDER.—Public Land Order 2112, dated June 6, 1960 (25 Fed. Reg. 5243), is modified to exclude the lands identified in subsection (b).

SEC. 3. LEGAL DESCRIPTIONS.

(a) PREPARATION OF LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a notice containing the legal descriptions of the public lands withdrawn, deemed property, and transferred under section 2(a).

(b) LEGAL EFFECT.—The legal descriptions prepared under subsection (a) 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.

(c) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map referred to in section 2(b) and the legal descriptions prepared under subsection (a), the map shall control.

(d) AVAILABILITY.—Copies of the map referred to in section 2(b) and the legal descriptions prepared under subsection (a) shall be available for public inspection in the appropriate offices of—

- (1) the Bureau of Land Management; and
- (2) the National Cemetery Administration.

(e) COSTS.—The Secretary of Veterans Affairs shall 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.

(a) NOTICE AND EFFECT.—Upon a determination by the Secretary of Veterans Affairs that all or a portion of the lands withdrawn, deemed property, and transferred under section 2 shall not be used for cemetery purposes, the Secretary of Veterans Affairs shall notify the Secretary of the Interior of such determination. Subject to subsections (b) and (c), the Secretary of Veterans Affairs shall transfer administrative jurisdiction of the lands subject to such notice to the Secretary of the Interior.

(b) DECONTAMINATION.—The Secretary of Veterans Affairs shall be responsible for costs of any decontamination of the lands subject to a notice under subsection (a) determined by the Secretary of the Interior to be necessary for the lands to be restored to the public lands.

(c) RESTORATION TO THE PUBLIC LANDS.—The lands subject to a notice under subsection (a) shall only be restored to the public lands upon acceptance by the Secretary of the Interior and 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.

(d) OPENING ORDER.—If the Secretary of the Interior accepts the lands subject to such a notice and determines that the lands are suitable for restoration, in whole or in part, 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.

PURPOSE OF THE BILL

The purpose of H.R. 3839 is 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3839, as amended, permanently transfers jurisdictional authority over approximately 200 acres of undeveloped federal land outside Sturgis, South Dakota, from the Bureau of Land Management (BLM) to the Department of Veterans Affairs (VA) to expand the Black Hills National Cemetery. With its existing acreage, the Cemetery can accommodate only a finite number of additional burials.

Transferring BLM land, which is adjacent to the Cemetery, to the VA will provide burial space for hundreds of additional gravesites for future generations of veterans. Without the transfer, the National Cemetery Administration (NCA) would be forced to close the Cemetery to further burials in the near future. Furthermore, without legislation to make the transfer permanent, federal law limits an administrative transfer of the land from the BLM to the VA to just 20 years.

The Black Hills National Cemetery opened in 1948 and covers approximately 100 acres of land managed by the 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.

During Committee markup, Congressman Rob Bishop (R-UT) successfully offered an amendment that reduces by a small amount the land transferred from the BLM to the VA to ensure proper management of the Centennial Trail, which runs along the northern boundary of the expansion area. This amendment was requested by both the BLM and the VA.

COMMITTEE ACTION

H.R. 3839 was introduced on October 27, 2015, by Congresswoman Kristi L. Noem (R-SD). The bill was referred to the Committee on Natural Resources, and additionally to the Committee on Veterans Affairs. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Federal Lands. On May 12, 2016, the Subcommittee held a hearing on the bill. On June 14, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; it was adopted by unanimous consent. No further amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on June 15, 2016.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation and Section 308(a) of the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 30, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3839, the Black Hills National Cemetery Boundary Expansion Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 3839—Black Hills National Cemetery Boundary Expansion Act

H.R. 3839 would require the Bureau of Land Management (BLM) to transfer 200 acres of land to the Department of Veterans Affairs (VA) to expand a national cemetery. Based on information provided by the affected agencies, CBO estimates that enacting the legislation would have no significant effect on the federal budget.

Because enacting the bill would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 3839 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Under the bill, the affected lands would be withdrawn from mining and mineral leasing activities. Based on information provided by BLM, CBO expects that those activities would not occur over the next 10 years, and we estimate that withdrawing the lands would not affect the federal budget.

In addition, CBO estimates that implementing H.R. 3839 would have insignificant costs for VA to cover administrative expenses associated with the transfer, make improvements to the Black Hills National Cemetery, and complete due diligence investigations and reports. Also, if VA determines that the transferred land would not be used for cemetery purposes, VA would be required to return the land back to BLM and would be responsible for any decontamination costs before transfer. Because an environmental assessment of the property has not been completed, the potential costs for decontamination are unknown; therefore, CBO has no basis to estimate any such costs.

H.R. 3839 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Inte-

rior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

This bill makes no changes to existing law.

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July 7, 2016

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 The Honorable Jeff Miller
 Chairman
 Committee on Veterans' Affairs
 335 Cannon HOB
 Washington, DC 20515

Dear Mr. Chairman:

On June 15, 2016, the Committee on Natural Resources ordered favorably reported as amended H.R. 3839, the Black Hills National Cemetery Boundary Expansion Act, by unanimous consent. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Veterans' Affairs.

I thank you for allowing the Committee on Veterans' Affairs to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support having the Committee on Veterans' Affairs represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record when the bill is considered by the House.

Thank you for your response and cooperation. I look forward to further opportunities to work with you this Congress.

Sincerely,

 Rob Bishop
 Chairman
 Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker
 The Honorable Kevin McCarthy, Majority Leader
 The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
 The Honorable Thomas J. Wickham, Jr., Parliamentarian

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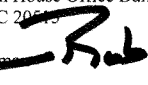
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DON PHILLIPS
 DEMOCRATIC STAFF DIRECTOR

July 6, 2016

The Honorable Rob Bishop
 Chairman
 Committee on Natural Resources
 1324 Longworth House Office Building
 Washington, DC 20543

Dear Mr. Chairman 

I am writing to you concerning H.R. 3839, the Black Hills National Cemetery Boundary Expansion Act. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Veterans' Affairs.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Veterans' Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 3839 and into the Congressional Record during consideration of the measure on the House floor. Thank you.

Sincerely,


JEFF MILLER
 Chairman

JM/cd