

115TH CONGRESS  
1ST SESSION

# S. 35

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 SENATE OF THE UNITED STATES

JANUARY 5, 2017

Mr. THUNE (for himself, Mr. ROUNDS, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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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,*

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:

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

4 (2) FEDERAL LAND.—The term “Federal land”  
 5 means the approximately 200 acres of Bureau of  
 6 Land Management land adjacent to the Cemetery,  
 7 generally depicted as “Proposed National Cemetery  
 8 Expansion” on the map entitled “Proposed Expan-  
 9 sion of Black Hills National Cemetery-South Da-  
 10 kota” and dated June 16, 2016.

11 (3) SECRETARY.—The term “Secretary” means  
 12 the Secretary of the Interior.

13 **SEC. 3. TRANSFER AND WITHDRAWAL OF BUREAU OF LAND**  
 14 **MANAGEMENT LAND FOR CEMETERY USE.**

15 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-  
 16 TION.—

17 (1) IN GENERAL.—Subject to valid existing  
 18 rights, administrative jurisdiction over the Federal  
 19 land is transferred from the Secretary to the Sec-  
 20 retary of Veterans Affairs for use as a national cem-  
 21 etery in accordance with chapter 24 of title 38,  
 22 United States Code.

23 (2) LEGAL DESCRIPTIONS.—

24 (A) IN GENERAL.—As soon as practicable  
 25 after the date of enactment of this Act, the Sec-

1           retary shall publish in the Federal Register a  
2           notice containing a legal description of the Fed-  
3           eral land.

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

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

14               (i) the Bureau of Land Management;

15               and

16               (ii) the National Cemetery Adminis-  
17               tration.

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

23          (b) WITHDRAWAL.—Subject to valid existing rights,  
24          for any period during which the Federal land is under the

1 administrative jurisdiction of the Secretary of Veterans  
2 Affairs, the Federal land—

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

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

9 (c) BOUNDARY MODIFICATION.—The boundary of  
10 the Cemetery is modified to include the Federal land.

11 (d) MODIFICATION OF PUBLIC LAND ORDER.—Pub-  
12 lic Land Order 2112, dated June 6, 1960 (25 Fed. Reg.  
13 5243), is modified to exclude the Federal land.

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