

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the following:
2

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.

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

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 **SEC. 3. TRANSFER AND WITHDRAWAL OF BUREAU OF LAND**
11 **MANAGEMENT LAND FOR CEMETERY USE.**

12 (a) CONDUCT OF DUE DILIGENCE ACTIVITIES BY
13 THE SECRETARY OF VETERANS AFFAIRS.—

14 (1) IN GENERAL.—Before the transfer of ad-
15 ministrative jurisdiction and withdrawal of the Fed-
16 eral land under subsections (b) and (c), respectively,
17 and subject to paragraph (2), the Secretary of Vet-
18 erans Affairs shall complete any appropriate envi-
19 ronmental, cultural resource, and other due diligence
20 activities on the Federal land that would enable the
21 Secretary of Veterans Affairs to confirm that the
22 Federal land is suitable for cemetery purposes.

23 (2) NOTICE; REQUIRED COORDINATION.—The
24 Secretary of Veterans Affairs shall—

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

4 (B) as the Secretary of Veterans Affairs
5 determines to be necessary in the conduct of
6 the due diligence activities under paragraph (1),
7 coordinate the activities with the Secretary; and

8 (C) if the Secretary of Veterans Affairs de-
9 termines, on completion of the due diligence ac-
10 tivities under paragraph (1), that the Federal
11 land is suitable for cemetery purposes, submit
12 written notice of the determination to the Sec-
13 retary.

14 (b) TRANSFER OF ADMINISTRATIVE JURISDIC-
15 TION.—

16 (1) TRANSFER.—

17 (A) IN GENERAL.—On receipt by the Sec-
18 retary of written notice of a determination that
19 the Federal land is suitable for cemetery pur-
20 poses under subsection (a)(2)(C), except as pro-
21 vided in subparagraph (B), and subject to valid
22 existing rights, administrative jurisdiction over
23 the Federal land is transferred from the Sec-
24 retary to the Secretary of Veterans Affairs for

1 use as a national cemetery in accordance with
2 chapter 24 of title 38, United States Code.

3 (B) EXCLUSION.—The transfer of adminis-
4 trative jurisdiction over the Federal land under
5 subparagraph (A) shall not include the land lo-
6 cated within 100 feet of the center of the Cen-
7 tennial Trail, as generally depicted on the map
8 entitled “Proposed Expansion of Black Hills
9 National Cemetery-South Dakota” and dated
10 June 16, 2016.

11 (2) LEGAL DESCRIPTIONS.—

12 (A) IN GENERAL.—As soon as practicable
13 after the date of enactment of this Act, the Sec-
14 retary shall publish in the Federal Register a
15 notice containing a legal description of the Fed-
16 eral land.

17 (B) EFFECT.—A legal description pub-
18 lished under subparagraph (A) shall have the
19 same force and effect as if included in this Act,
20 except that the Secretary may correct any cler-
21 ical and typographical errors in the legal de-
22 scription.

23 (C) AVAILABILITY.—Copies of the legal de-
24 scription published under subparagraph (A)

1 shall be available for public inspection in the
2 appropriate offices of—

3 (i) the Bureau of Land Management;

4 and

5 (ii) the National Cemetery Adminis-
6 tration.

7 (D) COSTS.—The Secretary of Veterans
8 Affairs shall reimburse the Secretary for the
9 costs incurred by the Secretary in carrying out
10 this paragraph, including the costs of any sur-
11 veys and other reasonable costs.

12 (c) WITHDRAWAL.—On receipt by the Secretary of
13 written notice of a determination that the Federal land
14 is suitable for cemetery purposes under subsection
15 (a)(2)(C) and subject to valid existing rights, the Federal
16 land—

17 (1) is withdrawn from all forms of appropria-
18 tion under the public land laws, including the mining
19 laws, the mineral leasing laws, and the geothermal
20 leasing laws; and

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

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

1 (e) MODIFICATION OF PUBLIC LAND ORDER.—Pub-
2 lie Land Order 2112, dated June 6, 1960 (25 Fed. Reg.
3 5243), is modified to exclude the Federal land.