

BLACK HILLS NATIONAL CEMETERY BOUNDARY
EXPANSION ACT

APRIL 10, 2018.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

[To accompany S. 35]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 35 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

The Black Hills National Cemetery located in Sturgis, South Dakota, opened in 1948 and covers approximately 100 acres of land managed by the National Cemetery Administration (NCA). The Cemetery houses a memorial carillon and a memorial to Korean War veterans that was dedicated in 2002. Medal of Honor Recipient, Sergeant Charles Windolph, among many other notable veterans, is buried in the Cemetery.¹

¹*Black Hills National Cemetery Information Page*. National Cemetery Administration.

S. 35 permanently transfers jurisdictional authority of approximately 200 acres of undeveloped federal land from the Bureau of Land Management (BLM) to the Department of Veterans Affairs (VA) to expand the Cemetery. Currently, the Cemetery can only accommodate a finite number of additional burials; transferring the BLM land, which is adjacent to the Cemetery, to the VA will provide for burial space for hundreds of additional gravesites for future generations of veterans. Without the transfer, the 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 BLM to the VA to only 20 years.

COMMITTEE ACTION

S. 35 was introduced on January 5, 2017, by Senator John Thune (R–SD). The Senate passed the bill by voice vote on December 21, 2017. In the House of Representatives, the bill was referred primarily to the Committee on Natural Resources. The bill was referred additionally to the Committee on Veterans' Affairs. On March 14, 2018, the Natural Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and 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 following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 2018.

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 S. 35, 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,
Director.

Enclosure.

S. 35—Black Hills National Cemetery Boundary Expansion Act

S. 35 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. CBO estimates that any costs incurred by VA to cover administrative expenses associated with the transfer and make improvements to the Black Hills National Cemetery would not be significant.

Under S. 35, the affected lands would be withdrawn from mining and mineral leasing activities. Using 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. Because enacting S. 35 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 35 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 35 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On April 7, 2017, CBO transmitted a cost estimate for S. 35, the Black Hills National Cemetery Boundary Expansion Act, as ordered reported by the Senate Committee on Energy and Natural Resources on March 30, 2017. The pieces of legislation are similar and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy, 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 Interior 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. This bill does not contain any directed rule makings.

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

If enacted, this bill would make no changes to existing law.

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 April 5, 2018

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The Honorable Rob Bishop
 Chairman
 Committee on Natural Resources
 1324 Longworth House Office Building
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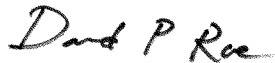
Dear Mr. Chairman:

I am writing to you concerning S. 35, 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 S. 35 and into the Congressional Record during consideration of the measure on the House floor. Thank you.

Sincerely,



David P. Roe, M.D.
 Chairman

DPR/cd

cc: The Honorable Paul D. Ryan, Speaker of the House
 The Honorable Raul Grijalva, Ranking Member, House Natural Resources Committee
 The Honorable Timothy J. Walz, Ranking Member, House Veterans' Affairs Committee
 Mr. Thomas J. Wickham Jr., Parliamentarian

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CHAIRMAN

CODY STEWART
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RAUL GRIJALVA OF ARIZONA
RANKING MEMBER

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

April 10, 2018

The Honorable David P. Roe
Chairman
Committee on Veterans' Affairs
335 Cannon HOB
Washington, DC 20515

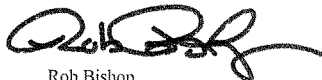
Dear Mr. Chairman:

S. 35, the Black Hills National Cemetery Boundary Expansion Act, was ordered favorably reported on March 14, 2018, 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, to memorialize our understanding, I would be pleased to include your letter and this response 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

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