

Union Calendar No. 83

108TH CONGRESS
1ST SESSION

H. R. 272

[Report No. 108-166]

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. GIBBONS introduced the following bill; which was referred to the Committee on Resources

JUNE 19, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on January 8, 2003]

A BILL

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

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. CONVEYANCE TO LANDER COUNTY, NEVADA.**

2 (a) *FINDINGS.*—Congress finds that the following:

3 (1) *The historical use by settlers and travelers*
4 *since the late 1800’s of the cemetery known as “King-*
5 *ston Cemetery” in Kingston, Nevada, predates incor-*
6 *poration of the land within the jurisdiction of the*
7 *Forest Service on which the cemetery is situated.*

8 (2) *It is appropriate that that use be continued*
9 *through local public ownership of the parcel rather*
10 *than through the permitting process of the Federal*
11 *agency.*

12 (3) *In accordance with Public Law 85–569*
13 *(commonly known as the “Townsite Act”; 16 U.S.C.*
14 *478a), the Forest Service has conveyed to the Town of*
15 *Kingston 1.25 acres of the land on which historic*
16 *gravesites have been identified.*

17 (4) *To ensure that all areas that may have un-*
18 *marked gravesites are included, and to ensure the*
19 *availability of adequate gravesite space in future*
20 *years, an additional parcel consisting of approxi-*
21 *mately 8.75 acres should be conveyed to the county so*
22 *as to include the total amount of the acreage included*
23 *in the original permit issued by the Forest Service for*
24 *the cemetery.*

25 (b) *CONVEYANCE ON CONDITION SUBSEQUENT.*—Sub-
26 *ject to valid existing rights and the condition stated in sub-*

1 *section (e), the Secretary of Agriculture, acting through the*
2 *Chief of the Forest Service (referred to in this section as*
3 *the “Secretary”), not later than 90 days after the date of*
4 *enactment of this Act, shall convey to Lander County, Ne-*
5 *vada (referred to in this section as the “county”), for no*
6 *consideration, all right, title, and interest of the United*
7 *States in and to the parcel of land described in subsection*
8 *(c).*

9 *(c) DESCRIPTION OF LAND.—The parcel of land re-*
10 *ferred to in subsection (b) is the parcel of National Forest*
11 *System land (including any improvements on the land)*
12 *known as “Kingston Cemetery”, consisting of approxi-*
13 *mately 10 acres and more particularly described as*
14 *SW¹/₄SE¹/₄SE¹/₄ of section 36, T. 16 N., R. 43 E., Mount*
15 *Diablo Meridian.*

16 *(d) EASEMENT.—At the time of the conveyance under*
17 *subsection (b), subject to subsection (e)(2), the Secretary*
18 *shall grant the county an easement allowing access for per-*
19 *sons desiring to visit the cemetery and other cemetery pur-*
20 *poses over Forest Development Road #20307B, notwith-*
21 *standing any future closing of the road for other use.*

22 *(e) CONDITION ON USE OF LAND.—*

23 *(1) IN GENERAL.—The county (including its suc-*
24 *cessors) shall continue the use of the parcel conveyed*
25 *under subsection (b) as a cemetery.*

1 (2) *REVERSION.*—*If the Secretary, after notice to*
2 *the county and an opportunity for a hearing, makes*
3 *a finding that the county has used or permitted the*
4 *use of the parcel for any purpose other than the pur-*
5 *pose specified in paragraph (1), and the county fails*
6 *to discontinue that use—*

7 (A) *title to the parcel shall revert to the*
8 *United States to be administered by the Sec-*
9 *retary; and*

10 (B) *the easement granted to the county*
11 *under subsection (d) shall be revoked.*

12 (3) *WAIVER.*—*The Secretary may waive the ap-*
13 *plication of paragraph (2)(A) or (2)(B) if the Sec-*
14 *retary determines that such a waiver would be in the*
15 *best interests of the United States.*

16 **SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.**

17 (a) *FINDINGS.*—*Congress finds the following:*

18 (1) *The historical use by settlers and travelers*
19 *since the late 1800s of the cemetery known as “Maid-*
20 *en’s Grave Cemetery” in Beowawe, Nevada, predates*
21 *incorporation of the land within the jurisdiction of*
22 *the Bureau of Land Management on which the ceme-*
23 *tery is situated.*

24 (2) *It is appropriate that such use be continued*
25 *through local public ownership of the parcel rather*

1 *than through the permitting process of the Federal*
2 *agency.*

3 (b) *CONVEYANCE ON CONDITION SUBSEQUENT.*—Sub-
4 *ject to valid existing rights and the condition stated in sub-*
5 *section (e), the Secretary of the Interior, acting through the*
6 *Director of the Bureau of Land Management (referred to*
7 *in this section as the “Secretary”), not later than 90 days*
8 *after the date of enactment of this Act, shall convey to Eure-*
9 *ka County, Nevada (referred to in this section as the “coun-*
10 *ty”), for no consideration, all right, title, and interest of*
11 *the United States in and to the parcel of land described*
12 *in subsection (c).*

13 (c) *DESCRIPTION OF LAND.*—*The parcel of land re-*
14 *ferred to in subsection (b) is the parcel of public land (in-*
15 *cluding any improvements on the land) known as “Maid-*
16 *en’s Grave Cemetery”, consisting of approximately 10 acres*
17 *and more particularly described as S^{1/2}NE^{1/4}SW^{1/4}SW^{1/4},*
18 *N^{1/2}SE^{1/4}SW^{1/4}SW^{1/4} of section 10, T. 31 N., R. 49 E.,*
19 *Mount Diablo Meridian.*

20 (d) *EASEMENT.*—*At the time of the conveyance under*
21 *subsection (b), subject to subsection (e)(2), the Secretary*
22 *shall grant the county an easement allowing access for per-*
23 *sons desiring to visit the cemetery and other cemetery pur-*
24 *poses over an appropriate access route consistent with cur-*
25 *rent access.*

1 (e) *CONDITION ON USE OF LAND.*—

2 (1) *IN GENERAL.*—*The county (including its suc-*
3 *cessors) shall continue the use of the parcel conveyed*
4 *under subsection (b) as a cemetery.*

5 (2) *REVERSION.*—*If the Secretary, after notice to*
6 *the county and an opportunity for a hearing, makes*
7 *a finding that the county has used or permitted the*
8 *use of the parcel for any purpose other than the pur-*
9 *pose specified in paragraph (1), and the county fails*
10 *to discontinue that use—*

11 (A) *title to the parcel shall revert to the*
12 *United States to be administered by the Sec-*
13 *retary; and*

14 (B) *the easement granted to the county*
15 *under subsection (d) shall be revoked.*

16 (3) *WAIVER.*—*The Secretary may waive the ap-*
17 *plication of paragraph (2)(A) or (2)(B) if the Sec-*
18 *retary determines that such a waiver would be in the*
19 *best interests of the United States.*

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