

TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A SPECIAL RESOURCE STUDY TO EVALUATE THE SIGNIFICANCE OF THE MILL SPRINGS BATTLEFIELD LOCATED IN PULASKI AND WAYNE COUNTIES, KENTUCKY, AND THE FEASIBILITY OF ITS INCLUSION IN THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES

DECEMBER 2, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 298]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 298) to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System, 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. BATTLE OF MILL SPRINGS STUDY.

(a) FINDINGS.—Congress finds as follows:

(1) In 1994, the Mills Springs Battlefield in Pulaski and Wayne Counties in Kentucky was designated as a National Historic Landmark by the Department of the Interior.

(2) The Battle of Mill Springs was the first significant Union victory in the western theater of the Civil War.

(3) The outcome of the Battle of Mill Springs, along with Union victories at Fort Henry and Fort Donelson paved the way for a major battle at Shiloh, Tennessee.

(4) In 1991, the National Park Service placed the Mill Springs Battlefield on a list of endangered battlefields, noting the impact of this battle to the course of the Civil War.

(5) In 1992, the Mill Springs Battlefield Association formed, and utilizing Federal, State, and local support has managed to preserve important tracts of the battlefield, construct an interactive visitor center, and educate the public about this historic event.

(6) There is strong community interest in incorporating the Mill Springs Battlefield into the National Park Service.

- (7) The Mill Springs Battlefield Association has expressed its desire to give the preserved battlefield as a gift to the United States.
- (b) DEFINITIONS.—For purposes of this Act:
- (1) MILL SPRINGS BATTLEFIELD.—The term “Mill Springs Battlefield” means the area encompassed by the National Historic Landmark designations relating to the 1862 Battle of Mill Springs located in the counties of Pulaski and Wayne in Kentucky.
- (2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (c) STUDY.—Not later than 3 years from the date funds are made available, the Secretary shall conduct a special resource study to evaluate the significance of the Mill Springs Battlefield in Kentucky, and the feasibility of its inclusion in the National Park System.
- (d) CRITERIA FOR STUDY.—The Secretary shall conduct the study authorized by this Act in accordance with 8(b) of Public Law 91–383 (16 U.S.C. 1a–5(b)).
- (e) CONTENT OF STUDY.—The study shall include an analysis of the following:
- (1) The significance of the Battle of Mill Springs to the outcome of the Civil War.
 - (2) Opportunities for public education about the Civil War in Kentucky.
 - (3) Operational issues that should be considered if the National Park System were to incorporate the Mill Springs Battlefield.
 - (4) The feasibility of administering the Mill Springs Battlefield considering its size, configuration, and other factors, to include an annual cost estimate.
 - (5) The economic, educational, and other impacts the inclusion of Mill Springs Battlefield into the National Park System would have on the surrounding communities in Pulaski and Wayne Counties.
 - (6) The effect of the designation of the Mill Springs Battlefield as a unit of the National Park System on—
 - (A) existing commercial and recreational activities, including by not limited to hunting, fishing, and recreational shooting, and on the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and
 - (B) the authority of State and local governments to manage those activities.
 - (7) The identification of any authorities, including condemnation, that will compel or permit the Secretary to influence or participate in local land use decisions (such as zoning) or place restrictions on non-Federal lands if the Mill Springs Battlefield is designated a unit of the National Park System.
- (f) NOTIFICATION OF PRIVATE PROPERTY OWNERS.—Upon commencement of the study, owners of private property adjacent to the battlefield will be notified of the study’s commencement and scope.
- (g) SUBMISSION OF REPORT.—Upon completion of the study, the Secretary shall submit a report on the findings of the study to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.

PURPOSE OF THE BILL

The purpose of H.R. 298 is to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 298 directs the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield in Kentucky, and the feasibility of its inclusion into the National Park System. The 1862 Battle of Mill Springs was the first significant Union victory in the western theater of the Civil War and along with Union victories at Fort Henry and Fort Donelson, paved the way for a major battle at Shiloh, Tennessee. Although Mill Springs Battlefield was designated a National Historical Landmark, this study would provide a determination whether it should be part of the National Park System.

As amended by the Natural Resources Committee, the legislation includes clear guidance that in the course of the study, the National Park Service (NPS) must consider the impact of a designation on important commercial and recreational activities. The Committee is aware of examples where Park boundaries are exploited to prohibit activities that could benefit communities. The NPS must document the effect a designation could have on such things as energy transmission, or even hunting and fishing.

H.R. 298 also requires NPS to identify those authorities that allow condemnation of private property, or participation in local matters such as zoning. It is appropriate that communities are aware of the complications that accompany NPS as their neighbor.

COMMITTEE ACTION

H.R. 298 was introduced on January 15, 2013, by Congressman Harold Rogers (R-KY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On October 3, 2013, the Subcommittee held a hearing on the bill. On October 30, 2013, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered and the bill, as amended, was then adopted and 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

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 298—A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System, and for other purposes

H.R. 298 would direct the Secretary of the Interior to conduct a study of the Mill Springs Battlefield in Kentucky to evaluate the national significance of the site and to determine the feasibility of designating the site as a unit of the National Park System. Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that conducting the study would cost about \$250,000 over the next three years. Enacting H.R. 298 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 298 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 Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that conducting the study would cost about \$250,000 over the next three years.

3. 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 direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System.

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

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

