

## MILL SPRINGS BATTLEFIELD NATIONAL MONUMENT ACT

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JULY 23, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

### R E P O R T

[To accompany H.R. 5979]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5979) to establish the Mill Springs Battlefield National Monument in the State of Kentucky as a unit of 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. SHORT TITLE.

This Act may be cited as the “Mill Springs Battlefield National Monument Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “Map” means the map entitled “Mill Springs Battlefield National Monument, Nancy, Kentucky” numbered 297/145513, and dated June 2018.

(2) MONUMENT.—The term “Monument” means the Mill Springs Battlefield National Monument established by section 3(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

#### SEC. 3. ESTABLISHMENT OF MILL SPRINGS BATTLEFIELD NATIONAL MONUMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established, as a unit of the National Park System, the Mill Springs Battlefield National Monument in the State of Kentucky, to preserve, protect, and interpret for the benefit of present and future generations the nationally significant historic resources of the Mill Springs Battlefield and its role in the American Civil War.

(2) CONDITIONS.—The Monument shall not be established until the Secretary—

(A) has entered into a written agreement with the owner of any private or non-Federal land within the Mill Springs Battlefield National Monument

boundary as depicted on the Map, providing that such property shall be donated to the United States for inclusion in the Monument to be managed consistently with the purposes of the Monument; and

(B) has determined that sufficient land or interests in land have been acquired within the boundary of the Monument to constitute a manageable unit.

(b) BOUNDARIES.—The boundaries of the Monument shall be the boundaries generally depicted on the Map.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ACQUISITION AUTHORITY.—The Secretary may only acquire land or an interest in land located within the boundary of the Monument by—

- (1) donation;
- (2) purchase with donated funds; or
- (3) exchange.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Monument in accordance with—

- (A) this Act; and
- (B) the laws generally applicable to units of the National Park System, including—
  - (i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and
  - (ii) chapter 3201 of title 54, United States Code.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to the Secretary for this purpose, the Secretary shall prepare a general management plan for the Monument in accordance with section 100502 of title 54, United States Code.

(B) SUBMIT TO CONGRESS.—On completion of the general management plan, the Secretary shall submit it to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(f) PRIVATE PROPERTY PROTECTION.—No private property or non-Federal public property shall be managed as part of the Monument without the written consent of the owner of such property.

(g) NO BUFFER ZONES.—Nothing in this Act, the establishment of the Monument, or the management of the Monument shall be construed to create buffer zones outside of the Monument. The fact that an activity or use can be seen, heard, or detected from within the Monument shall not preclude the conduct of that activity or use outside of the Monument.

#### PURPOSE OF THE BILL

The purpose of H.R. 5979 is to establish the Mill Springs Battlefield National Monument in the State of Kentucky as a unit of the National Park System.

#### BACKGROUND AND NEED FOR LEGISLATION

The battle of Mill Springs, one of the Kentucky's largest Civil War clashes, occurred on January 19, 1862. Kentucky held high strategic importance for both the Confederacy and the Union. The Confederacy needed to hold the Cumberland Gap and the Union saw southern Kentucky as an entrance to Confederate strongholds in Tennessee.<sup>1</sup>

In October 1861, Confederate troops set up winter camp on the banks of the Cumberland River in south central Kentucky. In January 1862, three Union regiments arrived with the intention of driving the Confederate troops from their position. After a series of attacks, the Confederate forces finally retreated, leaving behind

<sup>1</sup>“Disaster on the Cumberland”. Experience Mill Springs Battlefield. Mill Springs Battlefield Association website. <http://www.millsprings.net/index.php/2013-10-01-18-24-22/battle-of-mill-springs>.

equipment, horses, and artillery.<sup>2</sup> The battle resulted in the loss of 155 Confederate troops and 55 Union troops.

The Battle of Mill Springs bolstered the Union's morale as it was the first major victory of the war following the disastrous defeat at First Manassas. Winning the battle enabled the Union to push all Confederate powers out of Kentucky by February 1862 and advance into middle Tennessee.<sup>3</sup>

Since 1992 the nonprofit Mill Springs Battlefield Association (MSBA) has spent over \$13 million to preserve and interpret the battlefield.<sup>4</sup> In 1994 the battlefield was designated as a National Historic Landmark. The boundary was expanded in 2008 and now encompasses roughly 1,500 acres. The MSBA currently owns over 900 acres of battlefield land and operates a 10,000 square foot visitor center, built in 2006, at the site.<sup>5</sup> At the direction of Congress, the National Park Service initiated a special resource study of the Mill Springs Battlefield for potential inclusion as a unit of the National Park System (Public Law 113–291).<sup>6</sup>

H.R. 5979 establishes the Mill Springs Battlefield National Monument as a unit of the National Park System. The proposed Mill Springs Battlefield National Monument would be approximately 1,500 acres. The MSBA will donate 900 acres within the proposed boundary to the National Park Service and will continue to support preservation of the battlefield.

A companion bill has been introduced in the Senate, S. 3176, by Senator Mitch McConnell (R-KY).

#### COMMITTEE ACTION

H.R. 5979 was introduced on May 25, 2018, by Congressman Harold Rogers (R-KY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On July 18, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Tom McClintock (R-CA) offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered, and the bill, as amended, 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.

<sup>2</sup>Id.

<sup>3</sup>Id.

<sup>4</sup>Statement of William R. Neikirk, Founder, Mill Springs Battlefield Association. Subcommittee on Federal Lands Legislative Hearing July 17, 2018. [https://naturalresources.house.gov/uploadedfiles/7.17\\_testimony\\_neikirk.pdf](https://naturalresources.house.gov/uploadedfiles/7.17_testimony_neikirk.pdf).

<sup>5</sup>Mudpuppy & Waterdog, Inc. (2010). "Interpretive Plan for Mill Springs Battlefield, Pulaski and Wayne Counties, Kentucky—Part 1". Prepared for the Mill Springs Battlefield Association. <http://www.millsprings.net/images/PDF/Interpretive%20Plan%20for%20the%20Mill%20Springs%20Battlefield%20Draft%201.pdf>.

<sup>6</sup>"Mill Springs Battlefield Special Resource Study". National Park Service. <https://parkplanning.nps.gov/projectHome.cfm?projectID=58557>.

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, July 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 H.R. 5979, the Mill Springs Battlefield National Monument Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

MARK P. HADLEY  
(For Keith Hall, Director).

Enclosure.

*H.R. 5979—Mill Springs Battlefield National Monument Act*

H.R. 5979 would establish the Mill Springs Battlefield National Monument in Nancy, Kentucky. Under the bill, the site would become a unit of the National Park System and would be owned and operated by the National Park Service (NPS). The bill would direct the NPS to acquire land for the monument by means of donation, purchase using donated funds, or through a land exchange. Based on the experience of creating other system units, CBO expects that the monument would not be formally established for several years.

Using information from the NPS on the costs of operating new system units, CBO estimates that the agency would incur about \$200,000 annually in administrative costs in the monument's early years. The bill also would require the NPS to develop a general management plan for the monument. Based on the costs of similar projects, CBO estimates that developing the plan would cost less than \$500,000. In total, CBO estimates that implementing H.R. 5979 would cost about \$1 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 5979 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5979 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5979 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed 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 establish the Mill Springs Battlefield National Monument in the State of Kentucky as a unit of 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. 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.

