Ms. Murkowski, from the Committee on Energy and Natural Resources, submitted the following REPORT

[To accompany H.R. 494]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 494) to expand the boundary of Fort Frederica National Monument in the State of Georgia, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:
1. On page 3, strike lines 1 through 4.
2. On page 3, line 5, strike “(5)” and insert “(4)”.
3. On page 3, strike lines 10 through 19.

PURPOSE

The purpose of H.R. 494 is to expand the boundary of Fort Frederica National Monument in the State of Georgia.

BACKGROUND AND NEED

H.R. 494 authorizes the Secretary of the Interior to acquire, for inclusion within the boundaries of Fort Frederica National Monument, approximately 21 acres of land by donation, or purchase with donated or appropriated funds from willing sellers only. The parcel authorized to be acquired is owned by the St. Simons Land Trust.

Fort Frederica National Monument, on St. Simons Island, Georgia, preserves the archaeological remnants of a fort established in 1736 by James Oglethorpe. Oglethorpe built the fort to protect the
southern boundary of his new colony of Georgia from the Spanish in Florida. Named for Frederick Louis, the Prince of Wales (1702–1754), Frederica consisted of a fort and town fortified by a palisade wall and earthen rampart. The fort’s location on the Frederica River allowed it to control ship travel.

Oglethorpe’s foresight in establishing Fort Frederica was rewarded in 1742 when Spanish and British forces clashed on St. Simons Island. Fort Frederica’s troops defeated the Spanish in the Battle of Bloody Marsh. The British victory not only confirmed that Georgia was British territory, but also signaled the end for Fort Frederica. In 1749, Fort Frederica’s regiment disbanded, and eventually the town fell into decline.

On May 26, 1936, President Franklin D. Roosevelt established Fort Frederica as a National Monument. The National Park Service (NPS) owns and preserves the archeological remains of Fort Frederica.

**LEGISLATIVE HISTORY**

H.R. 494 was introduced in the House of Representatives by Representative Carter on January 12, 2017, and referred to the Committee on Natural Resources. H.R. 494 was agreed to by voice vote in the House of Representatives on February 6, 2017. The bill was received in the Senate and referred to the Committee on Energy and Natural Resources on February 7, 2017.

An identical bill, S. 137, was introduced in the Senate by Senator Isakson on January 12, 2017.

In the 114th Congress, Representative Carter introduced a similar measure, H.R. 3480, on September 10, 2015. The House Committee on Natural Resources’ Subcommittee on Federal Lands held a hearing on the bill on May 24, 2016. On July 25, 2016, the Committee on Natural Resources reported the bill, as amended (H. Rept. 114–701). H.R. 3480 was agreed to by voice vote in the House of Representatives on September 6, 2016. An identical bill, S. 2024, was introduced in the Senate by Senator Isakson and referred to the Committee on Energy and Natural Resources on September 10, 2015.

The Committee on Energy and Natural Resources met in an open business session on March 30, 2017, and ordered H.R. 494 favorably reported, as amended.

**COMMITTEE RECOMMENDATION**

The Senate Committee on Energy and Natural Resources, in open business session on March 30, 2017, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 494, if amended as described herein.

**COMMITTEE AMENDMENTS**

During its consideration of H.R. 494, the Committee on Energy and Natural Resources adopted three amendments to eliminate the requirement that no non-Federal property may be included in the Monument without the written consent of the owner, to remove the requirement that no buffer zones would be created outside of the Monument, and to make a conforming change.
Section-by-Section Analysis

Section 1. Short title

Section 1 provides a short title for the measure.

Section 2. Fort Frederica National Monument, Georgia

Section 2(a) amends the maximum acreage authorized pursuant to 16 U.S.C. 433g from 250 to 305 acres.

Subsection (b)(1) modifies the boundary of the Fort Frederica National Monument to include land in the “Proposed Acquisition Areas, as depicted on the map entitled “Fort Frederica National Monument Proposed Boundary Expansion,” numbered 369/132,469, and dated April 2016.”

Paragraph (2) requires the NPS to make a map of the monument available for public inspection.

Paragraph (3) authorizes the Secretary to acquire land interests by donation or purchase with donated or appropriated funds from willing sellers only.

Paragraph (4) prohibits acquisition of land interests by condemnation or eminent domain.

Cost and Budgetary Considerations

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 494 would authorize the expansion of the Fort Frederica National Monument on St. Simons Island, Georgia, by increasing the maximum acreage from 250 to 305 acres. The monument preserves the archaeological remnants of a fort established in 1736 by James Oglethorpe, the founder of the state of Georgia.

The National Park Service (NPS) would be permitted to expand the monument boundary only through donations or purchases of land made using appropriated funds. According to the NPS, the existing park boundary exceeds the current acreage cap. The legislation would expand the cap to accommodate the current size of the monument and permit the NPS to acquire about 20 additional acres. Based on information the county provided to the NPS about the value of different parcels, CBO estimates that the cost of acquiring certain properties that are adjacent to the monument would be about $1 million. Any such spending would be subject to the availability of appropriated funds.

Enacting H.R. 494 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 494 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 494 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.
REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 494. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 494, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 494, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

Executive Communications for H.R. 494 were not requested by the Committee on Energy and Natural Resources in the 115th Congress.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the H.R. 494, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF MAY 26, 1936

As amended by the Act of September 20, 1950, and Public Law 85–401

AN ACT To provide for the establishment of the Fort Frederica National Monument, at Saint Simon Island, Georgia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title of the site of Fort Frederica, on Saint Simon Island, Georgia, and such other related sites located thereon, as may be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national-monument purposes, shall have been vested in the United States, said area not to exceed two hundred and fifty acres, shall be set apart as a national monument for the benefit and inspiration of the people, and shall be called the "Fort Frederica National Monument".

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