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SENATE

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CAMP NELSON NATIONAL MONUMENT ACT

DECEMBER 4, 2018.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 5655]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 5655) to establish the Camp Nelson Heritage National Monument in the State of Kentucky as a unit of the National Park System, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Camp Nelson National Monument Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “Map” means the map entitled “Camp Nelson National Monument Nicholasville, Kentucky”, numbered 532/144,148, and dated September 2018.

(2) MONUMENT.—The term “Monument” means the Camp Nelson National Monument established by section 3(a)(1).

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

SEC. 3. ESTABLISHMENT OF CAMP NELSON NATIONAL MONUMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established as a unit of the National Park System the Camp Nelson 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 Camp Nelson and the role of Camp Nelson in the Civil War, Reconstruction, and African American history and civil rights.

- (2) SUFFICIENT LAND OR INTERESTS.—The Monument shall not be established until after the date on which the Secretary has determined that sufficient land or interests in land have been acquired within the boundary of the Monument to constitute a manageable unit.
- (b) BOUNDARY.—The boundary of the Monument shall be the boundary 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 any land or interest in land located within the boundary of the Monument by—
- (1) donation;
 - (2) purchase from a willing seller with donated or appropriated 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 to prepare a general management plan for the Monument, the Secretary shall prepare a general management plan for the Monument in accordance with section 100502 of title 54, United States Code.
 - (B) SUBMISSION TO CONGRESS.—On completion of the general management plan, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the general management plan.
- (f) NO BUFFER ZONES.—
- (1) IN GENERAL.—Nothing in this Act, the establishment of the Monument, or the management of the Monument creates a buffer zone outside of the Monument.
 - (2) ACTIVITY OR USE OUTSIDE MONUMENT.—The fact that an activity or use can be seen, heard, or detected from within the Monument shall not preclude the conduct of the activity or use outside of the Monument.

2. Amend the title so as to read: “An Act to establish the Camp Nelson National Monument in the State of Kentucky as a unit of the National Park System, and for other purposes.”.

PURPOSE

The purpose of H.R. 5655 is to establish the Camp Nelson National Monument in the State of Kentucky as a unit of the National Park Service (NPS).

BACKGROUND AND NEED

Located in Jessamine County, Kentucky, Camp Nelson was originally built as an Army supply depot, hospital, and garrison in 1863.

African-Americans were barred from joining the Union Army at the beginning of the Civil War. On July 17, 1862, however, Congress passed two significant laws that ultimately led to the enlistment of African-Americans in the Army. The Second Confiscation Act (12 Stat. 589, 591) declared that “all slaves of persons who shall hereafter be engaged in rebellion against the government of the United States . . . shall be forever free of their servitude, and not again held as slaves.” The Militia Act (12 Stat. 597, 599) authorized President Lincoln “to receive into the service of the United States,” African-Americans to construct entrenchments, perform

camp service, and “any other labor . . . as the President may prescribe.” It further provided that any former slave who “render[ed] any such service to the Army would “forever thereafter be free.” The Emancipation Proclamation, issued by President Lincoln on January 1, 1863, further declared that former slaves would “be received into the armed service of the United States,” (12 Stat. 1268, 1269), and the War Department’s General Order 143 provided for the formation of African-American battle regiments beginning in May 1863.

Thereafter, Camp Nelson became one of the country’s largest recruitment and training centers for African-American soldiers during the Civil War. At least 10,000 African-Americans enlisted or trained at Camp Nelson. Eight regiments of African-American soldiers were formed there and others were stationed there.

Many of the men who enlisted at Camp Nelson brought their families with them. Although the camp was not designed to serve as a refugee shelter, it became a makeshift refugee camp for African-Americans escaping slavery. Since Kentucky had not seceded from the Union, it was not covered by the Emancipation Proclamation, and slavery remained legal in the state until after the Civil War and the ratification of the 13th Amendment.

In November 1864, the Army forcibly expelled about 400 of these refugees, over 100 of whom died from exposure. Ultimately, these events led to an official change in policy by the United States Army regarding the treatment and care of refugees at U.S. Army posts. It also led to the enactment of legislation that freed the wife and children of any person “mustered into the military or naval service of the United States” (13 Stat. 571).

The enlistment of soldiers, who were legally freed upon enlistment, and the passage of the March 1865 Act freeing their families, made Camp Nelson one of the largest emancipation centers in the United States. Today, the site of Camp Nelson has a well-preserved landscape, earthen fortifications, depot magazine, historic roads, one period building, and archeological deposits.

In 2012, the Camp Nelson Historic and Archeological District in Jessamine County, Kentucky, was nominated through a grant from the Kentucky Heritage Council, Kentucky African-American Heritage Commission, and the Jessamine County Fiscal Court for inclusion in the NPS’s National Historic Landmark’s Program, to which it was accepted in March of 2013. The Camp Nelson Historic and Archeological District is made up of approximately 600 acres, in southern Jessamine County, six miles south of Nicholasville, Kentucky. This district includes the well-preserved archeological remains and landscape of a large Civil War era Union Army supply depot, recruitment camp, hospital facility, and African American refugee camp. The district consists of documented and as-yet undocumented archeological remains within the entire area enclosed by the proposed boundaries.

In recognition of the historical significance of Camp Nelson, on October 26, 2018, President Trump proclaimed the site a National Monument pursuant to his authority under the Antiquities Act. (54 U.S.C. 320301.)

H.R. 5655 establishes, as a unit of the NPS, the Camp Nelson 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 Camp Nelson and its role in the American Civil War, Reconstruction, and African American history and civil rights.

LEGISLATIVE HISTORY

H.R. 5655 was introduced by Rep. Barr in the House of Representatives on April 27, 2018. On May 21, 2018, the Committee on Natural Resources reported H.R. 5655 (H. Rept. 115–695). On June 5, 2018, the House of Representatives passed H.R. 5655 by a vote of 376–4.

Companion legislation, S. 3287 was introduced by Senator McConnell on July 26, 2018. The Subcommittee on National Parks held a hearing on S. 3287 and H.R. 5655 on August 15, 2018.

The Committee on Energy and Natural Resources met in open business session on October 2, 2018, and ordered H.R. 5655 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 5655, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 5655, the Committee adopted an amendment in the nature of a substitute. The amendment updated the map, name of the monument, and definitions. The amendment also struck the requirement for written agreement from land owners as a condition for establishing the monument, replacing it with a requirement for sufficient land or interest in land. The amendment further updated the acquisition authority of the Secretary of the Interior (Secretary) to include purchase from a willing seller with donated or appropriated funds. The amendment also strikes the private property protection language, and updates the buffer zone language. The Committee also adopted an amendment to the title to remove “Heritage” from the title of the National Monument.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title.

Section 2. Definitions

Section 2 contains key definitions.

Section 3. Establishment of Camp Nelson National Monument

Subsection (a) establishes the Camp Nelson National Monument in the State of Kentucky as a unit of the NPS to preserve, protect, and interpret, for the benefit of present and future generations, the nationally significant historic resources of Camp Nelson and the role of Camp Nelson in the Civil War, Reconstruction, and African American history and civil rights. The Monument shall not be established until the Secretary determines that a sufficient quantity of land or land interests have been acquired to constitute a manageable park unit.

Subsection (b) specifies that the Monument's boundary shall be as generally depicted on the Map.

Subsection (c) specifies that the Map shall be on file and available for public inspection.

Subsection (d) specifies that the Secretary may only acquire land or land interests within the Monument's boundary by donation; purchase from a willing seller with donated or appropriated funds; or exchange.

Subsection (e) requires the Secretary to administer the Monument in accordance with this Act and the laws generally applicable National Park System units. The Secretary is directed to prepare a general management plan in accordance with applicable law within three years after funds are first made available for its preparation and submit the general management plan to the House Natural Resources Committee and the Senate Energy and Natural Resources Committee upon completion.

Subsection (f) states that nothing in this Act, the establishment of the Monument, or the management of the Monument creates a buffer zone outside of the Monument. This subsection further makes clear that an activity which can be seen, heard, or detected from within the Monument shall not preclude the conduct of the activity or use outside of the Monument.

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 5655 would establish the Camp Nelson National Monument in Nicholasville, Kentucky. Under the act, 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 or appropriated 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 act 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. 5655 would cost about \$1 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 5655 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5655 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5655 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On May 11, 2018, CBO transmitted a cost estimate for H.R. 5655, the Camp Nelson Heritage National Monument Act, as ordered reported by the House Committee on Natural Resources on

May 8, 2018. The two pieces of legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed 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. 5655. The Act 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. 5655, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 5655, 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

The testimony provided by the Department of the Interior at the August 15, 2018, hearing on S. 3287 and H.R. 5655 follows:

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on S. 3287 and H.R. 5655, bills to establish the Camp Nelson Heritage National Monument in the State of Kentucky as a unit of the National Park System, and for other purposes.

The Department supports enactment of S. 3287 and H.R. 5655 with amendments described later in this statement. As a nationally significant Civil War site, where the major landowner has indicated a desire to donate property for inclusion in the National Park System, Camp Nelson represents an exceptional opportunity to preserve and interpret for future generations a critical chapter in Civil War history.

S. 3287 and H.R. 5655 would authorize the Secretary of the Interior to establish Camp Nelson Heritage National Monument as a unit of the National Park System after meeting specified requirements. The proposed boundary of the monument includes land within the Camp Nelson National Historic Landmark. The bills include authorities for land acquisition and administration that are commonly included in legislation establishing a unit of the National Park System.

Camp Nelson is nationally significant as one of the nation's largest recruitment and training centers for African American soldiers during the American Civil War and as the site of a large refugee camp for the wives and children of the African American soldiers who were escaping slavery and seeking freedom. Reactions to the November 1864 expulsion of Camp Nelson refugees led to official changes in U.S. Army policy regarding the care of refugees at U.S. Army posts, and assisted in the passage of an act of Congress that freed all wives and children of U.S. Colored Troops. Events at Camp Nelson also influenced the policies and practices of abolitionists and health reformers.

Camp Nelson has excellent archeological integrity and its resources have the potential to provide nationally significant data on questions related to Civil War era economic conditions, social relationships, settlement patterns, material supply, and the daily life of its racially and socially diverse military and civilian populations, as well as data on questions related to camp fortification, and building design and layout. The information gained from these archeological resources has the potential to add to our understanding of the transformation of African American families from enslaved to free, and the survival and persistence of these families and their culture in the face of tremendous adversity.

Camp Nelson Historic and Archeological District was added to the National Underground Railroad Network to Freedom in 2008 and designated as a National Historic Landmark in 2013. The majority of land included in the Landmark is owned by Jessamine County and managed as a park open to the public. Camp Nelson Civil War Heritage Park protects and interprets what remains of the historic Civil War-era Camp Nelson site. Because of its rural location, the Camp Nelson site is one of the best-preserved Civil War era depots, hospitals, recruiting centers, and refugee campsites in the nation. Much of the site retains a high level of integrity and the landscape primarily consists of pastures, open fields, and woodlands. Camp Nelson's well preserved landscape includes numerous features from the Civil War era, including earthen fortifications, entrenchments, a depot magazine, building foundations, and historic road remnants. The Oliver Perry House ("White House") is the only surviving extant structure associated with Camp Nelson's historic period of significance.

Strong local support for including the site in the National Park System has been indicated through public meetings and comments. In addition, Jessamine County, the primary landowner within the proposed boundary, is prepared to donate its holdings for inclusion in the new unit. All funding for the unit would be subject to National Park Service priorities and the availability of appropriations.

The Department recommends that S. 3287 and H.R. 5655 be amended in the following ways:

First, S. 3287 and H.R. 5655 would name the site the “Camp Nelson Heritage National Monument”. The Department recommends removing “Heritage” from the name, which would make it consistent with the name used for the National Historic Landmark designation. The word “Heritage” does not provide any additional historical significance or meaning to the site.

Second, S. 3287 and H.R. 5655 provide land acquisition authority by means of donation, purchase with donated funds, or exchange. The Department recommends amending the bills to also include the authority to purchase lands with appropriated funds. Such authority is common for other National Park Service units. That authority would allow the owners of private property within the boundary the opportunity to sell their lands to the Federal government. Even if the owners are not interested in selling their land at the current time, this authority provides the flexibility for them to make that decision in the future if circumstances change. Before the National Park Service would seek to acquire any property, whether by purchase, donation, or exchange, it would take into consideration the condition of any structures on the property that would add to the Service’s deferred maintenance backlog. Any funding to purchase land would be subject to future appropriations from Congress.

Third, S. 3287 and H.R. 5655 include a reference to a map that was developed by the National Park Service in consultation with the sponsor of H.R. 5655, Representative Barr, as well as local landowners. However, based on additional conversations with these landowners, the National Park Service would recommend referencing an updated map. We would be pleased to provide that map to the bill sponsors and the Committee.

Fourth, S. 3287 and H.R. 5655 include two conditions for establishing Camp Nelson Heritage National Monument as a unit of the National Park System: (1) entering into an agreement for donation of the property, and (2) acquiring sufficient land to constitute a manageable unit. Because land must be acquired prior to the establishment of the Monument, an agreement evidencing an intent to donate land is a precondition that does not need to be included in the legislation. We therefore recommend striking the first condition.

Finally, H.R. 5655, but not S. 3287, contains language stipulating that no private or non-Federal property shall be managed as part of the Monument without the written consent of the landowner. This provision is unnecessary as the National Park Service does not currently have authority to manage non-Federal property as part of a unit in this manner. Furthermore, the addition of this language could be read to suggest that it does have such authority. The Department recommends striking this provision from H.R. 5655.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the H.R. 5655 as ordered reported.

