

KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK
BOUNDARY ADJUSTMENT ACT OF 2014

DECEMBER 22, 2014.—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. 5003]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5003) to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, 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 “Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2014”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Kennesaw Mountain National Battlefield Park was authorized as a unit of the National Park System on June 26, 1935. Prior to 1935, parts of the park had been acquired and protected by Civil War veterans and the War Department.

(2) Kennesaw Mountain National Battlefield Park protects Kennesaw Mountain and Kolb’s Farm, which are battle sites along the route of General Sherman’s 1864 campaign to take Atlanta.

(3) Most of the park protects Confederate positions and strategy. The Wallis House is one of the few original structures remaining from the Battle of Kennesaw Mountain associated with Union positions and strategy.

(4) The Wallis House is strategically located next to a Union signal station at Harriston Hill.

SEC. 3. BOUNDARY ADJUSTMENT; LAND ACQUISITION; ADMINISTRATION.

(a) **BOUNDARY ADJUSTMENT.**—The boundary of the Kennesaw Mountain National Battlefield Park is modified to include the approximately 8 acres identified as “Wal-

lis House and Harriston Hill”, and generally depicted on the map titled “Kennesaw Mountain National Battlefield Park, Proposed Boundary Adjustment”, numbered 325/80,020, and dated February 2010.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in the appropriate offices of the National Park Service.

(c) LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire, from willing owners only, land or interests in land described in subsection (a) by donation or exchange.

(d) ADMINISTRATION OF ACQUIRED LANDS.—The Secretary of the Interior shall administer land and interests in land acquired under this section as part of the Kennesaw Mountain National Battlefield Park in accordance with applicable laws and regulations.

(e) WRITTEN CONSENT OF OWNER.—No non-Federal property may be included in the Kennesaw Mountain National Battlefield Park without the written consent of the owner. This provision shall apply only to those portions of the Park added under subsection (a).

(f) NO USE OF CONDEMNATION.—The Secretary of the Interior may not acquire by condemnation any land or interests in land under this Act or for the purposes of this Act.

(g) NO BUFFER ZONE CREATED.—Nothing in this Act, the establishment of the Kennesaw Mountain National Battlefield Park, or the management plan for the Kennesaw Mountain National Battlefield Park shall be construed to create buffer zones outside of the Park. That activities or uses can be seen, heard, or detected from areas within the Kennesaw Mountain National Battlefield Park shall not preclude, limit, control, regulate or determine the conduct or management of activities or uses outside the Park.

PURPOSE OF THE BILL

The purpose of H.R. 5003 is to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill.

BACKGROUND AND NEED FOR LEGISLATION

Kennesaw Mountain Battlefield in Georgia was set aside for preservation and protection in 1917 to commemorate a Civil War battle that proved a major turning point for the Union Army and the eventual fall of Atlanta. In 1935, the National Park Service (NPS) was directed to manage the park site as “an important cultural property dedicated to public inspiration and interpretation of the significant historic events that occurred here.” H.R. 5003 expands the boundary of the Battlefield and authorizes the Secretary of the Interior to acquire approximately eight acres of land by donation or exchange as part of the park. The expanded area is associated with the historic Wallis House and Harriston Hill. Wallis House is one of the few remaining structures associated with the battle, while Harriston Hill was strategically significant as the Union signal station. Cobb County is the current owner of the eight acres of property and has expressed a desire to donate the land to NPS once the park is authorized to receive it. As reported by the Committee on Natural Resources, H.R. 5003 includes language requiring written consent to add property into the boundaries of the park and prohibits the use of condemnation.

COMMITTEE ACTION

H.R. 5003 was introduced on June 26, 2014, by Congressman Phil Gingrey (R-GA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On September 9, 2014, the Subcommittee held a hearing on the bill. On September 18, 2014, the Full 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. 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. 5003—Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2014

H.R. 5003 would adjust the boundary of the Kennesaw Mountain National Battlefield Park in the state of Georgia. The bill would authorize the National Park Service (NPS) to acquire about 8 acres of land, including the Wallis house and Harriston Hill, by donation or exchange. Based on information provided by the NPS, CBO estimates that implementing H.R. 5003 would cost \$5 million over the 2015–2019 period to develop and operate the new property. Enacting H.R. 5003 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 5003 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 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, CBO estimates that implementing H.R. 5003 would cost \$5 million over the 2015–2019 period to develop and operate the new property.

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 adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill.

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.

