

KETTLE CREEK BATTLEFIELD SURVEY ACT

MAY 27, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 306]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 306) to direct the Secretary of the Interior to conduct a special resource study of the site of the Kettle Creek Battlefield in Wilkes County, Georgia, and adjacent property, 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:

Strike all after the enacting clause and insert the following:

SECTION 1. KETTLE CREEK BATTLEFIELD SURVEY.

(a) SHORT TITLE.—This section may be cited as the “Kettle Creek Battlefield Survey Act”.

(b) RECONNAISSANCE SURVEY.—

(1) SURVEY.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a reconnaissance survey of the site of the Kettle Creek Battlefield in Wilkes County, Georgia, and adjacent property (referred to in this section as the “site”).

(2) REQUIREMENTS FOR SURVEY.—In conducting the survey under paragraph (1), the Secretary shall evaluate the likelihood that resources within the site boundary would meet the four criteria for new parklands—

(A) national significance;

(B) suitability;

(C) feasibility; and

(D) need for National Park Service management.

(3) REPORT.—Not later than 1 year after the date on which funds are made available to carry out the survey under paragraph (1), 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 a report that describes—

(A) the results of the survey; and

(B) any conclusions and recommendations of the Secretary.

Amend the title so as to read:

A bill to direct the Secretary of the Interior to conduct a reconnaissance survey of the site of the Kettle Creek Battlefield in Wilkes County, Georgia, and adjacent property, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 306 is to direct the Secretary of the Interior to conduct a reconnaissance survey of the site of the Kettle Creek Battlefield in Wilkes County, Georgia, and adjacent property, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On February 14, 1779, at the Battle of Kettle Creek, approximately 350 Patriots defeated approximately 800 British Loyalists.¹ This battle marked the only significant victory in Georgia by forces opposed to British rule during the American Revolutionary War. In 1975, the Kettle Creek Battlefield was added to the National Register of Historic Places to protect the site's historic and archeological resources.²

H.R.306, as introduced, would have required the Secretary of the Interior to conduct a special resource study of the Kettle Creek Battlefield in Wilkes County, Georgia, to determine if the site merits inclusion in the National Park System. Based on testimony and recommendations from the National Park Service,³ the Committee adopted an amendment at markup such that the bill, as reported, requires the Secretary of the Interior to conduct a reconnaissance survey to determine the suitability and feasibility of designating the site as a unit of the National Park System. The scope of the survey is more limited than a special resource study.

COMMITTEE ACTION

H.R. 306 was introduced on January 8, 2019, by Representative Jody Hice (R-GA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On April 2, 2019, the Subcommittee held a hearing on the bill. On January 15, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D-AZ) offered an amendment designated Grijalva #1. The amendment was agreed to by unanimous consent. No additional amendments were offered. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

¹Reported number vary slightly from source to source. See, e.g., KENNETH H. THOMAS, JR., GA. DEPT OF NAT. RESOURCES, NAT'L REG. OF HISTORIC PLACES INVENTORY—NOMINATION FORM, PH014 2751, KETTLE CREEK BATTLEFIELD (WAR HILL) (1975), https://www.nps.gov/nr/feature/july/2011/GA_75000617.pdf.

²See *id.*; *Kettle Creek Battlefield*, NAT'L REG. OF HISTORIC PLACES, https://www.nps.gov/nr/feature/july/2011/Kettle_Creek_Battlefield.htm (last accessed Mar. 2, 2020); *Battle of Kettle Creek*, HIST. MARKER DATABASE, <https://www.hmdb.org/m.asp?m=10684> (last revised June 16, 2016).

³See, e.g., *Legislative Hearing on H.R.306, H.R.434, H.R.823, and H.R.1708 Before the H.Subcomm. on Nat'l Parks, Forests, & Pub. Lands*, 116th Cong. (2019) (not printed) (statement of P. Daniel Smith, Deputy Dir. Exercising the Authority of the Dir., Nat'l Park Serv.), <https://docs.house.gov/meetings/II/II10/20190402/109217/HHRG-116-II10-Wstate-SmithD-20190402.pdf>.

HEARINGS

For the purposes of section 103(i) of H.Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 306: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on April 2, 2019.

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 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, February 14, 2020.

Hon. RAÚL M. GRIJALVA,
*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. 306, a bill to direct the Secretary of the Interior to conduct a reconnaissance survey of the site of the Kettle Creek Battlefield in Wilkes County, Georgia, and adjacent property, and for other purposes.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 306, a bill to direct the Secretary of the Interior to conduct a reconnaissance survey of the site of the Kettle Creek Battlefield in Wilkes County, Georgia, and adjacent property, and for other purposes			
As ordered reported by the House Committee on Natural Resources on January 15, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 306 would require the National Park Service (NPS) to conduct a reconnaissance survey of the Kettle Creek Battlefield site in Wilkes County, Georgia. The NPS would evaluate the likelihood that the site would meet the criteria for admission as a national park unit and report to the Congress on the survey results.

CBO assumes that the bill will be enacted in fiscal year 2020. Using information from the NPS, CBO estimates that completing the survey would cost less than \$500,000; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is David Hughes. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to direct the Secretary of the Interior to conduct a reconnaissance survey of the site of the Kettle Creek Battlefield in Wilkes County, Georgia, and adjacent property.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

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

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

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