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SENATE

{ REPORT
106-184

VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS ACT OF 1999

OCTOBER 14, 1999.—Ordered to be printed

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

REPORT

[To accompany S. 710]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 710) to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail, 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 2, strike line 20 and all that follows through page 3, line 2 insert the following: “The term ‘Civil War battlefield’ includes the following sites (including related structures adjacent to or thereon):” and redesignate subsequent provisions accordingly.

2. On page 5, strike line 8 and all that follows through line 10 and redesignate the following subsection accordingly.

3. On page 5, strike line 15 and all that follows through line 19 and insert the following:

“(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.”

On page 5, strike line 22 and all that follows through page 6, line 3 and insert the following:

“(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;”

PURPOSE OF THE MEASURE

The purpose of S. 710, as ordered reported, is to authorize the Secretary of the Interior to conduct a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas and Tennessee.

BACKGROUND AND NEED

During the Civil War, the military campaign to capture Vicksburg, Mississippi lasted 18 months and involved more than 100,000 soldiers. The battle of Vicksburg also included a number of historic naval engagements between Union gunboats and confederate warships on the Mississippi River.

Several other related sites throughout Mississippi, Louisiana, Arkansas and Tennessee, used by both Union and Confederate Armies in 1862 and 1863, were important in the campaign and siege of Vicksburg. Many of those sites have been listed as historically significant properties on both State and national registries. In addition, the Mississippi Heritage Trust identified the preservation of the campaign trail as one of its highest priorities and placed the Vicksburg Trail on its list of most threatened historic areas in the State.

Vicksburg National Military Park was established in 1899 to commemorate the 47-day campaign, siege and defense of Vicksburg. It includes the entire area of the siege and defense lines around the city as well as the headquarters site of Major General Ulysses S. Grant. A boundary adjustment in 1963 transferred approximately 154 acres to the city of Vicksburg and added another 544 acres to Vicksburg National Military Park. A 1990 boundary adjustment added Grant's Canal, a 2.5 acre site in Louisiana, to the park along with another minor addition in Mississippi. Today the park encompasses about 1,736 acres, of which all but 6.84 are federally owned. Within the park's boundaries a National Cemetery contains an additional 116 acres. The park is a memorial to both the soldiers and civilians that suffered through the tragedy and conflict of the Civil War in Vicksburg.

The proposed study would identify options for preserving the battlefield sites, buildings, fortifications, earthworks and other landmarks associated with the Vicksburg campaign. These options may or may not include additions to the National Park System.

LEGISLATIVE HISTORY

S. 710 was introduced by Senators Lott, Cochran, Breaux, Hutchison, Thomas, Craig and Murkowski on March 24, 1999. Senator Landrieu became a cosponsor on May 4, 1999. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 710 on July 29, 1999.

At its business meeting on September 22, 1999, the Committee on Energy and Natural Resources ordered S. 710, favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 22, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 710, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 710, the Committee adopted several amendments. The amendments: increase the amount of time for the study to be completed to 3 years after funds are made available; a requirement that the Park Service enter into contracts to use advanced technology during the study; and delete references to a map which is not relevant to the study.

The amendments are explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "Vicksburg Campaign Trail Battlefields Preservation Act of 1999".

Section 2(a) lists the findings that battlefield sites along the Vicksburg Campaign Trail in Mississippi, Louisiana, Arkansas and Tennessee are collectively of national significance in the history of the Civil War and that their preservation would contribute to the understanding of the heritage of the United States.

Subsection (b) states that the purpose of the bill is to authorize a feasibility study to determine what measures should be taken to preserve certain sites along the campaign trail.

Section 3 defines key terms used in the bill.

Section 4(a) directs the Secretary of the Interior, within 3 years after the date funds are made available, to complete a feasibility study to determine what measures should be taken to preserve battlefields along the Vicksburg Campaign Trail.

Subsection (b)(1) directs the Secretary to review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural and historical resources are preserved.

Paragraph (2) directs that options for the establishment of a management entity are to be evaluated. This governmental unit or a private non-profit organization would: administer and manage the battlefields; receive and disburse funds to other groups; enter into agreements with the Federal Government, State governments or other government units and nonprofit organizations; and acquire land or interest in land by gift, donation, devise or purchase from a willing seller using donated or appropriated funds.

Paragraph (3) requires that recommendations to the Campaign Trail States are to be made concerning the management, preservation, and interpretation of the natural, cultural and historical resources of the battlefields.

Paragraph (4) directs that appropriate partnerships are to be identified in furtherance of the purposes of this Act, including a potential partnership with the "Friends of the Vicksburg Campaign and Historic Trail."

Paragraph (5) requires recommendations for the continued local involvement and participation in the management, protection and development of the battlefields.

Subsection (c) directs the Secretary, within 60 days of the completion of the study, to submit a report describing the findings to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Resources.

Subsection (d) authorizes \$1.5 million to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 27, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 710, the Vicksburg Campaign Trail Battlefields Preservation Act of 1999.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 710—The Vicksburg Campaign Trail Battlefields Preservation Act of 1999

S. 710 would direct the National Park Service (NPS) to conduct a feasibility study to determine how to preserve several civil war battlefields along the Vicksburg Campaign Trail. The study would evaluate options for designating a local government agency or non-profit organization as a management entity for the battlefields, which are located in Mississippi, Louisiana, Arkansas, and Tennessee. The agency would include in the study any recommendations on preserving and interpreting the battlefields and would identify potential partnerships among government agencies and private groups. The bill would authorize the appropriation of \$1.5 million for the three-year study and final report.

Assuming appropriation of the authorized amount, CBO estimates that the NPS would spend \$1.5 million over the next three years to complete the required study and report. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 710 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Robert A. Sunshine, 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 S. 710. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 710, as ordered reported.

EXECUTIVE COMMUNICATIONS

On July 29, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 710. These reports had not been received at the time the report on S. 710 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF DENIS GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the U.S. Department of the Interior's views on S. 710, to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

The Department has no objections to S. 710. However, we recommend several minor changes to improve the bill. Funding for this study was not requested in the FY 2000 President's Budget and would be contingent on National Park Service priority needs in subsequent budget requests.

Mr. Chairman, the Vicksburg National Military Park was established on February 21, 1899, "to commemorate the campaign and siege and defense of Vicksburg, and to preserve the history of the battles and operations of the siege and defense on the ground where they were fought * * *." The campaign for Vicksburg was one of the most important strategic conflicts during the Civil War. In fact, President Abraham Lincoln believed Vicksburg was "the key" and that "the war can never be brought to a close until that key is in our pockets." Control over this stretch of the Mississippi River was vital to ensuring the uninterrupted passage of troops and supplies from the North to the South. It would also isolate the States of Texas and Arkansas and the majority of Louisiana, which comprised nearly half of the land area of the Confederacy and upon which the South depended heavily for supplies and soldiers.

The Vicksburg campaign began during the winter of 1862–1863 when General Ulysses S. Grant began a series of amphibious operations, known as the Bayou Expeditions, to reduce Vicksburg and gain control of the Mississippi River. All of the expeditions failed. By spring of 1863, Grant moved his army down the Louisiana bank of the Mississippi and attempted to attack the city of Vicksburg from the south. On April 30, 1863, Grant stormed across unopposed at Bruinsburg and turned his army westward along the line of the Southern Railroad of Mississippi. By May 18, 1863, advanced units of the federal army were approaching the Confederate defenses. By late May, after several failed attempts to take the city, Grant began a formal siege of Vicksburg. On July 4, 1863, nearly one year after the campaign began, Lieutenant General John C. Pemberton, commander of the Confederate troops defending Mississippi, officially surrendered Vicksburg. Port Hudson, another strategic site in the war, surrendered five days later. With these two victories, the North finally achieved its objective to open the Mississippi River and sever the Confederacy.

Vicksburg's rich and storied past is an important part of our Civil War history. A feasibility study that will look at ways to preserve the battlefields along the entire Vicksburg Campaign Trail would be helpful in interpreting for the public the breadth and size of the campaign and its impact on the war between the North and South. Recognition of the entire trail may help visitors visualize the endurance, hardship, frustration, failure and success faced by both sides of the Civil War.

The department supports this proposal to conduct a feasibility study of the Vicksburg Campaign Trail. However, there are several issues that should be addressed before Congress passes this bill. The first is the length of time provided to complete the study. The bill requires that "not later than 1 year after date of enactment of the Act, the Secretary shall complete a feasibility study . . ." While the bill provides authorization of \$1.5 million to conduct this comprehensive study, the department believes that given the depth and scope and the intent of this legislation, a more appropriate and effective application of resources would require three years to conduct such an extensive study. The department also recommends that the language in the bill be modified to state that the study be completed within the specific time once funds have been appropriated. The Department is also concerned that the funds made available for this bill are in addition to the funds currently made available to the Battlefield Protection Program, which provides federal assistance to communities to identify, assess, and protect historic battlefields across the country. The department recommends that Section 4(a) be amended to read as follows:

Section 4. (a) IN GENERAL.—Not later than 3 years after the funds are made available for this

Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

Section 4(b)(1) directs the Secretary to enter into contracts to use remote sensing, river modeling and flow analysis for the feasibility study. The department believes that the decision on contracting for the use of remote sensing, river modeling, and flow analysis to complete this study should be left to the discretion of the Secretary as the situation dictates during the study process. The department recommends that Section 4(b)(1) of the current bill be deleted. Additionally, we believe the Secretary should evaluate the feasibility of this campaign trail in light of current park criteria to determine the most appropriate management structure to preserve the battlefields and related areas of the Vicksburg Campaign Trail. Therefore, the department recommends that the current Section 4(b)(1) be struck and be amended to read as follows:

(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Vicksburg Campaign battlefields and associated natural, cultural, and historical resources and preserved.

The department also believes that this bill should be evaluated in light of Public Law 105–391, which directs the Secretary to submit a list of potential special resource studies to Congress. The department has complied with Congress’ direction and submitted a list. Legislation was recently introduced by the Chairman, S. 1349, to authorize the department to study the areas on our proposed list. We hope that the committee will carefully consider all study requests and include them in a comprehensive bill. Further, the department believes that all studies that may involve new areas of the National Park System, including the Vicksburg Campaign Trail, should be conducted according to the criteria outlined in Public Law 105–391, and that sufficient funds should be made available to prepare the studies directed by Congress.

Mr. Chairman, this concludes my statement. I would be pleased to respond to questions from you or other committee members.

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 S. 710, as ordered reported.