

Calendar No. 111

113TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 113-57

CHAMPION HILL, PORT GIBSON, AND RAYMOND BATTLEFIELDS ADDITION

—————
JUNE 27, 2013.—Ordered to be printed
—————

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

R E P O R T

[To accompany S. 305]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 305) to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park, 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, lines 6 and 7, strike “306/100986, and dated October 2010” and insert “306/100986A (4 sheets), and dated July 2012”.

2. On page 3, strike lines 5 through 7 and insert the following:

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the acquisition and development of land under this Act \$18,500,000.

SEC. 3. OFFSET.

Section 7302(f) of the Omnibus Public Land Management 22 Act of 2009 (16 U.S.C. 469n(f)) is amended by inserting before the period at the end the following: “, except that the amount authorized to be appropriated to carry out this section that is not appropriated as of the date of enactment of the Champion Hill, Port Gibson, and Raymond Battlefields Addition Act shall be reduced by \$18,500,000”.

PURPOSE

The purpose of S. 305 is to authorize the Secretary of the Interior to add additional lands to Vicksburg National Military Park in Mississippi.

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.

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. The park encompasses almost 1,736 acres, including a 116-acre National Cemetery, and is a memorial to both the soldiers and civilians who suffered through the tragedy and conflict of the Civil War in Vicksburg.

In 1990, ongoing concerns about threats to Civil War battlefields and related historic properties led to the enactment of Public Law 101-628, the Civil War Sites Study Act, which authorized the Civil War Sites Advisory Commission to identify significant Civil War sites. Ten years later, concerns about possible loss of valued Civil War properties related to the Vicksburg Campaign led to passage of Public Law 106-487, the Vicksburg Campaign Trail Battlefields Preservation Act. It required the Secretary of the Interior to study sites in Arkansas, Louisiana, Mississippi, Kentucky, and Tennessee related to the Campaign. The study evaluated the national significance, suitability, feasibility, and management options for each identified site.

Both the Civil War Sites Advisory Commission and the Vicksburg Campaign study identified Champion Hill, Port Gibson, and Raymond Battlefields as having decisive or major impact on the outcome of the Civil War. S. 305 would authorize the National Park Service to acquire approximately 11,000 acres of property located at Champion Hill, Port Gibson, and Raymond Battlefields for addition to Vicksburg National Military Park.

LEGISLATIVE HISTORY

S. 305 was introduced by Senators Cochran and Wicker on February 13, 2013. The Subcommittee on National Parks held a hearing on S. 305 on April 23, 2013. At its business meeting on May 16, 2013, the Committee ordered S. 305 favorably reported with amendments.

In the 112th Congress, a similar bill, S. 265, was introduced by Senators Cochran and Wicker on February 3, 2011. The Subcommittee on National parks held a hearing on S. 265 on June 28, 2011 (S. Hrg. 112-214).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum

present, recommends that the Senate pass S. 305, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 305, the Committee adopted two amendments. The first amendment provides an updated map reference. The second amendment limits the amount available for appropriation under this Act to \$18,500,000 and reduces the authorization for the Preserve America Program by a corresponding amount.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Champion Hill, Port Gibson, and Raymond Battlefields Addition Act.”

Section 2(a) authorizes the Secretary of the Interior (Secretary) to acquire land or interest in land within the areas depicted on the referenced map. The Secretary is further authorized to acquire these lands by donation, purchase using donated or appropriated funds, or exchange, except that land owned by the State of Mississippi may only be acquired by donation.

Subsection (b) provides that a map be on file and available for public inspection in the appropriate offices of the National Park Service.

Subsection (c) directs the Secretary to include and administer lands acquired under this Act as part of Vicksburg National Military Park.

Subsection (d) limits the amount available for appropriation under this Act to \$18,500,000.

Section 3 amends section 7302(f) of the Omnibus Public Land Management Act of 2009 to reduce the amount authorized to be appropriated for the Preserve America Program by \$18,500,000.

COST AND BUDGETARY CONSIDERATIONS

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

S. 305—Champion Hill, Port Gibson, and Raymond Battlefields Addition Act

Summary: S. 305 would authorize the National Park Service (NPS) to acquire and include Champion Hill, Port Gibson, and Raymond battlefields into the Vicksburg National Military Park in the state of Mississippi. Based on information provided by the NPS, CBO estimates that acquiring, developing, and managing the properties would cost \$26 million over the 2014–2018 period, assuming appropriation of the necessary funds. S. 305 also would reduce amounts authorized to be appropriated for the Preserve America Grant Program by \$18.5 million annually. Assuming appropriation actions consistent with the bill, CBO estimates that implementing S. 305 would reduce net discretionary spending for affected activities by \$56 million over the 2014–2018 period.

Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

S. 305 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of S. 305 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2014	2015	2016	2017	2018	2014–2018
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Vicksburg National Military Park						
Estimated Authorization Level	20	1	1	1	1	26
Estimated Outlays	15	6	1	1	1	26
Preserve America Grant Program						
Authorization Level	–19	–19	–19	–19	–19	–93
Estimated Outlays	–12	–16	–18	–18	–19	–82
Total Changes						
Estimated Authorization Level	1	–17	–17	–17	–17	–67
Estimated Outlays	3	–10	–17	–17	–17	–56

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2013 and that annual appropriation actions will be consistent with the bill. Estimated outlays are based on historical spending patterns for similar park units and for the Preserve America Grant Program.

S. 305 would authorize the appropriation of \$18.5 million to acquire and develop up to 11,680 acres of land for inclusion in the Vicksburg National Military Park. Of those properties, about 2,200 acres would be donated to the NPS by the state of Mississippi, the Civil War Trust, and the Friends of Raymond, each of which owns or holds preservation easements on the lands. In addition to those costs, CBO estimates that the annual cost to operate the park would be about \$1 million.

To offset new discretionary spending authorized by the bill, S. 305 would reduce the amounts authorized to be appropriated for the Preserve America Grant Program. Specifically, any of those amounts (\$25 million annually) that are not appropriated as of the date of enactment of this bill would be reduced by \$18.5 million. (About \$5 million was appropriated in 2010, the last year that funds were made available for the program.) Assuming that S. 305 is enacted before funds are appropriated for the program for fiscal year 2014 and that appropriation actions in later years are consistent with the bill, CBO estimates that resulting reductions in discretionary spending for the Preserve America Grant Program would total \$82 million over the 2014–2018 period. However, the reduction could be lower if the Congress provides appropriations for 2014 before S. 305 is enacted.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 305 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Martin von Gnechten; Impact on State, Local, and Tribal Governments: J'neil Blanco; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, 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 S. 305.

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 S. 305, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

In accordance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identification of congressionally directed spending items contained in the bill, as reported:

Section	Provision	Member
3	Authorization of appropriations	Senator Cochran

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 23, 2013, Subcommittee on National Parks hearing on S. 305 follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 305, a bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park.

The Department supports S. 305 with a technical amendment, which is attached to this statement. This bill would enable the National Park Service to add three separate battlefield sites to Vicksburg National Military Park, which would each make significant contributions to telling the story of the remarkable campaign that resulted in the Union Army's capture of the city of Vicksburg during the Civil War.

The battlefields at Champion Hill, Port Gibson, and Raymond are sites of military engagement associated with the 1863 Vicksburg Campaign. The campaign was a major milestone on the road that led to the final success of the Union army in the war and the ultimate reunification of the nation. The strategies and tactics of Major General

Ulysses S. Grant during the campaign continue to be studied by modern military leaders as examples of excellence in generalship.

The proposed addition of campaign battlefields to Vicksburg National Military Park is based on the study authorized by Public Law 106-487, the Vicksburg Campaign Trail Battlefields Preservation Act. That law directed the Secretary of the Interior to complete a study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail. The Vicksburg Campaign Trail Feasibility Study, transmitted to Congress in 2006, identified Champion Hill, Port Gibson, and Raymond as "Tier 1" sites, placing them among the 19 highest-ranked resources out of the more than 500 Vicksburg Campaign-related resources evaluated by the study. The study recommended Champion Hill and Port Gibson for addition to the National Park System. Raymond was viewed as adequately protected by the Friends of Raymond, a local non-profit group.

All three battlefields continue to exhibit a very high degree of historical integrity. Most essential features remain intact, and modern intrusions are limited. Acquisition of the battlefields would allow the National Park Service to ensure long-term preservation of the cultural landscape and other cultural resources, and to better interpret the stories of the Vicksburg Campaign. The renewed public interest in the need to protect Civil War battlefields that is being generated by Civil War Sesquicentennial activities makes this legislation particularly timely. In addition, this legislation would advance the vision of safeguarding our historic and cultural heritage that the President committed to through the America's Great Outdoors Initiative.

The battlefield at Port Gibson marks the first engagement of Grant's operations against Vicksburg after his army landed on Mississippi soil. After a day of battle, the Confederate army left the field and Grant secured his beachhead. The proposed boundary at Port Gibson encompasses about 3,810 acres. The State of Mississippi owns 14 acres in fee, and holds a preservation easement on 609 acres. The historic Schaifer House, a Civil War-era home, is extant on the property owned by the state. Many roads within the battlefield remain very similar in appearance to the mid-19th century and provide a strong sense of how Civil War troops moved.

Eleven days after the battle at Port Gibson, the Union and Confederate armies met again on the field at Raymond. After a day of heavy fighting, Federal forces again prevailed and General Pemberton's troops withdrew to Jackson. The proposed boundary at Raymond encompasses about 1,520 acres. The Friends of Raymond owns 140 acres of this land in fee, and holds a preservation easement on an additional 6 acres. The battlefield remains largely pristine, and holds high potential for interpretation.

Following the battle at Raymond and the subsequent occupation of Jackson, General Grant turned his army to-

wards the west. On May 16, Union and Confederate forces met again, this time at Champion Hill. The battle was the largest, bloodiest, and most decisive engagement of the Vicksburg Campaign. By the end of the day, the Confederates were in full retreat towards Vicksburg. The proposed boundary at Champion Hill includes approximately 6,350 acres. The State owns 836 acres in fee, and holds a preservation easement on an additional 558 acres. The Civil War Trust also owns 60 acres in fee. The historic Coker House, a Civil War-era home, is extant on the property owned by the State.

In total, S. 305 authorizes the addition of up to 11,680 acres to Vicksburg National Military Park. The State of Mississippi, Civil War Trust, and Friends of Raymond cumulatively own about 1,050 acres in fee, and hold preservation easements on about 1,172 acres of land. Each of these entities has expressed the desire to transfer its interests to the National Park Service. Acquisition costs for these properties would be nominal, since they would be donated. Based on current assessed property values, the acquisition costs for other lands in these areas are expected to average between \$1,700 and \$3,000 per acre (depending on the presence, if any, of marketable timber), totaling approximately \$16 million to \$28 million, for acquisition in fee. The National Park Service would also seek to protect land through less costly means, such as conservation easements. Additional management planning involving public participation would be necessary to best determine the level of facilities needed to serve the visiting public and to identify important battlefield protection strategies for these new lands. The capital investment needed to support infrastructure and recurring operational costs, consequently, have not been defined in detail. In gross terms, annual operational costs have been estimated at \$1 million to \$1.5 million.

Under S. 305, the properties identified for potential acquisition by the National Park Service would not be added to the boundary of, or managed as part of, Vicksburg National Military Park unless and until they are actually acquired.

S. 305 enjoys strong local and national support. Mississippi Governor Phil Bryant and leadership at the Mississippi Department of Archives and History are on record as supporting the transfer of state lands to the National Park Service. The Civil War Trust and Friends of Raymond have expressed support for the legislation, as have elected officials and community leaders in Hinds and Claiborne Counties and the communities of Raymond and Port Gibson. This bill would help guarantee the preservation, protection, restoration, and interpretation of these important lands for current and future generations.

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

PROPOSED AMENDMENT TO S. 305, VICKSBURG NATIONAL MILITARY PARK BATTLEFIELD ADDITIONS

On page 2, line 7: Strike “October 2010” and insert “July 2012”.

Explanation: This amendment substitutes a revised map of the three battlefield areas that would be eligible for acquisition by the National Park Service. The new map is substantively identical to the map referenced in the bill as introduced, but it shows more detail (i.e., more roads, public land survey lines) in order to provide more certainty about the lands that could potentially be acquired under this legislation.

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 bill S. 305, as ordered 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):

OMNIBUS PUBLIC LANDS MANAGEMENT ACT OF 2009

PUBLIC LAW 111-11

AN ACT To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Omnibus Public Lands Management Act of 2009”.

* * * * *

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

* * * * *

Subtitle D—Program Authorizations

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize the Preserve America Program, including—

* * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each year, to remain available until expended, *except that the amount authorized to be appropriated to carry out this section that is not appropriated as of the date of enactment of the Champion Hill, Port Gibson, and Raymond Battlefields Addition Act shall be reduced by \$18,500,000.*

* * * * *