

## Calendar No. 618

105TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
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### WILDERNESS BATTLEFIELD

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OCTOBER 9 (legislative day, OCTOBER 2), 1998.—Ordered to be printed

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

### REPORT

[To accompany S. 1960]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1960) to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 1, line 4, strike “525k” and insert in lieu thereof, “425k”.

#### PURPOSE OF THE MEASURE

The purpose of S. 1960, as ordered reported, is to amend the Enabling act for Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park to authorize the Secretary of the Interior to purchase additional lands within the boundaries of the Battlefields, and to accept one 55-acre parcel, only by donation, within the boundaries of the Wilderness Battlefield.

#### BACKGROUND AND NEED

The Battle of the Wilderness is legendary for the tactical skills employed and the caliber of the Soldiers who fought there. The Union Army, numerically superior and well supplied, were forced into confrontation with General Lee’s Confederate troops. The battle would be one of the last in which Lee’s marching troops would force Grant’s Army to withdraw. Lt. General James A. Longstreet, under the command of General Robert E. Lee, forced back Union

forces directed by General Ulysses S. Grant, in an advance known as “Longstreet’s Flank Attack.”

S. 1960 amends Public Law 102–541 to authorize the National Park Service to acquire lands, previously authorized for addition to the Wilderness Battlefield, by donation, purchase, transfer or exchange. S. 1960 identifies a 55-acre tract of land to be acquired by donation only. The addition of this land to the park will complete the acquisition of lands identified as the Wilderness Battlefield.

Current authority for land acquisition allows for the acceptance of donated lands only.

#### LEGISLATIVE HISTORY

S. 1960 was introduced by Senator Warner on April 21, 1998 and referred to the Committee on Energy and Natural Resources. Since the bill’s introduction, Senators Robb, Cochran, Torricelli, Helms, Lott, Murray, and Roth have been added as cosponsors. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 1960 on September 17, 1998.

At its business meeting on September 24, 1998, the Committee on Energy and Natural Resources ordered S. 1960, favorably reported, as amended.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 24, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1960, if amended as described herein.

#### COMMITTEE AMENDMENT

During the consideration of S. 1960, the Committee adopted a technical amendment which clarifies a cite to the United States Code.

#### SUMMARY OF S. 1960

S. 1960 makes a technical correction to Public Law 102–541 in subsection (a) and authorizes the National Park Service to acquire lands, already authorized by law for addition to the Wilderness Battlefield, by donation, purchase, transfer or exchange. This section also allows for one designated tract identified as PO4–04 on the map described in subsection (a)(2) to be acquired by donation only.

#### 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 30, 1998.

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. 1960, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 1960—A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation*

S. 1960 would authorize the National Park Service (NPS) to purchase about 525 acres of land for addition to the Wilderness Battlefield unit of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park in Virginia. Under existing law, the NPS could acquire this property only by donation, and the acreage could only be included within the boundary of the battlefield after such donation.

Based on information provided by the NPS, and assuming appropriation of the necessary amounts within the next two years, CBO estimates that the federal government would pay about \$6.5 million to acquire the three parcels comprising the 525 acres. Acquisition costs could be greater, however, if funding is delayed or if the NPS and one or more landowners cannot agree on sales prices. Once the property has been acquired, additional funds of less than \$500,000 would be needed over the next several years to provide for pedestrian access, fencing, exhibits, and other site development activities.

S. 1960 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, 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. 1960. 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. 1960, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On September 3, 1998, 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 agency recommendations on S. 1960. These reports had not been received at the time the report on S. 1960 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony of the Department of the Interior at the Subcommittee hearing follows:

#### STATEMENT OF DESTRY JARVIS, ASSISTANT DIRECTOR FOR EXTERNAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1960. S. 1960 would allow the National Park Service to acquire by purchase or exchange, in addition to donation, land previously authorized by P.L. 102-541 for addition to the Wilderness Battlefield of Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park. The Department supports enactment of this bill.

The Wilderness Battlefield is the scene of the pivotal Civil War engagement of May 5 and 6, 1864, which marked the beginning of the end of the Civil War. It was the first campaign in which General Ulysses S. Grant, newly promoted to commander-in-chief, tangled with General Robert E. Lee. Despite tremendous losses in the dense thickets of the Wilderness, many of which occurred in a mighty flank attack by Confederate General James Longstreet upon Union troops of the Second Corps commanded by General Winfield Scott Hancock, Grant doggedly clung to the offensive. The Battle of the Wilderness was the first of a long series of actions in which Grant ground down the Confederacy and made possible the reunification of the country.

In the late 1980's and early 1990's development in the vicinity of the Wilderness Battlefield, and the clear threat of further destruction of the battlefield, drew national media attention. The imperative need to preserve the battle scene prompted passage of Public Law 102-541 (106 Stat. 3565) on October 27, 1992. That act authorized the National Park Service to acquire the scene of Longstreet's flank attack at Wilderness Battlefield by donation only.

The bill before you, S. 1960, would expand that authority to allow the National Park Service to assist in the acquisition of the majority of those lands by means of purchase using appropriated funds or a land exchange in addition to donation. To date, a broad-based coalition of the National Park Service's private-sector partners has made significant progress toward preservation of the site, but some Federal assistance is also necessary. As proposed, S. 1960 would provide the National Park Service the authorities necessary to assist in the acquisition and protection of the Longstreet flank attack site at Wilderness Battlefield. Land acquisition would be subject to availability of funding for NPS priorities.

Broad-based support exists for this legislation. The national preservation community is deeply interested. The owners of the land, including the NTS Corporation of Louisville (which holds title to 80% of the acreage in question), support the proposal. A large and vocal Civil War audience across the country has voiced strong support. The National Park Service recognizes the vital importance of this land to the preservation, management, and interpretation of Wilderness Battlefield. S. 1960 would provide the National Park Service the authorities needed to preserve some of the most important, as-yet unprotected, historic ground on any Civil War battlefield.

There is a technical correction that needs to be made to the bill. The United States Code reference on line 4 of page one of the bill is incorrect. In the bill it reads "16 U.S.C. 525k note". It should be revised to read "16 U.S.C. 425k note".

This concludes my statement. I am prepared to answer questions the Committee may have regarding 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. 1960, 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);

(Public Law 102-541, October 27, 1992)

#### SEC. 2. ADDITION TO WILDERNESS BATTLEFIELD

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(2) by striking "1989" and inserting in lieu thereof "1989, and the map entitled Fredericksburg and Spotsylvania National Military Park, numbered 326-40072E/89/A and dated September 1990". **【Provided, that this subsection shall not be effective until the lands included within the proposed new boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to this Act have been donated to the Secretary of the Interior.】**

(b) Lands included within the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park [pursuant to this section] *that are designated P04-04 on the map described in subsection (a)(2)* may be acquired only by donation.

