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FRANKLIN NATIONAL BATTLEFIELD STUDY ACT

OCTOBER 19, 2005.—Ordered to be printed

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

R E P O R T

[To accompany S. 955]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 955) to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin, 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 3, line 5 and 6, strike “of enactment of this Act” and insert “on which funds are made available to carry out the study under section 3(a)”.

PURPOSE OF THE MEASURE

The purpose of S. 955 is to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

BACKGROUND AND NEED

Sometimes referred to as the “The Gettysburg of the West,” the Battle of Franklin was one of the few night battles in the Civil War. It was also one of the smallest battlefields of the war (only 2 miles long and 1½ miles wide). During the mid-day of Wednesday, November 30, 1864, Confederate Gen. John Bell Hood led an army of 31,000 and cornered the 26,000-man Federal Army of Gen. John M. Schofield at Franklin, Tennessee. Late that afternoon, 100 regiments of the Confederate soldiers, numbering 20,000, deployed

along a 2-mile-wide front and began a spectacular converging assault upon 17,000 Federals strongly entrenched on the south edge of the town. The events that resulted over the next 5 hours at Franklin was one of the great cataclysmic tragedies of the American Civil War, resulting in almost 10,000 casualties. The size of the forces engaged and short duration of fighting during the Battle at Franklin ranks among the most significant confrontations of the Civil War. This horrific battering of Hood's army at Franklin and its final disintegration 2 weeks later after the Battle of Nashville essentially ended the war in the western theater.

Presently there is little national recognition of the events that unfolded in this important battle of the civil war. Almost all of the 1864 trench line of that battle has become suburban neighborhoods and small business establishments. Few Americans realize that more Civil War battles, engagements, and skirmishes occurred in Tennessee than any other State, except Virginia. Few of these Tennessee sites have been saved for the education and reflection of future generations. The congressionally-designated Civil War Sites Advisory Commission identified the Battle of Franklin as a "Class A" battlefield, on having a decisive influence on a campaign and a direct impact on the course of the war, in its 1993 *Report on the Nation's Civil War Battlefields*.

S. 955 directs the Secretary of the Interior to conduct a suitability and feasibility study to determine if the Battle of Franklin and associated sites should be designated a unit of the National Park System or receive other Federal designation.

LEGISLATIVE HISTORY

S. 955 was introduced by Senators Frist and Alexander on April 28, 2005. The Subcommittee on National Parks held a hearing on S. 955 on June 28, 2005. At its business meeting on September 28, 2005, the Committee on Energy and Natural Resources ordered S. 955 favorably reported, with an amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 28, 2005, by a voice vote of a quorum present, recommends that the Senate pass S. 955 if amended, as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 955, the Committee adopted an amendment to clarify that the study should be completed no later than 3 years after the date funds are made available for it, instead of the 3 years after the date of enactment.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill, "Franklin National Battlefield Study Act."

Section 2 defines key terms.

Section 3(a) directs the Secretary of the Interior to conduct a special resource study related to the Battle of Franklin to determine the national significance of the battlefield and the suitability and feasibility of including it in the National Park System.

Subsection (b) sets forth the requirements for the study, including the effect the inclusion of the battlefield would have upon the National Park System, and whether the battlefield could be incorporated into an existing National Park System unit or designation as a separate unit.

Subsection (c) directs the Secretary to conduct the study in consultation with appropriate Federal agencies, and State and local government entities, and interested groups and organizations.

Subsection (d) states that the study shall be conducted in accordance with P.L. 91-383 (16 U.S.C. 1a-1 et seq.).

Section 4 states that a report will be submitted to Congress not later than 3 years after the date funds are made available.

Section 5 authorizes such sums as are necessary to be appropriated 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:

S. 955—Franklin National Battlefield Study Act

S. 955 would direct the Secretary of the Interior to conduct a special resource study of sites in Tennessee related to the Battle of Franklin. The purposes of the study would be to determine the national significance of various sites and to evaluate the suitability and feasibility of including them in the National Park System. Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that carrying out the proposed study would cost about \$250,000 over the next three years. Enacting S. 955 would not affect direct spending or revenues.

S. 955 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 for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, 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. 955. 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. 955, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 955 were included in testimony received by the Committee at a hearing on the bill on June 28, 2005 as follows:

STATEMENT OF DONALD W. MURPHY, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE IN-
TERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 955, a bill to authorize the Secretary of the Interior (Secretary) to study the suitability and feasibility of designating sites relating to the Battle of Franklin in Williamson County, Tennessee, as a unit of the National Park System, and for other purposes.

The Department supports S. 955 with an amendment that would conform the bill to other, similar study bills. While the Department supports the authorization of this study, we also believe that any funding requested should be directed toward completing previously authorized studies. Currently, 30 studies are in progress, and we hope to complete and transmit 15 to Congress by the end of 2005. We estimate the total cost of this study to be \$250,000.

S. 955 would authorize the Secretary to complete a study on the suitability and feasibility of designating sites relating to the Battle of Franklin as a unit of the National Park System. The Battle of Franklin on November 30, 1864, was a pivotal turning point of the Civil War.

After the fall of Atlanta in the summer of 1864, General John Bell Hood, commander of the Confederate Army of Tennessee, attempted to draw Union General William Tecumseh Sherman northward by threatening the Union supply line to Chattanooga. Hood sought to move the war out of Georgia in an effort to reclaim lost Confederate territory, most importantly Nashville. Sherman followed Hood for only a short time, deciding to turn his attention back towards Georgia where he would soon embark on his "March to the Sea." In his stead, Sherman detached George H. Thomas and the Army of the Cumberland to protect Tennessee against Hood's advance.

In November 1864, Hood pressed forward into Tennessee and confronted a Union force under the command of Major General John M. Schofield at Spring Hill. After several skirmishes there Hood immediately followed Schofield to the small town of Franklin, which had been a Federal military post since the fall of Nashville in early 1862. At Franklin, Schofield positioned most of his 28,000 men behind extensive breastworks covering more than 2 miles of mostly open fields. Late in the afternoon on November 30, Hood, with an army of 18,000, hastily ordered a frontal assault against the well-positioned Union forces. After 5 hours of fierce fighting, much of it after dark, the Union army soundly defeated Hood's army which suffered 6,261 casualties, including the loss of 12 generals and 54 regimental commanders. Among those killed was General Patrick Cleburne, considered by many historians to be the Confederacy's top battlefield commander. The Union's casualties numbered 2,326. With his army largely intact,

Schofield ordered a nighttime withdrawal of Union forces to Nashville.

Although the Battle of Franklin was a major setback for the Confederates, Hood wasted little time, advancing his remaining forces to Nashville where on December 15 and 16, 1864, the Union Army of the Cumberland under Thomas swept Hood's army from the field, essentially putting an end to the war in Tennessee.

In its 1993 report, the Civil War Sites Advisory Commission identified the site of the 1864 Battle of Franklin as a "Class A" battlefield, representing a high level of military importance. The commission reported that the site represents an area that had a decisive impact on a military campaign and a direct impact on the course of the war. The commission also reported that the Franklin battlefield is currently a fragmented site with very little historical integrity remaining from the battle period.

There are many sites in and around the city of Franklin and nearby areas in Tennessee that have an association with the battle. Perhaps most prominent among these are the many buildings that served as field hospitals to treat the wounded and dying such as the Carter House, which served as the Union army headquarters during the battle and was later used as a field hospital. The house and outbuildings were purchased by the State of Tennessee in 1951, opened to the public in 1953, and is a Registered Historic Landmark. The scars of war are visibly apparent as the buildings still show more than a thousand bullet holes from the battle.

We suggest one amendment in section 4 of the bill to have the study completed 3 years after funding is made available, rather than 3 years after enactment. This will make the bill consistent with other similar study bills.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the Subcommittee may have.

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 the bill S. 955, as ordered reported.