

Calendar No. 633

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
105-390

MINUTEMAN MISSILE NATIONAL HISTORIC SITE ACT OF 1998

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

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

REPORT

[To accompany S. 2284]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2284) to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Minuteman Missile National Historic Site Establishment Act of 1998”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Minuteman II intercontinental ballistic missile (hereinafter referred to as “ICBM”) launch control facility and launch facility known as “Delta 1” and “Delta 9”, respectively, have national significance as the best preserved examples of the operational character of American history during the Cold War;

(2) the facilities are symbolic of the dedication and preparedness exhibited by the missileers of the Air Force stationed throughout the upper Great Plains in remote and forbidding locations during the Cold War;

(3) the facilities provide a unique opportunity to illustrate the history and significance of the Cold War, the arms race, and ICBM development; and

(4) the National Park System does not contain a unit that specifically commemorates or interprets the Cold War.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations the structures associated with the Minuteman II missile defense system;

(2) to interpret the historical role of the Minuteman II missile defense system in the broader context of the Cold War and the role of the system as a key component of America's strategic commitment to preserve world peace; and

(3) to complement the interpretive programs relating to the Minuteman II missile defense system offered by the South Dakota Air and Space Museum at Ellsworth Air Force Base.

SEC. 3. MINUTEMAN MISSILE NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—(1) The Minuteman Missile National Historic Site in the State of South Dakota (hereinafter referred to as the “historic site”) is hereby established as a unit of the National Park System. The historic site shall consist of lands and interests therein comprising the following Minuteman II ICBM launch control facilities, as generally depicted on the map referred to as “Minuteman Missile National Historic Site”, numbered 406/80,008 and dated September, 1998:

(A) an area surrounding the Minuteman II ICBM launch control facility depicted as “Delta 1 Launch Control Facility”; and

(B) an area surrounding the Minuteman II ICBM launch control facility depicted as “Delta 9 Launch Facility”.

(2) The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to make minor adjustments to the boundary of the historic site.

(b) ADMINISTRATION OF HISTORIC SITE.—The Secretary shall administer the historic site in accordance with this Act and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1,2–4) and the Act of August 21, 1935 (16 U.S.C. 461–467).

(c) COORDINATION WITH SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense and the Secretary of State, as appropriate, to ensure that administration of the historic site is in compliance with applicable treaties.

(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public and private entities and individuals in furtherance of the purposes of this Act.

(e) LAND ACQUISITION.—(1) Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests therein within the boundaries of the historic site by donation, purchase with donated or appropriated funds, exchange or transfer from another Federal agency: *Provided*, That lands or interests therein owned by the State of South Dakota may only be acquired by donation or exchange.

(2) The Secretary shall not acquire any lands pursuant to this Act if the Secretary determines that such lands, or any portion thereof, are contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), unless all remedial action necessary to protect human health and the environment has been taken pursuant to such Act.

(f) GENERAL MANAGEMENT PLAN.—(1) Within three years after the date funds are made available, the Secretary shall prepare a general management plan for the historic site.

(2) The plan shall include an evaluation of an appropriate location for a visitor facility and administrative site within the areas depicted as “Support Facility Study Area—Alternative A” or “Support Facility Study Area—Alternative B” on the map referred to in subsection (a). Upon a determination by the Secretary of the appropriate location for such facilities, the boundaries of the historic site shall be modified to include the selected site.

(3) In developing the plan, the Secretary shall consider coordinating or consolidating appropriate administrative, management, and personnel functions with Badlands National Park.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) AIR FORCE FUNDS.—The Secretary of the Air Force shall transfer to the Secretary any funds specifically appropriated to the Air Force for the maintenance, protection, or preservation of the facilities described in section 3. Such funds shall be used by the Secretary for establishing, operating, and maintaining the historic site.

(c) LEGACY RESOURCE MANAGEMENT PROGRAM.—Nothing in this Act affects the use of any funds available for the Legacy Resource Management Program being carried out by the Air Force that, before the date of enactment of this Act, were directed to be used for resource preservation and treaty compliance.

PURPOSE OF THE MEASURE

The purpose of S. 2284 as reported is to establish the Minuteman Missile National Historic Site, in South Dakota as a unit of the National Park System.

BACKGROUND AND NEED

During the Cuban Missile Crisis of 1962, the United States and the Soviet Union came closer to nuclear war than at any other time in history. As the world watched, Soviet Leader Nikita Khrushchev and President John F. Kennedy engaged in a showdown over the U.S. demands that the Soviet Union remove its missiles from Cuba. It was at this point that the Minuteman Intercontinental Ballistic Missile (ICBM) was developed.

The Minuteman missile played a critical role in the Cold War arms race as America's first push button nuclear missile. Once the launch command was given and the keys were turned, a Minuteman missile could deliver its nuclear warhead to a Soviet target within 30 minutes or less.

Concerned over a missile gap, the United States raced to catch up with the perceived military superiority of the Soviets. During the Cold War years, the U.S. Air Force deployed 1000 Minuteman missiles in underground silos throughout the central United States. Minuteman missiles were inconspicuous, silent, and unknown to the casual observer.

The Strategic Arms Reduction Treaty (START) required the deactivation of the nation's Minuteman Missile force including the 150 missiles and 15 launch facilities at Ellsworth Air Force Base, South Dakota. In 1993, the National Park Service and the Air Force entered into a cooperative agreement to temporarily preserve two representative Minuteman sites, Delta One and Delta Nine at Ellsworth Air Force Base, until their long term preservation could be evaluated.

In the same year, the Air Force requested and funded a Special Resource Study. The National Park Service study was completed in June 1997, and found that the two Minuteman sites met the criteria for eligibility and suitability as a unit of the National Park System.

Since Delta One and Delta Nine and most of surrounding lands are Federally owned, there would be no acquisition costs for the site.

LEGISLATIVE HISTORY

S. 2284 was introduced on July 9, 1998 by Senator Johnson and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2284 on September 17, 1998.

At its business meeting on September 24, 1998, the Committee on Energy and Natural Resources ordered S. 2284, favorably reported, as amended.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

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. 2284, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 2284, the Committee adopted an amendment in the nature of a substitute.

Specifically, the amendment authorizes the Secretary of the Interior to enter into cooperative agreements to provide for the preservation of the site, and directs the Secretary to consult with the Secretary of Defense and the Secretary of State to ensure that administration of the historic site is in compliance with applicable treaties. The Secretary is authorized to acquire lands by donation, purchase, or transfer from another Federal agency. Lands owned by the State of South Dakota may only be acquired by donation or exchange. The Secretary may not acquire lands that are contaminated with hazardous substances, unless all remedial action necessary has been taken. The Secretary is required to propose a General Management Plan that considers coordinating management functions with Badlands National Park. Finally, the amendment directs the Secretary of the Air Force to transfer to the National Park Service all funds specifically appropriated to the Air Force for the maintenance and preservation of the facilities. The amendment is described in detail below.

SECTION BY SECTION ANALYSIS

Section 1 designates the bill's short title as the "Minuteman Missile National Historic Site Act of 1998".

Section 2 lists the findings and purposes of the bill, including a finding that the proposed Minuteman missile sites, Delta 1 and Delta 9, have national significance as the best preserved examples of the facilities and preparedness by missileers of the Air Force during the Cold war. This Act would ensure these sites are preserved, protected and interpreted for future generations.

Section 3 (a) establishes the "Minuteman Missile National Historic Site" in the State of South Dakota, as a unit of the National Park System. The historic site includes the areas surrounding the launch control facilities known as Delta 1 and Delta 9, as depicted on the map referred to as "Minuteman Missile National Historic Site", numbered 406/80,008 and dated September, 1998; and an area outside those facilities suitable for construction of an administrative facility. The map will be on file with the Secretary of the Interior (the "Secretary") and available to the public.

Subsection (b) provides that the Historic Site is to be administered in accordance with this Act and with laws generally applicable to units of the National Park System including the Act of August 25, 1916 (16 U.S.C. 1,2-4) and the Act of August 21, 1935 (16 U.S.C. 461-467).

Subsection (c) directs the Secretary to consult with the Secretary of Defense and the Secretary of State to ensure that administration of the historic site is in compliance with applicable treaties. The Secretary may enter into cooperative agreements with institutions and individuals to provide for the preservation, development, and interpretation of the site.

Subsection (d) authorizes the acquisition of lands by donation, purchase with donated or appropriated funds, exchange or transfer from another Federal agency, provided lands owned by the State of South Dakota may only be acquired by donation or exchange. The Secretary may not acquire any lands that are contaminated with hazardous substances, unless all remedial action necessary to protect human health and the environment has been taken pursuant to such Act.

Subsection (e) requires the Secretary to submit to Congress a General Management Plan within three years after enactment of this Act. In developing the plan, the Secretary is to consider coordinating or consolidating management and personnel functions with Badlands National Park.

Section 4 authorizes the necessary funding to carry out this Act. The section directs the Secretary of the Air Force to transfer to the National Park Service all funds specifically appropriated to the Air Force for the maintenance and preservation of the facilities. Nothing in this Act affects the use of Legacy Resource Management funds by the Air Force that were directed to be used for resource preservation and treaty compliance.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the cost of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

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. 2284. 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. 2284, 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. 2284. These reports had not been received at the time the report on S. 2284 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 MAUREEN FINNERTY, ASSOCIATE DIRECTOR
FOR PARK OPERATIONS AND EDUCATION, NATIONAL PARK
SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before the committee to testify on S. 2284, a bill to establish the Minuteman Missile National Historic Site in South Dakota, and for other purposes.

We support enactment of this bill if amended according to our testimony. We are working with the Air Force to resolve a number of concerns that I will discuss below.

The Minuteman II Intercontinental Ballistic Missile complex is a symbol of the end of the tensions that prevailed for over four decades during the period of history known as the Cold War. President Kennedy brought the Minuteman system on line in 1962 during the Cuban Missile Crisis. He referred to it as his "Ace in the hole." For nearly thirty years, personnel from the 44th Missile Wing, headquartered at Ellsworth Air Force Base, stood watch over a 150-missile deployment, covering 13,500 square miles of the upper Midwest. This phase of America's military preparedness was concluded as world events heralded the end of the Cold War. In 1991 President Bush and Soviet leader Mikhail Gorbachev signed the Strategic Arms Reduction Treaty (START), which called for the rapid deactivation and removal of 450 Minuteman II missiles. As deactivation proceeded, the Air Force, in conjunction with the National Park Service, identified two sites for possible preservation as representative icons of the history of the Cold War and the backbone of what was then the United States' nuclear arsenal, recognizing the important part it played in American diplomacy. Before the opportunity was lost, steps were taken to preserve the sites until further decisions regarding their eventual disposition could be made.

These sole remaining examples of the original Minuteman configuration are among the oldest and least altered sites, with components dating back to the Cuban Missile Crisis. At the request of the U.S. Air Force, the National Park Service in December 1993 undertook a special resource study to determine the suitability and feasibility of designating the missile sites as a unit of the National Park System. That study was completed in 1995, and it concluded that these sites were suitable and feasible for inclusion in the National Park System.

S. 2284 establishes Minuteman Missile National Historic Site to preserve, protect, and interpret for the benefit, education, and inspiration of present and future generations the Minuteman II launch facility. This site will tell the story of how the Minuteman Missile played a strategic role in the defense of our country during the Cold War. The site, located in South Dakota, would consist of lands and interests therein comprising two historic Minuteman missile sites, the Delta 1 Launch Control Facility and Delta

9 Launch Facility, and a third site to develop an administrative support facility. The site would be administered by the Secretary of the Interior in accordance with the bill and laws generally applicable to units of the National Park System. The bill directs the Secretary to coordinate with the Air Force Air and Space Museum at Ellsworth Air Force Base in the interpretation of the historic site and development of a general management plan for the administration of the historic site. The bill authorizes acquisition of property for the historic site from other Federal agencies by donation or exchange.

Based on decisions made through the general management planning process, it may be desirable to include properties outside the original Delta 1 and Delta 9 properties within the national historic site. Examples are undeveloped private land at the exit 127 interchange of Interstate 90 or near one of the possible administrative sites at exit 131, which may require access or similar easements. Other interests in land may be desirable for additional parking or other support facilities to fulfill the Service's mission. So that reasonable management alternatives are not precluded prior to the completion of the General Management Plan, we recommend amending Section 4(c) by inserting "purchase," following "interests in land by" and by adding the following sentence at the end of the section:

"Lands or interest therein owned by the State of South Dakota, or a political subdivision thereof, may only be acquired by donation or exchange."

We also recommend amending Section 5(c)(1) to read:

"Not later than the last day of the third fiscal year after funds are made available for this purpose, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the historic site, including a description of the boundaries necessary to protect integral historic viewsheds and landscapes and to provide for administrative support and public use facilities."

I should note, however, that the Departments are working to resolve a number of issues. First, because the property contains hazardous materials, we must ensure that the site is compliant with all applicable and relevant environmental laws and regulations. Second, we must also work to ensure that the site is fully and permanently compliant with START. Third, due to NPS's existing construction and maintenance needs, the full cost of such a site must be carefully studied. Finally, the boundaries of this site have yet to be established and would almost certainly include lands other than those owned by the Air Force. We must ascertain what additional lands we may need to acquire to preserve the integrity of the site.

Again, we strongly support S. 2284 with the amendments outlined in this statement. We feel that this is an important part of our history and deserves to be preserved.

We are working to resolve the aforementioned issues with the Air Force and would be happy to work with the committee on any additional changes to this legislation.

Mr. Chairman, this concludes my remarks. I would be happy to answer any questions you 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 the existing law are made by S. 2284, as ordered reported.

