

MISCELLANEOUS NATIONAL PARKS BILLS

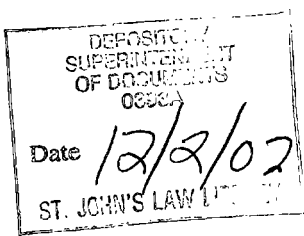
HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

- S. 1257 H.R. 107 S. 1312 H.R. 2109 S. 1944 H.R. 38 H.R. 980 H.R. 1712

JUNE 12, 2002



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MISCELLANEOUS NATIONAL PARKS BILLS

WEDNESDAY, JUNE 12, 2002

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:55 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Daniel K. Akaka presiding.

OPENING STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII

Senator AKAKA. The hearing will come to order. I want to welcome our witnesses here, and those also in the audience, for your interest in this hearing. The purpose of this afternoon's hearing before the Subcommittee on National Parks is to receive testimony on six bills pending before the subcommittee.

The bills that we are considering today are S. 1257 and H.R. 107, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War, S. 1312 and H.R. 2109, to authorize the Secretary of the Interior to conduct a special resources study of Virginia Key Beach Park, Florida, for possible inclusion in the National Park System, S. 1994, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, H.R. 38, to provide for additional land to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System, and H.R. 1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the Islands of Ofu and Olosega within the park.

A number of these bills would protect areas constituting valuable additions to our National Park System, and I would like to say a few words about H.R. 1712, which would authorize an expansion of the National Park of American Samoa. This park was created in 1988, in a lease arrangement between the Secretary of the Interior and the Governor of American Samoa. I would like to commend Congressman Faleomavaega, who is here today, for his work to obtain the support of the local village councils to expand this important park.

I support his efforts to bring together the National Park Service and the government of American Samoa to protect endangered spe-

cies such as the hawkbill and green sea turtles and the rain forest habitat. This is a remarkable environment, and I am pleased to see that it is being protected, not only for American Samoans but for all Americans.

I believe most of the bills on today's agenda are noncontroversial. There are management issues within the proposed Moccasin Bend Historic Site in Tennessee that will require the committee's attention, and I look forward to working with the bill's sponsors and Senator Thomas as we consider this bill.

So let me then pass it on to Senator Thomas and ask for his statement.

[The prepared statements of Congressmen Bereuter and Hefley follow:]

PREPARED STATEMENT OF HON. DOUG BEREUTER, U.S. REPRESENTATIVE
FROM NEBRASKA

Chairman Akaka, Senator Thomas, and members of the Subcommittee: I would like to begin by thanking you for the opportunity to present testimony regarding H.R. 38, a bill I introduced on January 3, 2001. During the previous 106th Congress, I introduced the same legislation.

The Homestead National Monument of America Additions Act, H.R. 38, is a straightforward bill. It is also noncontroversial. The bill would simply adjust the boundaries of Homestead National Monument of America and allow a small amount of additional land to be included within its boundaries.

The measure reflects the recommendations in the recently completed General Management Plan (GMP) calling for a minor boundary expansion for Homestead National Monument. Unfortunately, the current visitor center is located in a 100-year flood plain. The acquisition of land outside the existing boundaries as recommended in the GMP would allow a new "Homestead Heritage Center" to be constructed outside the floodplain. This would offer greater protection to the Monument's collections, interpretive exhibits, public research facilities, and administrative offices.

As the bill makes clear, the land for the Heritage Center is to be acquired on a willing-seller basis. It is my understanding that all of the individuals who would be involved in the boundary adjustment have expressed a willingness to sell for a negotiated price.

The Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862, which is recognized as one of the most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. The FY96 Interior Appropriations Act directed the National Park Service to complete a General Management Plan to begin planning for improvements at Homestead. The General Management Plan, which was completed last year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon the nation.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legislation:

"It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law."

Clearly, this authorizing legislation sets some lofty goals. I believe that H.R. 38 would help the Monument achieve the potential which was first described in its authorizing legislation.

Thank you for allowing me the opportunity to testify in support of H.R. 38.

PREPARED STATEMENT OF HON. JOEL HEFLEY, U.S. REPRESENTATIVE
FROM COLORADO

Mr. Chairman, I'd like to thank you for allowing me to present testimony today on my bill, H.R. 107; and the similar measure, S. 1257, introduced by Senator Reid.

No doubt many of you remember where you were on Tuesday, September 11 of last year. On that day America was attacked without warning by an unknown foe. Many of us here on the Hill were forced to improvise the evacuations of our staffs and ourselves. In its aftermath, we face a future of unexpected, devastating attacks on the general population. We cannot see its end, but we have seen it before.

From 1946 to 1989, the United States mobilized itself against sudden attack by its ideological foe, the Soviet Union. For 43 years, we ringed our cities with Nike anti-ballistic missiles and built fallout shelters in the basements of our schools. We made plans then to evacuate not just buildings, but whole cities. Our children practiced "duck-and-cover" drills against nuclear attacks at school and laughed at the cartoon antics of an all-American squirrel and his moose sidekick against a pair of spies named Boris and Natasha. We went to the moon and developed the computers to get there. Along the way, we developed the Internet to communicate with each other.

All of these were products of the Cold War, probably the most important historical movement of the latter half of the 20th Century.

My own involvement with the Cold War theme study began in August 2000 at a National Park Service conference in Colorado. The question arose as to whether there were any facets of American history which hadn't been covered by the Park Service and one NPS official ventured, "I've always thought we ought to do a study of Cold War sites." I introduced my first version of the Cold War bill a month later.

The Cold War ended with the fall of the Berlin Wall in 1989. In recognition of that event, Congress included a provision in the Defense Appropriations Act of 1991 that mandated an inventory be completed on the important resources, relics and artifacts associated with this unique period in American history. The U.S. Air Force assumed the leadership role for this inventory and completed several historical studies that examined the physical legacy of the Cold War.

But although the Air Force studies inventoried many resources, the National Park Service has never undertaken a comprehensive study of the feasibility of preserving and interpreting Cold War resources. While a joint Air Force/NPS study led to inclusion of one Minuteman missile complex in the Park System, no further studies have been undertaken to determine whether additional Cold War candidates are warranted for inclusion in the Park System. As more and more such resources are de-commissioned and removed, further preservation planning becomes critical.

My bill, H.R. 107, would direct the Park Service to undertake a three-year theme and reconnaissance study of Cold War sites across the United States. The resulting report would help the states and the NPS determine which merited protection or National Landmark status and Congress, whether any deserve to be park service units. Modeled in part after the NPS' successful Underground Railroad study, the bill also directs that the NPS develop a handbook to these sites.

H.R. 107 also recognizes the past efforts of the Department of Defense and other state and local groups in studying Cold War sites and resources. At our subcommittee markup on March 22, 2001, we approved an amendment in the nature of a substitute that removed a prior provision for a Cold War Advisory Committee and instead required the Secretary of the Interior to consult with state historic preservation offices, state and local officials, Cold War scholars and others while conducting the Cold War study. This amendment addressed some objections by the Park Service over the advisory committee. Further, we felt this would expedite the process and avoid re-inventing the wheel.

The amendment also required that the Secretary consider military and non-military sites and resources associated with the people, events and social aspects of the Cold War. Joseph McCarthy and the Space Race are as much a part of Cold War history as the Bay of Pigs and the Cuban Missile Crisis.

Finally, the amendment requested that the study include recommendations on the feasibility for a central repository for Cold War artifacts. I realize there is some competition for this designation among a number of worthy aspirants but think that an NPS recommendation is the best course of action at this time. Francis Gary Powers

Jr.—and Senators Allen and Warner—can make a good argument for placing this repository in Virginia. Senator Reid can, no doubt, make a good argument for placing it in Nevada, just as I can argue it should be in Colorado and other Senators, Nebraska and New Mexico. For right now, I think we should try to get the study underway and wait for the NPS recommendation on where or what it should be.

My bill passed out of the House Resources Committee by a voice vote on September 28, 2001 and the full House, also by a voice vote, on December 18. In addition, that bill was supported by the Administration—with the ongoing caveat that the maintenance backlog be addressed first. I have no objection to that priority—even support its aims—but believe we should continue to identify those themes and sites we deem worthy of study. This is one of them.

I have examined Senator Reid's bill and found little difference between his bill and my own, save for some natural interest in Nevada sites. His bill honors my request that the bill continue to focus on the study process and not become something parochial. I note his bill retains the advisory committee that we dropped at the subcommittee level. I would suggest, therefore, that the subcommittee consider using my bill, H.R. 107, as the legislative vehicle for this issue, amend it to include the sites Senator Reid has suggested, then send it back to the House for its concurrence and passage. This would seem the best and cleanest way to see that this legislation is enacted and this study begun.

Other than those points, I think these bills are headed in the same direction and I look forward to working with you on their eventual passage. Again, thank you for allowing me to present this testimony for your consideration.

STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Senator THOMAS. Thank you, Mr. Chairman. I will be brief so we can hear from our witnesses, whom I welcome here. I really only have a question in the one, H.R. 980, and I guess what concerns me as much as anything—and I think it was in 1998 we passed the parks bill which required a study prior to these things, which I think is a good idea.

However, the park has a responsibility to study responsibly, and I must tell you, I am going to have to question this study, where it talks about it would be feasible for inclusion if we eliminate a number of incompatible uses, including a State mental hospital, a model airplane facility, two radio towers, a golf course, and a law enforcement training range.

Well, and then they think it could be removed by 2009. You have a State mental hospital that probably will be where it is for another 35 years. It includes an \$18 million cost to remove some of these things. I really am anxious to hear from the Park Service in terms of the study and how they are able to come up with one of this kind.

In any event, welcome all of you here, and certainly we look forward to dealing with the issues that are here.

Senator AKAKA. Thank you very much.

Senator Campbell.

STATEMENT OF HON. BEN NIGHORSE CAMPBELL, U.S. SENATOR FROM COLORADO

Senator CAMPBELL. Thank you, Mr. Chairman. I want to welcome our colleagues from the other body, Zach Wamp and Carrie Meek, and Eni Faleomavaega, who I served with when I was on the House side. Sorry we had to keep you. We had a vote, as you probably know.

I would like to take a few moments, Mr. Chairman, to speak in support of my bill, S. 1944, which would alter the boundaries of

both the Black Canyon of the Gunnison National Park and the Conservation Area as well. The Black Canyon of the Gunnison is really one of the most spectacular sites I could possibly describe, not nearly as big as the Grand Canyon, but the sheer, colorful walls and the darkness of the gorge from which it got the name, the Black Canyon, are really something to behold if you are ever in our State.

I have been personally involved with the canyon literally ever since I have been in public office. I introduced the first bill 16 years ago when I first got here to change that national monument to a national park. It took that many years. In fact, until 1999, which I reintroduced I guess about the fifth version, and it did finally pass, and President Clinton signed into law, so now it is a national park, but this S. 1944 expands the earlier work by adding 2,725 acres.

In fact, it adds in that one part of the park and another part of the park to the conservation area for a total of about 5,700 acres, and one of the reasons is because after we upgraded it to a national park we found that some enterprising people had purchased land around the area and were talking about building condos and malls and all the other stuff that would really detract from the beauty of the park, if not destroy the views itself.

Now, I understand the BLM has miscalculated the exact acreage that we have in the bill, and I think they will make some proposed changes, and we will incorporate them at an appropriate time.

S. 1944 also slightly alters the grazing language of the 1999 bill. The bill before the subcommittee would allow partnerships to graze their herds on parkland for the lifetime of any partner, and I think that is probably a step in the right direction, particularly since the drought in Colorado and the fires in Colorado have just literally devastated our livestock industry.

As you know, something like 40,000 people have been put on notice on the outskirts of Denver, and a number have already evacuated. That is how bad the fires are. Over 100,000 acres are burned already, just in the last couple of weeks in Colorado. That fire season, of course, is partly due to the extreme drought. Our State's snow pack is less than 3 percent of the average, and in fact some places are recording zero snow level, where there would be in normal times 3 or 4 feet of snow.

Most of our streams have peaked. Most of the irrigation is going to be cut off early to those ranchers and farmers who use water, so I think that section of the bill is good, but considering that severe drought damage, several constituents are worried about their ditch rights, how it could be affected by this bill, but in my view they probably would not be affected, their water rights would be safe, but I am certainly willing to introduce an appropriate amendment, and will at the appropriate time, to ensure that their rights are preserved, and at this time I would like to ask unanimous consent to submit three letters for the record that do express those points of view.

Senator AKAKA. Without objection.

Thank you for your statement. Several of our colleagues are here this afternoon to speak on behalf of their bills. I want you to know

that we will include your entire statement in the record, so please feel free to summarize as you see fit.

I would like to call first on my colleague from Florida, Senator Bill Nelson, for his testimony.

**STATEMENT OF HON. BILL NELSON, U.S. SENATOR
FROM FLORIDA**

Senator NELSON. Mr. Chairman, thank you so much. I hesitate to go ahead of Congresswoman Carrie Meek, because normally what we do in the political world in Florida, we always defer to Carrie, and I have certainly learned my lesson over the years that this is a lady of great wisdom, and she and I actually come here to the committee advocating the same thing, so I will just make my comments by way of introduction that she could then elucidate and give you the further detail, but I am pleased that this committee is considering the bill that Bob Graham and I introduced, which authorizes the Secretary of the Interior to conduct a special resource study of Virginia Key Beach for inclusion in the National Park System.

Carrie is the sponsor in the House, and she has long been a champion for this legislation, and there are very specific reasons why you need to know about that today and why I wanted to come here and appear with the Honorable Congresswoman. This companion legislation has already passed in the House last April. I would like to submit a letter for the record, if I may, from Athley Range, the chairwoman of the Virginia Key Beach Park Trust, and it will give additional information, Mr. Chairman, and I will give that to your staff.

Now, this is why I would submit that it is worthy of your consideration for inclusion in the National Park System. It is a unique key situated just north of Key Biscayne, and just south of Fischer Island. It is a 1,000-acre barrier island characterized by unique and sensitive natural environmental qualities.

It is nonresidential, and it includes ponds and waterways, a tropical hardwood hammock and a large wildlife conservation area, but it has a particular reason in addition that you ought to consider, because it has a unique history that teaches us about the Nation's trauma and the Nation's progress toward racial justice, because in south Florida Virginia Key was the black beach.

That was the beach that thousands of African American families had to use in the forties and the fifties and the sixties for seaside recreation, because we were a segregated society and, as a result, it was the site of many baptisms and religious services, so, Mr. Chairman, it is holy ground, and thus its value to our Nation, to Florida, should be recognized both for its natural beauty and its role in the Nation's ongoing struggle for equality and social justice, and I would urge you all to consider the adoption of this bill and again, it is conduct a special resource study of Virginia Key.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you very much for that persuasive testimony, and I thank you for your introduction of Congresswoman Meek, and with that, let me ask the three of you here whether any of you will have to leave soon, to run. If not, then I will call on Congressman Faleomavaega.

Mr. FALCOMAVAEGA. Mr. Chairman, as Senator Nelson said earlier, when Carrie Meek speaks, we listen. I would be happy to defer to her for full consideration of this legislation.

Senator AKAKA. Thank you very much, and I thank you for recognizing her, and I want to call on Congresswoman Meek for your testimony. I have got to tell you, you had a good introduction.

**STATEMENT OF HON. CARRIE MEEK, U.S. REPRESENTATIVE
FROM FLORIDA**

Ms. MEEK. Thank you very much, Mr. Chairman, and to other members of the committee. All of you know me, and I know each of you. I am pleased to be here, and I want to thank my Senator. I have supported him almost all of his life. He is a very young man, considering my chronology he is a very young man, so I am pleased to be here and ask this committee to look very carefully at this piece of legislation which the Senator has brought before you today.

Virginia Key Beach is not only historically very well suited, but it also is environmentally very well-suited. It is a place of beauty. It is a place that has the community very much interested in it, and by my sitting before you today shows you how far we have come in the area of civil rights, when a whole area is so important and so concerned about this part of our history that they would want the Senate of our country to declare it an area, through a resource study to come and look at it and see many of its strong assets, and you will find that everything that Senator Nelson has said is correct.

So I am pleased to be here today. Virginia Key is beautiful, it is significant, and it is also very important to our area. What I like about the Department of the Interior, you will hopefully make a resource study, and we are very carefully begging you and very carefully and positively optimistic that you will see fit to require this study so that we can be on our way to having Virginia Key made a national park.

One other caveat of what we are doing here today is that historically there is a paucity of civil rights areas that have been preserved by the National Park Service. Research shows that there are very few of them out of the entire park system. Now the park system is trying its very best to reach segments of our society, and they have also noted that there is not as much participation that they would like to have from all aspects of our community. Virginia Key Beach would be a very good reason for helping to open this up and have the resource study come there.

I do hope that Senator Nelson's S. 1312 and my bill, H.R. 1209, that you will favor this bill very, very positively, because you will be making an important step toward recognizing that this is a special place, and it does ensure that it will be preserved and protected for future generations, and I want to thank the committee.

Senator AKAKA. Thank you very much.

Ms. MEEK. I will place the rest of my testimony in the file.

[The prepared statement of Ms. Meek follows.]

PREPARED STATEMENT OF HON. CARRIE MEEK, U.S. REPRESENTATIVE
FROM FLORIDA

Chairman Akaka, Ranking Member Thomas and distinguished members of the committee, thank you for holding this hearing on Senator Nelson's bill, S. 1312, which would authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach in Miami, Florida, for possible inclusion in the National Park System.

As the sponsor of the companion House bill, H.R. 2109, I am pleased to tell you that the House passed my bill on April 30 of this year.

Virginia Key Beach is an historically important and environmentally significant place worthy of being preserved and studied for its inclusion in the National Park System.

Virginia Key Beach was the only beach in Miami where African Americans could go to swim in the 1940s, 1950s and early 1960s. It was called "Virginia Key Beach, a Dade County Park for the exclusive use of Negroes" opened on August 1, 1945. Until that time, Miami's beaches had been reserved for whites only. In those days of segregation, Virginia Key Beach was the only way blacks could legally enjoy the ocean in Dade County.

Dade County created the park in response to the efforts of the African-American Community to integrate the beaches in Miami.

The location of this beach was less than ideal; there was no bridge and the only way to get there was by taking a boat from the Miami River.

Despite these impediments, African Americans made Virginia Key Beach a thriving center for their social and cultural activities. Virginia Key Beach quickly became a cherished getaway, a social gathering place, and even a sacred site for religious services.

The beach was the site for baptisms, courtships and honeymoons, organizational gatherings, visiting celebrities and family recreation.

Even after integration granted everyone a free choice of recreation areas, Virginia Key Beach remained the popular preference for many in the African American community.

Mr. Chairman, this legislation is near and dear to my heart because I used the park frequently myself and brought my children there when they were young. The fact that I am in Congress today shows how much society has changed in the intervening years.

Virginia Key Beach is a national treasure that stands as a monument to America's journey toward racial equality. As a reminder of our national heritage, Virginia Key Beach symbolizes the struggle of African Americans in the 20th Century during the era of racial segregation in the South and at the onset of the Civil Rights Movement.

Mr. Chairman, there are few sites in the National Park System that recognize the struggle for civil rights. Out of 385 units currently in the Park System, only 4 have been designated to commemorate the Civil Rights Era. We need to do more to recognize the Civil-Rights era. It is important to remember that segregation affected every aspect of our lives—even recreation.

In addition to representing an important part of the history of African Americans in the Southeastern United States, Virginia Key Beach also is an exceptional natural resource characterized by a unique and sensitive natural environment.

The beach is part of Virginia Key, a 1,000-acre barrier island. Although there has been some limited development, the island is non-residential and includes ponds and waterways, a tropical hardwood hammock, and a large wildlife conservation area.

The Key is home to more than 25 species of birds during the winter, while its shallow waters contain extensive grass beds that support manatees, young sea turtles, and many juvenile fishes.

The U.S. Army Corps of Engineers, through their Shoreline Damage program, is currently restoring the beach and native plants on the island.

Finally, let me note Virginia Key Beach's excellent location and its outstanding accessibility. Other national attractions in South Florida, such as Everglades National Park, Big Cypress and Biscayne National Park are extraordinary resources, but they are not readily accessible for individuals without personal transportation.

Virginia Key is accessible. There is a good Miami-Dade Metro Bus connection that is further enhanced by a link to South Florida's Metro Rail.

Mr. Chairman, Virginia Key Beach occupies a special place in the heart of all of us from South Florida. Its value to the nation and to Florida is based not just on its natural beauty, but also as a symbol of the ongoing struggle of African Americans for equal rights and social justice.

S. 1312, and my bill, H.R. 2109 will take an important step toward recognizing this special place and ensuring that it will be preserved and protected for future generations.

Please move this bill to the floor and pass it as soon as possible, so that it can go to the President's desk before this Congress concludes.

Thanks again for holding this hearing.

Senator AKAKA. I understand, Senator Nelson, that Senator Graham has a statement for the record, and what I will do is, without objection, put that in the record.

[The prepared statement of Senator Graham follows:]

PREPARED STATEMENT OF HON. BOB GRAHAM, U.S. SENATOR FROM FLORIDA

Thank you Chairman Akaka and Ranking Member Thomas for conducting this hearing on S. 1312. This bill, sponsored by Senator Nelson of Florida, would authorize a special resource study of Virginia Key Beach for possible inclusion in the National Park System. A House companion bill, H.R. 2109, sponsored by Representative Carrie Meek, has passed the House with amendments.

The National Park Service preserves our nation's cultural and natural heritage, and Virginia Key Beach provides us with an opportunity to consider adding a site significant in our nation's heritage.

Virginia Key Beach was opened in August 1945, by a group of African American men in violation of a Dade County law. Led by Judge Lawson Thomas, the group staged a "wade in" at the whites-only Haulover Beach. The county decided that instead of prosecuting these men for this act of civil disobedience, they would establish a beach on Virginia Key.

Initially, the county lived up to its commitment of "separate but equal facilities" and constructed many of the same facilities that were available at the whites-only park including cabanas, a carousel and mini-train, dance platform, snack bar, and bath houses. Although access to the beach was available only by ferry from a dock located on the Miami River, Virginia Key Beach became a very popular and important gathering place for South Florida's African-Americans.

The park provided a number of entertainment and recreation opportunities but also played a cohesive role in the entire black community. African-Americans from all social classes and neighborhoods gathered there for baptisms, church gatherings, and community recreation. There is even historical evidence to suggest that it was a gathering place for African-Americans as early as 1918. The documentation for nominating the site to the National Register of Historic Places is currently being prepared.

In addition, Virginia Key Beach is part of a larger natural ecosystem that is worthy of conservation. The beach is on the 1,000 acre barrier island of Virginia Key. The island remains largely undeveloped and has a number of ponds, waterways, and forested areas. Virginia Key's ecosystem supports sea turtles, manatees and wide range of migratory birds and wildlife, and a portion of Virginia Key is managed by the Florida Fish and Wildlife Commission as a Critical Wildlife Area.

Virginia Key Beach provides us with the unique opportunity to preserve a site significant in the history of segregation and the struggle for civil rights in our nation, within a larger natural ecosystem that conserves our nation's natural heritage.

Thank you again, Mr. Chairman for conducting this hearing and for the opportunity to submit a statement for the record.

Senator NELSON. He is chairing the Intelligence Committee right now. That is why he could not be here, but he does have a comment for the record. Thank you, Mr. Chairman.

Senator AKAKA. I also want to say, Senator Nelson and Congresswoman Meek, you may be excused if you need to go.

Senator NELSON. Thank you so much.

Senator AKAKA. I would like to call on Congressman Faleomavaega from Samoa for your testimony.

**STATEMENT OF HON. ENI F.H. FALEOMAVEGA,
DELEGATE FROM AMERICAN SAMOA**

Mr. FALEOMAVEGA. Thank you, Mr. Chairman. I want to thank you and distinguished members of this subcommittee for giving

consideration to the bill that I had sponsored, H.R. 1712, which authorizes the Secretary of the Interior to make adjustments in the boundary of the National Park of American Samoa, and I certainly want to extend to you, Mr. Chairman, my warmest aloha, and thank you for your continued support, and I would be remiss if I did not also express my good wishes and welcome and thank you to the distinguished Senator from Wyoming, a dear friend, former member, and colleague of the House of Representatives, the other body, if you will, and certainly my good friend Ben Campbell from Colorado.

As you know, Mr. Chairman, years ago Tip O'Neill had a rule in the House. He authorized only two members to wear Indian ties, and that is Ben Campbell and me, and I am still wearing my Indian tie right now.

But truly, Mr. Chairman, this bill is noncontroversial. It has bipartisan support, and personal thanks on my part to the gentleman from Utah, Mr. Hansen, our chairman and the Ranking Democratic member, Mr. Rahall from West Virginia, for their full support. This legislation passed the House a couple of weeks ago, and now it is before your consideration.

Mr. Chairman, 4 years ago I received a request from the Council of Chiefs, principally of the villages of Sili and Olosega, on these islands of Ofu and Olosega, to include portions of their village lands within the National Park of American Samoa. The chiefs noted the important role the park plays in preserving the natural and cultural resources of the territory, and indicated that the village councils believe there are significant cultural resources on village lands which warrant consideration for addition to the park.

The National Park Service researchers did an excellent job to conduct their survey, and they discovered that on top of this particular island of Olosega—as you see, Mr. Chairman, these two islands are about 60 miles away from the main island—there were several acres, probably over 100 acres of medicinal plants that were planted by Samoans, and nowhere else found in the Pacific region. Those medicinal plants are found there as part of their conservation and use for agricultural and certainly for medicinal purposes, and that leads me to my next point, Mr. Chairman.

The National Park in American Samoa is very unique and important. One of the world's most renowned ethnobotanists, Dr. Paul Cox, who is currently the director of the National Tropical Botanical Garden on the Island of Kauai in the State of Hawaii, conducted a series of research studies of over several hundred of ancient Samoan medicinal plants, and one of these plants, a substance called protastine now has been discovered. It has been found that protastine may have beneficial properties for the treatment of HIV/AIDS.

About 2 months ago in my district, I was privileged also to host one of the world's most renowned marine ocean scientists, Dr. Sylvia Earl, and believe it or not Dr. Earl in her seventies continues to explore the ocean as a scuba diver, and in doing so found that one of the rarest giant clams in the world can only be found in the Samoan Islands.

By the way, Mr. Chairman, one of my colleagues the other day introduced me as the gentleman from Somalia. Respectfully, it is Samoa, and not Somalia.

Mr. Chairman, I submit the park has bipartisan support both from my Democratic and Republican colleagues in the House and, I respectfully submit, your positive and hopefully favorable approval of this proposal, and I want to say also that I am very grateful that the administration has not raised any serious objections to the proposed park, as I am sure my good friend Mr. Smith will testify to that effect.

I gave Mr. Smith the Samoan treatment. He will be very positive in his presentation concerning this little park. I have 26 Samoan NFL players right now that will be helping Mr. Smith to make sure that he will give full assurances that my little park on the little islands out there is going to have the approval of the Congress as well as President Bush.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Faleomavaega follows.]

PREPARED STATEMENT OF HON. ENI F.H. FALEOMAVAEGA, DELEGATE FROM
AMERICAN SAMOA

Mr. Chairman: I want to thank you for holding this hearing on H.R. 1712—a bill which would authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa. I extend to you my warmest alohas and thank you for your continued support.

I also want to thank my good friend from Wyoming, Senator Craig Thomas, Ranking Member of the Subcommittee, for his continued sensitivity to the needs of American Samoa. I would also like to thank both the Republican and Democratic House Leadership, the gentleman from Utah (Mr. Hansen) and the gentleman from West Virginia (Mr. Rahall), our full committee leaders, and the gentleman from California (Mr. Radanovich) and the gentlewoman from the Virgin Islands (Mrs. Christensen), of the House Subcommittee on National Parks, Recreation and Public Lands, for their support of this legislation.

Mr. Chairman, the U.S. Territory of American Samoa is located approximately 2,400 miles southwest of Hawaii. The national park in American Samoa is located on three separate islands: Tutuila, Ofu and Ta'u. The islands of Ofu and Olosega, portions of which would be added to the park under this legislation, are small islands which lie adjacent to each other.

In 1998, I received a request from the village chiefs of Sill and Olosega to include portions of their village lands within the National Park of American Samoa. The chiefs noted the important role the park plays in preserving the natural and cultural resources of the Territory, and indicated that the village councils believed there are significant cultural resources on village lands which warrant consideration for addition to the park.

About 2 years ago, I asked the National Park Service to conduct studies to determine if there were resources on the island which warranted inclusion in the park. The Park Service completed reconnaissance surveys of the island of Olosega and of a portion of the island of Ofu, and reported on both. The Service concluded in part:

"The archaeological significance of [Olosega Island] cannot be understated. Sites on the ridgeline and terraces may offer an important opportunity for the study and interpretation of ancient Samoa. The number and density of star mounds (31), the great number of modified terraces (46) and home sites (14), the subsistence system, and the artifacts available are all important findings. This is particularly significant in that they were recorded in only 3 days of visual surveys on only a portion of the island."

The National Park Service researchers also discovered that on top of this particular island of Olosega were several acres of medicinal plants that are found nowhere else in the Samoan islands. This leads me to my next point, Mr. Chairman. The national park in American Samoa is both unique and important.

One of the world's most renown ethnobotanists, Dr. Paul Cox, who is currently the director of the National Tropical Botanical Garden on the island of Kauai in the State of Hawaii, conducted a series of research and studies of several of the ancient

Samoan medicinal plants. From one of these plants a substance called prostratin has now been discovered. It has been found that prostratin may have beneficial properties for the treatment of HIV/AIDS.

About two months ago, my district was privileged to host one of the world's most renown marine ocean scientists, Dr. Sylvia Earle. Believe it or not, Dr. Earle continues to explore the ocean as a scuba diver, and in doing so, found that one of the rarest giant clams in the world can only be found in the Samoan islands.

Mr. Chairman, the National Park of American Samoa continues to grow in importance. Established in 1988 by Public Law 100-571, the park took several years to become operational. Today, however, tourists are visiting and school teachers are using the park as an educational resource to help the students learn more about Samoan history and culture, the environment, and ecological conservation. The park is preserving the area within its boundaries, but as the population grows—there was a 22% increase from 1990 to 2000—considerable pressure is being placed on other undeveloped areas.

The additions proposed by this legislation will preserve important sections of the remaining natural and cultural resources of the Territory. Again, because of the unique and historical significance of this park, I ask my colleagues to support H.R. 1712.

Senator AKAKA. Thank you very much for your interesting testimony. I also want to permit you to—in case you need to leave, you may be excused.

Let me call on Hon. Zach Wamp, Congressman, for your testimony.

STATEMENT OF HON. ZACH WAMP, U.S. REPRESENTATIVE FROM TENNESSEE

Mr. WAMP. Thank you very much, Mr. Chairman. These are tough acts to follow here. Senator Thomas and Senator Campbell, and a word to the other members of the subcommittee and the full committee of appreciation for this opportunity. I want to say thank you very much.

I was going to even say hallelujah, until Senator Thomas reminded me in his opening statement that there is so much tough lifting left to do that I should hold and reserve the hallelujah until a later point, but I have a written statement and I want to submit it for the record. I am not going to read it, but I hope you will, and I just want to make three brief points today, particularly in light of the challenges we still face on H.R. 980.

First of all, I am convinced, Senator Thomas, that if all 100 Senators could do what Park Service Director Fran Minella had the opportunity to do last month, and that is come and spend a day in Chattanooga, and I know it is not possible, but if they could understand the 12,000 years of human history on the Bend and understand the ancient burials there of people upon people upon people, literally stacked on top of each other, and understand the scope, I think they would feel the historical burden and obligation that I now feel to do what is right.

It should have been done a long time ago, before that hospital was built there, but it was not, but that does not mean it should not be done now, and that we should not work to try to resolve these nonconforming uses, and I thank Director Minella for coming and taking the time to experience the Bend and understand the history of the Bend, and I hope through this process that Senators can come to understand it as well, as much as possible without going there, but I honestly believe that if every Senator could be there and understand this and feel it, and also understand that in

these 900 acres the footprints of these, quote, nonconforming uses are the exception and not the rule—it is a vast area mostly of vegetation and wildlife and not of a lot of different physical problems, but they are real problems that we need to work through, and we are willing to negotiate and willing to compromise, as long as we do not run over local government. That is the first point.

The second point is, this is complicated, but as the study says, it is so nationally significant that it calls us, I think, to this obligation. You are going to hear Jay Mills come and testify later to the anthropology and the history and the, really, 11 important time frames in history that this Bend represents, and the study clearly points out there are few places like this in this country where you can go back to Paleo-Indians and the hunting of mastodon on this very track, all the way through the Spanish movement and the early American Indians, and then the civil war being fought there, and it is such a collage of human history, all on this 900-acre footprint, that it deserves standing in our history, in our interpretation of who we are, and where we have been.

And then thirdly I just want to say, this is an important initiative for our city. We have transformed our city in the last 15 years. The word Renaissance does not even come close to discussing what has happened in Chattanooga. That word is overused. You have to come to see. We have reclaimed our river. We have reclaimed our history. There are people on the river all the time.

This addition to the National Park Service is a piece of our future that we have built widespread consensus for, both newspapers, liberal, conservative, the city council, the county commission, the State of Tennessee, all willing contributors of land and resources into this proposal, widespread public support, citizen action groups, but this was a process of taking the study, building consensus, coming up with a compromise plan that does phase certain things out over time, with a goal of trying to restore the Bend over time, without violating some of local government's needs, like an immediate closure of the hospital, which would potentially disrupt the services for the mental health community there, or law enforcement, where a lot of people who are incarcerated are sent there, and so, until there is another facility built in our county, we should not force those closures.

So I would just appeal to the Senate to say, we got through the House, working through these problems and finding a way to make some changes which were made. The House bill was amended on several fronts. We would ask you to please consider amendments, consider reasonable compromises so that we can keep local government with us through this process, but also not miss this historic opportunity that we have worked so hard for over a number of years.

Because time is of the essence, obviously, we really appreciate the Senate taking this bill under consideration here today, and I would just say in closing that where there is a will there is a way, and I just ask today, please, for your willingness to work with us to see this bill through the process to the Senate floor at some point this year.

I have spoken with the administration, I have spoken with the President himself about this piece of legislation. I understand there

is a moratorium, but I also understand that there are exceptions that might be made, including on this bill if we can reach a compromise in the Senate, and I am sure that the House will take the Senate amendments and the Senate compromises quickly back through the House.

Thank you very much for the courtesy of this day, and Senator Thomas, I promise you we will bend over backwards to try to meet the concerns you have raised and that you will continue to have. [The prepared statement of Mr. Wamp follows:]

PREPARED STATEMENT OF HON. ZACH WAMP, U.S. REPRESENTATIVE
FROM TENNESSEE

Chairman Akaka, Ranking Member Thomas and members of the Subcommittee: I want to thank you for this much appreciated opportunity to testify before you today on H.R. 980, a bill to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System. This bill is bipartisan and includes the nine House members from the State of Tennessee and Congressman Nathan Deal of north Georgia as original cosponsors. On October 23 of last year, the House unanimously passed H.R. 980 with amendments.

The process to develop H.R. 980 has been one of consensus building and compromise and I expect that throughout this process it will continue to be. However, there has never been a point since I have been involved in preserving Moccasin Bend that we have had this much support for adding Moccasin Bend into the National Park system. I believe we have a good compromise that has taken all views into account throughout this process. This wide range of support for passage of H.R. 980 includes the City of Chattanooga, Hamilton County, the State of Tennessee, the Inter-Tribal Council of the Five Civilized Tribes Cultural Preservation Committee, the Friends of Moccasin Bend, the Cherokee Nation, and both editorial boards of the Chattanooga Times Free Press; who seldom agree on anything.

You may be interested to know that one year ago today, the House Subcommittee on Parks held the first hearing in decades on the idea of adding Moccasin Bend to the National Park system. This was a monumental move for those that have worked so diligently to see Moccasin Bend preserved. This is the first time in decades that a Committee has revisited the merits of adding Moccasin Bend into the National Park System. I will defer to Jay Mills, the vice-president of the Friends of Moccasin Bend, to explain in detail through his testimony the history and importance of adding this into the National Park system. However, I would like to point out that in 1950, Congress enacted legislation that authorized the Secretary of the Interior to accept a donation of no more than 1,400 acres of Moccasin Bend to Chickamauga and Chattanooga National Military Park. Then Governor Frank Clement, however, vetoed the \$100,000 appropriation to move the proposal forward and unfortunately today we live with the several "nonconforming" uses that need to be transitioned over in their original condition. The site was also listed on the National Register of Historic Places in 1984 and in 1986, a 956-acre area was designated as the Moccasin Bend Archeological District National Historic Landmark.

In 1998, Congress appropriated funds, and the National Park Service conducted a feasibility study that determined that Moccasin Bend holds nationally significant archeological and historical resources. This study discussed many alternatives but only had two viable alternatives—leave the Bend as is or include it as a separate unit of the National Park System. The NPS study describes many of the "Threats to the Resources" that are included in the Bend. The two most controversial areas on the Bend have been the Moccasin Bend Mental Health Institute and the Moccasin Bend Golf Course. During ongoing discussions with all parties involved, I think we have brokered two very well thought out compromises that now receive broad support across the State and nation.

Also, in H.R. 980 there are two privately owned parcels of land. Both the Rock-Tenn parcel and the Serodino and Klimsch property are owned by willing sellers that would like their property to be part of the park. I have and will continue to work in my capacity as a member of the Interior Appropriations Subcommittee to include the necessary funding in the National Park Services Land and Water Conservation Fund to purchase these two properties, subject to the enactment of H.R. 980.

I know that this Subcommittee and the National Park Service have some concerns about H.R. 980 since the bill doesn't include all of the Park Service's recommendations and that there are some other uses on the Bend that must also be addressed.

However, I believe that as this bill moves through the legislative process that we can address these concerns adequately, to this Subcommittee and the Park Service without losing the local grassroots support for adding Moccasin Bend to the park system.

President Bush's initiative to eliminate the deferred maintenance backlog should be commended. I look forward to working with this Administration on this initiative throughout the appropriations process. For the last five years on the Interior subcommittee, I have also worked to reduce the backlog and to find creative ways like the "Fee Demonstration" program to fund needed improvements. But the time to add Moccasin Bend to the park system is now. From the early native Americans to Hernando de Soto on his way to the Mississippi; from the Cherokees beginning the Trail of Tears to the brave soldiers of the Civil War—the history of "The Bend" calls us to action now. We must do both—preserve nationally significant places like Moccasin Bend and responsibly deal with the backlog of maintenance needs at our national treasures.

In closing, I would urge the Subcommittee to move forward on H.R. 980. I stand ready to work with you, Chairman Akaka and Senator Thomas, and the other members of the subcommittee to make sure that we perfect this bill as it moves through the legislative process.

Thank you for the opportunity to testify today, and I look forward to any questions you may have.

Senator AKAKA. Thank you very much, Congressman Wamp, for your testimony.

I was just going to ask if the other members had any questions.

Senator CAMPBELL. Mr. Chairman, I had one, maybe a couple. I might tell you every NFL team benefits from Samoa, not just the ones you mentioned, but I did hear you say the chiefs of two villages wanted to have their communities within the boundaries of this area, is that right? What if there is any liability problem, or access problem, or right-of-way problems or anything else?

Mr. FALCOMVAEGA. Senator Campbell, the National Park of American Samoa is probably the most unique park ever devised in the hands of the Congress. The lands in American Samoa are basically what are known as communal lands. There is no fee simple status as far as western legal standards are concerned, so what we have arranged when we passed this legislation in 1988 was to allow the villages of these communal lands to be leased on a 55-year basis, subject to renewal by the Federal Government, and this is the basis of how we establish this land relationship between the village councils and the Federal Government.

In other words, the additional acres in this land is on a lease basis, and that for the purpose of protection the villages are allowed to do farming, to do as if in the most traditional way, so that at the same time there is conservation of the makeup, and by the way, it is one of the few acres of the United States where the rain forest is also established in this area, so it is for preservation as well as for enhancement, and what we are hoping to see is the value of medicinal plants that my forefathers had used, that there could be some major breakthroughs where they could do agricultural planting of these medicinal plants that may be of value to our country as far as health concerns.

Senator CAMPBELL. I am supportive of the legislation, Mr. Chairman, but while I was listening to Eni speak I was reminded just myself that the Mesa Verde National Park, which is a big one in our State, there is a road that goes in the park, and then it loops out just for a few feet and goes through the Ute Indian Reservation and back into the park.

About 8 or 9 years ago some of the tribal members decided that they should charge a toll, and they went out and closed the darned road, and boy, did that create a big headache for me when the phone calls started coming in that some of my brothers were out there with a barricade preventing people from getting to the national park, and so I question if there is any problems down the road somewhere.

Mr. FALÉOMAVAEGA. I can assure the good Senator that will not happen in Samoa.

Senator CAMPBELL. You can get some of your relatives who might be linemen out there to straighten it out.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you. Any questions?

Senator THOMAS. I think not. I would just say, I hope you enjoyed your trip to Wyoming sometime back.

Mr. FALÉOMAVAEGA. I look forward to going to Wyoming again, Senator Thomas.

Senator THOMAS. Wear your cowboy boots when you come.

Mr. FALÉOMAVAEGA. And I do hope to wear cowboy boots one of these days. As you know, Senator, I am still wearing sandals. I am still learning how to use suits and ties and pants and all of that stuff.

Mr. Chairman, I submitted for your consideration the national park calendar for the members to look at the photo—the center photo happens to be our national park—for my distinguished friends to see, and Mr. Chairman, this is the appearance of the map where the national park boundaries are and what we are hoping to achieve in this legislation, and Mr. Chairman, if my chart and that calendar is returned, that means favorable consideration. If I do not get it back, that means you trashed it, and I will be very sad if this bill does not pass the Senate, Mr. Chairman.

Senator AKAKA. So you want it back?

Mr. FALÉOMAVAEGA. Absolutely, but thank you, Mr. Chairman.

Senator AKAKA. Thank you very much. I just want to ask you, if I remember correctly between Ofu and Olosega there is a bridge that connects the two islands, is that correct?

Mr. FALÉOMAVAEGA. Yes. That very tip there is about 100 yards, and there is a bridge that connects, and I usually go fishing in that area, and I invite the good Senators to join me. It is excellent fishing. Underground, above-ground, anywhere you want, you will get the fish. But that is the bridge that puts the two islands together.

Senator AKAKA. Thank you.

Mr. WAMP. Mr. Chairman, let me just add, the staff has provided for you a picture with some of the historical characteristics of the Bend here which are really unique, and I just want to make sure you each have that. Thank you very much.

Senator AKAKA. Thank you. That is very informative.

Senator CAMPBELL. Zach, whose responsibility is it to relocate these things like the golf course and the hospital if all that stuff has to be moved? Does the State do that, or is that going to be something the Federal Government will be asked to do?

Mr. WAMP. The legislation would call for the State and the local government that would be conveying the land free to actually turn it over in a clean condition, and certainly the State, while our State

has budget problems right now and really does not want to address any future obligations at this moment, they recognize that whenever the mental hospital, for instance, is closed, that it would be taken down and returned to its original condition at the expense of the State, and that the local government would have a number of years to take the firing range and the nonconforming uses and clean them up as well and turn them over to the Federal Government, and it is a shared responsibility.

The Federal Government would, as Senator Thomas points out, riprap the bank because we are losing the burial grounds to erosion on the Tennessee River, and make significant expenses, but the local government would also be making significant expenses, and at this point there is an indefinite agreement, I think the park will testify, on the golf course, that it would remain as a public golf course until the city no longer uses it as a municipal golf course, and then it can be taken by the Secretary of the Interior.

That was a compromise that we struck on the House side through the process, where the committee made that recommendation and we said that is agreeable, that whatever time it is no longer a municipal golf course run by the city and the county, it can be taken by the Secretary of the Interior without further legislation, so there is an agreement or a compromise really that has been reached on all of these fronts, but we are willing to negotiate further on any reasonable recommendations that the Senate may have, and thank you, Senator.

Senator CAMPBELL. Thank you. Thank you, Mr. Chairman.

Senator AKAKA. Thank you. If there are no further questions, thank you very much. You are excused. Thank you for your testimony.

I would like to have Mr. Daniel Smith, Special Assistant to the Director of the National Park Service, to come to the table. Mr. Smith, welcome to the subcommittee. We will include your written statement in the record in its entirety, so please feel free to summarize your remarks, and when you are ready, please proceed with your testimony on all of the bills and then we will return to you for questions.

**STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO
THE DIRECTOR, NATIONAL PARK SERVICE**

Mr. SMITH. Mr. Chairman, thank you. It is a pleasure to appear before your committee today on these bills, and I will summarize for the record, and obviously submit them in full.

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1257 and H.R. 107. The Department supports this legislation if amended in accordance with this testimony, as we believe that it is wholly appropriate for the National Park Service to undertake a study that will help ensure that the history of the Cold War era is preserved for future generations of Americans.

However, the administration did not request funding for this study, or any other national historic landmark theme study, for the fiscal year 2003. These studies may identify sites that may be appropriate candidates for special resource studies, but the studies themselves do not evaluate sites for possible addition to the Na-

tional Park System. Therefore, theme studies do not have the potential to lead directly to new operation, maintenance, and other costs for the National Park Service.

Although S. 1257 and H.R. 107 as passed by the House are very similar, there are some important differences between the two. As introduced, both H.R. 107 and S. 1257 included a provision requiring the Secretary to establish a Cold War Advisory Committee to assist with the study. At our request, the House deleted this provision from H.R. 107. Whether this committee acts on H.R. 107 or S. 1257, we strongly recommend that the advisory commission be omitted. In our view, such a committee is unnecessary and would add greatly to the cost of a study and time required to complete it due to the legal requirements of the Federal Advisory Committee Act.

Another difference between S. 1257 and H.R. 107 is a provision requiring the inclusion in the study of recommendations on the suitability and feasibility of establishing a central repository for Cold War artifacts and information. This provision is found in H.R. 107, but not in S. 1157. We urge that this provision, which is section 1, subsection (b)(1)(C) of H.R. 107, be omitted from the legislation reported by this committee.

Mr. Chairman, that concludes my statement on S. 1257 and H.R. 107.

On S. 1312 and H.R. 2109. These bills would authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach in Biscayne Bay, Florida, where a recreational community for African Americans flourished at a time when nonwhites were prohibited from using other beaches in the Miami area.

The Department supports both bills, but we prefer H.R. 2109 as passed by the House on April 30, for reasons explained later in this testimony. However, we did not request additional funding for this study in fiscal year 2003. We recommend that the committee approve the language used in H.R. 2109 as passed by the House, rather than that used in S. 1312. H.R. 2109 was amended by the House to change the name of the area to be studied from "Virginia Key Beach," to "Virginia Key Beach Park."

Although the names have been used interchangeably, using the term "Virginia Key Beach Park," helps clarify that the study is focused on the 77 acre recreation site and does not include the entire beach of Virginia Key. It is also consistent with the name that is being used for the site in the nomination for the National Register of Historic Places.

Mr. Chairman, that concludes my statement on H.R. 2109 and S. 1312.

Mr. Chairman, thank you for the opportunity to present the Department of Interior's views on S. 1944, a bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado and for other purposes.

The Department of the Interior supports S. 1944. The bill authorizes additions to both Black Canyon of the Gunnison National Park through three separate easement or exchange transactions, and Gunnison Gorge National Conservation Area.

The revision of the national park boundary would not contribute to the National Park Service maintenance backlog because the maintenance—excuse me, Mr. Chairman, because the management and operation of the land added to the boundary would not result in any additional facilities, increased operating cost, or additional staffing. One parcel would be an equal value exchange, another would involve the purchase of the conservation easement on 240 acres, and a third involves the transfer of 480 acres of isolated Bureau of Land Management land to the National Park Service, and then the exchange of this parcel for a conservation easement on approximately 2,000 acres. The private landowner is expected to donate the difference in value as a result of this last exchange.

S. 1944 also amends Public Law 106-76 to clarify grazing privileges within the park. If land authorized for grazing within the park is exchanged for private land, then any grazing privileges would transfer to the private land that is acquired. Also, the bill clarifies the length of time that grazing may be conducted on parklands by partnerships.

S. 1944 would amend Public Law 106-76 to treat partnerships similarly to individual permit-holders, allowing permits to be renewed through the lifetime of the partners as of October 21, 1999.

S. 1944 also provides for the expansion of the Gunnison Gorge NCA, managed by the BLM. A 5,759-acre parcel of land on the north side of the existing NCA has been acquired from a willing seller through a land exchange. The legislation also makes some minor boundary adjustments to the NCA. In order to resolve these issues with the local landowners in a fair and equitable manner, slight boundary modifications need to be made so that the exchanges can be effected.

Since S. 1944 was introduced, the BLM has discovered an additional trespass, and we would like the opportunity to work with Senator Campbell and the subcommittee to modify the map before markup.

This concludes my testimony on this bill.

On H.R. 38. This bill provides for additional lands to be included within the boundaries of Homestead National Monument of America in the State of Nebraska. The Department supports the enactment of H.R. 38 as passed by the House. Funding to acquire the privately owned properties was included in the fiscal year 2001 Interior Appropriations Act, and we anticipate that management of the acquired lands can be accomplished with existing park resources.

The total amount of land to be added is approximately 33 acres. The private landowners affected have agreed in principle to this proposed legislation, and the State of Nebraska has agreed as well to donate its lands as provided in the bill.

Mr. Chairman, the Department supports enactment of H.R. 38, as passed by the House, and we thank you for the opportunity to testify on the bill today.

That concludes my statement on H.R. 38.

Mr. Chairman, thank you for the opportunity to present the Department of Interior's views on H.R. 980, which would establish the Moccasin Bend National Historic Site in Chattanooga, Tennessee as a unit of the National Park Service.

The Department recommends that the committee defer action on this legislation during the remainder of the 107th Congress. The Department has reviewed our progress on the President's initiative to eliminate the deferred maintenance backlog, and it is clear that we need to focus our resources on caring for existing units of the National Park System. For this reason, the Department will only support new designations that involve no new cost or minimal cost to the Federal Government for land acquisition, operation, and maintenance.

In addition, with respect to this particular proposal, the Department has concerns with some of the provisions of H.R. 980 and has some recommendations for amendments to address the National Park Service's ability to ensure the long-term protection of the resources and to accommodate public use at Moccasin Bend. H.R. 980, as passed by the House, would authorize the land within the boundary of the National Historic Site to be acquired by donation, exchange, or purchase from willing sellers.

It provides that the Secretary of the Interior may accept a donation of the Moccasin Bend Mental Health Institute, one of the two major incompatible uses at Moccasin Bend, only after the facility is no longer used to provide health care services, except for any land the State determines is excess to the needs of the facility.

The legislation excludes from the boundary of the National Historic Site the part of the archaeological district that is currently leased for a golf course, the other major incompatible use, but it does allow the Secretary to acquire the golf course if it ceases to be used for that purpose.

The study also found that the Moccasin Bend Archaeological District met the test of suitability for a unit of the National Park Service in that it represented a theme or resource that is not already adequately represented in the National Park System, nor is comparably represented and protected for public enjoyment by another land management entity. With respect to the test for feasibility, however, the study found that certain conditions needed to be met for the area to be considered feasible as a new unit of the National Park System. The facilities within the archaeological district that are incompatible with the park include the Moccasin Bend Mental Health Institute, a public golf course, radio towers, a law enforcement firearms training range, and a model airplane facility.

Since H.R. 980 was first introduced, the National Park Service has been engaged in discussions with the legislation sponsor, Representative Zach Wamp, and with Senators Fred Thompson and Bill Frist, to address these incompatible uses in a way that avoids a sudden disruption in existing activities, yet assures that in time there would be a viable unit of the National Park Service at Moccasin Bend.

Our support for H.R. 980 is contingent upon amending it to provide that the establishment of the site would occur only after certain requirements related to land transfers and operational issues are met. Briefly, these would include:

One, receiving from the State the land it owns within the archaeological district, except that needed to operate the Moccasin Bend Mental Health Institute;

Two, receiving from the State the donation in escrow of the remainder of the land it owns in the archaeological district containing the Moccasin Bend Mental Health Institute;

Three, receiving from Hamilton County and the city of Chattanooga the donation of the land they own within the archaeological district, except for land used for the golf course, the law enforcement firearms training range, and the model airplane facility;

Four, receiving from Hamilton County and the city of Chattanooga a written commitment to transfer to the United States the land used for the law enforcement firearms training range and the model airplane facility within 5 years of enactment of the legislation, and to transfer the golf course to the United States if that is no longer used for that purpose; and

Five, the signing of a memorandum of agreement by the State, the county, the city, and the Secretary of the Interior that addresses issues of mutual concern operating a national historic site at Moccasin Bend.

In addition, the administration has concerns about the cost of removal of hazardous waste and the restoration of the transferred land to resemble the area's 1950 appearance. We would like to work with the State, the county, the city, and this committee to address those concerns. We believe that the legislation should list the three primary themes that would be interpreted at this site, American Indian settlement, the Civil War Siege of Chattanooga, and the Trail of Tears.

One option that has been raised as an alternative to amending the legislation as described above would be to obtain written commitments from the State, the county, and the city for these actions. The committee may want to consider that option and, if such commitments could be secured prior to reporting the legislation, the Department of the Interior would work with these entities to achieve that purpose.

Mr. Chairman, that concludes my statement on H.R. 980.

Senator AKAKA. Mr. Smith, if you can summarize H.R. 1712, we would appreciate that.

Mr. SMITH. Yes sir. H.R. 1712 will provide authority for the Secretary of the Interior to adjust the boundary of the National Park of American Samoa to include up to approximately 1,000 acres of land on the Island of Olosega and approximately 450 acres on the Island of Ofu, and approximately 1,500 acres of ocean waters off-shore of Olosega and Ofu.

Proposed additions on Ofu contain excellent wildlife and coral reef habitats. The law that established the National Park of American Samoa does not provide the authority for the National Park Service to acquire parklands, but instead requires these lands must be leased from the Governor of Samoa. The park's enabling legislation places the responsibility for determining the rental value of lands to be leased for this and then with the High Court of American Samoa administering those fair market appraisals.

As a reference point, the park currently leases 8,000 acres for \$419,000 annually. The off-shore waters would be leased from the Government of American Samoa at no cost. No development is contemplated within the boundary adjustment area, so no construction

nor significant development costs are anticipated in connection with H.R. 1712.

At the House hearing on February 14, 2002, we recommended two technical amendments which the House included in the bill that passed on March 19, 2002.

Mr. Chairman, that concludes all my testimony today. I look forward to trying to answer your questions.

[The prepared statements of Mr. Smith on S. 1257, H.R. 107, S. 1312, H.R. 2109, S. 1944, H.R. 38, H.R. 980 and H.R. 1712 follow:]

PREPARED STATEMENTS OF P. DANIEL SMITH, SPECIAL ASSISTANT TO THE DIRECTOR,
NATIONAL PARK SERVICE

S. 1257 AND H.R. 107

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1257 and H.R. 107. These bills would require that the Secretary of the Interior conduct a theme study to identify sites and resources associated with the Cold War and to recommend ways to commemorate and interpret that period of our nation's history.

The Department supports this legislation, if amended in accordance with this testimony, as we believe that is wholly appropriate for the National Park Service to undertake a study that will help ensure that the history of the Cold War era is preserved for future generations of Americans. However, the Administration did not request funding for this study or any other National Historic Landmark theme study in Fiscal Year 2003. Theme studies are not the same as special resource studies, which assess the suitability and feasibility of adding a site to the National Park System. Theme studies may identify sites that may be appropriate candidates for special resource studies, but these studies themselves do not evaluate sites for possible addition to the National Park System. Therefore, theme studies do not have the potential to lead directly to new operation, maintenance or other costs for the National Park Service.

S. 1257 and H.R. 107 would require the Secretary of the Interior to conduct a National Historic Landmark theme study to identify sites and resources in the United States that are significant to the Cold War. The bills specifically provide that the study consider the inventory of Cold War resources that has been compiled by the Department of Defense and other historical studies and research on various types of military resources. They also require the study to include recommendations for commemorating these resources and for establishing cooperative arrangements with other entities.

In addition to authorizing the theme study, S. 1257 and H.R. 107 would require the Secretary to prepare and publish an interpretive handbook on the Cold War and to disseminate information gathered through the study in other ways. S. 1257, but not H.R. 107 as amended, would also require the Secretary to establish a Cold War Advisory Committee to consult on the study. S. 1257 and H.R. 107 both authorize appropriations of \$300,000 to carry out the legislation.

The National Historic Landmarks program was established by the Act of August 21, 1935, commonly known as the Historic Sites Act (16 U.S.C. 461 et. seq.) and is implemented according to 36 CFR Part 65. The program's mission is to identify those places that best illustrate the themes, events, or persons that are nationally significant to the history of the United States and that retain a high degree of integrity. Potential national historic landmarks are often identified through theme studies such as the one that would be authorized by this legislation.

For example, in 2000, the National Park Service completed and transmitted to Congress a National Historic Landmark theme study on the history of racial desegregation of public schools, which was authorized by Public Law 105-356, the Act that established the Little Rock Central High School National Historic Site. Federal, state, and local officials across the country are now using this study to identify and evaluate the significance of numerous properties. So far, properties in nine states and the District of Columbia have been recommended for consideration as national historic landmarks. Currently the National Park Service is conducting several other theme studies, including one related to the history of the labor movement, another on the earliest inhabitants of Eastern North America, and another on sites associated with Japanese Americans during World War II.

At the moment, the history of the Cold War has some presence in the National Park System and on the two lists of historic sites maintained by the National Park

Service. The National Park System includes one unit related to the Cold War, the Minuteman Missile National Historic Site in South Dakota, which Congress established in 1999 to preserve and interpret the role of Intercontinental Ballistic Missiles in our nation's defense system.

Out of 2,341 designated national historic landmarks, five recognize civilian or military aspects of Cold War history, and out of nearly 75,000 listings on the National Register of Historic Places, 17 (including the five landmarks) are related to the Cold War. The relatively small number of recognized sites is due in large part to the fact that the Cold War has only recently been viewed as historically important. With or without a theme study, these numbers would likely increase over time, and the Department of Defense could take steps on its own to identify these sites under their jurisdiction.

Although S. 1257 and H.R. 107 as passed by the House are very similar, there are some important differences between the two. As introduced, both H.R. 107 and S. 1257 included a provision requiring the Secretary to establish a Cold War Advisory Committee to assist with the study [Section 3 of S. 1257]. At our request, the House deleted this provision from H.R. 107. Whether this committee acts on H.R. 107 or S. 1257, we strongly recommend that the advisory commission be omitted. In our view, such a committee is unnecessary and would add greatly to the cost of a study and time required to complete it due to the legal requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

National Historic Landmark program regulations already require consultation with Federal, state, and local governments; national and statewide associations; and a variety of other interested parties. Through partnering with a national historical organization, using a peer-review process, and consulting with appropriate subject experts as well as the general public, the National Park Service would ensure that the broadest historical perspectives are represented in any study it undertakes.

Another difference between S. 1257 and H.R. 107 is a provision requiring the inclusion in the study of recommendations on the suitability and feasibility of establishing a central repository for Cold War artifacts and information. This provision is found in H.R. 107, but not in S. 1257. Studying and developing recommendations of that nature would be an undertaking that is well beyond the scope of a theme study, and that also could consume a large portion of the \$300,000 authorized for the legislation. We urge that this provision [Section 1(b)(1)(C) of H.R. 107] be omitted from the legislation reported by this committee.

In addition, we have been informed by the Department of Justice that the provisions of the bill that would require the Secretary of the Interior to make recommendations to Congress concerning federal protection for Cold War sites appear to violate the Recommendations Clause of the Constitution, which reserves to the President the power to decide whether it is necessary or expedient for the Executive Branch to make legislative policy recommendations to the Congress. The Administration would be pleased to provide language to remedy the bill's constitutional defects.

S. 1312 AND H.R. 2109

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1312 and H.R. 2109. These bills would authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach in Biscayne Bay, Florida, where a recreational community for African Americans flourished at a time when non-whites were prohibited from using other beaches in the Miami area.

The Department supports both bills, but we prefer H.R. 2109 as passed by the House on April 30 for reasons explained later in this testimony. However, we did not request additional funding for this study in Fiscal Year 2003. Altogether, there are 37 studies pending, of which we hope to transmit at least 7 to Congress by the end of 2002. We have concerns about adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to eliminate the deferred maintenance backlog. The Department will identify in each study all of the acquisition, one-time, and operational costs of the proposed site. At this time the costs are unknown.

S. 1312 and H.R. 2109 authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida. The study would evaluate the site's national significance and the suitability and feasibility of designating it as a unit of the National Park System. The bill calls for the study to be completed under the guidelines in Section 8 of P.L. 91-383, the National Park Service General Authorities Act of 1970, as amended, which contains the criteria for studying areas for potential inclusion in the National Park System. The guidelines

specify that studies consider other alternatives for protection of the subject area besides direct management by the National Park Service.

Virginia Key Beach Park is a 77-acre site on the southeastern side of Virginia Key, an island of approximately 1,000 acres located two miles east of downtown Miami, Florida and about one mile southwest of the southern tip of Miami Beach. Although there has been some limited development, the island is non-residential and includes ponds and waterways, a tropical hardwood hammock, and a large wild-life conservation area.

In the summer of 1945, at the "whites-only" Baker's Haulover Beach in north Dade County, a group of black men led by Judge Lawson E. Thomas staged a protest of the segregation laws that prohibited black persons from using the public beaches of Miami and Dade County. In response to the protest, county officials created a public beach for the black community on Virginia Key, which opened on August 1, 1945.

The beach at Virginia Key had been used by African Americans for at least the two previous decades. During World War II, the Navy used Virginia Key Beach for training African American servicemen who were not permitted to train in the waters along the "whites-only" beaches. It was not until 1945, however, that the county began building recreational facilities there and making the beach more accessible by providing ferry boat service until the completion of the Rickenbacker Causeway in 1949 allowed access by automobile.

Virginia Key Beach Park had bathhouses, picnic pavilions, a concession stand, and a carousel and other amenities. The beach remained segregated through the 1950's, until civil rights laws opened all the public beaches in the area. Still, through the next two decades, Virginia Key Beach remained a popular destination for many in the black community. In 1982, the area was transferred from the county to the City of Miami with the stipulation that the area be kept open and maintained as a public park and recreation area. However, the city closed Virginia Key Beach Park shortly after the transfer, citing the high cost of maintenance and operations. After nearly 20 years of non-use, the bathhouse, concessions building and other facilities have fallen into disrepair.

At the present time, efforts are underway locally to promote recognition and restoration of Virginia Key Beach Park. In 1999, the City of Miami appointed the Virginia Key Park Civil Rights Task Force to study and make recommendations for the site, one of which was to establish a more permanent entity to carry on the work of the task force. The Virginia Key Beach Park Trust was established in January, 2001, to implement the task force's recommendations. A nomination for the National Register of Historic Places is currently being prepared for the site. A special resource study conducted by the National Park Service would draw from the information compiled through these efforts and facilitate decisions about appropriate means to recognize and protect this site.

We recommend that the committee approve the language used in H.R. 2109 as passed by the House rather than that used in S. 1312. H.R. 2109 was amended by the House to change the name of the area to be studied from "Virginia Key Beach" to "Virginia Key Beach Park." Although the names have been used interchangeably, using the term "Virginia Key Beach Park" helps clarify that the study is focused on the 77-acre recreation site and does not include the entire beach of Virginia Key. It is also consistent with the name that is being used for the site in the nomination for the National Register of Historic Places.

S. 1944

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1944, a bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

The Department of the Interior supports S. 1944. The bill authorizes additions to both Black Canyon of the Gunnison National Park ("Park"), through three separate easement or exchange transactions, and Gunnison Gorge National Conservation Area ("NCA"). The revision of the national park boundary would not contribute to the National Park Service ("NPS") maintenance backlog because the management and operation of the land added to the boundary would not result in any additional facilities, increased operating costs, or additional staffing. Costs involved with the land transactions are expected to be minimal. One parcel would be an equal value exchange, another would involve the purchase of a conservation easement on 240 acres, estimated to cost approximately \$500,000 (although the park currently has approximately \$300,000 in a land acquisition account that could be used for this transaction), and the third involves the transfer of 480 acres of isolated Bureau of

Land Management (BLM) land to the NPS and then the exchange of this parcel for a conservation easement on approximately 2,000 acres. The private landowner is expected to donate the difference in value as a result of this last exchange.

S. 1944 amends the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (Public Law 106-76). The boundary of the park would be revised to include the addition of not more than 2,725 acres and the National Conservation Area (NCA) would also be revised. These additions are indicated on a new map, which supplements the boundary map referenced in P.L. 106-76.

The bill authorizes the transfer of 480 acres of BLM land to the jurisdiction of NPS. The Secretary is authorized to acquire lands or interests in lands in accordance with P.L. 106-76 (by donation, transfer, purchase with donated or appropriated funds, or exchange) and lands cannot be acquired without the consent of the owner.

S. 1944 also amends P.L. 106-76 to clarify grazing privileges within the park. If land authorized for grazing within the park is exchanged for private land, then any grazing privileges would transfer to the private land that is acquired. Also, the bill clarifies the length of time that grazing may be conducted on park lands by partnerships.

Black Canyon of the Gunnison National Park

The boundary of the park would be expanded in three transactions. The first, locally referred to as Sanburg II, is located just south of Red Rock Canyon, one of the most scenic hiking opportunities into the Black Canyon of the Gunnison. The landowner agrees with the NPS that maintaining the rural character adjacent to the Red Rock Canyon trailhead is an important part of the wilderness experience and he would be willing to sell the NPS a conservation easement on 240-acres in order to maintain the rural character of the land, and to prevent future subdivision. The Conservation Fund, a nationally recognized land trust, is assisting with this effort.

The second, the Bramlett exchange, would authorize the exchange of a 200-acre parcel of the Bramlett Ranch located on Grizzly Ridge, which overlooks the North Rim Road and North and South Rim overlooks. Although the landowner has proposed building cabins on the ridge top, he is willing to exchange this 200-acre parcel for land of equal value within the park and adjacent to his ranch headquarters. The equal value exchange would give the landowner land with easier access, and would add the ridgeline parcel to the park, thus protecting the natural landscape in that portion of the park.

The third boundary adjustment, the Allison exchange, is located along the East Portal Road, on the park's south rim. The landowner would exchange a combination of fee simple ownership and a conservation easement on up to 2,000 acres in return for fee simple ownership of up to 480 acres of the BLM parcel that would be transferred to NPS. The landowner has indicated that he would protect this parcel with a conservation easement should he acquire it. He has also indicated that he would donate any value above and beyond the value represented in the exchange.

The Department believes these acquisitions are important for several reasons. Combined with the land authorized by P.L. 106-76, the present and future land requirements for the park would be met. The present landowners are all willing sellers and in addition to them, this effort enjoys the support of the Montrose County Commissioners, the Montrose Chamber of Commerce, and local and national land trusts involved in the project.

S. 1944 would also amend P.L. 106-76 regarding grazing within the park. P.L. 106-76 allowed for the continuation of grazing on lands transferred to the NPS. Permits held by individuals can be renewed through the lifetime of the individual permittees. However, P.L. 106-76 requires that partnerships and corporations be treated alike regarding the termination of grazing permits. Partnerships and corporations now lose their permits upon the termination of the last remaining individual permit.

S. 1944 would amend P.L. 106-76 to treat partnerships similarly to individual permit holders, allowing permits to be renewed through the lifetime of the partners as of October 21, 1999. Since the two partnerships affected are essentially family run ranching operations, the Department feels that they should be treated consistently with individual permit holders.

S. 1944 would also allow grazing on land acquired in an exchange if the land being given up in the exchange currently has authorized grazing. This appears to be consistent with the intent of Congress when it authorized grazing in Public Law 106-76.

Gunnison Gorge National Conservation Area

S. 1944 also provides for the expansion of the Gunnison Gorge NCA managed by the BLM. A 5,759-acre parcel of land on the north side of the existing NCA has been acquired from a willing seller through a land exchange. This parcel includes approximately five miles of the Gunnison River and provides important resource values and recreational opportunities. In addition, 1,349 acres of preexisting BLM-managed public lands on the north side of the acquisition would also be added to the NCA. By incorporating these federal lands into the NCA, they will have appropriate protection, attention, and resources devoted to them.

The legislation also makes some minor boundary adjustments to the NCA. In the process of completing surveys of the lands designated as the NCA by P.L. 106-76, the BLM discovered a few inadvertent trespass situations on the NCA land. In order to resolve these issues with the local landowners in a fair and equitable manner, slight boundary modifications need to be made so that exchanges can be effected. Without the benefit of this legislation, the BLM would be forced to take extreme punitive measures which are not in the best interest of the federal government or local landowners who frequently were not aware of the encroachment issues.

Since S. 1944 was introduced the BLM has discovered an additional trespass and we would like the opportunity to work with Senator Campbell and the subcommittee to modify the map before markup. Finally, the BLM recently discovered an error in computing acreage totals on the January 22 map references in the bill and would like to correct those before markup.

H.R. 38

Mr. Chairman, thank you for the opportunity to present the views of the Department on H.R. 38. This bill provides for additional lands to be included within the boundaries of Homestead National Monument of America in the State of Nebraska. The House passed this legislation on December 11, 2001.

The Department supports the enactment of H.R. 38, as passed by the House. Acquisition of these additional lands has been recommended by the Homestead National Monument of America's 1999 General Management Plan, and costs to administer this boundary modification are expected to be minimal. Funding to acquire the privately owned properties was included in the Fiscal Year 2001 Interior Appropriations Act, and we anticipate that management of the acquired lands can be accomplished with existing park resources.

Homestead National Monument of America (Monument) was established in 1936. The Monument's enabling legislation states that the purpose of the Monument is to establish "... a proper memorial emblematical of the hardships and the pioneer life through which the early settlers passed in settlement, cultivation, and civilization of, the Great West ...". The legislation also specifies that the Secretary of the Interior will "... erect suitable buildings to be used as a specific museum in which shall be preserved literature applying to such settlement and agriculture implements used to bring the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law."

If enacted, the bill will add four small, but important, parcels of land to the Monument. These additions will allow the opportunity for greater protection of the Monument's primary cultural resource, will protect the Monument from encroaching development, and will provide the opportunity for improved visitor and interpretive services. The total amount of land to be added is approximately 33 acres. The private landowners affected have agreed in principle to this proposed legislation and the State of Nebraska has agreed, as well, to donate its lands as provided for in the bill.

The four parcels to be added to the Monument and the purposes for the addition of each are as follows:

THE GRAFF PROPERTY: This privately owned parcel consists of approximately 15.98 acres adjacent to and overlooking the Monument's grounds. Addition of the property would serve two purposes. First, it would ensure protection for the nation's second oldest restored prairie, which holds important educational, research, and scientific values. Second, this property, located on higher ground, could be used as an alternative location, outside of the floodplain, for the Monument's primary cultural resource, the Palmer-Epard cabin, as well as the visitor facility.

PIONEER ACRES GREEN: This parcel consists of approximately 3 acres of privately owned land. Inclusion of this property in the boundary will provide additional protection to park resources from nearby development.

SEGMENT OF STATE HIGHWAY 4: This parcel consists of approximately 5.6 acres of Nebraska State Highway 4 and its addition will protect natural and archeo-

logical resources and provide a site to support education efforts through interpretive wayside exhibits. The State of Nebraska is currently examining proposals to reroute State Highway 4, which would allow for this existing road to serve as an access road to the Monument.

STATE TRIANGLE: This parcel consists of approximately 8.3 acres and is bounded by the Monument on two sides and by State Highway 4 on the third side. The property is immediately adjacent to the site of the original homestead cabin and will allow for maximizing interpretive efforts and maintaining the integrity of the Monument's boundaries.

At the request of the landowner, the property described in subsection (b)(1)—the Graff Property—must be acquired within five years after the date of the enactment of this Act. The family, which has been a strong supporter of the Monument, made this request in order to better plan for the future and to minimize the impacts on their lives. If this legislation is enacted, meeting the request should not be difficult since the funds for acquisition have already been appropriated.

Mr. Chairman, the Department supports the enactment of H.R. 38, as passed by the House, and we thank you again for the opportunity to appear today.

H.R. 980

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 980, which would establish the Moccasin Bend National Historic Site in Chattanooga, Tennessee as a unit of the National Park System.

The Department recommends that the Committee defer action on this legislation during the remainder of the 107th Congress. The Department has reviewed our progress on the President's Initiative to eliminate the deferred maintenance backlog, and it is clear that we need to continue to focus our resources on caring for existing areas in the National Park System. For this reason, the Department will only support new designations that involve no new cost or minimal cost to the Federal government for land acquisition, operations, and maintenance.

In addition, with respect to this particular proposal, the Department has concerns with some of the provisions of H.R. 980 and has some recommendations for amendments to address the National Park Service's ability to ensure the long-term protection of the resources and to accommodate public use at Moccasin Bend.

H.R. 980, which passed the House of Representatives on October 23, 2001, would establish a new unit of the National Park System focused on archeological resources that relate to the American Indians who inhabited Moccasin Bend for several thousands of years before Europeans came to North America. It would also include resources related to the Union's siege of Chattanooga during the Civil War and the 1838 and 1839 removal of Cherokee Indians from their ancestral homes along the Trail of Tears. Most of the land that would comprise this unit is part of the area designated in 1986 as the Moccasin Bend Archeological District National Historic Landmark. The unit would also include land known as the Rock-Tenn property that was part of the Trail of Tears route and a parcel contiguous to the archeological district, the Serodino property, that appears to be a suitable site for a visitor center.

The State of Tennessee and local authorities own most of the land within Moccasin Bend, although there are some private holdings in the area. H.R. 980 as passed by the House would authorize the land within the boundary of the national historic site to be acquired by donation, exchange, or purchase from willing sellers. It provides that the Secretary of the Interior may accept a donation of the Moccasin Bend Mental Health Institute—one of two major incompatible uses at Moccasin Bend—only after the facility is no longer used to provide health care services, except for any land the State determines is excess to the needs of the facility. The legislation excludes from the boundary of the national historic site the part of the archeological district that is currently leased for a golf course—the other major incompatible use—but it does allow the Secretary to acquire the golf course if it ceases to be used for that purpose.

In addition, H.R. 980 provides authority for the Secretary to enter into cooperative agreements with other parties for the preservation, development, interpretation, and use of the historic site, and allows the Secretary to use a portion of the visitor center established for the historic site as an additional interpretive center for the Trail of Tears National Historic Trail.

Efforts to include Moccasin Bend in the National Park System date back to 1950, when Congress enacted legislation that authorized the acquisition by donation of 1,400 acres of Moccasin Bend for addition to the Chickamauga and Chattanooga National Military Park. At that time, Moccasin Bend was almost entirely open space. State, county, and city governments acquired property, but did not transfer any of

the land to the National Park Service. Instead, a significant portion of the land was used for other purposes.

The 1950 legislation was based largely on the desire to maintain the view from Lookout Mountain that was nearly unchanged from the Civil War era. Since that time, Moccasin Bend has been recognized for its nationally significant cultural resources. Surrounded on three sides by the Tennessee River, Moccasin Bend possesses a special collection of continuous prehistoric and historic sites that chronicle important aspects of human history on the North American continent, including (1) transitional Paleo-Archaic and Archaic sites, (2) Woodland period settlement sites and burial mounds, (3) fortified proto-historic villages, (4) Spanish exploration and settlement of the southeastern United States, (5) contact between native and non-native peoples, (6) part of the Trail of Tears National Historic Trail, and (7) the location of Union earthworks, such as cannon emplacements, rifle pits, bivouac pads, and access roads, which were of strategic importance in breaking the Confederate hold on Chattanooga in the fall of 1863. The site was listed on the National Register of Historic Places in 1984, and 956 acres of Moccasin Bend were designated as the Moccasin Bend Archeological District National Historic Landmark in 1986.

In 1998 and 1999, at the direction of Congress, the NPS prepared the *Cooperative Management Plan/Environmental Assessment for Moccasin Bend* in accordance with guidelines for special resource studies. This process followed other Moccasin Bend planning efforts in the 1990's, including a Chattanooga citizen involvement planning process called "Revision 2000," and a battlefield preservation plan for Civil War resources within the national historic landmark prepared by the Friends of Moccasin Bend National Park. The study was called a cooperative management plan to emphasize the close working relationships that had developed among local, regional, state, federal, and tribal governments as well as the extensive public participation involved in the effort. As is standard procedure for special resource studies, this study examined the national significance, suitability, and feasibility of adding this site to the National Park System.

The determination of national significance had already been established through the designation of the Moccasin Bend Archeological District National Historic Landmark in 1986 because of its significance to American Indian and U.S. military history. The study reconfirmed this significance, pointing out that the area has the best intact concentration of archeological resources known to exist in the entire main 650-mile Tennessee River valley, and that the quality, diversity, and broad accessibility of these resources cannot be matched in any other American metropolitan area. The study also found that the extant earthworks of the Battle of Chattanooga within the archeological district are the best preserved of all physical remnants of that battle and the only recognized unit of Union army gun emplacements, trenches, and support areas remaining extant from that costly campaign.

The study also found that the Moccasin Bend Archeological District met the test of suitability for a unit of the National Park System, in that it represented a theme or resource that is not already adequately represented in the National Park System nor is comparably represented and protected for public enjoyment by another land-managing entity. Although American Indian archeological sites are represented in the National Park System, none of the designated units possess the extensive range of excavated archeological resources as well as unexcavated subsurface resources for which Moccasin Bend is significant. The length of continuous cultural occupation at Moccasin Bend—10,000 years—is not duplicated anywhere else within the National Park System.

With respect to the test of feasibility, however, the study found that certain conditions needed to be met for the area to be considered feasible as a new unit of the National Park System. To be feasible for inclusion, an area's natural systems and/or historic settings must be of sufficient size and appropriate configuration to ensure long-term protection of the resources and to accommodate public use, and it must have potential for efficient administration at reasonable cost. The study found that unless the incompatible uses within the archeological district were removed and the land was restored to resemble the way it looked at the time of the 1950 legislation, the area would not be feasible as a unit of the National Park System. The study determined that those uses need to be removed in order to provide visitors a quality experience in a landscape reminiscent of its past, comprehensively protect archeological resources and provide for additional research opportunities, and attract tourists to visit Moccasin Bend in large numbers. So long as any of the 956 acres remained under the jurisdiction of entities that do not have resource preservation as a primary goal, there would always be a risk that future management actions could damage or destroy subsurface cultural resources.

The facilities within the archeological district that are incompatible with the park include the Moccasin Bend Mental Health Institute, a public golf course, radio tow-

ers, a law enforcement firearms training range, and a model airplane facility. All of those facilities, except for the radio towers, are on land that is owned by the State or local authorities. Since H.R. 980 was first introduced, the National Park Service has been engaged in discussions with the legislation's sponsor, Representative Zach Wamp, and with Senators Fred Thompson and Bill Frist, to address these incompatible uses in a way that avoids a sudden disruption in existing activities, yet assures that, in time, there would be a viable unit of the National Park System at Moccasin Bend.

Our support for H.R. 980 is contingent upon amending it to provide that the establishment of the site would occur only after certain requirements related to land transfers and operational issues are met. Those requirements would include:

- 1) Receiving from the State the land it owns within the archeological district except for that needed to operate the Moccasin Bend Mental Health Institute;
- 2) Receiving from the State the donation in escrow of the remainder of the land it owns in the archeological district containing the Moccasin Bend Mental Health Institute. The transfer of the property to the United States should occur by a reasonable date (preferably no later than December 31, 2015);
- 3) Receiving from Hamilton County and the City of Chattanooga the donation of the land they own within the archeological district except for the land used for the golf course, the law enforcement firearms training range and model airplane facility;
- 4) Receiving from Hamilton County and the City of Chattanooga a written commitment to transfer to the United States the land used for the law enforcement firearms training range and the model airplane facility within five years of enactment of the legislation and to transfer the golf course to the United States if it is no longer used for that purpose;
- 5) The signing of a memorandum of agreement by the State, the County, the City, and the Secretary of the Interior that addresses issues of mutual concern for operating a national historic site at Moccasin Bend. These issues would likely include such matters as consulting with the National Park Service and American Indian groups about excavation activities on land remaining in the ownership of the State and local authorities; permitting access to each others' land for various purposes, and providing security for people residing and visiting Moccasin Bend.

In addition, the Administration has concerns about the costs of removal of hazardous waste and the restoration of the transferred land to resemble the area's 1950 appearance. We would like to work with the State, the County, and the City to address those concerns.

There are also other changes to the legislation as passed by the House that the Department would like to recommend to the committee at an appropriate time. For example, we believe that the legislation should list the three primary themes that would be interpreted at the site: American Indian settlement, the Civil War siege of Chattanooga, and the Trail of Tears.

The National Park Service is currently discussing with the offices of Senators Frist and Thompson and Representative Wamp the means of obtaining commitments for the land transfers and an agreement on operational issues that we are seeking. One option that has been raised as an alternative to amending the legislation as described above would be to obtain written commitments from the State, the County, and the City for these actions. The committee may want to consider that option, if such commitments could be secured prior to reporting the legislation.

The actions we are seeking from the State and local authorities before establishing a national historic site at Moccasin Bend are significantly less demanding than those recommended in the 1999 study the National Park Service conducted for the site. For example, the study called for the City and County to remove the golf course and restore the cultural landscape there by 2005, and for the State to remove the mental health institute facilities and restore the cultural landscape there by 2009. We are now recommending a course of action in which the local authorities would be able to maintain the golf course indefinitely, so long as they commit to transferring the land for the national historic site if the golf course is ever closed, and in which the State would be able to continue operating the mental health institute until the date of transfer, which would likely be beyond 2009.

These are compromises that recognize that, although there appears to be strong support in the Chattanooga community for establishing the national historic site, there is also a reluctance there to accept the closing of existing operations at Moccasin Bend that provide other benefits to the community, at least in the near term. We believe that the resources at Moccasin Bend are so significant, and so worthy of protecting and interpreting for the public, that we would be willing to accept this

site as a unit of the National Park System under the less-than-ideal terms we have outlined.

Mr. Chairman, to summarize our position on H.R. 980, we ask the committee to defer action on this legislation for the remainder of this Congress. But if the committee decides to take further action on this legislation, we would like to work with the committee to develop amendments to H.R. 980 to provide for specified transfers of land from the State and local authorities to the United States and an agreement on operational issues, unless the committee determines that a written commitment from State and local authorities is sufficient to assure that those actions will occur.

H.R. 1712

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 1712, a bill to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa, to include certain lands of the islands of Ofu and Olosega within the park, and for other purposes. The House passed this legislation on March 19, 2002.

The Department does not oppose H.R. 1712. This legislation will provide authority for the Secretary of the Interior to adjust the boundary of the National Park of American Samoa to include up to approximately 1,000 acres of land on the island of Olosega, up to approximately 450 acres on the island of Ofu, and approximately 1,500 acres of ocean waters offshore of Olosega and Ofu. The lands on the island of Olosega and the adjacent offshore waters will add important cultural, biological and marine resources to the national park. The lands on the island of Ofu will ensure the long-term protection of important and fragile coral reef resources presently within the national park.

Proposed additions on Ofu contain excellent wildlife and coral reef habitats. Currently, only a strip of sand beach and the associated coral reef are within the national park boundary on Ofu. This coastal area contains a world-class coral reef area of remarkably high diversity and beauty. The proposed addition would protect the upland watershed so that the coral reef would not be impaired by non-park developments. Coastal areas on the north side of Ofu are proposed because of the exceptionally healthy and diverse coral communities found there, and because the north shores of Ofu and Olosega are connected and constitute a single coral reef ecosystem.

The archeological resources found on Olosega between the 300 and 800-foot elevations are not only important, but are unique in American Samoa. Unique to Olosega are the number of star mounds and what appears to be a remnant agro-forestry system. Archeological reconnaissance surveys carried out on Olosega in July 1999 by the National Park Service and the University of North Dakota's Department of Anthropology identified 31 star mounds, 46 modified terraces, 14 house platforms, an elevated grave site believed to be associated with the Tui Olosega (King of Olosega), and numerous stone tools. Star mounds are massive rock platforms with radiating arms built by the ancient Samomans for cultural and sporting events. Up until 1999, star mounds were known to exist only on Upolo (in Samoa) and Tutuila islands. Archeologists believe the agro-forestry system found on Olosega, with further study, could prove to be an agricultural system that existed in relative equilibrium with the native forest system. Most of the sites and artifacts found on Olosega were well-preserved.

Also in 1999, a survey of Olosega's biotic resources by the park's wildlife biologist found that the unoccupied portions of the island provide excellent habitat for native wildlife. Large tracts of land on Olosega remain relatively wild and the island is free of many of the introduced species that compete with the native wildlife within the park on Tutuila. In addition, Olosega includes the presence of the rarer bird species that occur in American Samoa. Fiji shrikebill, uncommon on the other islands, were consistently seen on Olosega during the 1999 survey. The Friendly ground dove and the Blue-crowned lory are also present. The Friendly ground dove is a candidate for listing as an endangered species. Biologists believe the shrikebill found on Olosega may be a separate subspecies found only on the Manu'a Islands.

Although Olosega shares the same fauna found on the other islands of American Samoa, the species composition of the forest trees is somewhat unique. The 1999 survey found a high concentration of Samoan medicinal plants. Many of these medicinal plants are disappearing from the native forests of Samoa. The survey also found that the area between the 200 and 800-foot elevation represented a traditional mixed agro-forestry system developed over decades of manipulation and cultural use. The system appeared to be relatively stable and may have reached a sustainable equilibrium.

Small populations of two species of flying foxes are believed to exist on Olosega. Protection of these fruit-eating bats is included in the park's enabling legislation. In addition, there are indications that a few individuals of the nearly extirpated sheath-tailed bat are present on Olosega. This small insectivorous bat is a candidate for listing as an endangered species and is not currently found within the existing boundary of the park.

The coastal and marine areas of Olosega contain rich coral and fish communities and would complement the Ofu reef currently included within the park boundary. Surveys have found that Olosega's offshore waters are among the richest and most densely populated with fish species in the entire Samoan archipelago. Both the endangered Hawksbill and the threatened Green sea turtles are present in Olosega's offshore waters. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service believe that the Hawksbill turtle is a species rapidly approaching extinction, making its protection in Olosega's reefs and offshore waters of vital importance.

The law that established the National Park of American Samoa does not provide the authority for the National Park Service to acquire park lands, but instead requires that lands must be leased from the Governor of American Samoa. Lands within the authorized boundary expansion would be added to the park incrementally, based on future discussions with village landowners and modification of the existing lease. The park's enabling legislation places the responsibility for determining the rental value of lands to be leased for the national park with the High Court of American Samoa. As a point of reference, the park currently leases approximately 8,000 acres for \$419,000 annually. The offshore waters would be leased from the Government of American Samoa at no cost. No development is contemplated within the boundary adjustment areas, so no line-item construction or significant development costs are anticipated in connection with H.R. 1712.

In March 1998, the Olosega Village Council noted in a letter to American Samoa's Congressional representative, Congressman Eni F.H. Faleomavaega, that the national park has contributed much to the preservation of Samoan culture, the rainforest and the coral reef. In addition, the council noted that the park has also been a positive factor to the economic well-being of the territory through tourism and lease payments to the villages in the park. The village council of Olosega expressed its support for expansion of the park boundaries, and we are pleased that this has been a grassroots effort supported by the community.

Also significant would be inclusion of the coral reefs around portions of Olosega within the national park, which would further the Governor's directive to local agencies to protect 20 percent of the territory's coral reefs. At present, only about six percent of the territory's reefs are in protected areas.

At the House hearing on February 14, 2002, we recommended two technical amendments, which the House included in the bill that passed on March 19, 2002.

This concludes my testimony. I would be glad to answer any questions that you or members of the subcommittee may have.

Senator AKAKA. Thank you very much, Mr. Smith. I have a general observation and question on marine parks. H.R. 1712 would expand the marine resources such as the coral reefs under Park Service management. The Service is responsible for increasing numbers of coastal park resources, including national parks in Florida, Hawaii, the Great Lakes, and a new monument in the U.S. Virgin Islands. We are considering two new marine park units in Florida, Miami Circle and Virginia Key. The question is, how does the Park Service intend to address the increasing need for protection and interpretation for such cultural and natural resources?

Mr. SMITH. Mr. Chairman, the simple answer is, it is being addressed, and we will not do it alone. Currently, the National Park Service manages approximately 2.5 million acres of maritime waters and almost 4,000 miles of coast in 60 parks, national seashores, recreation areas, and historic sites. Currently, the National Park Service and the Department are actively engaged in implementing Executive Order 13-158 on marine protected areas in cooperation with NOAA, the designated lead agency for the executive order. We are currently developing a national inventory of these

MPA's to include information on maritime areas managed by the Park Service.

Senator AKAKA. Thank you for your response.

S. 1257 and H.R. 107 require a theme study, we know, of Cold War sites and resources. The Park Service has expressed concerns about convening an advisory committee to assist in this study. Here is the question. Does the Park Service have any alternative proposals for convening a group to obtain input from academics and other Cold War experts?

Mr. SMITH. Mr. Chairman, we certainly do. The Park Service planning process is very involved with always utilizing the experts in any academic field, other government agencies, partners from the public-private sector, anything we can do in coordinating with State and local governments, so we see it as a very broad process that will include not only gathering information from people who can help us to interpret that theme, but also to have tremendous opportunity for public comment on that so that we would have time to really make sure the theme is being fully covered.

This one is such a special theme, there will be a lot of coordination with other Federal agencies as you can imagine. Some things will be able to be released and some will not; but we will work very closely with all of our Federal partners to make that a very, very thorough theme study.

Senator AKAKA. Thank you for that.

I have several questions on H.R. 980, the proposed Moccasin Bend National Historic Site. In the area known as Moccasin Bend there are currently several uses of this site. As we have heard, the Park Service special resource study found some of the uses, including the golf course and mental health institute; to be incompatible with the proposed new historic site.

You have indicated in your testimony that a national historic site would be designated, and even though the mental health institute would remain on the site and provide service until 2015, or possibly even later, and the golf course might stay forever, and you are asking us to defer this one. How does the Park Service reconcile the designation of a new national historic site with the persistence of these uses?

Mr. SMITH. Senator, the site has been through a National Register of Historic Places review, and it did make the next highest level to become designated as a landmark in, I believe it was 1988.

Mr. Chairman, if there was not 10,000 to 12,000 years of history that happened on this unbelievable geological feature, which I believe you have this map, I guess we would blink and say all these man-made things we put there, it is not worth going back to look at, but the fact that this unique area, under 1,000 acres, does have all of this history, which others who certainly know more than I do about archaeology will testify to later, it is there, you can see why historically it has had all this use by man, but then to also have the Civil War history there, to also have a very key interpretation of Native American history, you just cannot blink from a study and not say that this has such resources to it culturally that you would not want to see what we could do.

It sounds overwhelming to remove these noncompatible uses, but the truth of the matter is the golf course is not disrupting the ar-

chaeology, so that can in time come into the system, and certainly the archaeology and all could be interpreted there.

That mental health institute, if you could click the clock back you would have put it somewhere else in 1950, but again, eventually, time can solve that. Clean-up is an obstacle, but technology and some money can solve that.

A firing range, we just removed two firing ranges out at Lorton facility and that area will go to recreation, so that is not a major item.

The tower for communications, they might be unsightly, but it is not going to be a wilderness area, and so that is not something that is unsurmountable.

We realize this is complex, we realize it is difficult, but so much of the land is under the control of local and State government. The fact that we think we can arrange to get these agreements of what we will do over a period of time, the fact is that of the 900 acres, so much of it is not built on, and does have this tremendous history which really is not interpreted in a current unit of the system that it is worth trying to work, as we have said we would like to, with the Congress and with the State and with the county to see if we can make this happen.

I am not sitting here telling you this is not a difficult one, but I am telling you that because of what is there, it is worth the effort to see if we could move forward on it.

Senator AKAKA. Before I defer to Senator Thomas for questions, let me ask you one more. I understand there is existing legislation that already authorizes Moccasin Bend to be protected through additions to the nearby Chicamauga and Chattanooga National Military Park. The concern has been raised, however, that an addition to the existing military-oriented park might not sufficiently highlight the outstanding Native American archaeological resources at Moccasin Bend.

If Moccasin Bend were added to Chicamauga instead of being designated as a separate park, how does the Park Service intend to showcase the remarkable archaeological resources at Moccasin Bend?

Mr. SMITH. Mr. Chairman, as I summarized in my statement, and actually had more depth in that, the reason this land was assembled years ago was because of that possibility of addition to what we call Chic-Chat unit of the National Park System.

What I have said briefly in answering your other question is that the Civil War history is, in and of itself, enough to bring a large portion of this site into the system as an addition to that Civil War unit, but because of this 10,000 years of history, and the Trail of Tears history, we really strongly recommend that we try to work this through so that it would interpret those three very major cultural and historic events, rather than just go back to the already-authorizing legislation that would make it part of a Civil War site. It is much more significant than that, as I think you will hear from the witnesses that come after me.

Senator AKAKA. Thank you for your testimony.

Senator Thomas.

Senator THOMAS. Thank you, Mr. Chairman. Thank you, Mr. Smith, for your participation. I guess I want to go back generally

to the study. I looked at the study, and the study basically indicated that this could be feasible for inclusion, but these incompatible uses had to be out of there, you said, by 2009. That is not going to happen. I mean, the studies are designed to give us some direction as to what to do. That does not.

Mr. SMITH. The time limits of the removal of these noncompatible entities is still in negotiation.

Senator THOMAS. Listen, you and I know it is not going to be done in 5 years.

Mr. SMITH. Senator, no. No. In fact, my next word was going to be, I was trying to figure out just how far out to start it and bring it back.

Senator THOMAS. I am talking about your study. Why did you say that in your study?

Mr. SMITH. I do not have a detailed answer, Senator. I can certainly provide that for the record.

Senator THOMAS. I think studies are very important, and I want to ask a couple more questions about studies. How many do you have pending?

Mr. SMITH. Mr. Thomas, I believe it is 37 that are currently pending. I think we have seven that we will get to the Congress this year, so 30 are going to be out there at the end of this fiscal year.

Senator THOMAS. And if we give more, there will be more than that.

Mr. SMITH. Yes, sir, and as I said in my testimony, we do not have funding for these studies in 2003.

Senator THOMAS. I do not understand that. I do not understand why you continue to take on studies that will not be done for 2 or 3 years and you do not ask for any money to do it. I do not understand that. It is easy to sit there and say yes, we will study it, but it does not happen for years, right?

Mr. SMITH. As anybody who deals in the budget climates we deal with, Senator, we do move them into play. The Park Service has a tremendous record of doing studies that eventually move things forward through suitability and feasibility, but yes, sir, there is a backlog in studies like there is a backlog in many other things the Congress has put into the system, and we work through the budget restraints we are under to move those forward as we can.

Senator THOMAS. Well, we changed the study thing just a couple of years ago so we would not have this kind of an operation going on, and unfortunately it still does. Do we have any sort of a criteria for what parks or what these areas ought to be? Basically, what do you measure it against?

Mr. SMITH. I am not expert in our planning phases, but yes, the Park Service does have planning criteria for almost—

Senator THOMAS. I am not talking about planning. I am talking about acceptance. What do you have as a criteria to accept it as a park? I know you cannot give me the details, but do you have one?

Mr. SMITH. Senator, I could tell you that I probably should provide a detailed answer for the record, because I am not a planning expert, but there are criteria. The Park Service does recommend—of course, most of the time we react to what Congress has asked us to do as far as theme studies or area studies, and once we put

those into our planning process there are very definite criteria, and I can certainly provide that for the record.

Senator THOMAS. What is a theme study?

Mr. SMITH. Theme studies are—well, Cold War is one.

Senator THOMAS. That is what I am asking you. What does theme study mean?

Mr. SMITH. It means to capture the entire history of an event, or of actions.

Senator THOMAS. How many of those have you done?

Mr. SMITH. I could not provide that number. Many theme studies have been done, and I could certainly provide that for the record.

Senator THOMAS. Well, I wish you would.

It seems like that is a pretty broad issue. I have a Cold War thing out in South Dakota. There is a number of them. I do not know what it involves. What is it going to mean, all the information work that was gathered by the CIA and so on?

Senator SMITH. It would probably be everything from the late forties until 1991 that reflect what, among other things, the Department of Defense just awarded a ribbon for.

Senator THOMAS. I have a little problem with those things in terms of the role of the parks. You will come and say, we do not have enough money to keep up the parks we have, and yet we have no problem undertaking all of these things that are deferred and they do not happen. It is really kind of tough. Do you understand what I am saying?

Mr. SMITH. I understand, Senator, but then again, we do many of these at the request of the Congress.

Senator THOMAS. Well, of course, but have you turned any studies down?

Mr. SMITH. I will provide that for the record also, Senator, although I have to tell you, I do not think so. I dare say, not turned them down.

Senator THOMAS. Have you ever recommended against one?

Mr. SMITH. Yes, sir. Studies do come back.

Senator THOMAS. I do not recall any.

Mr. SMITH. We will provide that for the record. I will find several, I can promise you that, Senator.

Senator THOMAS. And this study puts in various conditions which you have now changed since the study came out.

Mr. SMITH. This is a very complex piece of legislation, Senator, yes.

Senator THOMAS. You mentioned Virginia Beach. Is it just a beach, or is it also the island?

Mr. SMITH. The testimony we gave today is the 77 acres involved in the actual beach on Virginia Key.

Senator THOMAS. What about the 1,000-acre island?

Mr. SMITH. The 1,000 acre does have other resources, but it is something we would not want to include in this bill. In fact, from the description that Senator Nelson gave it, it sounds like a national wildlife refuge to me, and not a unit of the Park Service.

Senator THOMAS. Is it in the bill now?

Mr. SMITH. No. In the bill is the 77 acres. That is why we did the clarification of the park, of the beach park. It limits it to the 77 acres of that much larger pristine island.

Senator THOMAS. On the Black Canyon, I have to be careful of that one. Is some of that conservation easement on lands that are in the park?

Mr. SMITH. I was briefed on the map today. The exchanges all involve three of the four exchanges involve the park itself. One of these involves the BLM land, which is in the conservation area.

Senator THOMAS. I guess my question was, is it normal to have fee lands in a park with a conservation easement? Maybe that is not the case.

Mr. SMITH. It has not been anywhere near as normal in the West. In fact, we had that discussion today earlier, as I was briefed on the bill. It is not, but they have had tremendous success around Black Canyon of the Gunnison with easements, with willing land-owners, with the various conservation groups that work in land trust, and in this particular unit of the system it is working.

It lets families keep them in family ranching, and it accomplishes all of the environmental conservation needs that the Park Service has, and certainly provides the access for the public that is sought out there in some of these canyons and along some of those roads. It is a very unique system for the West, what has happened at Black Canyon of the Gunnison.

Senator THOMAS. It is very difficult to keep grazing in, I can tell you from experience in Grand Teton.

Mr. SMITH. I hear you, Senator, and we broached that today. I first testified on Black Canyon of the Gunnison in 1984, before this committee or the House, when it was going to have its first edition, and grazing rights were such a major issue then, and I certainly know how that works.

Senator THOMAS. I have taken too long, but this Moccasin Bend, that is owned now by the city, is it not?

Mr. SMITH. A combination of city and county.

Senator THOMAS. So I suppose, and I am sure the gentlemen will bear me down on this, but they could go ahead and do this themselves, make it a city park, could they not?

Mr. SMITH. They certainly have protected a tremendous amount of this acreage, because it is all wooded. They certainly do not have any other intention of building anything else on these lands. In other words, they are not thinking about any other of these, quote, incompatible uses, but it does have a national significance that they are trying to capture here also, and that would be to become a unit, but they have no other plans to develop it any further than it is. We have addressed all of the incompatible uses that are already there.

Senator THOMAS. Finally, you say in there you resist making recommendations as to this theme on the Cold War.

Mr. SMITH. I am sorry, Senator, I did not understand.

Senator THOMAS. You do not want to make recommendations to the Congress. You say, as a matter of fact, it is illegal.

Mr. SMITH. Oh, I think we are talking about, that is the constitutional issue, I guess, with the Eleventh Amendment of technically how the executive branch and the legislative branch of government work. It is a minor discussion in the testimony. Let me read exactly the Justice Department's concerns on that, Senator, for the record. Which bill number again, I am sorry?

Senator THOMAS. S. 1257. Well, the point is, I have a bill that I had sometime ago that specifically has that in there. The Park Service makes a recommendation to the Congress.

Mr. SMITH. Mr. Thomas, in addition we have been informed by the Department of Justice that the provisions of the bill that would require the Secretary of the Interior to make recommendations to Congress concerning Federal protection for Cold War sites appear to violate the Recommendations Clause of the Constitution, which reserves to the President the power to decide whether it is necessary or expedient for the executive branch to make legislative policy recommendations to the Congress. The administration would be pleased to provide language to remedy the bill's constitutional defects.

Senator THOMAS. I suggest to you it is not a constitutional defect. If it is, they have already done it a number of times. Thank you, sir.

Senator AKAKA. Senator Campbell.

Senator CAMPBELL. Thank you, Mr. Chairman, and Mr. Smith, thank the folks in the administration for supporting the Black Canyon bill. My colleague's questions notwithstanding, you just keep supporting it. It is a good bill. I do not have your written testimony so I was jotting some notes when you were speaking, and on S. 1257 I think you mentioned, you said you recommended the deletion of the section that set up the advisory committee, is that correct?

Mr. SMITH. That is correct, Senator.

Senator CAMPBELL. What was the reason you gave for recommending that?

Mr. SMITH. Number 1, Senator, the time it takes to create a FACAs type of commission, to get that through, and then to what it would really add as you go through the planning phase, plus, once you have named it, any time you want to have anything done on it you have to do notification in the Federal Register, you have to give weeks' notice that you are going to have any kind of a meeting on it, or whatever else, and it would slow the planning process, especially on something as broad as this is going to be. We just do not think it is necessary to conduct a very thorough study on Cold War era themes.

Senator CAMPBELL. I know most of the parks have some form of advisory committee, but I think most of them are set up by park authority. They do that, and some work very well. The one at Mesa Verde works very well. The one at Little Bighorn National Park in Montana got crossways so much with the Park Service they finally were disbanded, in fact, when they began to think they could make the decisions for the Park Service.

Are most parks, do they have advisory commissions set up by legislation?

Mr. SMITH. Yes, they do, Senator. Probably of the 386 units, or 385 units of the system, there are probably right now about 50 active advisory committees, and they are advisory, although, as you state, some think they go beyond that, but it is about 50 of our 385 units still have active advisory committees.

Senator CAMPBELL. So this would set a new precedent, then. You just do not want one at this park, is that correct?

Mr. SMITH. An advisory group to do a study would set a precedent.

Senator CAMPBELL. The Moccasin Bend bill you said that it would allow the Park Service to acquire the golf course when it is no longer used as a golf course. Is it your understanding that that would be like a first right of refusal to acquire it if it is not used as a park—excuse me, as a golf course any more. Could they sell it to somebody else?

Mr. SMITH. Senator, I am not sure of the exact detail on that. I am not sure whether that is privately owned or country owned. In the discussions we have had on that, it is the full intent of the parties we are talking about negotiating with that it would not be used for anything else except a golf course. I can get a clarification for that, if you would like.

Senator CAMPBELL. If you would get that. I and some people who really have an interest in parks always worry about some private land becoming a Coney Island next to the park because of the number of tourists the parks always draw.

My last question of you is, has there been a cost estimate done at all in the movement or cleanup of the firearms range and the hospital, both of which I assume have some contaminated residue there that would have to comply with EPA standards?

Mr. SMITH. We are not at the stage where that would be done, but we did raise in the testimony, Senator, we do have concerns about what that would cost. We obviously would prefer that that would be transferred to the Park Service cleaned up. The cost for firing ranges is not that much. I believe that what happened out at Lorton here for the D.C. range, which had been used for years, was in the several hundred thousand dollar range. You basically just have to dig and get the lead out of the ground.

For what is at that mental health hospital, I just have no idea, and we are certainly not at the stage to get those type of costs yet.

Senator CAMPBELL. Well, I have been around here for a while, and I would guess that even if it was supposed to be done through local resources, that one way or another the process would end up where they came to Congress and asked for the money to do it, so that I would be interested in knowing what the cost would be for that cleanup, but you will not have that, obviously, for a while.

I have no further questions, Mr. Chairman. Thank you.

Senator AKAKA. Thank you very much for your questions. Again, thank you very much, Mr. Smith, for your responses, and we look forward to any information that has been requested.

Mr. SMITH. Thank you, Mr. Chairman, and we look forward to answering any questions the committee does forward to us to answer in writing.

Senator AKAKA. Thank you very much. Let me introduce our next panel of witnesses to come forward. Mr. Steve Ririe, chairman of the Silent Heroes of the Cold War National Memorial Committee, and Jay Mills, vice president of the Friends of Moccasin Bend. I would like to remind each of you that your written testimony will be included in full in the hearing record, so you may summarize your remarks, and you may begin, Mr. Ririe, when you are ready.

Mr. RIRIE. Thank you, Mr. Chairman. I would like to first make a comment. As requested by Senator Reid, who introduced this leg-

isolation last July, he is not able to attend today because of his duties on the Senate floor, but with the chairman's permission Senator Reid will offer his statement to be inserted into the record at a later time.

Senator AKAKA. Without objection, it will be included in the record.

Mr. RIRIE. I would like to also include that Senator Reid wanted me to mention that he feels very strongly the need to acknowledge the Nation's heroes of the Cold War. We visited several times in the past in Nevada, and he feels just as passionate as I do that this is legislation that would be appropriate and would be of value.

[The prepared statement of Senator Reid follows:]

PREPARED STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA

The Cold War, which lasted 50 years, was the longest war in United States history, and the most expensive, costing trillions of dollars.

At its conclusion, America emerged as the only remaining superpower in the world.

Because we faced an enemy with tremendous nuclear capabilities, it was the most dangerous conflict our country ever faced.

The threat of mass destruction left a permanent mark on American life and politics.

Those that won this war did so in obscurity.

What is often overlooked is that hundreds if not thousands of Americans died during the Cold War as America built its strategic nuclear arsenal and flew thousands of reconnaissance missions over enemy territory.

Those who gave their lives in the Cold War have never been properly honored.

Last July, I introduced a bill that requires the Department of the Interior to conduct a study to identify sites and resources to commemorate heroes of the Cold War and to interpret the Cold War for future generations.

My legislation directs the Secretary of the Interior to establish a "Cold War Advisory Committee" to oversee the inventory of Cold War sites and resources

—for potential inclusion in the National Park System

—as national historic landmarks

—or other appropriate designations.

The Advisory Committee will work closely with State and local governments and local historical organizations. The committee's starting point will be a Cold War study completed by the Secretary of Defense under the 1991 Defense Appropriations Act.

Obvious Cold War sites of significance include:

- Intercontinental Ballistic Missiles
- flight training centers
- communications and command centers (such as Cheyenne Mountain, Colorado).
- nuclear weapons test sites (such as the Nevada test site), and
- strategic and tactical resources.

Perhaps no other state in the Union has played a more significant role than Nevada in winning the Cold War.

The Nevada Test Site is a high-technology engineering marvel where the United States developed, tested, and perfected a nuclear deterrent which is the cornerstone of America's security and leadership among nations.

The Naval Air Station at Fallon is the Navy's premiere tactical air warfare training facility.

The Air Warfare Center at Nellis Air Force Base has the largest training range in the United States to ensure that America's pilots will prevail in any armed conflict.

In testimony before this committee, Steve Ririe will recount the story of 14 men who perished in a plane crash on Mount Charleston in Nevada nearly half a century ago.

These men were involved in a top-secret project, developing the U-2 reconnaissance aircraft, the most advanced spy plane the world had ever seen.

Their success was critical to ensuring the United States would be ready to face the challenges of a destabilized world. Experts have credited the U-2 with avoiding World War III.

The U-2 is still vital to the American military today, and is being used to protect our interests around the globe.

This story is just one of thousands of stories of men and women who worked in secret to bring us safely through the Cold War conflict.

Our nation needs to recognize the veterans of the longest war in United States history—a battle which also had the highest stakes.

I urge my colleagues to support this long overdue tribute to the contribution and sacrifice of those Cold War heroes for the cause of freedom.

STATEMENT OF STEVE RIRIE, CHAIRMAN, SILENT HEROES OF THE COLD WAR NATIONAL MEMORIAL COMMITTEE, LAS VEGAS, NV

Mr. RIRIE. I have a prepared statement, and I would like to read that at this time if I can.

Senator AKAKA. Please proceed.

Mr. RIRIE. Mr. Chairman, I would like to thank you for the opportunity to speak today in support of a bill that requires the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

James Billington called the Cold War the central conflict of the second half of the 20th century, the longest and most unconventional war of the entire modern era, an altogether unprecedented experience for Americans. The Cold War was the turning point for America as well as for the world. The development and proliferation of thermonuclear technology has forever changed our society, our politics, our attitudes, and most certainly our challenges.

Although the Cold War was the longest American war, it remains the least-memorialized. This is largely due to the very nature of the conflict itself. The Cold War was fought primarily in secret. Those who won the Cold War often worked in obscurity, unable to discuss their involvement with their families. Many believe the Cold War was little more than a series of heated verbal exchanges between two superpowers. However, this is a gross oversimplification and absolutely not true.

Consider the reconnaissance element alone, which harbored very real dangers for the personnel involved. During the years of 1945 to 1977, a total of 40 reconnaissance aircraft were shot down. The secrecy of the reconnaissance programs prevented recognition of the slain military personnel. Thousands of other unknown heroes were secretly lost during the Cold War and remain unacknowledged.

Passing S. 1257 is a step in the right direction to acknowledge our Nation's unknown and silent heroes. This bill will allocate necessary funds for the identification and preservation of Cold War sites and resources. This bill will establish an advisory committee that will develop an interpretive handbook on the Cold War to tell the story of the Cold War and its heroes.

Preserving these historic sites will aid many American families whose loved ones were so central to the secret efforts of the Cold War that the true cause of their deaths was, of necessity, classified information. These sites and the handbook will provide the much-needed closure to these families as they finally understand where, when, and why their loved ones died.

Mr. Chairman, I would like to take a moment to relate a story of one such group of Cold War heroes. The winter of 1955 was not

unlike any other winter at its time. Children learned civil defense skills at school as they were instructed to duck and cover. At home, they watched the parade of intercontinental ballistic missiles towed by military trucks through Red Square on the evening news. Civil defense was deadly serious as the prospect of a nuclear conflict loomed in the mind of the average American.

The morning of November 17, 1955, seemed like an ordinary Thursday morning. At 6:58 a.m., 14 men boarded a C-54 military air transport shuttle in Burbank, California, at Lockheed's air terminal. On board were Air Force personnel, engineers, scientists, and CIA officials. Their destination was a top secret air base and testing ground and code named Water Town. Today, we call this secret military facility area 51. This remote desert location housed one of the United States' most secret Cold War projects, the U-2 reconnaissance aircraft.

Not long after take-off, the C-54 encountered an early winter storm. Soon they found themselves battered by high winds and snow flurries. Due to the restrictions flying in and out of area 51 they were ordered to fly low elevation. Standard operating procedure barred them from using navigational instruments or the radio in order to maintain secrecy. The crew felt very alone and cut off. When the situation became even more desperate, they decided to break radio silence and attempt to converse with Water Town.

I can see my time is nearly up. I do, however, feel that it is important, if I can, to enter into the record the names of the men who died on Mount Charleston on our behalf.

Senator AKAKA. We will include it in the record, and thank you very much for your testimony.

[The prepared statement of Mr. Ririe follows:]

PREPARED STATEMENT OF STEVE RIRER, CHAIRMAN, SILENT HEROES OF THE COLD WAR NATIONAL MEMORIAL COMMITTEE, LAS VEGAS, NV

Mr. Chairman, I'd like to thank you for the opportunity to speak today in support of a bill that requires the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

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The morning of November 17, 1955 seemed like an ordinary Thursday morning. At 6:58 a.m. fourteen men boarded a C-54 Military Air Transport Shuttle in Burbank, CA at the Lockheed's air terminal. On board were Air Force personnel, engineers, scientists, and CIA officials. Their destination was a top-secret air base and testing ground then code named "Water Town." Today we call this secret military facility "Area 51". This remote Nevada desert installation housed one of the United States most secret cold war projects—the U-2 reconnaissance aircraft.

Not long after takeoff, the C-54 encountered an early winter storm. Soon they found themselves battered by high winds and snow flurries. Due to restrictions flying in and out of Area 51, they were ordered to fly low elevation. Standard operating procedure barred them from using navigation instruments or the radio in order to maintain secrecy. The crew felt very alone and cut off. When the situation became even more desperate, they decided to break radio silence in an attempt to converse with Water Town's airstrip tower. This breach in operation procedure would only have occurred if the pilot sensed they were in real trouble. Unfortunately, the storm was too fierce and radio transmission too poor. No return transmission was received.

At 8:19 a.m., the C-54 made an emergency maneuver to avoid high terrain and slammed into a nearly 12,000 foot mountain in Nevada, killing all 14 on board. Not only was the flight itself classified "Top-Secret" but the crash and subsequent body recovery were also kept secret. The families of those who perished would have to be kept in the dark. It has taken over four decades for the families to learn the truth about their loved one's secret lives and untimely deaths.

In closing, I believe it is appropriate to enter into the record the names of the men who perished on our behalf on November 17, 1955 on Mt. Charleston, NV. Let it be known that these individuals are Silent Heroes of the Cold War.

George Manuel Pappas Jr., Paul Eugene Winham, Clayton D. Farris, Guy R. Fasolas, John H. Gaines, Edwin J. Urolatis, James W. Brown, William H. Marr, James F. Bray, Rodney H. Kreimendahl, Terence J. O'Donnell, Fred F. Hanks, Harold C. Silent and Richard J. Hruada.

It is my hope that in passing S. 1257, a National Memorial to the Cold War will one day be a reality. In conjunction with the Cold War Museum founded by Gary Powers Jr., son of Francis Gary Powers who was shot down over the former Soviet Union in 1960 the National Memorial and Museum will honor all those who lost their lives during the longest and most dangerous conflict our country ever faced.

Senator AKAKA. We would like to hear from Jay Mills, and following this we will have questions of both of you.

STATEMENT OF JAY MILLS, VICE-PRESIDENT OF THE FRIENDS OF MOCCASIN BEND, CHATTANOOGA, TN

Mr. MILLS. I appreciate the opportunity to come before your committee. My name is Jay Mills, vice president of Friends of Moccasin Bend National Park, and I speak on its behalf. The Friends is a community group dedicated to preserving, protecting, and interpreting one of the most outstanding and beautiful sites of American cultural history, Moccasin Bend.

There is a long history to this effort. Industrial development threatened Moccasin Bend as early as the 1880's. Representing a broad coalition of community leaders, Senators Kefauver and Keller in 1950 initiated legislation that was approved by Congress and signed by President Truman authorizing the addition of up to 1,400 acres on Moccasin Bend to the Chicamauga and Chattanooga National Military Park.

Although that effort was suspended by the failure of then Governor Frank Clemmon to take the final necessary measures, today's legislation gives new life to a decades-old effort. This cause is worthy, because Moccasin Bend contains one of the most important and rich complexes of archaeological and historical sites to be found inside any city in the United States, chronicling 10,000-plus years of human history.

Themes included in this resource are: the peopling of the continent during the Paleo-Indian period, adaptation to the changing environment, and the emergence of regional distinct cultures through the archaic periods, transitioning to permanent settlement into the woodland period, along with long distance trade, the rise of politically powerful fortified population centers during the Mississippian period, contact with Spanish explorers and the consequences of academic, military, and economic destabilization and collapse, and the cultural survival of those people, the Muskogee, also known as the Creek, the frontier and the appearance of the Cherokee and their tenure of the land and their removal along the Trail of Tears. Chattanooga was one of the major ports of deportation.

Moccasin Bend also played a pivotal role in the Civil War. Union artillery pieces on Moccasin Bend bombarded defensive routes across Lookout Mountain and allowed Hooker's Army and Sherman's Army to break the siege, join Grant, and rout the Confederates, turning a Union defeat at Chicamauga into a victory at Chattanooga, giving President Lincoln the supply route he needed through the mountains to press the war through the Atlantic States.

As noted in the findings of the Park Service cooperative management plan, nowhere in the park system or State, local or private parks is such a diverse array of scenes significant to this Nation's history currently protected and interpreted. National park status will provide comprehensive protection and interpretation of these precious nationally significant resources and ensure their professional development into a highly valued and attractive asset.

The public benefits are enormous. It would establish a 911-acre green space contiguous to downtown Chattanooga, as you will note on the map. The city is there underneath the text on the right, the city center. It would unlock this resource for recreation, education, and its economic benefits. The park would connect with Chattanooga's revitalized waterfront in downtown via the nationally renowned river walk system, and the interpretive center will serve as the gateway to the park, and the Friends strive to make the interpretive center equal in quality and attractiveness of the Tennessee Aquarium.

A 1996 study by Thomas J. Martins & Associates projects that the Moccasin Bend National Historic Site and Interpretive Center will generate \$29 million annually in economic benefit within the State of Tennessee, and \$21 million of that within the county on an ongoing basis.

The site is located next to downtown Chattanooga and close to Interstates 24 and 75, which cross in Chattanooga, making it highly accessible to the public for education and enjoyment.

The Friends for the last 7 years have worked hard to lead an all-inclusive community census in support of the park. Both Hamilton County and the city of Chattanooga have passed resolutions requesting elected officials to work toward including Moccasin Bend into the National Park Service. The Friends have secured endorsements from over 25 community organizations, and petitions of over 6,000 citizen signatures.

Additionally, the editorial staffs of both newspapers have strongly endorsed the project and given extensive coverage throughout its development. The Trust for Public Land, the Nature Conservancy, and the Chattanooga Area Convention Center and Visitors Bureau have strongly endorsed the project. The Friends have developed a vibrant partnership with several Creek and Cherokee Nations and Tribes whose heritage is at issue here. The development of the legislation before you today has been followed and shaped by their leaders and endorsed by the Cultural Committee of the Intertribal Council of the Five Civilized Tribes, that is, the Muskogee, Cherokee, Chickasaw, Choctaw, and Seminole Nations.

Chattanooga in recent years has become well-known for its public-private partnership successes, the Tennessee River Walk, Coolidge Park, Tennessee Aquarium, the Creative Discovery Museum, and new urban schools. Now the community's leadership has pledged and is committed to execute a new riverfront plan finalized earlier this month by Hargreaves & Associates of Boston.

The plan calls for mixed use redevelopment along both banks of nearly a mile of the downtown riverfront, anchored at one end by the future Moccasin Bend Interpretive Center, the gateway to Moccasin Bend National Historic Site. The leading foundations in Chattanooga, as well as individuals, have lent their support to bring the project to this point, and the Friends is expanding those efforts, knowing that it will take broad public-private support to develop a park and interpretive programming with the highest level of appeal and impact.

The Friends continues a highly proactive effort to make this project a great success, and will work closely with the National Park Service into the future to conceive, build, promote, and maintain a vibrant new national historic site. I would like thank the entire Tennessee delegation for their support of this bill, and especially the leadership of Senators Thomas, Fred Thompson, Bill Frist, and Congressman Zach Wamp for their success in forging a broad consensus of support for the project. The Friends welcomes any suggestions or comments in pursuit of what we believe will be a magnificent project.

Thank you very much for your interest in Moccasin Bend National Historic Site.

[The prepared statement of Mr. Mills follows:]

PREPARED STATEMENT OF JAY MILLS, VICE-PRESIDENT OF THE FRIENDS OF
MOCCASIN BEND, CHATTANOOGA, TN

I appreciate the opportunity to come before your committee. My name is Jay Mills, Vice-President of The Friends of Moccasin Bend National Park and I speak on its behalf. The Friends is a community group dedicated to preserving, protecting and interpreting one of the most outstanding and beautiful sites of American cultural history—Moccasin Bend.

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nity leaders, Senators Kefauver and McKeller in 1950 initiated legislation that was approved by Congress and signed by President Harry Truman authorizing the addition of up to 1,400 acres on Moccasin Bend to the Chickamauga and Chattanooga National Military Park.

Although that effort was suspended by the failure of Governor Frank Clement to take final necessary measures, today's proposed legislation gives new life to a decades old effort. This cause is worthy because Moccasin Bend contains one of the most important and rich complexes of archaeological and historical sites to be found inside any city in the United States, chronicling 10,500 plus years of human history. I have personally studied archaeology for nearly 20 years, and worked in North America and Africa. It's a highly significant site.

The themes included in these resources are:

- The peopling of the continent;
- Emergence of regionally distinct cultures;
- Transition to permanent settlement;
- Long distance trade;
- Rise of politically powerful fortified population centers;
- Contact with Spanish explorers and the consequences of epidemic, military and economic destabilization, and collapse, and cultural survival;
- Frontier and Cherokee tenure including the defiant Cherokee Chief, Dragging Canoe, whose villages were along this section of the river;
- The Cherokee removal along the Trail of Tears;
- Moccasin Bend also played a pivotal role in the Civil War. Union artillery pieces on the Moccasin Point bombarded defense routes on Lookout Mountain and allowed Hooker's and Sherman's Army to break the siege, join Grant and route the confederates, turning a union defeat at Chickamauga into a victory at Chattanooga. This gave President Lincoln the supply route he needed through the mountains to press the war to the Atlantic States.

As noted in the findings of the National Park Service Cooperative Management Plan, nowhere within the park service or in state, local or private parks is such a diverse array of themes significant to this nation's history currently protected and interpreted.

The site, located next to downtown Chattanooga and close to Interstates 24 and 75, is highly accessible to the public for education and enjoyment.

National Park status will provide comprehensive protection and interpretation of these precious, nationally significant resources and assure their professional development into highly valued and attractive assets. The National Park Service is uniquely qualified to embrace the full range of these responsibilities. Citizen's groups have insisted on that level of protection and oversight.

More specifically, the Park Service is uniquely qualified to provide the strength of federal law to protect the resources from plunder and other threats. It also offers the greatest assurance that the resources are protected into perpetuity, along with the highest level of professionalism in planning how the park will be interpreted, experienced and managed. And, only through federal management is there the assurance that the peoples whose histories are to be interpreted will hereafter play a prominent role in determining how their history will be interpreted.

The public benefits are enormous.

Establishing the Unit would preserve a 911-acre green-space contiguous to downtown Chattanooga while unlocking it for passive recreation, education and its economic benefits.

The park would connect with Chattanooga's revitalized waterfront and downtown via the nationally renowned river-walk system, and the interpretive center will serve as a gateway to the park. The Friends strive for an interpretive center equaling the quality and attraction of the Tennessee Aquarium.

A 1996 study by Thomas J. Martin and Associates, whose estimates for the Tennessee Aquarium proved conservative, projects that a Moccasin Bend National Historic Site and Interpretive Center will generate \$29 million annually in economic benefits within the State of Tennessee and \$21 million annually within the county on an ongoing basis.

The Friends for the last seven years has worked very hard to lead an all-inclusive community consensus in support of a National Park. Both Hamilton County and the City of Chattanooga have passed resolutions requesting elected officials to work toward including Moccasin Bend in the National Park Service. The Friends has secured endorsements from over 25 community and petitions with over 6,000 citizen signatures. The editorial staffs of both newspapers have strongly endorsed the project and given extensive coverage throughout its development. The Trust for Pub-

lic Land, the Nature Conservancy, and the Chattanooga Area Convention Center and Visitors Bureau have strongly endorsed the project.

Early in the process we opened communications with the federally recognized tribes whose heritage is at issue here, most notably the several Creek and Cherokee nations and tribes, and have developed a vibrant partnership with them. The development of the legislation before you today has been followed and shaped by their leaders and endorsed by the cultural committee of the Inter-tribal Council of the Five Civilized Tribes (the Muscogee, Cherokee, Chickasaw, Choctaw and Seminole Nations).

Chattanooga has in recent years become well known for its public/private partnership successes: The Tennessee River Walk, Coolidge Park, The Tennessee Aquarium, the Creative Discovery Museum, New Urban Schools, etc. Now the community's leadership has pledged and is committed to execute a new riverfront plan finalized earlier this month by Hargreaves Associates of Boston. The plan calls for mixed-use redevelopment along both banks of nearly a mile of downtown riverfront, anchored at one end by the future Moccasin Bend Interpretive Center, the gateway to the Moccasin Bend National Historic Site. The leading foundations in Chattanooga, as well as individuals, have lent their support to bring the project to this point, and the Friends is expanding those efforts, knowing that it will take broad public-private support to develop a park and interpretive programming with the highest level of appeal and impact.

The Friends continues a highly pro-active effort to make this project a great success and will work closely with the National Park Service into the future to conceive, build, promote and maintain a vibrant new National Historic Site. I would like to thank the entire Tennessee delegation for their support of this bill, and especially the leadership of Senators Fred Thompson and Bill Frist and Congressman Zach Wamp for their success in forging a broad consensus of support for the project. The Friends welcomes any suggestions or comments in pursuit of what we believe will be a magnificent project.

Thank you very much for your interest in a Moccasin Bend National Historic Site.

Senator AKAKA. Thank you for your statements.

Mr. Mills, based on your familiarity with this site, is there any way to mitigate the impact of the golf course, the mental health institute, and other uses found to be incompatible by the Park Service on the site's archaeological and other resources?

Mr. MILLS. If I understand your question correctly, is there a way to mitigate that, I think it is a question of the Friends as a group, and the community at large would like to have a part. We also would like to—as quickly as possible, one that would look like a park, one that would have these uses not on that property as soon as possible. I think it is a question of us trying to tighten down those dates and get them as soon as possible.

Senator AKAKA. Mr. Ririe, I previously asked Mr. Smith about alternative methods of public input into the Cold War theme study as a substitute for a formal advisory committee. Do you have any recommendations regarding how academics or other experts could be usefully involved in the theme study?

Mr. RIRIE. Actually, I do. There are several experts that I am aware of. There are several that have been working on Cold War studies in the past. Harvard has done extensive work on Cold War studies. Also, there is a gentleman by the name of Gary Powers, Jr., and he is the son of Francis Gary Powers that was shot down over Russia in 1960. He has been working for over 5 years on a repository and a Cold War museum. He has done a lot of work, and would be an excellent addition to an advisory committee.

Senator AKAKA. Thank you. I will defer for further questions to Senator Thomas.

Senator THOMAS. Thanks, Mr. Chairman. I really do not have many. I thank both of you for being here and for the efforts you

make with respect to the issues you represent. I think it is very important that you do that.

I might ask, on the Cold War, I guess at least part of the idea would be to establish, identify areas then that would be made some kind of Federal reserve or something.

Mr. RIRIE. Exactly. I believe that some of these areas, some of these sites might perhaps be a part of the Park Service now. I know there are others. There are missile silos, there are the Nike sites, there are extensive sites in different States. We would like to find out what those sites are, identify those sites, and then see about the feasibility of including those into the system.

Senator THOMAS. There are missile sites, 1,500 of them, as a matter of fact. Some of them are still active.

Mr. Mills, thank you very much for your presentation, and again for all the work that obviously you have done. I hope we can find a way to do something that will be helpful. I suppose we will have to take a look at a number of different options, because this is a little unusual setting to come into a national park because of those things that are there, but certainly we will continue to work at it and see if we can find some way to help preserve it. The county and the city are not interested in making it a local park?

Mr. MILLS. That was looked at during the cooperative management plan process, and the city and the county were very much a part of those processes. The staff, the executive, and the commissioners themselves attended those meetings.

They have restrained from allowing development of various sorts out there. Some have occurred, others have not, expressly because of the knowledge of how important it is, which has been growing over the years. It was only in 1984 that it was demonstrated that the Spanish contact material out there is of intact settlement. The Mississippian Village burned. Spanish contact materials were being reported by the people in the seventies who were looting the site. There was word of mouth.

The Native American reserve force was established by several individuals of Native American ancestry in the community, and they became deputized and effectively stopped the looting at that time. In 1984, we became aware—

Senator THOMAS. Is the city interested, and the county, in doing it themselves, is what I am saying?

Mr. MILLS. I do not think they are. I think they are interested in seeing it turned into a park. In terms of doing it justice, that is what the community—all the people involved in the process said it would not provide the protection that Federal legislation would with Federal laws.

Senator THOMAS. Okay. Thank you.

Senator AKAKA. Thank you very much. I have no further questions. I want to thank both of you and all of the witnesses who have appeared before this subcommittee today. The hearing record will remain open for 2 weeks if anyone wishes to submit any comments or statements to be included in the record.

Again, thank you very much for your testimony, and your responses will be helpful to the committee. The hearing is adjourned. [Whereupon, at 4:30 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

BRATTON & McCLOW, LLC,
ATTORNEYS AT LAW,
Gunnison, CO, May 30, 2002.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Re: NCA Boundary Language

DEAR SENATOR CAMPBELL: I understand that you will be submitting, in the near future, a bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area and other purposes. As you know, I have practiced law in Gunnison for over 40 years, with special emphasis in water rights, including representation of the Upper Gunnison River Water Conservancy District since January, 1961. I am therefore very interested in the possible impact of the language in this bill upon water rights in our basin. In particular, I would like assurance that the legislation does not contain any language which could interfere in any way with water rights in the Gunnison Basin and that any water rights that may be necessary for the purposes of the Act should be obtained in accordance with Colorado law. In particular, I would request that you include in the Act provisions that address the following:

1. Nothing in the Act shall constitute an express or implied reservation of water for any purpose.
2. Nothing in the Act nor the permitting authority in other applicable provisions of law shall affect any water rights in existence prior to the date of the enacting of the Act, including any water rights held by the United States, or access to existing facilities.
3. Any new water rights that the Secretary determines is necessary for the purpose of the Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

If I can answer any questions you might have about this I will be glad to discuss it with you or a member of your staff.

Very truly yours,

L. RICHARD BRATTON.

THE UNCOMPAHGRE VALLEY WATER USERS ASSOCIATION,
Montrose, CO, June 12, 2002.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: We are writing in regards to S. 1944, the "Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2002." We support your efforts in this regard. We would ask you to add language to this legislation that protects the withdrawn lands under Bureau of Reclamation control for the tunnel works and the Gunnison Tunnel operations area.

This land is located in Sec. 10 SE1/4NE1/4 S1/2 NW1/4 S1/2, Section 11 S1/2, Section 12 N1/2 SW1/4, Section 13, N1/2NW1/4, Section 14 N1/2 N1/2 all in T 49 N Range W., NMPM. All lands from a line 1/4 mile north of Crystal Dam.

We ask for your support in this action because the National Park Service does not need this area and they are not in the irrigation business. The Bureau of Reclamation has operated this area with Uncompahgre Valley Water users employees for the last 90 plus years. Irrigation water and head works for the delivery of irriga-

tion water may be even more important now than it was in 1902. Please consider this request in your deliberations on the legislation.

We would ask that in the consideration of the legislation. You please add language that ensures the ditches and other water supply facilities located within the new conservation area boundaries are not adversely affected by this legislation.

Sincerely,

MARCUS W. CATLIN.

BOARD OF COUNTY COMMISSIONERS,
Montrose County, CO, May 29, 2002.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: We are writing in regard to S. 1944, the "Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2002." We strongly support your continued efforts in this regard, but urge you to add language to this legislation that protects existing water rights.

Please help ensure that ditches and other water supply facilities located within the new conservation area boundaries are not adversely affected by this legislation. As you know, irrigation water is critically important to Montrose County, particularly during the worst drought in Colorado's recorded history.

Thank you for your consideration and for your continued support of Montrose County.

Sincerely,

LEO M. LARGE,
Chairman.

VIRGINIA KEY BEACH PARK TRUST,
Miami, FL, June 7, 2002.

Hon. BILL NELSON,
U.S. Senate, Washington, DC.

DEAR SENATOR NELSON: On behalf of the Board of Directors of Virginia Key Beach Park Trust, I am submitting the following remarks to be read into the record during the Senate Committee hearing on Wednesday, June 12, 2002. We are sorry that we are unable to be present for this important matter and trust you too will find that Virginia Key Beach Park deserves your support.

Virginia Key Beach in Miami, Florida, is one of South Florida's, and the nation's, greatest treasures. It is situated on a 1,000-acre barrier island, which has remained exclusively non-residential through the years, and retains such unique environmental features as a tropical hardwood hammock and a wildlife conservation area. The 77-acre parcel of Virginia Key Beach itself is located on the southeast side of the island, along Bear Cut, which separates Virginia Key from Key Biscayne.

This beach is as rich in scenic beauty as it is in historical significance. It is not only the only oceanfront property actually within the city limits of Miami, it is practically the only place in the city where a visitor can enjoy a view of the water and natural surroundings uninterrupted by any tall buildings. It is not surprising that so special a place should figure prominently in history.

We know very little of the Parks earliest history. Extensive landfill and other alterations over the years have destroyed or covered any archaeological finds that may have been there. (A professional archaeological survey was performed earlier in June, 2001, which reached this conclusion). One of the earliest records of Virginia Key is of a skirmish that took place there at Bear Cut on October 22, 1838 between U.S. Revenue Marines and a group of Seminoles who were camped there. However, it is the later history, in the 20th century, for which Virginia Key Beach is best known.

Official records will show that the Beach was officially opened as a Dade County Park "for the exclusive use of Negroes" on August 1, 1945. This was in direct response to a bold protest by several African American men led by the late Judge Lawson E. Thomas at an all-white Beach in northern Dade County. It was their hope to be arrested, so that the case would come to Court, but, precisely to avoid such an embarrassment, the County fathers decided to proclaim Virginia Key Beach, a mere half mile of shoreline out of all the miles of beaches in Dade County, as a "Colored Beach". It was an instant success, even though the only means of ac-

cess was by boat from downtown Miami, and would be even more successful after the construction of the automobile causeway in 1949.

Unofficially, however, the history of this extraordinary recreational site goes back a good bit farther than 1945. Many of Miami's African American community elders recall visiting "Bears Gut," as it was then known, as youngsters as early as the 1930's. There was apparently an "understanding" whereby this particular area was recognized as reserved for Blacks to enjoy. Families would travel there by boat, and parents closely supervised their children to be sure that they did not venture too far into the water, with its dangerously swift current and sharp dropoffs. (One story holds that the drop-offs were deliberately excavated by rum runners who needed to bring their smuggling boats closer to shore to unload).

An even earlier use of the site by African Americans is suggested by a notation on a United States survey map, published in 1918, of a survey conducted in 1916. There, just south of the "Abandoned Military Reservation," right at Bear Cut, a rectangle is shown and indicated to be a "Negro Dancing Pavilion." The newly constituted (January 2001) city of Miami Virginia Key Beach Park Trust is endeavoring to research this item further.

What distinguished Virginia Key Beach during the segregation era from so many other "Colored" parks throughout the South, was that it was not a second-rate facility. The same amenities that had been provided for all-white Crandon Park, such as the carousel, were also at Virginia Key Beach, in addition to a wonderful mini-train amusement ride. Most of the buildings were well constructed, and have weathered both hurricanes and the forces of "demolition by neglect" that have prevailed for nearly twenty years. They still stand today, awaiting restoration efforts that are currently underway.

Even more importantly, partly because of this long history, the Park was fully embraced by the community. Not even the sting of forced racial separation and all of its restrictions could dampen the community's enjoyment of Virginia Key Beach. "It was a beautiful place." "It was Paradise." "It was like a trip to the Bahamas without ever leaving the city." Such quotations abound among those who remember the Park in its heyday, with its dance floor and outdoor jukebox, its famous Virginia Key Corn Dogs at the refreshment stand, its very popular amusements, its well-used boat ramp, and the "lines all the way back to New York" to secure a cabana on the weekends. A rare exception to the nonresidential character of the site was the "cottages," a frame structure with three apartment units for overnight stays that served honeymooners, black celebrities, and others with the means to enjoy the Park for more than a day.

Virginia Key Beach was the hub of African American life in South Florida. It brought together all neighborhoods and social classes, and attracted people from as far away as Palm Beach County. Churches and organizations held major functions there. Many a Miamian can recall that their "full immersion" baptism into the Christian Church took place right at Virginia Key Beach. Virginia Key Beach was also Lover's Lane for those who could get there. Most of all, it as a place of family fun and togetherness, and a much-needed respite from otherwise pervasive racism, in an extraordinarily beautiful subtropical scenic ambience not to be found anywhere else.

It is one of South Florida's, and the nation's great losses that a whole generation has come of age who did not have the opportunity to enjoy this wonderful treasure because it has been closed to the public for the better part of two decades. However, bright new hope has arisen for the future as a diverse group of citizens have made a commitment, working in cooperation with the City of Miami, to bring the Park back to its former glory, but this time for ALL residents and visitors. Its unique history and natural features make it a landmark of national and international importance. Indeed, much of its unique importance is shared with Biscayne National Park, which is comprised mainly of Florida Keys and reefs, and which embodies such remarkable history as the story of Parson Jones and his family. The invaluable asset that is represented by historic Virginia Key Beach is deserving of every available source of support, for the benefit of the nation and the world, as well as the residents and visitors of Miami.

We respectfully request your support of this legislation for a study for inclusion of Virginia Key Beach Park in the National Park Service.

Sincerely,

M. ATHALLE RANGE,
Chair.

STATEMENT OF FRANCIS GARY POWERS, JR., FOUNDER, THE COLD WAR MUSEUM

Dear Mr. Chairman: My name is Francis Gary Powers, Jr. and I am founder of The Cold War Museum, a 501(c)(3) charitable organization dedicated to education, preservation, and research on the global, ideological, and political confrontations between East and West from the end of World War II to the dissolution of the Soviet Union.

I greatly appreciate this opportunity to provide this written statement in support of S. 1257 to the National Parks Subcommittee and would like to express my gratitude to Senator Reid for sponsoring a bill that aims to preserve such a vital part of our country's history. Last year, I testified before the House Subcommittee on National Parks, Recreation and Public Lands in support of H.R. 107.

This legislation means much to me personally. As the son of a famous Cold War figure, I grew up with the Cold War. The Cold War Museum began for me as a way to honor my father, but it soon took on a much greater life and purpose. I am working toward a museum that will honor all the men and women who worked for democracy and freedom during the Cold War. The Cold War Museum will dedicate resources to commemorating those whose deeds and sacrifices furthered democracy, but the Museum strives for an international and objective understanding of the Cold War—one of the most intense periods of conflict, and most dangerous years in human history.

The Cold War Museum has collected over two million dollars worth of artifacts, currently in storage, and last year it became an affiliate of the Smithsonian Institution. While the Museum does not yet have a permanent home, it sponsors traveling exhibits that have been displayed throughout the U.S. and in Norway, Germany, and Russia. In the past two years, more than 250,000 people have visited the Museum's website (www.coldwar.org). Presently, we are in negotiations with Fairfax County officials to establish our permanent location at the former Nike Missile Base in Lorton, Virginia.

The growing popularity of the Cold War Museum underscores its commitment not to revive old hatreds, but rather to promote lessons learned. It's about teaching democracy and the pursuit of world peace.

The Museum's distinguished Board of Directors includes experts in museum management, nonprofit management, and various aspects of Cold War history. It also has an Advisory Board, which includes Sergei Khrushchev, son of Nikita Khrushchev; former Eisenhower aide General Andrew Goodpaster; the late Ambassador Vernon Walters; and renowned photographic interpreter Dino Brugioni.

Recently, the Cold War Museum developed a list of important Cold War sites, a focal point of both S. 1257 and H.R. 107, the House-passed companion bill. We believe that the goal of recognizing a Cold War site in every state is achievable and look forward to providing any assistance that could be useful to the Secretary of the Interior once this legislation is enacted.

We also believe that Section 3 of S. 1257, which establishes a "Cold War Advisory Committee" is an excellent provision in that it will make available to the Secretary a broad range of persons with expertise in Cold War and U.S. history, and in historic preservation. We strongly urge the Subcommittee to include this recommendation as a means of assuring that the study will have the best possible input for its final report.

America has honored men and women from many wars who died for freedom, but whatever the reason, there has been almost no recognition of the Cold War, an era that lasted almost 50 years, cost thousands of lives, trillions of dollars, changed the course of history, and left America the only remaining superpower. However, the Cold War is virtually unknown to the current generation. This is a great disservice to all those who gave their lives during the Cold War.

James Billington, Librarian of Congress, said in a foreign policy speech,

The Cold War was the central conflict of the second half of the 20th century, the longest and most unconventional war of the entire modern era and an unprecedented experience for Americans. We were faced for the first time in our history with an opponent who was both ideologically committed to overthrow our system and was equipped to destroy us physically.

Journalist Charles Krauthammer, in an Op-Ed piece in the *Washington Post*, entitled "Build a Cold War Memorial," had this to say:

The Cold War did not have the dramatic intensity of World War II, but it was just as real and just as dangerous. Though often clandestine and subtle, it ranged worldwide, cost many lives, evoked much heroism and lasted what seemed like forever. Considering the stakes, the scope and the suffering, this was a struggle that deserves commemoration.

Although the Cold War periodically resurfaces in the news, as is evident by the Hanssen spy case, many people really don't understand the background and the history. The Cold War Museum's web site testifies to the public's desire for information.

Krauthammer said this about a proposed Cold War Monument:

It needn't be grandiose, but it must have a small museum for instruction. A gallery of heroes: Truman, Marshall, Churchill, Reagan. A hall for the fallen: the secret agents who died anonymously. A tribute to allies and friends . . . and a gulag display, so our children will learn the nature of evil.

We hope that the study that will be undertaken by Department of the Interior when this legislation is enacted will establish the value of a permanent Cold War Museum as the central repository for Cold War artifacts and information.

Our plans include the following:

- Display Cold War photos, artwork, and artifacts.
- Establish an endowed research chair at the Cold War Museum.
- Collect biographies on key figures of the Cold War.
- Record oral and written histories to capture the human side of the conflict.
- Create an inventory of key technologies that resulted from Cold War research and development.
- Develop a comprehensive inventory of significant Cold War sites and resources that need to be preserved such as military sites, homes of key figures, laboratories, test sites, and historic places.
- Build a Cold War Memorial to honor our Cold War veterans and participants.

I am proud to say that the Cold War Museum is already addressing these needs. We are working with the Smithsonian to determine which artifacts from their national collection can be used in Cold War Museum exhibits and displays. We have received offers of support from a variety of sources including the Holocaust Museum, Voice of America, and the embassies of Bulgaria, Estonia, Hungary, Latvia, Lithuania, and Slovakia. Earlier this year, the Commonwealth of Virginia provided an initial grant to the museum in the amount of \$28,000 and a resolution of support stating that the Commonwealth supports the Cold War Museum locating at the former Nike Missile base in Lorton, Virginia.

The interest and support of James Billington, Charles Krauthammer, the Smithsonian Institution, the Voice of America, the Holocaust Museum, various embassies and schools, and the Commonwealth of Virginia provide strong evidence that this legislation will be of significant value in educating students, honoring Cold War veterans, and preserving Cold War history.

Mr. Chairman, the Directors of the Cold War Museum and I would like to express our strongest possible support for the enactment of either S. 1257 or H.R. 107, although the establishment of an Advisory Committee by S. 1257 makes that bill considerably more effective in our opinion.

We believe it is vital to begin immediately to preserve these historical resources. Records are being lost and historical sites fall prey to developers every day. S. 1257 and H.R. 107 represent an important step in the right direction. We urge the Congress to act expeditiously so that efforts to preserve this important part of American history and its historical sites can be preserved for all time.

Thank you for this opportunity to present our views.

Very Truly Yours,

FRANCIS GARY POWERS, JR.,
Founder.

