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### MINUTEMAN MISSILE NATIONAL HISTORIC SITE BOUNDARY MODIFICATION ACT

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AUGUST 5, 2010.—Ordered to be printed

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

### R E P O R T

[To accompany S. 2726]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2726) to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

1. On page 2, strike lines 5 through 18 and insert the following:

“(3) VISITOR FACILITY AND ADMINISTRATIVE SITE.—

“(A) IN GENERAL.—In addition to the components described in paragraph (2), the historic site shall include a visitor facility and administrative site located on the parcel of land described in subparagraph (B).

“(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) consists of approximately 25 acres of land within the Buffalo Gap National Grassland in South Dakota as generally depicted on the map entitled ‘Minuteman Missile National Historic Site Boundary Modification’, numbered 406/80,011, and dated July 17, 2009.

“(C) AVAILABILITY OF MAP.—The map described in subparagraph (B) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service.

“(D) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in subparagraph (B) is transferred from the Secretary of Agriculture to the Secretary, to be administered as part of the historic site.

“(E) BOUNDARY ADJUSTMENT.—The boundaries of the Buffalo Gap National Grasslands are modified to exclude the land transferred under subparagraph (D).”.

#### PURPOSE

The purpose of S. 2726 is to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota.

#### BACKGROUND AND NEED

In 1999, Congress established the Minuteman Missile National Historic Site in South Dakota to recognize the significance of the Minuteman Intercontinental Ballistic Missile (ICBM). The ICBM was developed during the Cuban missile crisis of 1962 and played a critical role in the Cold War arms race as America’s first “push-button” nuclear missile.

The U.S. Air Force deployed over 1,000 Minuteman missiles in underground silos throughout the central states during the Cold War. With the collapse of the Soviet Union, the Cold War effectively ended, and in 1991, the two countries signed the Strategic Arms Reduction Treaty (START). This agreement required that all Minuteman missiles be deactivated, including the missiles at Ellsworth Air Force Base in South Dakota.

In 1993, the National Park Service and the Air Force entered into a cooperative agreement to temporarily preserve two Minuteman sites, the Delta One and Delta Nine sites at Ellsworth Air Force Base. The Air Force simultaneously requested and funded a Special Resource Study to assess the suitability and feasibility of adding the sites to the National Park System. After finding that the sites fit the criteria, Congress enacted the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106–115). S. 2726 modifies the park boundary to include land, currently administered as part of the Buffalo Gap National Grasslands, on which to establish a visitor facility and administrative site.

#### LEGISLATIVE HISTORY

S. 2726 was introduced by Senator Johnson on November 4, 2009. The Subcommittee on National Parks held a hearing on S. 2726 on December 3, 2009. The Committee on Energy and Natural Resources considered the bill and adopted an amendment at its business meeting on June 16, 2010. The Committee ordered S. 2726 favorably reported with the amendment at its business meeting on June 21, 2010.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 21, 2010, by voice vote of a quorum

present, recommends that the Senate pass S. 2726, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 2726, the Committee adopted an amendment. The amendment makes technical changes to section 2(3), adds a subparagraph that transfers administrative jurisdiction over the 25-acre site on which the visitor facility and administrative offices are to be located from the Secretary of Agriculture to the Secretary of the Interior, and modifies the boundaries of the Buffalo Gap National Grassland to exclude the site from the National Grassland boundaries.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title, the “Minuteman Missile National Historic Site Boundary Modification Act.”

*Section 2* amends section 3(a) of the Minuteman Missile National Historic Site Establishment Act (Public Law 106–115; 16 U.S.C. 461 note) to include in the historic site the 25-acre site on which the visitor facility and administrative offices are to be located, and includes a map reference to describe the transferred lands. Administrative jurisdiction over the site is transferred from the Secretary of Agriculture to the Secretary of the Interior, and the boundaries of the Buffalo Gap National Grassland are modified to exclude the site.

#### COST AND BUDGETARY CONSIDERATIONS

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

##### *S. 2726—Minuteman Missile National Historic Site Boundary Modification Act*

S. 2726 would approve the transfer of administrative jurisdiction of 25 acres of the Buffalo Gap National Grasslands from the Forest Service to the National Park Service (NPS). The NPS would use the land for a visitor center and administrative site for the Minuteman Missile National Historic Site in South Dakota.

Based on information provided by the NPS, CBO estimates that implementing S. 2726 would have no significant effect on the federal budget. Authority to transfer the land and build and operate a facility was provided in the legislation that established the park unit in 1999. At that time, CBO estimated that the cost of constructing the facility would be about \$5 million. That amount has already been appropriated for the project. Because the legislation does not affect direct spending or revenues, pay-as-you-go procedures would not apply.

S. 2726 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

## CONGRESSIONALLY DIRECTED SPENDING

S. 2726, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2726.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 2726.

## EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the December 3, 2009 Subcommittee hearing on S. 2726 follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 2726, a bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota.

The Department supports S. 2726 with some technical amendments included at the end of this statement.

S. 2726 would authorize the Secretary to transfer 25 acres of Buffalo Gap National Grasslands from the U.S. Forest Service to Minuteman Missile National Historic Site in Philip, South Dakota, to establish a visitor facility and administrative site. The new facility would be located north of exit 131 on Interstate 90 in Jackson County, South Dakota. Minuteman Missile's enabling legislation states, "*On a determination by the Secretary of the appropriate location for a visitor facility and administrative site, the boundary of the historic site shall be modified to include the selected site.*" The enabling legislation also included a map of the visitor center site indicating that the proposed area would be 10 acres in size. Later planning indicated that a minimum size for the visitor center site would require 25 acres. National Park Service and U.S. Forest Service personnel, in consultation with our respective lawyers, have discussed that in view of the increase in acreage, it would be appropriate to provide for that increase in new legislation. There would be no cost involved in this land transfer.

The U.S. Forest Service (Buffalo Gap National Grassland) is in agreement with the recommended land transfer and has provided Minuteman Missile NHS with an outline of the land transfer process. The National Park Service's Midwest regional architects and engineers conducted an on-site visit in March 2009 with the Minuteman Missile NHS staff to determine the number of acres necessary for the land transfer. The National Grassland representatives met with representatives from the National Park Service to discuss the proposed land involved in the transfer and the U.S. Forest Service has agreed to the transfer of 25 acres. We note that the U.S. Forest Service also has identified the Bankhead Jones Farm Tenant Act of 1937 as another possible vehicle for this transfer.

Public Law 106-115 established the Minuteman Missile National Historic Site. The General Management Plan/Environmental Impact Statement (GMP/EIS) scoping began in 2001 and the record of decision was signed on July 2, 2009. The GMP's preferred alternative included the development of a visitor center/administrative facility and a land transfer from the U.S. Forest Service to the National Park Service for the site of the facility. The GMP recommended the preferred location at I-90 South Dakota Exit 131 with "up to" 25 acres for the complete facility.

The estimated cost to build the visitor center and administrative site is \$4.7 million, and the estimated cost to annual operate and maintain both facilities would be approximately \$750,000. All funds would be subject to NPS priorities and the availability of appropriations.

The transfer between the National Park Service and the U.S. Forest Service would be conducted in accordance with applicable laws, regulations, and policies.

Mr. Chairman, this concludes my testimony. I look forward to working with the Committee on these amendments and other technical issues. I am prepared to answer any questions from members of the Committee.

PROPOSED AMENDMENTS TO S. 2726, THE MINUTEMAN MISSILE NATIONAL HISTORIC SITE BOUNDARY MODIFICATION ACT

Page 2, line 2, by striking " respectively; and" and inserting "respectively;"

Page 2, line 6, by inserting "also" after "historic site".

Page 2, line 18, by striking "2009'." and inserting "2009' and"

Page 2, after line 18, by inserting

(3) in section (3)(a)(3), as redesignated by paragraph (1), by striking "(4) AVAILABILITY OF MAP.—The map described in paragraph (2)" and inserting "(4) AVAILABILITY OF MAPS.—The maps described in paragraphs (2) and (3)"

(4) in section (3)(e)(1), by striking "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2) and (3)".

(5) in section (3)(e), by adding a new paragraph (3) as follows:

(3) The Secretary of Agriculture shall transfer administrative jurisdiction over the lands described in paragraph 3(a)(3) to the Secretary, and shall modify the boundaries of the Buffalo Gap National Grassland to exclude the transferred lands from the grassland boundaries. As soon as practicable after the transfer, the Secretary shall prepare a map and a legal description of the lands described herein, which shall be on file and available for public inspection in the appropriate offices of the National Park Service.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2726, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### **MINUTEMAN MISSILE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 1999**

(Public Law 106–115; Approved November 29, 1999)

AN ACT To establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

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

\* \* \* \* \*

#### **SEC. 3. MINUTEMAN MISSILE NATIONAL HISTORIC SITE.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Minuteman Missile National Historic Site in the State of South Dakota (referred to in this Act as the “historic site”) is established as a unit of the National Park System.

(2) COMPONENTS OF SITE.—The historic site shall consist of the land and interests in land comprising the Minuteman II ICBM launch control facilities, as generally depicted on the map referred to as “Minuteman Missile National Historic Site”, numbered 406/80,008 and dated September, 1998, including—

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

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

(3) VISITOR FACILITY AND ADMINISTRATIVE SITE.—

(A) *The historic site shall also include a visitor facility and administrative site located on the parcel of land described in subparagraph (B).*

(B) *The land referenced in subparagraph (A) consists of approximately 25 acres of land within the Buffalo Gap Na-*

*tional Grasslands in South Dakota as generally depicted on the map entitled "Minuteman Missile National Historic Site Boundary Modification", numbered 406/80,011 and dated July 17, 2009.*

*(C) Administrative jurisdiction over the land described in subparagraph (B) is hereby transferred from the Secretary of Agriculture to the Secretary, to be administered as part of the historic site. The boundaries of the Buffalo Gap National Grassland are modified to exclude the transferred lands from the National Grassland boundaries. The map referenced in subparagraph (B) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service.*

**[(3)]** (4) AVAILABILITY OF MAP.—The map described in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**[(4)]** (5) ADJUSTMENTS TO BOUNDARY.—The Secretary of the Interior (referred to in this Act as the "Secretary") is authorized to make minor adjustments to the boundary of the historic site.

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