

MINUTEMAN MISSILE NATIONAL HISTORIC SITE  
BOUNDARY MODIFICATION ACT

SEPTEMBER 10, 2013.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

[To accompany S. 459]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (S. 459) 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, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 459 is to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota.

BACKGROUND AND NEED FOR LEGISLATION

The Minuteman Missile National Historic Site in South Dakota was established by Congress in 1999 to recognize the importance of the Minuteman Missile Intercontinental Ballistic Missile program. The U.S. Air Force administered over 1,000 Minuteman missiles in silos throughout the Midwest during the Cold War. The Minuteman missiles were deactivated as part of the Strategic Arms Reduction Treaty in 1991.

In 1993, the National Park Service and the U.S. Air Force entered into a cooperative agreement to preserve two Minuteman sites at Ellsworth Air Force Base in South Dakota. At the same time, the Air Force completed a study to determine the feasibility of adding the two sites to the National Park System, culminating with the enactment of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106-115).

S. 459 amends the Minuteman Missile National Historic Site Establishment Act of 1999 to modify the park boundary to include a conveyance of land currently part of the Buffalo Gap National Grasslands, administered by the U.S. Forest Service. The expansion of the site will allow for the establishment of a visitor facility, administrative site, and parking lot.

#### COMMITTEE ACTION

S. 459 was introduced on March 5, 2013, by Senator Tim Johnson (D–SD). On June 19, 2013, the bill passed the Senate by unanimous consent without amendment. The bill was then referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On July 19, 2013, the Subcommittee held a hearing on the bill. On July 24, 2013, the full Resources Committee met to consider S. 304. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. No amendments were offered and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

#### *S. 459—Minuteman Missile National Historic Site Boundary Modification Act*

S. 459 would approve the transfer of administrative jurisdiction of about 29 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, administrative site, and parking lot for the Minuteman Missile National Historic Site in South Dakota.

Based on information provided by the NPS, CBO estimates that implementing S. 459 would have no significant effect on the federal budget. Authority to transfer the land and to 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. Enacting S. 459 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 459 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.

On March 25, 2013, CBO transmitted a cost estimate for S. 459, the Minuteman Missile National Historic Site Boundary Modification Act, as ordered reported by the Senate Committee on Energy and Natural Resources on March 14, 2013. The two versions of the legislation are identical, and the CBO cost estimates are the same.

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

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the NPS, CBO estimates that implementing S. 459 would have no significant effect on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as 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**

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**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) **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—*

*(i) approximately 25 acres of land within the Buffalo Gap National Grassland, located north of exit 131 on Interstate 90 in Jackson County, South Dakota, as generally depicted on the map entitled “Minuteman Missile National Historic Site Boundary Modification”, numbered 406/80,011A, and dated January 14, 2011; and*

*(ii) approximately 3.65 acres of land located at the Delta 1 Launch Control Facility for the construction and use of a parking lot and for other administrative uses.*

(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 Agri-*

*culture to the Secretary, to be administered as part of the historic site.*

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

[(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.

(b) ADMINISTRATION OF HISTORIC SITE.—The Secretary shall administer the historic site in accordance with this Act and laws generally applicable to units of the National Park System, including—

(1) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

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

(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public and private entities and individuals to carry out this Act.

(e) LAND ACQUISITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the historic site by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange or transfer from another Federal agency.

(2) PROHIBITED ACQUISITIONS.—

(A) CONTAMINATED LAND.—The Secretary shall not acquire any land under this Act if the Secretary determines that the land to be acquired, or any portion of the land, is contaminated with hazardous substances (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), unless, with respect to the land, all remedial action necessary to protect human health and the environment has been taken under that Act.

(B) SOUTH DAKOTA LAND.—The Secretary may acquire land or an interest in land owned by the State of South Dakota only by donation or exchange.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date funds are made available to carry out this Act, the Secretary shall prepare a general management plan for the historic site.

(2) CONTENTS OF PLAN.—

(A) NEW SITE LOCATION.—The plan shall include an evaluation of appropriate locations for a visitor facility and administrative site within the areas depicted on the map described in subsection (a)(2) as—

- (i) “Support Facility Study Area—Alternative A”; or
- (ii) “Support Facility Study Area—Alternative B”.

(B) NEW SITE BOUNDARY MODIFICATION.—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.

(3) COORDINATION WITH BADLANDS NATIONAL PARK.—In developing the plan, the Secretary shall consider coordinating or consolidating appropriate administrative, management, and personnel functions of the historic site and the Badlands National Park.

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