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SITES AND RESOURCES RECOMMENDATIONS FOR THE COLD WAR

AUGUST 26, 2003.—Ordered to be printed

Filed under authority of the order of the Senate of July 29 (legislative day, July 21), 2003

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

R E P O R T

[To accompany S. 452]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 452) to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, 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:

On page 1, line 5, insert "Secretary of Energy," after "Secretary of Defense,".

PURPOSE OF THE MEASURE

The purpose of S. 452 is to 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 and to propose recommendations for the commemoration and interpretation of the sites identified in the study.

BACKGROUND AND NEED

Currently, there is only one unit of the National Park System related to the Cold War—the Minuteman Missile National Historic Site in South Dakota, established two years ago to memorialize the

role of Intercontinental Ballistic Missiles in our Nation's defense system.

There are likewise few Cold War-related national historic landmarks or listings on the National Register of Historic Places. Out of 2,329 designated national historic landmarks, only 5 recognize civilian or military aspects of Cold War history; while out of more than 72,000 listings on the National Register of Historic Places, only 17 (including the five landmarks) address aspects of the Cold War.

A National Historic Landmarks theme study is an appropriate method for commemorating and interpreting an event such as the Cold War, which profoundly affected Americans through occurrences that are not primarily identified with a few specific sites. The National Historic Landmarks program was established by the Historic Sites Act of 1935. 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. National Historic Landmark program regulations require consultation with Federal, State, and local governments, national and statewide associations, and a variety of other interested parties prior to designation of a site as a landmark.

In addition to identifying sites for possible national historic landmark status, the study authorized by S. 452 would also identify sites that warrant further study for potential exclusion in the National Park System.

LEGISLATIVE HISTORY

S. 452 was introduced by Senators Reid and Ensign on February 26, 2003. The Subcommittee on National Parks held a hearing on S. 452 on May 13, 2003. At the business meeting on July 23, 2003, the Committee on Energy and Natural Resources ordered S. 452, as amended, favorably reported.

In the 107th Congress, a similar bill, H.R. 107, passed the House of Representatives on December 18, 2001. The Subcommittee on National Parks held a hearing on H.R. 107 on June 12, 2002. At its business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered H.R. 107 to be favorably reported. The text of H.R. 107 was included as an amendment to S. 1894, an unrelated national park related measure. S. 1894 passed the Senate, as amended, by unanimous consent on November 19, 2002.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 23, 2003, by a majority vote of a quorum present, recommends that the Senate pass S. 452, if amended as described herein. Senator Thomas requested that he be recorded as voting in the negative.

COMMITTEE AMENDMENT

During its consideration of S. 452, the Committee adopted an amendment to add a requirement that the Secretary of the Interior consult with the Secretary of Energy among others, in conducting the study.

SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of the Interior (Secretary), in consultation with the Secretaries of Defense and Energy, State historic preservation offices, State and local officials, Cold War scholars, and other interested organizations and individuals, to conduct a National Historic Landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

Paragraph (1) directs the Secretary to consider the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense pursuant to section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. #1906).

Paragraph (2) directs the Secretary to consider historical studies and research of certain Cold War sites and resources.

Paragraph (3) directs the Secretary to inventory and consider nonmilitary sites and resources associated with the people, events, and social aspects of the Cold War.

Subsection (b) states that the study shall include recommendations for commemorating and interpreting sites and resources identified by the study, recommendations for cooperative arrangements with public and private entities, and cost estimates for carrying out each of those recommendations.

Subsection (c) states that the study shall be conducted with public involvement and submitted to Congress no later than 3 years after the date that funds are made available for the study.

Section 2 directs the Secretary to prepare and publish an interpretive handbook on the Cold War and to disseminate information gathered through the study through appropriate means not later than 4 years after funds are made available for that purpose.

Section 3 authorizes the appropriation of $300,000 to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 2003.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 452, a bill to require the Secretary of the Interior to conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas Holtz-Eakin, Director).

Enclosure.

S. 452—A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes

S. 452 would direct the Secretary of the Interior to conduct a study to identify sites that are significant to the Cold War. The study would include recommendations for commemorating and interpreting the identified sites and estimates of the costs for carrying out those recommendations. The legislation would require the Secretary to report to the Congress on its findings within three years of receiving funds for the study. The Secretary would publish an interpretive handbook on the Cold War within the year following the report. Finally, the bill would authorize the appropriation of $300,000 for these activities.

Assuming appropriation of the authorized amount, CBO estimates that it would cost the National Park Service $300,000 over the next four years to complete the required study and to publish the handbook. Enacting S. 452 would not affect direct spending or revenues. The bill 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 Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 452. 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. 452, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 12, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior, Department of Defense, Department of Energy, and the Office of Management and Budget setting forth Executive agency recommendations on S. 452. These reports had not been received at the time the report on S. 452 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the NPS at the Subcommittee hearing follows:

STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR FOR PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 452. This bill 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 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.

S. 452 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 bill specifically provides 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. It also requires the study to include recommendations for commemorating these resources and for establishing cooperative arrangements with other entities.

We want to note that the study would not cover every resource that may be significant to the history of the Cold War as it affected our nation, since it would not include sites outside the United States such as U.S. installations in Germany or South Korea. It is necessary to limit the scope of the study to sites and resources within the United States, as S. 452 does, because we do not have the authority to identify resources that are beyond our borders for potential National Historic Landmark status.

In addition to authorizing the theme study, S. 452 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. 452 would authorize appropriations of $300,000 to carry out the legislation.

National Historic Landmark theme studies are funded from a variety of sources including, in some cases, the special resource study budget, which is about $1 million in FY 2003. There are 29 studies previously authorized by Congress that are being funded from the special resource study budget, nearly half of which will have at least some funding needs beyond Fiscal Year 2003. We transmitted 6 special resource studies to Congress in Fiscal Year 2002, and we expect to transmit about 15 this fiscal year or early next fiscal year. Our highest priority is to complete pending studies, though we expect to start newly authorized studies as soon as funds are made available.

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.

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.

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 2,342 designated national historic landmarks, five recognized civilian or military aspects of Cold War history, and out of approximately 76,000 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.

National Historic Landmark program regulations 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.

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.

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

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 452, as ordered reported.

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