

MANHATTAN PROJECT NATIONAL HISTORICAL PARK ACT

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SEPTEMBER 18, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 5987]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5987) to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, 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 H.R. 5987 is to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington.

BACKGROUND AND NEED FOR LEGISLATION

The Manhattan Project was an unprecedented top-secret program implemented during World War II to produce an atomic bomb before Nazi Germany. In 2001, the Advisory Council on Historic Preservation identified the development of the atomic bomb as “the single most significant event of the 20th century.” In 2004, Congress authorized a study of historic sites associated with the Manhattan Project to determine the suitability and feasibility of including such sites into the National Park System. In 2010, the National Park Service reported back positive recommendations to create a

national historical park composed of specific significant locations at Hanford, Washington, Los Alamos, New Mexico, and Oak Ridge, Tennessee.

H.R. 5987 authorizes the establishment of the historical park whose primary purposes are to improve public understanding of the Manhattan Project and its legacy. The legislation is designed to enhance public access to the historical park consistent with protection of public safety, national security, and other aspects of the mission of the Department of Energy. While H.R. 5987 establishes the Manhattan Sites Historical Park, it first allows a period of time for the Secretary of the Interior to further consider which of the specified locations will be available to the public and included in the boundaries of the park at its establishment, and which locations may be incorporated at a later date.

Unlike other units of the National Park System, this historical park will contain facilities currently managed by the Department of Energy. In fact, the majority of the areas designated for inclusion in the historical park are Department of Energy facilities already owned by the federal government. These sites will remain under the jurisdiction of the Department of Energy, but the interpretive responsibilities will be led by the National Park Service. By establishing this park, historical facilities currently scheduled to be destroyed by the Department of Energy will instead be preserved and made available for public visitation. Protecting these facilities will reduce federal spending for these facilities' remediation by millions of dollars, while the Park Service's interpretative responsibilities will be undertaken from within the agency's overall administrative budget. For example, the first full-scale nuclear reactor ever built, the B Reactor at the Hanford site in Washington state, would alone cost tens of millions of dollars to demolish, while facilitating safe and secure public access to the structure can occur under this park at a small fraction of the cost. Due to the unique circumstances of these facilities and ongoing government missions at these locations, the legislation requires coordination, planning and cooperation between the Park Service and the Department of Energy to ensure safe and secure access to these locations and protection of national security. Additionally, the Department of Energy would retain responsibility for any environmental remediation.

H.R. 5987 contains significant private property rights protections. The legislation explicitly prohibits condemnation and requires written permission of owners before property may even be included within the historical park boundary. Furthermore, buffer zones are prohibited around the park boundaries and land acquisition may occur only by donation or exchange.

#### COMMITTEE ACTION

H.R. 5987 was introduced on June 21, 2012, by Congressman Doc Hastings (R-WA). The bill was referred to the House Committee on Natural Resources, and within Committee to the Subcommittee on National Parks, Forests and Public Lands. On June 28, 2012, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill. On July 11, 2012, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. No amendments were offered, and the bill was adopted

and ordered favorably 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:

##### *H.R. 5987—Manhattan Project National Historical Park Act*

H.R. 5987 would establish the Manhattan Project National Historical Park from eligible sites in Tennessee, New Mexico, and Washington. Within one year of enactment, the legislation would require the Department of the Interior and the Department of Energy to finalize the boundaries of the proposed park and to complete an agreement specifying how each department would administer properties included in it. H.R. 5987 also would require the National Park Service (NPS) to complete a general management plan for the park within three years after funds have been made available.

The final costs of implementing H.R. 5987 would depend on which lands are chosen for inclusion in the new park unit. Based on information from the NPS, CBO estimates that including all eligible sites would cost \$21 million over the 2013–2017 period, assuming appropriation of the necessary amounts. Cost would be lower if fewer sites were included. Enacting H.R. 5987 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 5987 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.

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, credit authority, or an increase or decrease in revenues or tax expenditures. The final costs of implementing H.R. 5987 would depend on which lands are chosen for inclusion in the new park unit. Based on information

from the National Park Service, CBO estimates that including all eligible sites would cost \$21 million over the 2013–2017 period, assuming appropriation of the necessary amounts. Cost would be lower if fewer sites were included.

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 establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington.

#### 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.

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

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

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

#### ADDITIONAL VIEWS

H.R. 5987 creates a new national park, the Manhattan Project National Historic Park, after over 8 years of study. The bill's sponsors have correctly represented the recommendations made in the National Park Service's Special Resource Study/Environmental Assessment. However, the legislation contains a crippling provision that impairs the ability of the National Park Service (NPS) to include relevant sites as part of the Historic Park. Specifically, the legislation would only allow the NPS to acquire new sites through donation or exchange. This limitation is a concern to the National Trust for Historic Preservation which supports the legislation but stated that the NPS should have the authority to acquire property with monies made available through the Land and Water Conservation Fund. During testimony on the legislation, the Executive Director of the Los Alamos Historical Society indicated that the NPS needed fee acquisition authority in order to acquire some properties from willing sellers in the future. H.R. 5987 should be amended to clarify that NPS can acquire property through purchase from a willing seller, donation, or exchange.

EDWARD J. MARKEY.  
RAÚL M. GRIJALVA.  
BEN R. LUJÁN.

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