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MANHATTAN PROJECT NATIONAL PARK

JUNE 27, 2013.—Ordered to be printed

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

R E P O R T

[To accompany S. 507]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 507) 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, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 6, strike lines 3 through 6 and insert the following:

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established in the States of Washington, New Mexico, and Tennessee a unit of the National Park System to be known as the “Manhattan Project National Historical Park”.

(2) DETERMINATION BY SECRETARY REQUIRED.—The Historical Park shall not be established until the date on which the Secretary determines that—

(A) sufficient land or interests in land have been acquired from among the sites described in subsection (b) to constitute a manageable park unit; or

(B) the Secretary has entered into an agreement with the Secretary of Energy in accordance with section 6.

2. On page 6, line 11, insert “(4 pages)” before “, and dated”.

3. On page 6, line 26, before the period, insert the following: “, except that sites owned or managed by the Secretary of Energy

may be included only with the concurrence of the Secretary of Energy”.

PURPOSE

The purpose of S. 507 is to establish the Manhattan Project National Historical Park, including sites in Tennessee, New Mexico, and Washington as a unit of the National Park System.

BACKGROUND AND NEED

The Manhattan Project was a top-secret government program conducted during World War II. The goal of the Manhattan Project was to construct an atomic bomb in advance of Nazi Germany. During a three-year period from 1942 through 1946, the multi-million dollar Manhattan Project transformed the world of science and technology. Research conducted by scientists working for the Manhattan Project ushered in the atomic age.

In 2001, the Advisory Council on Historic Preservation reported that the development and use of the atomic bomb during World War II has been called “the single most significant event of the 20th century.” The Advisory Council recommended that the sites of the Manhattan Project be formally established as a collective unit and be administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service.

Public Law 108–304 directed the Secretary of the Interior to conduct a feasibility study of historically significant sites associated with the Manhattan Project. The purpose of the feasibility study was to evaluate the compatibility of sites for inclusion as a unit of the National Park System.

The National Park Service completed the special resource study in 2010, which determined the national significance of the Manhattan Project during 20th Century American history and recommended its inclusion as a new unit of the National Park System. Three of the Manhattan Project sites were identified as historically significant by the feasibility study including: Oak Ridge, Tennessee, where the first uranium enrichment facilities and pilot scale nuclear reactor were constructed; Los Alamos, New Mexico, where the first atomic bombs were designed and built; and Hanford, Washington, where the first large-scale reactor for producing plutonium was constructed.

A need for further protection and preservation of the Manhattan Project-related sites, and for comprehensive interpretation and public understanding of the Manhattan Project story was identified. In addition, the feasibility study evaluated the compatibility of a National Park designation with the ability to maintain the security, productivity and management goals of the Department of Energy. Specific resources at each of the three sites were identified in the feasibility study and recommended for inclusion of the nationally significant Manhattan Project sites in Washington, New Mexico, and Tennessee as a new unit of the National Park System.

LEGISLATIVE HISTORY

Senators Cantwell, Alexander, Heinrich, Murray, and Udall introduced S. 507 on March 7, 2013. A hearing was held on S. 507 by the Subcommittee on National Parks on April 23, 2013. At its

business meeting on May 16, 2013 the Committee by voice vote ordered S. 507 favorably reported with amendments.

In the 112th Congress, a similar bill, S. 3300, was introduced by Senators Bingaman, Alexander, Cantwell, Udall, and Murray on June 14, 2012. The Subcommittee on National Parks held a hearing on S. 3300 on June 6, 2012 (S. Hrg. 112–578).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 507 if amended as described herein. Senators Barrasso, Lee, Heller, Flake, Scott and Portman requested to be recorded as voting no.

COMMITTEE AMENDMENTS

During its consideration of S. 507, the Committee adopted three amendments. The first amendment removed the requirement that the park be established within one year of enactment of this Act so that the establishment of the park will be contingent upon a determination by the Secretary that sufficient land or interest in land has been acquired to constitute a manageable park unit or at such time as the Secretary has entered in to an agreement with the Secretary of Energy in accordance with section 6 of this Act.

The second amendment updates the referenced map to clarify that the map included multiple pages.

The third amendment required that sites within the boundary of the city of Oak Ridge, Tennessee, that are determined by the Secretary to be suitable and appropriate for inclusion in the Historical Park, and which owned or managed by the Secretary of Energy, may only be included as part of the Historical Park with the concurrence of the Secretary of Energy.

SECTION-BY-SECTION ANALYSIS

Section 1 provides for the short title, the “Manhattan Project National Historical Park Act”.

Section 2 contains the Congressional findings.

Section 3(1) states that the purpose of the Act is to preserve and protect the significant historic resources associated with the Manhattan Project for the benefit and education of present and future generations and to improve public understanding, enhance public access, and assist in efforts to preserve and protect the historic resources.

Section 4 defines key terms used in the bill.

Section 5(a) provides for the establishment of the Manhattan Project National Historical Park (park) upon the determination of the Secretary of the Interior (Secretary) that sufficient land or interests in land have been acquired to constitute a manageable park unit or upon entering into a management agreement with the Secretary of Energy.

Subsection (b) defines those areas that are eligible for inclusion in the park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington.

Section 6(a) requires the Secretary to enter into an agreement with the Secretary of Energy that governs the respective roles and

responsibilities of the Secretary and the Secretary of Energy, in administering the facilities, land, or interests in land to be included in the Park including provisions for access, management, interpretation, and historic preservation.

Subsection (b) defines the responsibilities of the Secretary under any agreement entered into pursuant to section (6)(a).

Subsection (c) defines the responsibilities of the Secretary of Energy under any agreement entered into pursuant to section (6)(a).

Subsection (d) authorizes amendments, including the addition of facilities, land, or interests in land, to the agreement entered into under section (6)(a).

Section (7)(a) directs the Secretary of the Interior to consult with interested parties, including members of the public, prior to executing any agreement under section 6 and in the development of the general management plan.

Subsections (b) and (c) requires the Secretary, within 30 days of executing an agreement under section 6, to publish in the Federal Register a notice of the establishment of the Historical Park, including an official boundary map and that the map be on file and available for public inspection in the appropriate offices of the National Park Service.

Subsection (d) allows for additions to the Historical Park, of land, interest in land, or facilities within the eligible areas, upon acquisition by the Secretary or amendment of the agreement with the Secretary of Energy under section (6)(d).

Section (8) directs the Secretary to manage the lands in accordance with this Act and the laws generally applicable to units of the National Park System.

Subsection (b) requires that the Secretary complete a general management plan for the Park in accordance with the National Park Service General Authorities Act (16 U.S.C. 1a-7(b)) and the agreement with the Secretary of Energy established under section 6 of this Act.

Subsection (c) authorizes the Secretary to provide interpretive tours outside the boundaries of the Historical Park.

Subsection (d)(1) authorizes the Secretary to acquire land, within the eligible areas described in section 5(b), by transfer of jurisdiction from the Department of Energy, purchase from willing sellers, donation, or exchange

Paragraph (2) authorizes the Secretary to acquire land or interests in land in the vicinity of the Historical Park for visitor and administrative facilities.

Subsection (e)(1)(A) authorizes the Secretary to enter into agreements with the head of other Federal agencies to provide public access, management, interpretation, and historic preservation of historically significant resources under the jurisdiction of the Federal agency.

Subparagraph (B) authorizes the Secretary to accept donations and enter into cooperative agreements with, State governments, units of local government, tribal organizations to further the purposes of an interagency agreement entered into under subparagraph (A) of this subsection.

Paragraph (2) authorizes the Secretary to provide technical assistance to State, local, or tribal governments, organizations, or in-

dividuals for historically significant Manhattan Project resources outside of the Historical Park.

Paragraph (3) authorizes the Secretary of Energy to accept, hold, administer, and use gifts, bequests, and devises (including labor and services) for the purposes of this Act or for the purposes of preserving or providing access to the historically significant resources related to the Manhattan Project.

COST AND BUDGETARY CONSIDERATIONS

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

S. 507—Manhattan Project National Historical Park Act

S. 507 would establish the Manhattan Project National Historical Park from eligible sites in Tennessee, New Mexico, and Washington. Under the legislation, the park would be established when the Secretary of the Interior certifies that enough property has been obtained to constitute a manageable park unit and enters into a cooperative agreement with the Secretary of Energy concerning how each department would administer those properties. S. 507 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 S. 507 would depend on which lands are chosen for inclusion in the new park unit. Based on information from the NPS, CBO estimates that if all eligible sites were included, implementing the bill would cost \$21 million over the 2014–2018 period, assuming appropriation of the necessary amounts. The Department of Energy would continue to operate and manage sites currently under its jurisdiction, and the NPS would only be responsible for providing public education and technical assistance at those sites. CBO estimates that the annual operating costs to the NPS could total about \$4 million. CBO estimates that completing the required general management plan would cost about \$750,000 over the next three years. Enacting S. 507 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 507 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 May 8, 2013, CBO transmitted a cost estimate for H.R. 1208, the Manhattan Project National Historical Park Act, as ordered reported by the House Committee on Natural Resources on April 24, 2013. The two pieces of legislation are similar, 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.

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. 507.

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. 507, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 507, as 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.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service and the Department of Energy at the April 23, 2013, Subcommittee on National Parks hearing on S.507 follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 507, a bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes.

The Administration supports S. 507. The development of the atomic bomb through the Manhattan Project was one of the most transformative events in our nation's history: it ushered in the atomic age, changed the role of the United States in the world community, and set the stage for the Cold War. This legislation would enable the National Park Service to work in partnership with the Department of Energy to ensure the preservation of key resources associated with the Manhattan Project and to increase public awareness and understanding of this consequential effort.

S. 507 would require the establishment of the Manhattan Project National Historical Park as a unit of the National Park System within one year of enactment, during which time the Secretary of the Interior and the Secretary of Energy would enter into an agreement on the respective roles of the two departments. The unit would consist of facilities and areas located in Oak Ridge, Los Alamos, and Hanford, as identified in the bill and determined by the Secretary of the Interior in consultation with the Secretary of Energy, except for the B Reactor National Historic Landmark in Hanford, which would be required to be included in the park. The National Historical Park would be established by the Secretary of the Interior by publication of a Federal Register notice within 30 days after the agreement is made between the two secretaries.

The bill would provide authority for the Secretary of the Interior to acquire the named resources in Oak Ridge, Los

Alamos, and Hanford. It would also allow the Secretary to acquire land in the vicinity of the park for visitor and administrative facilities. The bill would provide authority for the Secretary of the Interior to enter into agreements with other Federal agencies to provide public access to, and management, interpretation, and historic preservation of, historically significant resources associated with the Manhattan Project; to provide technical assistance for Manhattan Project resources not included within the park; and to enter into cooperative agreements and accept donations related to park purposes. Additionally, it would allow the Secretary of the Interior to accept donations or enter into agreements to provide visitor services and administrative facilities within reasonable proximity to the park. The Secretary of Energy would be authorized to accept donations to help preserve and provide access to Manhattan Project resources.

S. 507 is based on the recommendations developed through the special resource study for the Manhattan Project Sites that was authorized by Congress in 2004 and transmitted to Congress in July 2011. The study, which was conducted by the National Park Service in consultation with the Department of Energy, determined that resources at Oak Ridge, Los Alamos, and Hanford, met the National Park Service's criteria of national significance, suitability, feasibility, and the need for Federal management for designation as a unit of the National Park System. S. 507 assigns the respective roles and responsibilities of the National Park Service and the Department of Energy as envisioned in the study; the National Park Service would use its expertise in the areas of interpretation and education to increase public awareness and understanding of the story, while the Department of Energy would retain full responsibility for operations, maintenance, safe access, and preservation of historic Manhattan Project properties already under its jurisdiction, along with full responsibility for any environmental remediation that is deemed necessary related to the properties to ensure public safety.

Because the Department of Energy would maintain and operate, as they do currently, the primary facilities associated with the Manhattan Project National Historical Park, the study estimated that the National Park Service's annual operation and maintenance costs for the three sites together would range from \$2.45 million to \$4 million. It also estimated that completing the General Management Plan for the park would cost an estimated \$750,000. Costs of acquiring lands or interests in land, or developing facilities, would be estimated during the development of the General Management Plan. The Department of Energy has not yet assessed fully the operational difficulties in terms of security and public health and safety, applicable statutory and regulatory requirements, and the potential new cost of national park designation at the sensitive national

security and cleanup sites, which would be addressed with the context of the General Management Plan.

The Department anticipates that the initial agreement between the two Departments likely would be fairly limited in scope, given the bill's one-year timeframe for executing an agreement that would enable the Secretary of the Interior to establish the Manhattan Project National Historical Park. We appreciate the language specifically providing for amendments to the agreement and a broad range of authorities for the Secretary of the Interior, as these provisions would give the National Park Service the flexibility to shape the park over time and to maximize the promotion of education and interpretation related to the park's purpose in coordination and consultation with the Department of Energy.

The flexibility is particularly important because managing a park with such complex resources, in partnership with another Federal agency, at three sites across the country, will likely bring unanticipated challenges. Some of the resources that may be included in the park may be near facilities that have highly sensitive, ongoing national security missions including nuclear weapons production and intelligence activities. Also, some of these sites may be on the U.S. Environmental Protection Agency's National Priorities List. If this legislation is enacted, these issues, among others, will be taken into consideration by the Departments in the development of an agreement and management plan. The National Park Service has already begun a partnership with the Department of Energy regarding the Manhattan Project resources through our coordinated work on the study. If this legislation is enacted, we look forward to building a stronger partnership that will enable us to meet the challenges ahead.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions you 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 S. 507, as ordered reported.

